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	Shibuko



**REPUBLIC OF KENYA  
THE NATIONAL ASSEMBLY**

**THIRTEENTH PARLIAMENT - THIRD SESSION - 2024**

**PUBLIC PETITIONS COMMITTEE**

*Approved  
11/04/24*

**REPORT ON-**

**(PUBLIC PETITION NO. 13 OF 2023)**

**BY HON. ARAMAT LEMANKEN, REGARDING ACCESS ROADS FOR RESIDENTS OF NAROK  
EAST CONSTITUENCY**

**APRIL 2024**

**DIRECTORATE OF LEGISLATIVE AND PROCEDURAL SERVICES  
CLERK'S CHAMBERS  
PARLIAMENT BUILDINGS**

**NAIROBI**

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## CHAIRPERSON'S FOREWORD

On behalf of the Public Petitions Committee and pursuant to the provisions of Standing Order 227, it is my pleasant privilege and honour to present to this House the Report of the Committee on the Public Petition No. 13 of 2023 regarding Access Roads for Residents of Narok East Constituency. The petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by the Member of Parliament for Narok East Constituency, Hon. Aramat Lemanken, MP on behalf of residents of Narok East Constituency.

The Committee considered the Petition and observed that Hell's Gate National Park is home to diverse wildlife and plant species that are vital to the ecosystem. Therefore, the closure of the access road was driven by the need to safeguard the sensitive infrastructure supporting the Geothermal power plant from potential damage or destruction as well as protect human beings from injury.

In order to provide a public road to directly link the affected areas and Naivasha town and other parts of the country, the Committee recommended that a multi-agency team headed by the Ministry of Roads and Transport and comprised of Kengen, the Kenya Wildlife Service, Ministry of Tourism and Wildlife, the National Land Commission, and the Ministry of Interior and National Administration be constituted within six months of tabling of this report, to commence the acquisition of land to construct the road through either the Kongoni-Nkorionto-Suswa Road or the Kasarani-Kongoni Road.

The Committee appreciates the Offices of the Speaker and Clerk of the National Assembly for providing guidance and necessary technical support without which its work would not have been possible. The Chairperson expresses gratitude to the Committee Members for their devotion and commitment to duty during the consideration of the Petition.

On behalf of the Committee and pursuant to the provisions of Standing Order 199, I now wish to lay the Report on the Table of the House.



*For* HON. NIMROD MBITHUKA MBAI, M.P.  
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

Date...11-04-2024.....



## ACRONYMS

KWS Kenya Wildlife Service

NGO Non-Governmental Organisation

## PART ONE

### 1. PREFACE

#### 1.1 Establishment and Mandate of the Committee

The Public Petitions Committee is established under the provisions of Standing Order 208A with the following terms of reference:

- a) considering all public petitions tabled in the House;
- b) making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
- c) recommending whether the findings arising from consideration of a petition should be debated; and
- d) advising the House and reporting on all public petitions committed to it.

## 1.2 Committee Membership

The Public Petitions Committee was constituted in October 2022 and comprises of the following Members:

### Chairperson

Hon. Nimrod Mbithuka Mbai, M.P.

Kitui East Constituency

**United Democratic Alliance (UDA)**

### Vice Chairperson

Hon. Janet Jepkemboi Sitienei, M.P.

Turbo Constituency

**United Democratic Alliance (UDA)**

Hon. Bernard Muriuki Nebart, M.P.

Mbeere South Constituency

**Independent**

Hon. Patrick Makau King'ola, M.P.

Mavoko Constituency

**Wiper Democratic Movement-Kenya  
(WDM-K)**

Hon. Bidu Mohamed Tubi, M.P.

Isiolo South

**Jubilee Party (JP)**

Hon. Edith Vethi Nyenze, M.P.

Kitui West Constituency

**Wiper Democratic Movement-Kenya  
(WDM-K)**

Hon. Caleb Mutiso Mule, M.P.

Machakos Town Constituency

**Maendeleo Chap Chap Party (MCCP)**

Hon. Ernest Kivai Ogesi Kagesi, M.P.

Vihiga Constituency

**Amani National Congress (ANC)**

Hon. John Bwire Okano, M.P.

Taveta Constituency

**Wiper Democratic Movement-Kenya  
(WDM-K)**

Hon. Maisori Marwa Kitayama, M.P.

Kuria East Constituency

**United Democratic Alliance (UDA)**

Hon. Peter Mbogho Shake, M.P.

Mwatate Constituency

**Jubilee Party (JP)**

Hon. Joshua Chepyegon Kandie, M.P.

Baringo Central Constituency

**United Democratic Alliance (UDA)**

Hon. Sloya Clement Logova, M.P.

Sabatia Constituency

**United Democratic Alliance (UDA)**

Hon. John Walter Owino, M.P.

Awendo Constituency

**Orange Democratic Movement (ODM)**

Hon. Suzanne Ndunge Kiamba, M.P.

Makueni Constituency

**Wiper Democratic Movement-Kenya  
(WDM-K)**

### 1.3 Committee Secretariat

The Public Petitions Committee is facilitated by the following secretariat:

Lead Clerk

Mr. Ahmed Kadhi  
**Senior Clerk Assistant**

Ms. Anne Shibuko  
**First Clerk Assistant**

Ms. Miriam Modo  
**First Clerk Assistant**

Mr. Willis Obiero  
**Clerk Assistant III**

Mr. Martin Sigei  
**Research Officer III**

Ms. Patricia Gichane  
**Legal Counsel II**

Ms. Peninnah Naisiae  
**Legal Counsel II**

Ms. Roselyn Njuki  
**Senior Sergeant at Arms I**

Mr. Peter Mutethia  
**Audio Officer**

Mr. Calvin Karungo  
**Media Relations Officer**

Mr. Paul Shana  
**Sergeant at Arms**



## PART TWO

### 2 PETITION NO. 13 OF 2022 REGARDING THE ACCESS ROADS FOR RESIDENTS OF NAROK EAST CONSTITUENCY

#### 2.1 INTRODUCTION

1. Public Petition No. 13 of 2023 regarding Access Roads for Residents of Narok East Constituency was presented to the House by the Member of Parliament for Narok East Constituency, Hon.Aramat Lemanken, MP on behalf of residents of Narok East Constituency.
2. The Petitioner is concerned that the residents of Inkoirienito, Olmara, Narasha, Oltepesi and Suswa communities are socially and economically isolated because the only available access road is blocked by farms and other structures like the Kedong Farm, Gorge Park, Hell's Gate and Oserian Farm.
3. For a long time, these communities have lacked direct access by road to markets for goods and livestock, health services and other essential services and are disadvantaged.
4. The only existing road that runs through the Hell's Gate National Park is owned by the Kenya Wildlife Service (KWS) and is open for use by residents of the area on Mondays and Thursdays, resulting in service disruptions. In addition, residents who wish to use the road must pay the management of Hell's Gate National Park access fees or obtain prior permission to do so.
5. In the event of a medical emergency, residents must wait for long at the Olkaria and Narasha Gates to be granted permission for access, and on numerous occasions, lives have been lost and mothers have given birth while waiting to be granted access.
6. Efforts to resolve the matter with the relevant Ministry and agencies have been futile; and the issues in respect of which the Petition is made are not pending before any Court of Law, Constitutional or Statutory body.

#### 2.2 PETITIONER'S PRAYERS

The Petitioners prayed that the National Assembly through the Public Petitions Committee:

7. Intervenes to have the Government provide an access road to directly link the affected areas and Moi South Lake Road in Naivasha;

8. Intervene to have the Government through the Ministry of Transport and Infrastructure to construct a public road to directly link the affected areas and Naivasha town and other parts of the country and;
9. Make any other order or direction that it deems fair in the circumstances of the matter.

## PART THREE

### 3 STAKEHOLDERS' SUBMISSIONS ON THE PETITION

#### 3.1 Submissions by the Petitioner

Hon. Aramat Lemanken, M.P, appeared before the Committee on Tuesday, 25<sup>th</sup> April, 2023 and submitted as follows:

10. Around 30,000 residents of Narok East Constituency have for a long time been unable to directly access essential services.
11. The alternative route that can be used freely without being denied access takes them to Suswa which is about 22 kilometres away, then to Mai Mahiu and back to Longonot then Naivasha.
12. Making use of the existing road that passes through Hell's Gate National Park and Oserian Company Ltd would be cheaper than constructing a new road because its already tarmacked and it provides quicker access.
13. Efforts to engage with Kenya Wildlife Service and the park's management to allow unrestricted access by residents have not yielded positive results. The residents were looking for permanent solutions to the problem which could only be best addressed by the National Assembly.
14. Opening of the road would not compromise the status of the gazetted national park, given that community, being pastoralist in nature has harmoniously lived with wild animals.

#### 3.2 Submissions by residents of Narasha area in Narok East Constituency

The Committee conducted a site visit in Narok East on Friday 23<sup>rd</sup> June 2023 and met the petitioner and residents of Narasha area in Narok East Constituency, officials from the Kenya Wildlife Service (KWS), representatives of KenGen Ltd and representatives of Oserian Development Company Ltd. Residents of Narasha area in Narok East Constituency submitted as follows:

15. The road in question is a public road that allows residents to access essential amenities and access to crucial markets located in Naivasha that provide a source of income to the residents. KWS has allowed motorbikes to pass through. However, public transport service providers are not allowed to access the restricted area, thereby posing connectivity challenges to the residents.



16. The community was always in conflict with KWS about the access road until KWS conceded by opening the road for use on Mondays and Thursdays only.
17. Closure of the only access road that links Narasha area to Moi South Lake Road by Oserian Development Company Limited and Hell's Gate National Park has economically and socially secluded the local community.
18. Access to the residents' homes by visitors is a problem since they require clearance by the KWS which takes a long time therefore inconveniencing for the residents and visitors.
19. An access road passing between KWS and Oserian Development Company Limited should be allowed without infringing on the park to reduce the distance from Narok to Naivasha from 94 km to 44 km. The road that was in use before being blocked by Oserian Development Company Limited still exists.
20. Due to the peaceful co-existence between KWS and the citizens, and minimal interference to wild animals, the park should be converted to a National Reserve instead of a National Park.
21. KWS should allow residents to transport their animals across the park as is the case in Tsavo National Park.
22. Daily use of the access road across the National Park should be allowed to spur economic growth. In the long term, the KWS and Oserian Development Company Limited should cede some land for construction of an access road that does not pass through the National Park.

### **3.3 Submissions by the Kenya Wildlife Service**

The Deputy Director, Kenya Wildlife Service (KWS), Mr. Samuel Tokore accompanied by three officials appeared before the Committee during the site visit on Friday 23<sup>rd</sup> June 2023 and submitted as follows:

23. The relationship between the community living near the National Park and KWS has been amicable, with the residents being largely cooperative and obeying the law.
24. Restrictions to movement were introduced by KWS upon establishment of the Geothermal Power plant due to the need to protect the sensitive infrastructure



supporting the power plant from potential destruction, as well as protect humans from injuries from close interaction with the Geothermal plant.

25. The Geothermal plant covers areas in both Narok and Nakuru counties.
26. The decision to allow residents to use the access roads on Mondays and Thursdays was made to allow residents transport their livestock and other goods for sale on the market days.
27. Vehicles and Motor cycles that belong to residents and are registered under the KWS are allowed to use the road any day without any charges. On average, around 120 vehicles use the road in a day including those of service providers to KWS and the Geothermal Power Plant. Out of these, around 25 vehicles belong to members of the community living around the National Park.
28. The use of Motor cycles is allowed in Hell's Gate Park only, and is discouraged in all other National Parks as the noise is disruptive to wild animals.
29. Allowing daily use of the access road by livestock would pose a challenge as it will lead to rapid degradation of the *Flora* and *Fauna* in the park and stretch the already limited human resource available to monitor use of the access road.
30. The existing provision of allowing use of the access road for two days in a week was already an infringement of rules governing National Parks in recognition of the nomadic nature of the community around the park, but was minimal so as not to strain the environmental resources.
31. In addition, some residents abuse the opportunity to use the access road to graze their cattle, which they sometimes leave unattended, compelling KWS officers to tend to them while looking for the owners.
32. While it was true that Tsavo National Park allowed animals to be transported across the park, this was not done by animals on foot but by transporting them using lorries.
33. KWS allows use of the access road at night by residents seeking emergency services such as health services and maternity cases.

### **3.4 Submissions by Oserian Development Company Limited**

The Human Resource Manager, Oserian Company Ltd, Mr. George Lunke appeared before the Committee on Friday 23<sup>rd</sup> June 2023 during the site visit and submitted as follows:

34. Oserian Development Company Limited is a utility farm that allows farmers to lease its farms and supports them through provision of electricity, water and other amenities.
35. The company has been living harmoniously with the community illustrated by the passage of Moi South Lake through its land but has no access restriction to members of the public.
36. The company would comply with the Government directive on the matter upon review of the proposed ceding of land to construct a public road.

A Director, Oserian Company Limited, Mr. Alasdair Keith accompanied by the Finance Director, Mr. Timothy Ndikwe appeared before the Committee on Tuesday 29<sup>th</sup> August, 2023 and submitted as follows -

37. The company appreciates that road networks, accessibility and community engagement is a very important aspect of society. Oserian Development Company Ltd in the late 1970s ceded large tracts of land for the development of the Geothermal Power plant.
38. Through Corporate Social Responsibility, the company has helped the community in so many ways including offering priority in employment opportunities to the locals, payment of school fees for students, construction of health facilities and boosting of businesses.
39. There is a proposal by the company and other relevant stakeholders to develop an industrial park and having an access road through the company may adversely affect the proposed project due to possible alteration of boundaries.
40. There was need to undertake a survey as it may not be practical to construct a road through the farm due to the hostile landscape and topography of the projected land. The company was of the opinion that the Kenya Wildlife Service is in a better position to cede its land so as to address the plight of the petitioners.



41. Upon extensive consultations with the Committee, the Director agreed to the Committee proposal that the Company and KWS each donate 3metres of their land to have the access road constructed for the community.

The Managing Director, Oserian Company Limited, Mr. Nikolas Thompson accompanied by the Finance Director, Mr. Timothy Ndikwe appeared before the Committee on Thursday, 12<sup>th</sup> October 2023 and stated as follows -

42. The Board of Directors of Oserian Company Limited had a meeting as earlier requested by the Committee and resolved to cede the three-metre piece of land to allow for the construction of access roads along their border with the Kenya Wildlife Service (KWS), Hell's Gate National Park.
43. The three metres could be ceded from land owned by Oserian Company Limited after survey is conducted to establish the cost implications of the various infrastructure that will be affected during the acquisition.
44. The acquisition of the land ceded by Oserian would compromise investments underway on a potential business park which the company is engaging in with other investors.
45. While Oserian Company Limited accepts to cede the land, the cost of critical infrastructure that will be affected should be borne by the government.

### **3.5 Submissions by KenGen**

The Manager, Research and Development, Mr. Josephat Kebu participated in the stakeholder engagement during the site visit on Friday 23<sup>rd</sup> June 2023. In addition, the Managing Director, Mr. Austin Ouko appeared before the Committee on Thursday 28<sup>th</sup> September 2023 and submitted that:

46. KenGen installations are classified as a Government Critical Infrastructure Installations as established vide Gazette Notice No. 1043 of 31<sup>st</sup> January 2022.
47. Security challenges/risks have been mapped and identified as trespass/unauthorized access; vandalism of cladding within the steam field infrastructure and electrical cables; lack of perimeter fence on the Hells Gate National Park (exposure for vulnerability); and terrorism activities through interference with networks and critical infrastructure.
48. Having mapped the risks, the solutions proposed are as follows:

- i.) Controlled access by establishing security check points on either point (both ends, entrance and exit of the KenGen business area) These points shall be manned by KenGen security guards for controlled movement. The guards are predominantly from the local community and cordial existence shall be exhibited to achieve a balance position between the security state and the movement.
- ii.) Continued security patrols within the business area by police officers and security guards as contracted by KenGen. The police Officers seconded to KenGen shall have the rights to search any vehicle suspected to exhibit abnormal activities affecting the KenGen operation. Normal Police Service procedures shall apply on such occasions.
- iii.) All stakeholders are requested to comply with KenGen security process as part of safeguarding the Government Critical Infrastructure.
- iv.) The KenGen community relations office shall address any emerging issue arising from the community requests, taking into account of the Critical Infrastructure Security State.

### **3.6 Submissions by the State Department for Wildlife**

The Principal Secretary, State Department for Wildlife, Ms. Sylvia Museiya accompanied by the Director General, Kenya Wildlife Service (KWS), Dr. Erastus Kanga appeared before the Committee on Wednesday 9<sup>th</sup> August 2023 and submitted as follows:

49. Hells Gate National Park was established in 1984 and it covers an area of 68.25KM<sup>2</sup>. The park is within Nakuru County, located in the north west of Nairobi and south West of Lake Naivasha. To the north east, it borders Oserian Development Company. To the south it borders Kedong farm and Gorge Park. The access roads to these properties are private roads.
50. The park is endowed with a variety of wildlife species and amazing landscapes thereby attracting both domestic and international visitors. Being a protected area, it plays an important role in conservation of wildlife in the country.
51. The significance of the park is evidenced by the development of **five** geothermal plants which is a key installation/critical infrastructure that is of great economic importance to the country. This calls for enhanced security measures to secure the investments and minimize risks that may arise.



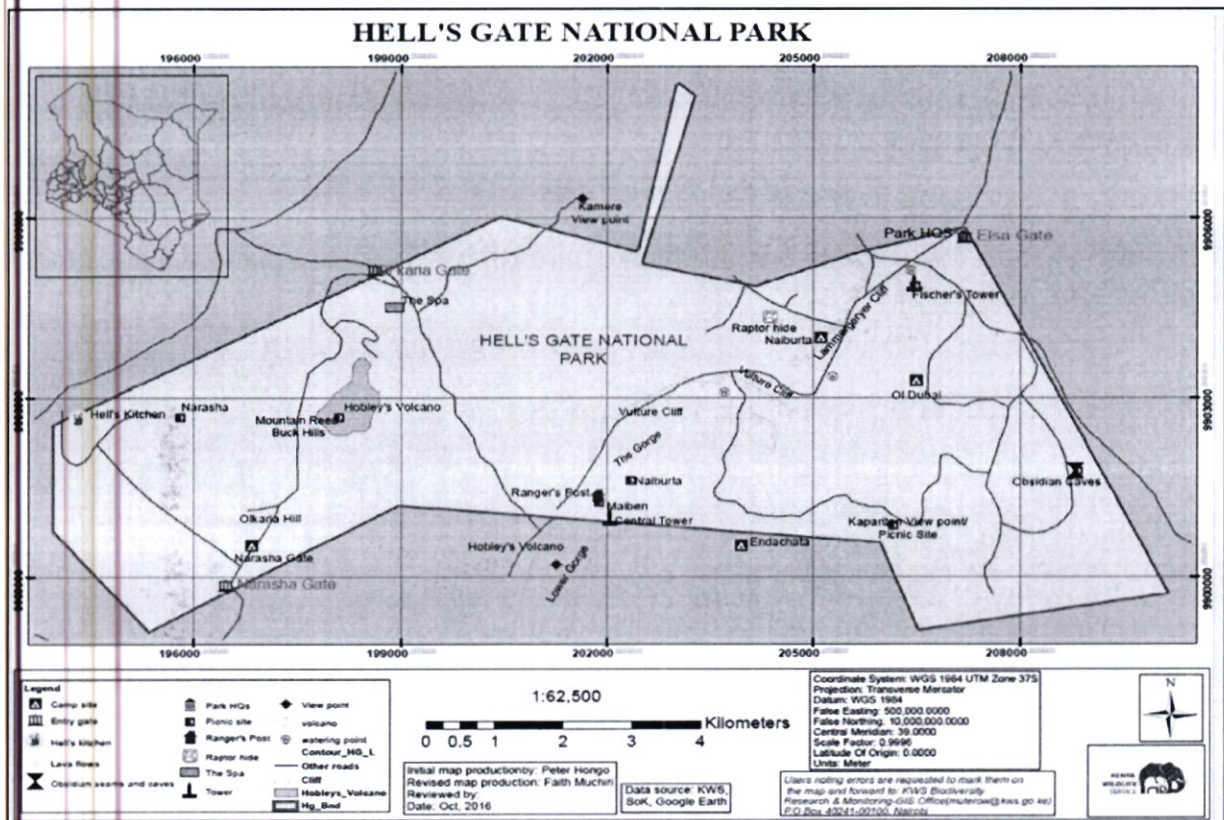
52. KWS has continuously put up the following measures to support the communities:
- i. The Narasha, Inkorionito, Narok East community through engagements with KWS were given free access through the park via Narasha and Olkaria gates on foot, motorcycles, bicycles and vehicles. The access allows the communities to traverse the park for social amenities in Naivasha town.
  - ii. The communities have benefited from international and domestic visitors visiting Hells Gate National Park. In addition to accessing Government or NGO functions for service delivery that is not tariffed, access is provided for visitors to the community who get a chance to showcase their culture and engage in economic activities.
  - iii. The community requested KWS for access of their livestock through the park to access market days on Mondays and Thursdays. As a landlocked community from Narasha and Suswa trading centres to Naivasha market, previous arrangements had considered their plights and allowed their livestock be passed through the southern side of the park to the South Lake Road leading to Naivasha market.
53. It is crucial for the communities to be considered by the government in regard to public roads to access social/basic amenities like schools, hospitals, markets among others. The provision of roads will open up development and improve the livelihood of the people.
54. The original intention of access roads in the parks was to allow for tourist circuits and security operations. The access granted sometimes conflicts with the communities as both interests are not compatible thereby depreciating the value of the park. It is constantly a tough decision to balance between wildlife conservation and allowing the construction of access roads.
55. Similar concerns had been raised by residents in Aberdare National Park and Kitui Game Reserve. The Ministry was therefore worried that if the road is allowed, it would have a ripple effect on the other parks, thereby interfering with the protected areas. Not only would this affect wildlife through increase of access by poachers and traders in bush meat, but also the minimum threshold of 30 percent requirement for Ecological Biodiversity.

56. To safeguard the integrity of the park, an alternative road passing through Oserian Development Company land and bordering Hell's gate National Park would be a lasting option. The government should engage the Oserian Company to cede the access road.



Map of the Park and its surroundings





On Thursday, 28<sup>th</sup> September 2023, the Deputy Director, Kenya Wildlife Service, Mr. Samuel Tokore appeared before the Committee on behalf of the Principal Secretary, State Department for Wildlife and submitted as follows: -

57. The Ministry was reluctant to cede a large portion of the land because the park is heavily impacted by the Geothermal plant.

58. It would be best for the Committee to engage Oserian Company Ltd as a large portion of the proposed road passes on their land.

The Principal Secretary, State Department for Wildlife, Ms. Sylvia Museiwa appeared before the Committee on Wednesday 1<sup>st</sup> November 2023 and submitted as follows:

59. The Ministry had no objection to ceding land for the construction of the access road for the residents of Narok East Constituency and appreciates that the proposed road will not be put in the middle of the park that would compromise the environmental and social impacts of the park and wellbeing of the animals. Therefore, the land being asked for the access road is a reasonable request and the ministry has no objection to it. However, the technical team will ensure processes and procedures are followed.
60. The Ministry had ceded land before for the construction of access roads such as the Nairobi National Park to allow for the Southern Bypass hence the Narok East case will not be a precedence.
61. There was need to establish a proper route that will not compromise the security of the critical installations, for example, Olkaria 1 and 2. Currently, access to the area is controlled for security reasons. Further, there is a need to involve other stakeholders whose installations could be affected.

### **3.7 Submissions by the National Lands Commission**

The Chairperson, National Lands Commission, Mr. Gerishom Otachi appeared before the Committee on 15<sup>th</sup> August 2023 and submitted as follows:

62. The mandate of the subject matter of the petition lies with the county Governments and the Kenya Rural Roads Authority (KeRRA). The proposed road needs to be designed and the design corridor identified within the areas proposed. The corridor will then need to be acquired in this case for the Kenya Urban Roads Authority (KURA).
63. The Commission's role is restricted to matters on Compulsory Land Acquisition as spelt out in the law in consultation with the State Department of Lands and Physical Planning, and the conduct of survey to vest the acquired road corridor to the acquiring entity.

The Chairperson, National Lands Commission, Mr. Gerishom Otachi appeared before the Committee on 31<sup>st</sup> August 2023 and made additional submissions as follows:

64. While acknowledging the rationale to close the road, it is necessary to place the community at the centre as a solution is sought. In this respect, the Commission proposed the following: -



- (i) *Alternate Road Construction*: Initiate discussions involving KWS, Oserian Development Company Ltd, and relevant authorities to consider expanding the road on their common border so that it can be a long-term solution. The Commission will partner with the authorities to ensure that aspects of any land to be acquired should be fast tracked.
- (ii) *Community Engagement and Education*: Conduct regular awareness programs to educate residents on responsible road usage and the importance of conservation. Empower the community with knowledge to strike a balance between their economic activities and the preservation of the environment.

65. These proposals are the result of a thoughtful consideration of the concerns raised by the Petitioners and the insights gleaned from considering and balancing the functions of the other actors. If these are adopted, the access road issue can be effectively resolved, benefiting both the community and the cherished ecological balance of Hell's Gate National Park.

### **3.8 Submissions by the Ministry of Roads**

The Principal Secretary, State Department for Roads appeared before the Committee on Thursday 28<sup>th</sup> September 2023 on behalf of the Cabinet Secretary and submitted as follows:

- 66. The Moi South Lake Road is maintained by the Kenya Rural Roads Authority and provides access to the hospitality industry and the community within Naivasha town. The request by the petitioner to have an access road linking the Moi South Lake Road to Narok East Constituency will require consultation and approval of the KWS and other interested stakeholders. The link through the national park is not within the KeRRA mandate and therefore, has not been factored in the current mid-term plan for the Authority.
- 67. The Ministry through the Narok East Constituency Roads Committee (CRC) has planned for a total of 39 Km in the current work plan Financial Year 2022/2023 for the 10% Road Maintenance Fuel Levy funds. (RMLF). The construction and maintenance of these roads will open up access at the constituency level and to other parts of the country. In addition, through the 22% allocation, the Narok East CRC has planned for construction and maintenance of 124.33 Km, out of the 133km in Narok East.

68. The Ministry through KeRRA has proposed the upgrading to Bitumen Standards of the following road links in Narok East constituency to Naivasha as well as opening up the constituency to access Suswa SGR and access to Mai Mahiu-Nairobi-Narok Road. However, this will be subject to availability of funds.

Name of road	Length	Condition	Estimate	Remarks
Suswa-Inkorianito-Naivasha	28.9km	Some sections are earth while others are gravelled	1,539,792,000.00	Connects Naivasha. Suswa SGR and Mai Mahiu-Narok-Nairobi road

#### SUPPLEMENTARY INFORMATION

69. The following represents the status of RMLF projects in Narok East, Narok region.

#### I. Overview

Narok East constituency of Narok region has a total of 133 km of class C roads, being maintained, as listed below:

Code Class	Road Class	Bitumen (Km)	Gravel (Km)	Earth (Km)	Total (Km)
C726	Ntulele-Mosiro	0	6	41	47
C715	Nairegie-Maela	0	0	16	16
C705	EOR-Kule-Ildamat	0	6	29	35
C710	Nairegie-Ildamat	4	3	28	35
<b>Total</b>		<b>4</b>	<b>15</b>	<b>114</b>	<b>133</b>

#### II. Improvement to Gravel Standards

Further to the above, the following roads received funds from GOK and have been improved to gravel standards:



S/No.	Project Name	Project Length(km)	Constituency	Physical Progress (%)as at 10th July 2023
1	Spot Improvement of Eor-Kule-Avfoo-Sakutiek-Kongoni Roads	53	Narok East	100% completed

### III. Bridges

The below listed bridges are being done by KeRRA in Narok East Constituency

S/No.	Project Name	Location	Physical Progress (%)
1	Construction of Nkilingos Bridge and Approach Roads	Narok East	10%, Contractor abandoned site citing non- payment of his IPCs on Kuto bridge.
2	Olorngogyne Bridge and Approach roads	Narok East	Under procurement

### IV. 2022/2023 WORK PLAN OF NAROK EAST, 22% AND 10%.

#### Routine Maintenance Work Program Report

Funding 10% RMFL  
Source : for CRC

Financial  
Year  
2022-23

Road Code	Surface Type	Section Name	Work planned	Work plan Cost (Ksh) including VAT
<b>Constituency: Narok East (Code:75034)</b>				
C705	Gravel	Ildamat - Ololpironito	10.00	1,153,040.00
C705	Gravel	Ololpironito - Eor Ekule	17.55	4,642,549.98
C710	Gravel	Kojonga - Ildamat	10.00	2,308,036.92
C710	Gravel	Nairegie Enkare - Kojonga	4.00	6,270,203.32
C715	Gravel	Nairegie Enkare - Maela Ntulele - Ntumententi -	16.00	1,375,404.59



		Mosiro		
C726	Gravel	Mosiro	15.00	2,564,709.18
C726	Gravel	Nturumenti - Mosiro Irrigation	10.78	5,561,759.20
U-E 7059	Gravel	Suswa- Olshaiki	10.00	3,885,233.54
U-G71621	Gravel	Ntulele - Koionga	7.00	2,359,994.78
U-G71621	Gravel	Ntulele - Olenkomei	8.00	3,092,096.00
U-G71693	Gravel	Suswakaruka	16.00	9385,328.00
<b>Total for: Narok East</b>			<b>124.33</b>	<b>42,598,355.51</b>

70. The following were other roads that were routinely maintained in Narok East constituency

#### V. Routine Maintenance and Work Program Report

Funding Source: 10% RMFL for CRC Financial Year 2022-23

Road Code	Surface Type	Section Name	Work Planned Length (km)	Work plan Cost (Ksh) including VAT
<b>Region: Narok</b>				
<b>Constituency: Narok East (Code: 75034)</b>				
R4	Gravel	Suswa - Inkiriento Nkilonkosi	20.00	8,608,968.04
R5A	Gravel	Kirangarian	10.00	6,998,068.44
U-G71620	Gravel	Enooseyia- Kutenoi-Kiru	9.00	3,743,349.05
<b>Total for: Narok East</b>			<b>39.00</b>	<b>19,350,385.52</b>

71. There was a proposal by the Ministry to gain access through the two roads defined as followed: -

- i.) The Kongoni-Nkorionto-Suswa Road which is approximately 32.558km entirely. The line is through Oserian land as recommended by KWS; and
- ii.) The Kasarani-Kongoni Road passing through Orpower plant.

Vide a Letter dated 30<sup>th</sup> October 2023, the Principal Secretary, State Department of Roads submitted as follows:

72. As a follow up on the possibility of having an access road from Suswa to Naivasha through Nkorionto, surveyors from KeRRA visited the area which included Hells Gate National Park and a private conservancy and held brief discussions with the warders in charge.

73. The team from KeRRA acquired cadastral maps covering the area. The cadastral maps are survey plans FR No. 47/132 and FR No. 66/109. From the analysis of the Kenya Roads Board data, cadastral maps as well as satellite imagery, the following were the findings;

- i.) There exists a classified road E7054 from Suswa to Nkorionto, which is approximately 20.35km.
- ii.) From Nkorionto, there exists a classified road F7161 to Maela joining C715 Road at Maela. The road Cz15 proceeds from Maela to Gunyumu (Junction C710) to Kongoni, which is approximately 30.77km.
- iii.) There is no classified road connecting Nkorionto to Moi South Lake Road (C710) unless through Maela.

74. In order for residents of Nkorionto to access Naivasha through C710 (Moi South Lake) Road without going through Maela, they have to either pass through Hells Gate National Park or through a private Conservancy as follows:

- i.) From Nkorionto to Kongoni through private Conservancy for approximately 16.37km. This option requires acquisition of 12.7km road length and 30m road reserve width within the private conservancy.
- ii.) From Nkorionto to Moi South Lake Road through Hells Gate National Park for approximately 20.12km with 7.5km inside the National Park.

75. From the above observation, KWS has to provide some corridor for the road to be constructed.



## PART FOUR

### 4 COMMITTEE OBSERVATIONS

Upon hearing from the Petitioner and other witnesses, the Committee observed that -

76. According to Kenya Wildlife Service, the Hell's Gate National Park is considered home to diverse wildlife and plant species that are vital to the ecosystem. The claim to restrict access to the park was intended to prevent rapid degradation of the park's flora and fauna that could arise from increased human interference.

77. The closure of the access road was necessitated by the need to safeguard the sensitive infrastructure supporting the Geothermal power plant from potential damage or destruction as well as to protect human beings from injury.

78. To allow access to the residents through the Hell's Gate National Park and Oserian Company Ltd, the two proposed roads are:

- (i) the Kongoni-Nkorionto-Suswa Road that passes through Oserian Land; and
- (ii) the Kasarani-Kongoni Road that passes through Orpower plant.

79. Oserian Development Company and the Kenya Wildlife Service (KWS) agreed to provide an easement at the adjoining boundary for purposes of constructing the access road for the community in line with Section 98 (1) & (2) of the Land Registration Act, 2012 which provides that:

*"An owner of land or a lessor may, by an instrument in the prescribed form, grant an easement over the land, lease or a part of that land to the owner of another parcel of land or a lessee for the benefit of that other parcel of land."*

80. Section 143 of the Land Act, 2012 confers upon the National Land Commission the power to create public rights of way for the benefit of the national or county government, a local authority, a public authority or any corporate body to enable all such institutions, organisations, authorities and bodies to carry out their functions, referred to in this Act as a wayleave; or a right of way created for the benefit of the public as a communal right of way.

## PART FIVE

### 5 COMMITTEE RECOMMENDATIONS

Based on the submission from the stakeholders. The Committee made the following recommendations -

**Prayer 1: Have the Government to provide an access road to directly link the affected areas and Moi South Lake Road in Naivasha**

81. In response to the above prayer, the Committee recommends that as a short-term solution:

(i) Permission to access road be granted by the Committee responsible for management of the Hell's Gate National Park comprising of residents and Kenya Wildlife Service, that three identified Public Service Vehicles registered with the Kenya Wildlife Service to operate within specified timelines each day.

(ii) In addition to residents of the area utilising the only existing road that runs through the Hell's Gate National Park on Monday and Thursday, permission be granted to utilise the road for an extra day of the week, specifically Saturday, to improve access to the market by the community.

(iii) community policing be enhanced to assist in maintenance of harmonious relationship between the community and Kenya Wildlife Service.

**Prayer 2: Have the Government through the Ministry of Roads and Transport and Infrastructure to construct a public road to directly link the affected areas and Naivasha town and other parts of the country**


82. In response to the above prayer, the Committee recommends that as per the deliberations during the stakeholder engagement process, a multi-agency team headed by the Ministry of Roads and Transport and comprised of KenGen, the Kenya Wildlife Service, Ministry of Tourism and Wildlife, the National Land Commission, and the Ministry of Interior and National Administration be constituted **within six months**

of tabling of this report, to commence the acquisition of land to construct the road through the Kongoni-Nkorionto-Suswa Road.

Signed:  Date: 11-04-2024

62

**THE HON. NIMROD MITHUKA MBAI, M.P.  
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE**

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 11 APR 2024	
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5







REPUBLIC OF KENYA  
THE NATIONAL ASSEMBLY  
THIRTEENTH PARLIAMENT - THIRD SESSION - 2024  
PUBLIC PETITIONS COMMITTEE

**ADOPTION OF THE REPORT ON THE CONSIDERATION OF A PUBLIC PETITION NO. 13 OF 2023  
REGARDING ACCESS ROADS FOR RESIDENTS OF NAROK EAST CONSTITUENCY**

We, the undersigned Honourable Members of the Public Petitions Committee, today Monday, 25<sup>th</sup> March, 2024, do hereby affix our signatures to this Report on the consideration of Public Petition No. 13 of 2023 regarding Access Roads for Residents of Narok East Constituency, to affirm our approval and confirm its accuracy, validity and authenticity: -

S/NO	NAME	DESIGNATION	SIGNATURE
1.	Hon. Nimrod Mbithuka Mbai, M.P.	Chairperson	
2.	Hon. Janet Jepkemboi Sitienei, M.P.	Vice-Chairperson	
3.	Hon. Patrick Makau King'ola, M.P.	Member	
4.	Hon. Ernest Ogesi Kivai, M.P.	Member	
5.	Hon. Joshua Chepyegon Kandie, M.P.	Member	
6.	Hon. John Walter Owino, M.P.	Member	
7.	Hon. Maisori Marwa Kitayama, M.P.	Member	
8.	Hon. Edith Vethi Nyenze, M.P.	Member	
9.	Hon. Bidu Mohamed Tubi, M.P.	Member	
10.	Hon. Caleb Mutiso Mule, M.P.	Member	
11.	Hon. (Eng.) Bernard Muriuki Nebart, M.P.	Member	
12.	Hon. Peter Mbogho Shake, M.P.	Member	
13.	Hon. Suzanne Ndunge Kiamba, M.P.	Member	
14.	Hon. John Bwire Okano, M.P.	Member	
15.	Hon. Sloya Clement Logova, M.P.	Member	





## ANNEXURES

- Annex 1: The Adoption List
- Annex 2: Public Petition No. 13 of 2023 regarding Access Roads for Residents of Narok East Constituency
- Annex 3: Minutes of the 20<sup>th</sup> Sitting of 2023 held on 25<sup>th</sup> April, 2023
- Annex 4: Minutes of the 47<sup>th</sup> Sitting of 2023 held on 9<sup>th</sup> August, 2023
- Annex 5: Minutes of 55<sup>th</sup> Sitting of 2023 held on 29<sup>th</sup> August, 2023
- Annex 6: Minutes of 64<sup>th</sup> Sitting of 2023 held on 28<sup>th</sup> September, 2023
- Annex 7: Minutes of 68<sup>th</sup> Sitting of 2023 held on 12<sup>th</sup> October, 2023
- Annex 8: Minutes of 74<sup>th</sup> Sitting of 2023 held on 1<sup>st</sup> November, 2023
- Annex 9: Minutes of 14<sup>th</sup> Sitting of 2024 held on 25<sup>th</sup> March, 2023





REPUBLIC OF KENYA

Approved for  
presentation

SNA  
14/3/23

THIRTEENTH PARLIAMENT (SECOND SESSION)  
THE NATIONAL ASSEMBLY

(No. 29 of 2023)  
13

PUBLIC PETITION

REGARDING ACCESS ROADS FOR RESIDENTS OF NAROK  
EAST CONSTITUENCY

---

I, the **undersigned**, on behalf of residents of Inkoirienito, Olmara, Narasha, Oltepesi and Suswa Communities;

**DRAW** the attention of the House to the following: -

1. **THAT**, aware that, *access roads* enable connectivity, safe mobility and also facilitate access to health, education, economic opportunities and other essential services;
2. **THAT**, the residents of Inkoirienito, Olmara, Narasha, Oltepesi and Suswa Communities are socially and economically landlocked due to the fact that the only available access road, is limited by farms and other structures like the Kedong Farm, Gorge Park, Hell's Gate and Oserian Farm;
3. **THAT**, for a long time, the said communities have lacked direct road access to potential markets, health services and other essential services and disadvantaged compared to the rest of the areas. Residents have been forced to take longer routes to access health services;
4. **THAT**, the only existing road that runs through the Hell's Gate National Park owned by the Kenya Wildlife Service (KWS) is only open on Mondays and Thursdays and remains closed the rest of the week, resulting in service disruptions. In addition, residents who wish to use the road must pay the management of Hell's Gate National Park access fees or obtain prior permission to do so.



**PUBLIC PETITION**  
**REGARDING ACCESS ROADS FOR RESIDENTS OF NAROK**  
**EAST CONSTITUENCY**

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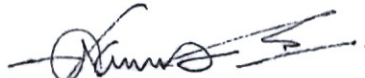
5. **THAT**, in the event of a medical emergency, affected people must wait for long at the Olkaria and Narasha Gates to be granted permission to pass, and that on numerous occasions, lives have been lost and/or mothers have given birth while seeking to be granted access;
6. **THAT**, efforts to resolve the matter with the relevant Ministry and Agencies have been futile; and
7. **THAT**, the issues in respect of which this Petition is made are not pending before any Court of Law, Constitutional or Statutory body.

**THEREFORE**, your humble petitioners pray that the National Assembly, through the Public Petitions Committee;

- i) intervenes to have the Government provide an access road to directly link the affected areas and Moi South Lake Road in Naivasha;
- ii) intervenes to have the Government through the Ministry of Transport and Infrastructure to construct a public road to directly link the affected areas and Naivasha town and other parts of the country;
- iii) makes any other order or direction that it deems fit in the circumstances of this matter.

And your **PETITIONERS** will ever pray.

**PRESENTED BY: -**



**THE HON. ARAMAT LEMANKEN, MP**  
**MEMBER FOR NAROK EAST CONSTITUENCY**

**DATE: .....** 14/03/2023 **.....**



REPUBLIC OF KENYA  
THE NATIONAL ASSEMBLY

MINUTES OF THE 20<sup>TH</sup> SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON TUESDAY, APRIL 25, 2023, IN THE COMMITTEE ROOM, ON THE FOURTH FLOOR, CONTINENTAL HOUSE AT 12:00 PM

PRESENT

1. Hon. Nimrod Mbithuka Mbai, M.P. - Chairperson
2. Hon. Patrick Makau King'ola, M.P.
3. Hon. Joshua Chepyegon Kandie, M.P.
4. Hon. John Walter Owino, M.P.
5. Hon. Ernest Ogesi Kivai, M.P. - Chairing
6. Hon. Maisori Marwa Kitayama, M.P.
7. Hon. Bidu Mohamed Tubi, M.P.
8. Hon. Peter Mbogho Shake, M.P.
9. Hon. (Eng.) Bernard Muriuki Nebart, M.P.
10. Hon. John Bwire Okano, M.P.

ABSENT WITH APOLOGIES

1. Hon. Janet Jepkemboi Sitienei, M.P. - Vice Chairperson
2. Hon. Edith Vethi Nyenze, M.P.
3. Hon. Caleb Mutiso Mule, M.P.
4. Hon. Suzanne Ndunge Kiamba, M.P.
5. Hon. Sloya Clement Logova, M.P.

IN-ATTENDANCE

PETITIONER ON PUBLIC PETITION REGARDING ACCESS ROADS FOR RESIDENTS OF NAROK EAST CONSTITUENCY

Hon. Aramat Lemurken, M.P.

NATIONAL HEALTH INSURANCE FUND (NHIF)

1. Dr. Samson Kuhora - Ag. Chief Executive Officer
2. Ms. Anne Kibor - Senior Assistant Manager, Enhanced Schemes

- |                        |   |   |
|------------------------|---|---|
| 3. Ms. Evalyne Khamasi | - | Senior Assistant Manager, Strategy and Planning |
| 4. Mr. Andrew Kutto    | - | Ag. Manager, Enhanced Schemes                   |

**SECRETARIAT**

- |                         |   |                              |
|-------------------------|---|------------------------------|
| 1. Mr. Samuel Kalama    | - | Principal Clerk Assistant II |
| 2. Ms. Miriam Modo      | - | Clerk Assistant I            |
| 3. Ms. Willis Obiero    | - | Clerk Assistant III          |
| 4. Ms. Patricia Gichane | - | Legal Counsel II             |
| 5. Mr. Shadrack Omondi  | - | Legal Counsel II             |
| 6. Mr. Martin Sigei     | - | Research Officer III         |
| 7. Mr. Dunston Kimutai  | - | Audio Officer                |

**MIN./PPETC/2023/135:**

**PRELIMINARIES**

The Session Chairperson called the meeting to order at 12.00 p.m. and prayers were said by the Hon.( Eng.) Bernard Muriuki Nebart, MP. The Members of the Committee introduced themselves after which the members of the Secretariat introduced themselves. The Petitioner also introduced himself.

**MIN./PPETC/2023/136:**

**ADOPTION OF AGENDA**

The meeting was taken through the Agenda as follows:

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of Previous Sittings
4. Matters Arising
5. **Consideration of Public Petition regarding Access Roads for Residents of Narok East Constituency**
  - Presentation of Legal Brief
  - Meeting with the Petitioner, Hon. Aramat Lemanken, M.P.
6. **Consideration of Public Petition regarding Funds Spent by National Government Contrary to Provisions of Article 223 of the Constitution**
  - Meeting with the Cabinet Secretary, Ministry of Interior and National Administration
7. **Consideration of Public Petition regarding Poor Implementation of Edu-Afya Medical Scheme in Public Secondary Schools**
  - Meeting with the CEO, National Hospital Insurance Fund (NHIF)
  - Meeting with Cabinet Secretary, Ministry of Health
8. Any other Business
9. Adjournment & Date of Next Meeting



Thereafter, the Proposed Agenda of the Meeting was adopted to constitute business of the Meeting having been proposed by the Hon. (Eng.) Bernard Muriuki Nebart, M.P. and seconded by the Hon. John Walter Owino, M.P.

MIN./PPETC/2023/137:

CONSIDERATION OF PUBLIC PETITION  
REGARDING ROADS FOR RESIDENTS OF NAROK  
EAST CONSTITUENCY

Submission by the Petitioner, Hon. Aramat Lemanken, M.P. – Member, Narok East Constituency

The Committee received presentation on from the Petitioner as follows:

*The Petition*

- i. That the members of Inkoirienito, Olmara, Narasha, Oltepesi and Suswa Communities have been socially and economically landlocked due to limited access roads to potential markets, health services, education facilities, and other essential services.
- ii. That the only road available for the communities runs through Hell's Gate National Park belonging to Kenya Wildlife Service (KWS) which is only opened on Mondays and Thursdays and residents must pay the management of the park access fees.
- iii. That the problem is compounded during medical emergencies when the affected persons must wait for long at the Olkaria and Narasha Gates to be granted access and this has led to loss of lives and mothers giving birth along the way to hospitals.
- iv. That sometime rogue rangers and KWS officers extort the community during movement of animals.

*Prayers*

The Petitioner prayed as follows:

- i. That the Committee intervenes to have the government provide an access road to directly link the affected areas and Moi South Lake Road in Naivasha.

**Committee's Concerns**

*Availability of an alternative free access road*

The Committee sought to establish the available alternative route(s) the community members use freely without being denied access. The Petitioner indicated that the alternative route that can be

used freely takes them to Suswa which is about 22 kilometres, Mai Mahiu, back to Longonot then Naivasha.

#### *Proposed intervention*

The Committee sought to establish whether the community wanted adoption of the existing private road or construction of a totally new road as an intervention. The Petitioner stated that using the current road would be cheaper than constructing a new road because its already tarmacked and it provides quicker access. Further, he proposed the road between Hell's Gate National Park and Oserian could be another option, however it is not tarmacked.

#### *Affected population*

The Committee inquired into the number of people potentially affected by the lack of access road and whether livestock were equally using the road. The Petitioner stated that between 20,000 and 30,000 people were affected including livestock moving to Northern part of Lake Naivasha.

#### *Engaging Nakuru and Narok County governments and the stakeholders*

The Committee sought to know whether there were efforts made to engage the two county governments and the management of the KWS to resolve the matter. The Petitioner stated that they were looking for permanent solutions to the problem which could only be best addressed by the National Assembly. Further, their efforts to engage with the park's management to allow access have not yielded positive results.

#### *Protected area vs the interest of the community*

The committee raised concerns that opening the road would compromise the status the area as gazetted national park. The Petitioner submitted that the communities have lived with animals without any problem hence their use of the road would not compromise the park's significance. Further, on Mondays and Thursdays, the rangers allow animals to pass without such a concern.

MIN./PPETC/2023/138:

CONSIDERATION OF PUBLIC PETITION REGARDING FUNDS SPENT BY NATIONAL GOVERNMENT CONTRARY TO PROVISIONS OF ARTICLE 223 OF THE CONSTITUTION

The Agenda was deferred.

MIN./PPETC/2023/139:

CONSIDERATION OF PUBLIC PETITION REGARDING POOR IMPLEMENTATION OF EDU-AFYA MEDICAL SCHEME IN PUBLIC SECONDARY SCHOOLS



## Submissions by the CEO, National Hospital Insurance Fund (NHIF) on behalf of NHIF and Ministry of Health

The CEO, NHIF made submissions as follows:

### *Introduction*

- i. That the Edu-Afya scheme was occasioned by the Government's agenda through the Ministry of Education and Ministry of Health on provision of a comprehensive insurance cover to all students in public secondary schools.
- ii. That the scheme started in May 2018, and it was administered by NHIF to include outpatient, inpatient, surgical, oncology, radiology, renal dialysis, optical, dental, overseas treatment, emergency ambulance and air rescue.
- iii. That further the program included benefit package of group personal accident group life and last expense.

### *Enrollment of students*

That the registration of students is automated and seamless as it used data from the National Education Management Information System (NEMIS) which were integrated into the NHIF system for students. The NEMIS registration requires student's biodata and parents' details.

### *Access to services by students*

That the students could access the services in NHIF contracted health care providers across the country by providing a letter of introduction from the school principal when the school is in session and a birth certificate and a NEMIS number when students are away from school. That all providers use the NHIF portal to identify Edu Afya beneficiaries and for billing.

### *Sensitization, Monitoring and Evaluation*

- i. That the NHIF in liaison with the MoE have conducted several sensitization exercises of stakeholders through structured meetings, mainstream media, informational materials, and social media.
- ii. That some of the stakeholders engaged are school principals, teachers, National Parents Association representatives, relevant government officials, TSC officers, healthcare providers, among others.
- iii. That the monitoring and evaluation exercise were done jointly by MoE and NHIF annually through meetings of stakeholders to get feedback on the scheme and areas of improvement.



- iv. That survey is conducted through questionnaires filled in by school principals, health care providers, parents, and students. That the last monitoring and evaluation was done in September and October 2022. That periodic performance reports on Edu Afya are done by NHIF and shared by MoE.

#### *Summary reports for Edu Afya 2018-2022*

That a summary report on the performance of the scheme between 2018-2022 indicating the number of claims per county. That the NHIF was conducting surveillance to establish that the highest claims are only due to the high number of registered students.

#### **Members Concerns**

##### *Reimbursement plan during emergencies*

The Committee sought to establish why NHIF applied the claim model of compensating parents instead of paying at the service provision especially in emergency scenarios. The CEO indicated:

- That there were before and after discharge services. That, ambulance services are centrally procured from a provider with access across the country who bills the funds after service provision.
- However, for outpatient or admission visits, the hospital raises the claim which is settled by the fund. That a declared guardian in the NEMIS portal claims for a last expense which is paid later.

The Committee also sought to understand why the scheme could not allow reimbursement of postmortem and mortuary expense to be paid earlier. The CEO stated that:

- The NHIF takes that as a recommendation worth exploring but currently it is covered under the last expense paid within 48 hours.
- There seems to be a gap between the last expense claim and the settling of hospital bills which NHIF was ready to engage and address.

##### *Funding of the scheme*

The Committee sought to know who pays the premiums and whether the scheme was funded directly from the National Treasury or through the MoE and how long the fund takes to settle claims. The CEO stated that:

- The premiums are paid by MoE every term which were up to date.
- For reimbursement to the health providers, a period of 90 days is provided for, but valid claims are normally paid within 30 days despite some instances of delays.
- The last expense reimbursement is paid within 48 hours once all the details have been submitted.

- The students could also access healthcare as dependents of a member of NHIF.

### *Corruption concerns*

The Committee sought to establish whether fraud could have contributed to the high number of beneficiaries in some counties and the breakdown of beneficiaries.

The CEO indicated:

- That while high amounts paid was linked to high number of patients, NHIF was not ruling out fraud hence they had put in place surveillance visits to establish the facilities, schools, services accessed, period and whether there are repetitions.
- With regards to the breakdown of the beneficiaries, the CEO indicated that the data could be established through the NEMIS number register.

The Committee also asked whether NHIF had the capacity to unravel corruption through their surveillance system considering the complexities involved. The Committee asked for the statistics on fraud cases already unraveled since inception of the scheme, actions taken and whether there were other checks and balances to ensure there is no mismanagement.

On capacity to unravel fraud and other checks and balances, the CEO indicated:

- That NHIF surveillance is not optimum to pick all the issues but there was a plan based on ICT support to improve, but there is a roadmap for digitization being presented for financing. Further, there is a cohort of quality assurance officers who interrogate claims based on clinical treatments.
- That other system checks such as permit identification of the member through fingerprint scanners during access help prevent fictitious claims and identity theft.
- That prior authorization system allows the system to link the management of a case to a specific patient to avoid hospitals defrauding the system.
- That desktop reviews during monitoring and evaluation generate findings shared by the MoE to act against principals who engage in fraud and the NHIF acts against hospitals misusing the scheme. The NHIF suspends and investigates the suspected hospitals through targeted surveillance and acts against the NHIF staff found culpable.
- That NHIF was engaging other government agencies like the DCI in the investigations.

The Committee sought to know how the scheme prevents double billing where the hospital charges both the parent and the fund. The CEO stated:



- That NHIF cannot entirely address medical fraud but selfcare platforms assist members to communicate to the fund through a call center to report.

#### *Admissibility of students*

The Committee sought to establish whether the students under the scheme are admissible in any NHIF approved facility and why a student is required to have a principal's letter whereas NEMIS number is available. Regarding admissibility, the CEO stated that all registered students were admissible to all hospitals as long as they had a contract, and the list of hospitals was available on the NHIF website.

#### *Service providers*

The Committee sought to know the list and the procedure for identifying service providers for the scheme.

The CEO indicated:

- That the requirements which are posted on the website include the minimum documents that a hospital needs to have include registration by relevant licensed body such as Medical Practitioners and Dentist Council, National Cancer Institute depending on the services sought.
- That in the case of private facilities, certificates of ownership and incorporation are required.
- That further, the facility is required to conduct a self-evaluation using an assessment tool available on the NHIF website. Thereafter, a verification visit is done by the branch whether the assessment provided is actual.
- That all the data is collated and forwarded to the board for approval, gazettelement and issuance of contract to qualified providers.

#### *Public participation and awareness creation*

The Committee sought to know whether proper public participation was conducted to sensitize stakeholders.

The CEO indicated as follows:

- That NHIF was scaling up public engagements through teachers' forums, social media, print media to inform the public what the members are entitled to.
- That monitoring and evaluation platforms and sensitization platforms are shared with the MoE to analyze utilization trends.



*Utilization of services in government facilities*

The Committee inquired why most beneficiaries preferred private facilities over government facilities. The CEO indicated that there are challenges as far as utilization of services in government facilities because of inconsistencies occasioned by industrial action or lack of enough supplies. The NHIF has been engaging CoG in different forums to facilitate direct investments into government facilities to improve uptake of the services.

*Students enrolled into the Edu Afya scheme*

The Committee inquired about the total number of students enrolled in the scheme. The CEO indicated that the system has enrolled 3.36 million students. Further, the data available on the NEMIS is the same available in the NHIF database.

**Committee's Way forward**

The Committee resolved that NHIF provides the following further information through a written submission:

- i. The number of cases involving fraud in the Edu Afya scheme for the schools and NHIF staff.
- ii. Summary of activities done on Edu Afya for the past three years.
- iii. Financial statements for Edu Afya scheme in terms of the funds received from the Ministry and the funds paid out to beneficiaries.
- iv. Summary reports on how payouts were done per county.

**MIN. PPETC/2023/140: ADJOURNMENT AND DATE OF THE NEXT MEETING**

There being no other business, the Chairperson adjourned the meeting at 2:15 p.m. The next meeting would be held on Tuesday 25<sup>th</sup> April 2023 at 10.00 a.m.

Sign: .....

(CHAIRPERSON)

Date..... 11.05.2023 .....





**REPUBLIC OF KENYA**  
**THE NATIONAL ASSEMBLY**

**MINUTES OF THE 47<sup>TH</sup> SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON WEDNESDAY, AUGUST 09, 2023, IN THE BOARDROOM ON 2<sup>ND</sup> FLOOR, CONTINENTALHOUSE AT 11:00 A.M**

**PRESENT**

- |  |   |                  |
|--|---|------------------|
| 1. Hon. Nimrod Mbithuka Mbai, M.P.     | - | Chairperson      |
| 2. Hon. Janet Jepkemboi Sitienei, M.P. | - | Vice Chairperson |
| 3. Hon. John Walter Owino, M.P.        |   |                  |
| 4. Hon. Joshua Chepyegon Kandie, M.P.  |   |                  |
| 5. Hon. Edith Vethi Nyenze, M.P.       |   |                  |
| 6. Hon. Caleb Mutiso Mule, M.P.        |   |                  |
| 7. Hon. John Bwire Okano, M.P.         |   |                  |
| 8. Hon. Peter Mbogho Shake, M.P.       |   |                  |
| 9. Hon. Suzanne Ndunge Kiamba, M.P.    |   |                  |

**APOLOGIES**

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Ernest Ogesi Kivai, M.P.
3. Hon. Maisori Marwa Kitayama, M.P.
4. Hon. Bidu Mohamed Tubi, M.P.
5. Hon. (Eng.) Bernard Muriuki Nebart, M.P.
6. Hon. Sloya Clement Logova, M.P.

**IN ATTENDANCE**

**Petitioner**

1. Hon. Lemanken Aramat, M.P. - Petitioner

**Ministry of Tourism, Wildlife and Heritage**

- |                          |   |
|--------------------------|---|
| 1. Ms. Silvia Museiya    | -Principal Secretary, State Department for Wildlife   |
| 2. Dr. Erastus Kanga     | -Director General, Kenya Wildlife Service (KWS)   |
| 3. Mr. Samuel Tokore     | -Deputy Director, KWS   |
| 4. Dr. Richard Chepkwony | -Director, Partnerships & Human Wildlife<br>co-existence (Ministry of Tourism, Wildlife and Heritage) |
| 5. Mr. Dickson Ritan     | -Director, Wildlife and Community Service (KWS)   |
| 6. Mr. James Gichuhi     | -Personal Assistant to the Principal Secretary  |
| 7. Lesley Khayadi        | -Advisor, Office of the Cabinet Secretary   |

**SECRETARIAT**

- |                         |   |                              |
|-------------------------|---|------------------------------|
| 1. Mr. Samuel Kalama    | - | Principal Clerk Assistant II |
| 2. Ms. Anne Shibuko     | - | Clerk Assistant I            |
| 3. Ms. Patricia Gichane | - | Legal Counsel II             |
| 4. Mr. Martin Sigei     | - | Research Officer III         |
| 5. Ms. Lilian Mburugu   | - | Media Relations Officer III  |



6. Ms. Rehab Chepkilim - Audio Officer

**MIN./PPETC/2023/302: PRELIMINARIES**

The Chairperson called the meeting to order at 10.15 a.m. and Hon. Edith Nyenze, M.P. said the prayers.

**MIN./PPETC/2023/303: ADOPTION OF AGENDA**

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of Previous Sittings
4. Matters Arising
5. **Consideration of Public Petition No. 13 of 2023 regarding Access Roads for Residents of Narok East Constituency**  
*-Meeting with the Cabinet Secretary, State Department for Wildlife*
6. Any other Business
7. Adjournment & Date of Next Meeting

Thereafter, the proposed Agenda of the Meeting was adopted to constitute business having been proposed by Hon. Suzanne Kiamba, M.P. and seconded by Hon. Peter Mbogho Shake, M.P.

**MIN./PPETC/2023/304: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS**

Minutes of the 36<sup>th</sup> Sitting of the Committee held on 6<sup>th</sup> July 2023 were confirmed after being proposed by Hon. Suzanne Kiamba, M.P. and seconded by Hon. Joshua Kandie, M.P.

Minutes of the 38<sup>th</sup> Sitting of the Committee held on 21<sup>st</sup> July 2023 were confirmed after being proposed by Hon. Joshua Kandie, M.P. and seconded by Hon. Caleb Mule, M.P.

Minutes of the 40<sup>th</sup> Sitting of the Committee held on 22<sup>nd</sup> July 2023 were confirmed after being proposed by Hon. John Bwire, M.P. and seconded by Hon. Edith Nyenze, M.P.

Minutes of the 41<sup>st</sup> Sitting of the Committee held on 22<sup>nd</sup> July 2023 were confirmed after being proposed by Hon. Caleb Mule, M.P. and seconded by Hon. Joshua Kandie, M.P.

Minutes of the 42<sup>nd</sup> Sitting of the Committee held on 26<sup>th</sup> July 2023 were confirmed after being proposed by Hon. Edith Nyenze, M.P. and seconded by Hon. John Bwire, M.P.

Minutes of the 43<sup>rd</sup> Sitting of the Committee held on 27<sup>th</sup> July 2023 were confirmed after being proposed by Hon. Suzanne Kiamba, M.P. and seconded by Hon. Joshua Kandie, M.P.

Minutes of the 44<sup>th</sup> Sitting of the Committee held on 1<sup>st</sup> August 2023 were confirmed after being proposed by Hon. John Bwire, M.P. and seconded by Hon. Suzanne Kiamba, M.P.

**MIN./PPETC/2023/305: MATTERS ARISING**

There were no matters arising.

CONSIDERATION OF PUBLIC PETITION NO. 13 OF 2023  
REGARDING ACCESS ROADS FOR RESIDENTS OF  
NAROK EAST CONSTITUENCY

The Principal Secretary, State Department for Wildlife accompanied by the Director General, Kenya Wildlife Service (KWS) appeared before the Committee on behalf of the Cabinet Secretary and submitted as follows:

- i.) The Public Petitions Committee made a site visit to Narok East Constituency on 23<sup>rd</sup> June 2023 and held a sitting at Narasha Centre. Also in attendance were the petitioner (Member for Narok East Constituency, Hon. Aramat Lemanken, M.P.), representatives of the Kenya Wildlife Service, KenGen and Oserian Development Company, community members, Assistant County Commissioner, Narok East subcounty, OCPD Narok East Sub County, and CIPU Commander-Narok East Sub County.
- ii.) The Chairperson of the Public Petitions Committee reaffirmed the following as short-term measures to assist the community in their plea for 6 months:
  - a) Allow 3 public transport vehicles to freely access the road from Narasha to Olkaria gate to transport the locals for 6 months before the proposed Oserian road is developed.
  - b) Allow community members to drive their livestock through the park on Mondays, Thursdays and Fridays to access market on the Naivasha side of Nakuru County.
  - c) The community through their ACC –Narok East to identify a Matatu Sacco and provide a list of 3 vehicles to the Warden Hells Gate N. Park to facilitate movement of community members. The vehicles to adhere to Park regulations as required.
  - d) KWS to consider an additional day to allow movement of Community livestock through the Park on Monday, Thursdays and Friday.
  - e) The Committee planned to meet with CS Wildlife and Tourism, Senior KWS Management, KenGen Geothermal Manager, Oserian Development Company Directors to have a deliberation on the proposed road through Oserian for a lasting solution.
- A. *Interventions to have the Government provide an access road to directly link the affected areas of Inkoirienito, Olmara, Narasha, Oltepesi, Suswa Community in Narok side and Moi South Lake. Road in Naivasha*
- iii.) Hells Gate National Park was established in 1984 and it covers an area of 68.25KM<sup>2</sup>. The park is within Nakuru County, located in the north west of Nairobi and south West of Lake Naivasha. To the north east, it borders Oserian Development Company. To the south it borders Kedong farm and Gorge Park. The access roads to these properties are private roads.
- iv.) The park is endowed with the variety of Wildlife species and amazing landscapes thereby attracting both Domestic and international visitors. Being a protected area, it plays an important role in conservation of wildlife in the country.



- v.) The park significance is evidenced by the development of **five** geothermal plants which is a key installation/critical infrastructure that is of great economic importance to the country. This calls for enhanced security measures to secure the investments and minimize risks that may arise.
- vi.) KWS has continuously put up the following measures to support the communities whenever they have a concern:
- a) The Narasha, Inkorionito, Narok East community through engagements with KWS were given free access through the park via Narasha and Olkaria gates on foot, motorcycles, bicycles and vehicles, the access allows the communities to traverse the park for social amenities in Naivasha town.
  - b) The communities have benefited from international and domestic visitors visiting Hells Gate National Park, access is provided for the visitors to the community in addition to Government or NGOs functions for service delivery that is not tarified.
  - c) The community requested KWS for access of their livestock through the park for Mondays and Thursday's market days. As a landlocked community from Narasha and Suswa trading centres to Naivasha market, previous arrangements had considered their plights and allowed their livestock be trekked through the southern side of the park to the south lake road leading to Naivasha market.

***B. Interventions to have the Government through the Ministry of Transport and Infrastructure to construct a public road to directly link the affected areas and Naivasha town and other parts of the country***

- vii.) It is very crucial for the communities to be considered by the government with public roads to access social/basic amenities like schools, hospitals, markets among others. The provision of roads will open up development and improve the livelihood of the people.
- viii.) The new road that the petitioner is requesting to be opened for access passes through Oserian Development Company which is a private property. To the North East of the Hells gate park is Oserian Company which borders the lake Naivasha South Lake. The government to engage the Oserian Company for the access road.
- ix.) The already access allowed is still a tourists' circuit and sometimes conflicts with the communities as both interests are not compatible thereby depreciating the value of the park due to the experiences that visitors get.
- x.) To safeguard the integrity of the park, an alternative road passing through Oserian Development Company land and bordering Hell's gate National Park would be a lasting option if it can be sought out from the Company for development to allow public unlimited access.



*C. Other order or direction that it deems fit in the circumstances of this matter*

- xi.) During the meeting held to discuss the matter with stakeholders the issue of additional more days to allow livestock to be trekked through the northern side of the park to the South Lake Road leading to Naivasha market came up.
- xii.) The committee requested KWS for daily trekking of livestock through the park which KWS cautioned due to the environmental impact that the daily activity would cause. The previous arrangements were allowed on terms and conditions that no grazing is done as this affects the environment.
- xiii.) KWS underscored the importance of maintaining the ecological integrity of the Park by ensuring that activities that compromise healthy protection of the Park are minimized.

**Committee Concerns**

*i. Implementation of the short-term measures*

The Committee inquired whether the short-term measures by the Committee are being implemented. The Principal Secretary responded that they were.

*ii. Access the park to graze*

The Committee inquired what is the risk of providing access to the park for herdsmen and the communities living around National Parks and reserves.

It was explained that these protected areas were strictly for wildlife protection and conversation. Further, the Law does not provide for compensation for injury within protected areas. Anytime communities pass through it requires protection by rangers hence the restricted access to ensure availability of the rangers for security reasons.

*iii. Infrastructure Development across the park*

The Committee noted that a section of Mombasa Road as well as the Voi-Taveta Road was built across Tsavo West National Park. It was clarified that this road was a designated public road under the Kenya National Highway Authority (KeNHA) hence the Ministry of Roads and Transport was better placed to address the matter. In addition, the Principal Secretary explained that the original intention of access roads in the parks was to allow for tourist circuits and security operations. It was always a tough decision to balance between wildlife conversation and allowing the construction of access roads. Similar concerns had been raised by residents in Aberdare National Park and Kitui Game Reserve. The Ministry was therefore worried that if the road is allowed, this will have a ripple effect on the other parks, thereby interfering with the protected areas. Not only would this affect wildlife through increase of access by poachers and traders in bush meat, but also the minimum threshold of 30 percent of Ecological Biodiversity.

*iv. Authority to pass through the private property*

As regard to the Government agency responsible for granting authority to have the road approved for public use; the Principal Secretary stated that Oserian Company has sold part of the land that the road is to pass to Kengen and other investors. The committee was further concerned about the commitment of the Ministry on this cause, especially because it was easier for a government-to-government agreement between KWS and KenGen than to have acquisition of land from a private company.

v. *Role of Kenya Wildlife Service*

The Director General explained that KWS had continuously done its part to ensure peaceful coexistence with the communities around parks and reserves while at the same time ensuring conservation of natural heritage. The institution was willing to engage with the other stakeholders within the confines of the law to address the concerns of the petitioners.


**Committee Recommendations**


Having considered the submissions of the Ministry of Tourism Wildlife and Heritage, and noting that a solution could be attained through a multi stakeholder engagement forum, the Committee resolved to hold a round table meeting with the following agencies:

- i.) Kenya Wildlife Service
- ii.) KenGen
- iii.) Oserian Development Company Limited
- iv.) Ministry of Environment, Climate Change and Forestry
- v.) Ministry of Tourism Wildlife and Heritage
- vi.) Ministry of Roads and Transport
- vii.) The County Government of Narok

**MIN./PPETC/2023/307: ADJOURNMENT AND DATE OF THE NEXT MEETING**

There being no other business, the Chairperson adjourned the meeting at 01:10 p.m. The next meeting would be held on Thursday, 10<sup>th</sup> July 2023.

Sign:  .....

 (CHAIRPERSON)

Date..... 27<sup>th</sup> September 2023





**REPUBLIC OF KENYA**

**THE NATIONAL ASSEMBLY**

**MINUTES OF THE 55<sup>TH</sup> SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON TUESDAY, AUGUST 29, 2023, AT THE GARDEN SUITE CONFERENCE ROOM, HILTON GARDEN INN HOTEL, MACHAKOS COUNTY AT 10:00 AM**

**PRESENT**

- |                                       |   |             |
|---------------------------------------|---|-------------|
| 1. Hon. Nimrod Mbithuka Mbai, M.P.    | - | Chairperson |
| 2. Hon. John Walter Owino, M.P.       |   |             |
| 3. Hon. Joshua Chepyegon Kandie, M.P. |   |             |
| 4. Hon. Suzanne Ndunge Kiamba, M.P.   |   |             |
| 5. Hon. Edith Vethi Nyenze, M.P.      |   |             |
| 6. Hon. Caleb Mutiso Mule, M.P.       |   |             |
| 7. Hon. Maisori Marwa Kitayama, M.P.  |   |             |

**APOLOGIES**

- |   |   |                  |
|---|---|------------------|
| 1. Hon. Janet Jepkemboi Sitienei, M.P.      | - | Vice Chairperson |
| 2. Hon. Patrick Makau King'ola, M.P.        |   |                  |
| 3. Hon. John Bwire Okano, M.P.              |   |                  |
| 4. Hon. Sloya Clement Logova, M.P.          |   |                  |
| 5. Hon. Ernest Ogesi Kivai, M.P.            |   |                  |
| 6. Hon. Peter Mbogho Shake, M.P.            |   |                  |
| 7. Hon. (Eng.) Bernard Muriuki Nebart, M.P. |   |                  |
| 8. Hon. Bidu Mohamed Tubi, M.P.             |   |                  |

**INATTENDANCE**

**SECRETARIAT**

- |                        |   |                               |
|------------------------|---|-------------------------------|
| 1. Mr. Samuel Kalama   | - | Principal Clerk Assistant II  |
| 2. Ms. Anne Shibuko    | - | Clerk Assistant I             |
| 3. Ms. Miriam Modo     | - | Clerk Assistant I             |
| 4. Mr. Shadrack Omondi | - | Legal Counsel II              |
| 5. Mr. Martin Sigei    | - | Research Officer III          |
| 6. Ms. Felistus Muiya  | - | Public Communications Officer |
| 7. Ms. Bishara Jimale  | - | Secretary                     |
| 8. Ms. Rahab Chepkilim | - | Audio Officer                 |

**KENGEN**

- |                             |   |                              |
|-----------------------------|---|------------------------------|
| 1. Hon. Lemanken Aramat, MP | - | Petitioner                   |
| 2. Prof. Peketsa Mangi      | - | General Manager, KENGEN      |
| 3. Mr. Francis Kaloki       | - | Ag. Property Manager, KENGEN |



## OSERIAN DEVELOPMENT COMPANY

1. Mr. Alasdair Keith – Director, Oserian Company
2. Mr. Timothy Ndikwe – Finance Director, Oserian Company

### MIN./PPETC/2023/355: PRELIMINARIES

The Chairperson called the meeting to order at 3.00 pm. and Hon. Walter Martin Owino, M.P. said the prayers.

### MIN./PPETC/2023/356: ADOPTION OF AGENDA

#### AGENDA

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of Previous Sittings
4. Matters Arising
5. Consideration of Public Petition No. 13 of 2023 regarding Access roads for residents of Narok East Constituency
  - a) Meeting with CS, Ministry of Environment, Climate Change and Forestry (*Hon. Soipan Tuya*)
  - b) Meeting with CS, Ministry of Roads and Transport (*Hon. Kipchumba Murkomen, EGH*)
  - c) Meeting with CS, Ministry of Tourism, Wildlife, and Heritage (*Hon. Penninah Malonza, OGW*)
  - d) Meeting with Ag. Director General, KWS (*Dr. Erastus Kanga, HSC*)
  - e) Meeting with Ag. Managing Director, Kenya Electricity Generating Company Ltd. (KenGen) (*Mr. Abraham Serem*)
  - f) Meeting with CEO, National Lands Commission (NLC) (*Ms. Kabale Tache Arero*)
  - g) Meeting with Managing Director, Oserian Development Company (*Mr. Alasdir Keith*)
  - h) Any Other Business
6. Adjournment

Thereafter, the proposed Agenda of the Meeting was adopted to constitute business having been proposed by Hon. Joshua Kandie, M.P and seconded by Hon. Caleb Mutiso Mule, M.P.

### MIN./PPETC/2023/357 CONFIRMATION OF MINUTES OF PREVIOUS SITTING

The Agenda was deferred.

### MIN./PPETC/2023/358: CONSIDERATION OF PUBLIC PETITION NO. 13 OF 2023 REGARDING ACCESS ROADS FOR RESIDENTS OF NAROK EAST CONSTITUENCY

- i. Meeting with Ag. Managing Director, Kenya Electricity Generating Company Ltd. (KenGen) (*Mr. Abraham Serem*)

The Managing Director, KENGEN, Mr. Abraham Serem did not appear before the Committee but sent a representative. The Committee declined to accord him an opportunity and requested that he appears in person at a later date.

ii. *Meeting with Managing Director, Oserian Development Company (Mr. Alasdir Keith)*

The Director, Oserian Development Company submitted as follows: -

- a) That, Oserian Development Company is a private company which is advanced in its plans.
- b) That, the community has had a harmonious relationship with the company and the company has done a lot of charitable work for them including job opportunities, social infrastructure e.g., health services, among others.
- c) That, there is a proposal by the company and other relevant stakeholders to develop an industrial park and the proposal to have an access road through the company may adversely affect the proposed project as the same may require alteration of boundaries.
- d) That, further, it may not be practical to construct a road through the farm due to the hostile terrain there is need to undertake a practical survey.
- e) That, there has been no request for dialogue between the community and the company on the proposal to have the said access roads.
- f) That, Oserian Company had already given easement for the development of the geothermal power that happened in the late 70s and the Kenya Wildlife Service should address the plight of the petitioners.

**Committee concerns**

- a) The Committee requested that Oserian Company considers donating a piece of its land to pave way for construction of the proposed access road. The Director responded that road networks and accessibility is a very important aspect and Oserian Company had already helped the community in so many ways including offering job opportunities to the locals, payment of school fees to students, construction of health facilities and boosting of businesses of the locals.
- b) The Committee appreciated the support the company had so far extended to the community. However, the Committee proposed that the Company and KWS donate 3metres each of their land to have the access road constructed for the community. The Director responded that Oserian Development Company was a private entity which had been surveyed and any alteration of its boundaries would adversely affect its plans and operations. He further emphasized that KWS was better placed to donate the said piece of land for construction of the said road.
- c) The Committee sought to know why it was impracticable to construct a road through the boundaries of oserian farm and KWS as proposed by the Director. The Director responded that the terrain was hostile in terms of the landscape and topography.



**Committee Observations**

- a) Oserian Development Company and the Kenya Wildlife Service (KWS) can agree to provide an easement at the adjoining boundary for purposes of constructing the access road for the community in line with Section 98 (1) & (2) of the Land Registration Act, 2012 which provides that *“An owner of land or a lessor may, by an instrument in the prescribed form, grant an easement over the land, lease or a part of that land to the owner of another parcel of land or a lessee for the benefit of that other parcel of land.”*

Therefore, Oserian Development Company and KWS on their own volition and upon mutual agreement, may grant easement specifically, each of them to move 3metres inside to allow for construction of the 6metres wide access road.

- b) That, upon agreement by the two parties, and if there are any installations and/or constructions on the proposed sites, then the Committee establishes how the companies may be compensated through the relevant Government Ministry.
- c) Section 143 of the Land Act of 2012 confers upon the Commission the power to create public rights of way for the benefit of the national or county government, a local authority, a public authority or any corporate body to enable all such institutions, organisations, authorities and bodies to carry out their functions, referred to in this Act as a wayleave; or a right of way created for the benefit of the public as a communal right of way.

Hence, if the two identified bodies i.e. Oserian Company and KWS will not be amenable to the proposal by Committee, they may recommend to the relevant bodies e.g. the National Lands Commission to enforce this provision for the benefit of the community.

**Committee Resolution**

The Committee requested the Director to share the proposal with the entire management of Oserian Company Limited and report back to the Committee in two weeks’ time with effect from the date of the meeting.

**MIN./PPETC/2023/360: ANY OTHER BUSINESS**

There being no other business, the Chairperson adjourned the meeting at 12:30 p.m. The next meeting would be held on Tuesday, 29<sup>th</sup> August 2023 at 3.00 p.m.

Sign: .....  
(CHAIRPERSON)

Date..... 07/11/2023





**REPUBLIC OF KENYA**  
**THE NATIONAL ASSEMBLY**

**MINUTES OF THE 64<sup>TH</sup> SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON THURSDAY, SEPTEMBER 28, 2023, IN COMMITTEE ROOM 12 AT 12.00 NOON**

**PRESENT**

- |                                       |   |             |
|---------------------------------------|---|-------------|
| 1. Hon. Nimrod Mbithuka Mbai, M.P.    | - | Chairperson |
| 2. Hon. John Walter Owino, M.P.       | - | Chairing    |
| 3. Hon. Joshua Chepyegon Kandie, M.P. |   |             |
| 4. Hon. Ernest Ogesi Kivai, M.P.      |   |             |
| 5. Hon. Edith Vethi Nyenze, M.P.      |   |             |
| 6. Hon. Maisori Marwa Kitayama, M.P.  |   |             |
| 7. Hon. John Bwire Okano, M.P.        |   |             |
| 8. Hon. Suzanne Ndunge Kiamba, M.P.   |   |             |

**APOLOGIES**

- |   |   |                  |
|---|---|------------------|
| 1. Hon. (Eng.) Bernard Muriuki Nebart, M.P. |   |                  |
| 2. Hon. Janet Jepkemboi Sitienei, M.P.      | - | Vice Chairperson |
| 3. Hon. Patrick Makau King'ola, M.P.        |   |                  |
| 4. Hon. Peter Mbogho Shake, M.P.            |   |                  |
| 5. Hon. Bidu Mohamed Tubi, M.P.             |   |                  |
| 6. Hon. Sloya Clement Logova, M.P.          |   |                  |
| 7. Hon. Caleb Mutiso Mule, M.P.             |   |                  |

**SECRETARIAT**

- |                        |   |                           |
|------------------------|---|---------------------------|
| 1. Mr. Samuel Kalama   | - | Principal Clerk Assistant |
| 2. Ms. Miriam Modo     | - | Clerk Assistant I         |
| 3. Ms. Anne Shibuko    | - | Clerk Assistant I         |
| 4. Mr. Shadrack Omondi | - | Legal Counsel II          |
| 5. Mr. Martin Sigei    | - | Research Officer III      |
| 6. Ms. Rehab Chepkilim | - | Audio Officer             |

**IN ATTENDANCE**

**Kenya Wildlife Service**

- |                      |   |   |
|----------------------|---|---|
| 1. Mr. Samuel Tokore | - | Deputy Director   |
| 2. Mr. Moses Moreka  | - | Physical Planner  |
| 3. Ms. Nicole Owendi | - | Legal Officer   |
| 4. Mr. James Gichuhi | - | Personal Assistant to PS, State Department for Wildlife |

**KenGen**

- |                     |   |   |
|---------------------|---|---|
| 1. Mr. Austin Ouko  | - | Managing Director                       |
| 2. Mr. Pekesa Mangi | - | General Manager, Geothermal Development |
| 3. Eng. Rono Kibet  | - | Technical Assistant to CEO              |

Ministry of Roads

1. Eng Joseph Mbugua - Principal Secretary, State Department of Roads
2. Eng. Enock Kombo - Director KeRRA
3. Eng. Nicholas Musuni- Technical assistant to Ps, State Department of Roads
4. Samuel Muchiri - Liaison Officer Roads

**MIN./PPETC/2023/416: PRELIMINARIES**

The Chairperson called the meeting to order at 12.00 noon. and Hon. Maisori Kitayama Marwa, M.P. said the prayers.

**MIN./PPETC/2023/417: ADOPTION OF AGENDA**

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of Previous Sittings
4. Matters Arising
5. Consideration of Public Petition No. 13 of 2023 regarding Access roads for residents of Narok East Constituency
  - Meeting with the Cabinet Secretary, Environment
  - Meeting with the Cabinet Secretary, Roads & Transport
  - Meeting with the Cabinet Secretary, Wildlife & Tourism
  - Meeting with the Ag. Director General, Kenya Wildlife Service
  - Meeting with the Managing Director, KenGen
6. Any other Business
7. Adjournment & Date of Next Meeting

Thereafter, the proposed Agenda of the Meeting was adopted to constitute business having been proposed by Hon. Joshua Kandie, M.P. and seconded by Hon. Ernest Kagesi M.P.

**MIN./PPETC/2023/418: CONFIRMATION OF MINUTES OF PREVIOUS SITTING**

The Agenda was deferred.

**MIN./PPETC/2023/419: MATTERS ARISING**

There were no matters arising.

**MIN./PPETC/2023/420: CONSIDERATION OF PUBLIC PETITION NO. 13 OF 2023 REGARDING ACCESS ROADS FOR RESIDENTS OF NAROK EAST CONSTITUENCY**

The Legal Counsel briefed the Committee through the provisions of Section 98 of the Land Registration Act.

**Meeting with the Cabinet Secretary, Wildlife & Tourism**

Vide a Letter dated 27<sup>th</sup> September 2023, Ref. SDW/1/47/1 the Cabinet Secretary, Ministry of Tourism, Wildlife and Heritage had nominated the Principal Secretary, State Department for wildlife, Ms. Silvia Museiya, to represent her in the meeting.



The Deputy Director, Kenya Wildlife Service, Mr. Samuel Tokore appeared before the Committee on behalf of the Principal Secretary, State Department for Wildlife and submitted as follows: -

- i.) That the Committee conducted a site visit to Narasha area and during the sitting, the KWS had shared regulations and laws governing wildlife conversation with the team.
- ii.) That the Ministry was reluctant to cede a large portion of the land because the park is heavily impacted by the Geothermal
- iii.) That it would be best for the team to engage Oserian Company Ltd as a large portion of the proposed road passes on their land.

#### Committee concerns

The Committee was concerned that from previous discussions, KWS was willing to cede a few metres at the boundary to create the access road, however, it appeared that the organisation had changed its position on the matter.

The Deputy Director explained that Cap 376 of the Wildlife Conversation Management Act requires legislation by Parliament for boundaries of a National Park to be adjusted. He could therefore not give a conclusive answer, unless guided by the law.

#### Committee's Decision

In light of the weight of the matter under consideration, the Committee directed that the Cabinet Secretary, Ministry of Wildlife and Tourism should appear in person to make a final decision on the matter.

#### Meeting with the Cabinet Secretary, Roads and Transport

The Principal Secretary, State Department for Roads appeared before the Committee on behalf of the Cabinet Secretary and submitted as follows:

- i.) The Moi South Lake Road is maintained by the Kenya Rural Road Authority and provides access to the hospitality industry and the community within Naivasha town. The request by the petitioner to have an access road linking the Moi South Lake Road to Narok East Constituency will require consultation and approval of the KWS and other interested stakeholders. The link through the national park is not within the KeRRA mandate and therefore, has not been factored in the current mid-term plan for the Authority.
- ii.) The Ministry through the Narok East Constituency Roads Committee (CRC) has planned for a total of 39 Km in the current work plan Financial Year 2022/2023 for the 10% Road Maintenance Fuel Levy funds. (RMLF). The construction and maintenance of these roads will open up access at the constituency level and to other parts of the country. In addition, through the 22% allocation, the Narok East CRC has planned for construction and maintenance of 124.33 Km, out of the 133km in Narok East.
- iii.) The Ministry through KeRRA has proposed the upgrading to Bitumen Standards of the following road links in Narok East constituency to Naivasha as well as opening up the constituency to access Suswa SGR and access to Mai Mahiu-Nairobi-Narok road. However, this will be subject to availability of funds.



Name of road	Length	Condition	Estimate	Remarks
Suswa-Inkorianito-Naivasha	28.9km	Some sections are earth while others are gravelled	1,539,792,000.00	Connects Naivasha. Suswa SGR and Mai Mahiu-Narok-Nairobi road

### SUPPLEMENTARY INFORMATION

The following represents the status of RMLF projects in Narok East, Narok region.

#### I. Overview

Narok East constituency of Narok region has a total of 133 km of class C roads, being maintained, as listed below:

No.	County	Code Class	Road Class	Bitumen (Km)	Gravel (Km)	Earth (Km)	Total (Km)
		C726	Ntulele-Mosiro	0	6	41	47
		C715	Nairegie-Maela	0	0	16	16
		C705	EOR-Kule-Ildamat	0	6	29	35
		C710	Nairegie-Ildamat	4	3	28	35
<b>Total</b>				<b>4</b>	<b>15</b>	<b>114</b>	<b>133</b>

#### II. Improvement to Gravel Standards

Further to the above, the following roads received funds from GOK and have been improved to gravel standards:

S/No.	Project Name	Project Length(km)	Constituency	Physical Progress (%) as at 10th July 2023
1	Spot Improvement of Eor-Kule-Avfoo-Sakutiek-Kongoni Roads	53	Narok East	100% completed

#### III. Bridges

The below listed bridges are being done by KeRRA in Narok East Constituency

S/No.	Project Name	Location	Physical Progress (%)
1	Construction of Nkilingos Bridge and Approach Roads	Narok East	10%, Contractor abandoned site citing non- payment of his IPCs on Kuto bridge.
2	Olorngogyne Bridge and Approach roads	Narok East	Under procurement

IV. 2022/2023 WORK PLAN OF NAROK EAST, 22% AND 10%.

Routine Maintenance Work Program Report

Funding Source : 10%  
RMFL  
for CRC

Financial Year  
2022-23

Road Code	Surface Type	Section Name	Work planned	Work plan Cost (Ksh) including VAT
<b>Constituency: Narok East (Code:75034)</b>				
C705	Gravel	Ildamat - Ololpironito	10.00	1,153,040.00
C705	Gravel	Ololpironito - Eor Ekule	17.55	4,642,549.98
C710	Gravel	Kojonga - Ildamat	10.00	2,308,036.92
C710	Gravel	Nairegie Enkare – Kojonga	4.00	6,270,203.32
C715	Gravel	Nairegie Enkare - Maela Ntulele - Ntumententi - Mosiro	16.00	1,375,404.59
C726	Gravel	Mosiro	15.00	2,564,709.18
C726	Gravel	Ntumententi - Mosiro Irrigation	10.78	5,561,759.20
U-E 7059	Gravel	Suswa- Olshaiki	10.00	3,885,233.54
U-G71621	Gravel	Ntulele - Koionga	7.00	2,359,994.78
U-G71621	Gravel	Ntulele - Olenkomei	8.00	3,092,096.00
U-G71693	Gravel	Suswakaruka	16.00	9385,328.00
<b>Total for: Narok East</b>			<b>124.33</b>	<b>42,598,355.51</b>



The following were other roads that were routinely maintained in Narok East constituency

#### V. Routine Maintenance and Work Program Report

**Funding Source:** 10% RMFL for CRC **Financial Year:** 2022-23

Road Code	Surface Type	Section Name	Work Planned Length (km)	Work plan Cost (Ksh) including VAT
<b>Region: Narok</b>				
<b>Constituency: Narok East (Code: 75034)</b>				
R4	Gravel	Suswa - Inkiriento Nkilonkosi	20.00	8,608,968.04
R5A	Gravel	Kirangarian	10.00	6,998,068.44
U-G71620	Gravel	Enooseyia-Kuteno-Kiru	9.00	3,743,349.05
<b>Total for: Narok East</b>			<b>39.00</b>	<b>19,350,385.52</b>

There was a proposal by the Ministry to gain access through the two roads defined as followed: -

- i.) The Kongoni-Nkorionto-Suswa Road which is approximately 32.558km entirely. The line is through Oserian land as recommended by KWS; and
- ii.) The Kasarani-Kongoni Road passing through Orpower plant.

#### Committee Concerns

- i. *Better option*-The Committee enquired which of the two options would have less interference of the National Park.  
The Principal Secretary responded that the specifications would be included in the next submission after exploring both options extensively.
- ii. *Multistakeholder engagement*-the Committee wondered whether it was possible for the Ministry to engage KWS and agree on the road map.  
The Principal Secretary responded that KWS was in another Ministry, so it would require engagement with the parent Ministry, as long as there was goodwill. KWS would have a chance in the multistakeholder engagement to explain the parameters they are uncomfortable with so that the team works with that in mind. Concerns such as not having tarmac roads in the park can be agreed upon.
- iii. *Cost of the project*-the Committee was concerned whether the cost of Kshs.1.5 Billion was too high, especially because part of the road would be gravel.  
The Principal Secretary explained that the estimation was done based on bitumen standards, and would be of a less amount if a section of the road would not be tarmacked.



Committee Decision

- (i) The Ministry to provide information on the cost of constructing the two proposed roads, the length of the Kongoni-Nkorionto-Suswa Road within the park out of the total 32kms and acquisition if any. The Ministry to avail written submissions in a fortnight.

Meeting with KenGen

The Managing Director, Mr. Austin Ouko appeared before the Committee and submitted as follows: -

KenGen was supportive of construction of the said Access Road on condition that: -

- i.) The construction of the access road would not pose a security risk to power plants, steam lines and steam well of the geothermal operating plant that formed part of critical national infrastructure which if interfered with, could affect the national power grid.
- ii.) Members of the public would be safe from the hot and dangerous steam lines.
- iii.) The relevant Government agencies would work together to ensure security of the installations.

Committee decision

The Committee was satisfied with the oral submissions given by KenGen however, it requested for written submissions.

**MIN./PPETC/2023/421      ADJOURNMENT AND DATE OF THE NEXT MEETING**

There being no other business, the Chairperson adjourned the meeting at 01:30 p.m. The next meeting would be held on notice.

Sign: .....  
(CHAIRPERSON)

Date..... 29/11/2023 .....





**REPUBLIC OF KENYA**  
**THE NATIONAL ASSEMBLY**

**MINUTES OF THE 68<sup>TH</sup> SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON THURSDAY, OCTOBER 12, 2023, IN THE COMMITTEE ROOM 7, FIRST FLOOR, MAIN PARLIAMENT BUILDINGS AT 12.30 P.M**

**PRESENT**

- |    |                                     |   |                  |
|----|-------------------------------------|---|------------------|
| 1. | Hon. Nimrod Mbithuka Mbai, M.P.     | - | Chairperson      |
| 2. | Hon. Janet Jepkemboi Sitienei, M.P. | - | Vice Chairperson |
| 3. | Hon. Joshua Chepyegon Kandie, M.P.  |   |                  |
| 4. | Hon. John Walter Owino, M.P.        |   |                  |
| 5. | Hon. Maisori Marwa Kitayama, M.P.   |   |                  |
| 6. | Hon. Ernest Ogesi Kivai, M.P.       |   |                  |
| 7. | Hon. Suzanne Ndunge Kiamba, M.P.    |   |                  |
| 8. | Hon. Caleb Mutiso Mule, M.P.        |   |                  |
| 9. | Hon. John Bwire Okano, M.P.         |   |                  |

**APOLOGIES**

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Edith Vethi Nyenze, M.P.
3. Hon. Bidu Mohamed Tubi, M.P.
4. Hon. (Eng.) Bernard Muriuki Nebart, M.P.
5. Hon. Peter Mbogho Shake, M.P.
6. Hon. Sloya Clement Logova, M.P.

**SECRETARIAT**

- |    |                     |   |                               |
|----|---------------------|---|-------------------------------|
| 1. | Mr. Samuel Kalama   | - | Principal Clerk Assistant     |
| 2. | Ms. Miriam Modo     | - | Clerk Assistant I             |
| 3. | Mr. Shadrack Omondi | - | Legal Counsel II              |
| 4. | Ms. Lilian Mburugu  | - | Media Relations Officer       |
| 5. | Mr. Martin Sigei    | - | Research Officer III          |
| 6. | Ms. Felistas Muia   | - | Public Communications Officer |
| 7. | Ms. Rehab Chepkilim | - | Audio Officer                 |

**INATTENDANCE**

**OSERIAN COMPANY LIMITED**

- |    |                      |   |                   |
|----|----------------------|---|-------------------|
| 1. | Mr. Nikolas Thompson | - | Managing Director |
| 2. | Mr. Timothy Ndikwe   | - | Finance Director  |

**MIN./PPETC/2023/438: PRELIMINARIES**

The Chairperson called the meeting to order at 12.30 p.m. and Hon. Ernest Ogesi Kivai, M.P. said the prayers.



**MIN./PPETC/2023/439: ADOPTION OF AGENDA**

1. Prayer
2. Adoption of the Agenda
3. Confirmation of the Minutes of previous sittings
4. Matters Arising
5. **Consideration of Public Petition No. 13 of 2023 regarding Access Roads for residents of Narok East Constituency**
  - *Meeting with Managing Director, Oserian Company Ltd.*
6. Any Other Business
7. Adjournment

Thereafter, the proposed Agenda of the Meeting was adopted to constitute business having been proposed by Hon. Ernest Kagesi M.P. and seconded by Hon. Maisori Marwa Kitayama, M.P.

**MIN./PPETC/2023/439: CONFIRMATION OF MINUTES OF PREVIOUS SITTING**

The Agenda was deferred.

**MIN./PPETC/2023/440: CONSIDERATION OF PUBLIC PETITION NO. 13 OF 2023 REGARDING ACCESS ROADS FOR RESIDENTS OF NAROK EAST CONSTITUENCY**

**Meeting with the Managing Director, Oserian Company Limited.**

The Managing Director, Oserian Company Limited appeared before the Committee and stated as follows -

- i.) The Board of Directors of Oserian Company Limited had a meeting as earlier requested by the Committee and resolved to cede the three-metre piece of land to allow for the construction of access roads along their border with the Kenya Wildlife Service (KWS), Hell's Gate National Park.
- ii.) The three-metre could be ceded from Oserian Company Limited's land after survey is conducted to establish the cost implications of the various infrastructure that will be affected during the acquisition.
- iii.) While Oserian Company Limited accepts to cede the land, the cost of critical infrastructure that will be affected should be borne by the government.
- iv.) The acquisition of the land ceded by Oserian would compromise the planned and underway investments on a potential business park which the company is engaging other investors.

**Committee Concerns**

- i.) The Committee inquired into the by-laws requirement of a 15-meter allowance for such a road, further, whether that would be adequate. The MD responded that, whereas the by-laws provided for a 15-meter road reserve, Oserian was requested to cede 3 meters and the rest would be provided by the KWS. That out of the good relations Oserian had with the community, they would not object.

- ii.) With regards to the fate of other investments Oserian had engaged other investors in the area, the MD indicated that they had informed their investors of the new developments, however, were not sure of the reactions. Therefore, Oserian would renegotiate with the other investors on the new developments after ceding the three meters along its border.
- iii.) With regards to the estimated costs that would be occasioned by the alteration of the infrastructure on the land, the MD, indicated that Oserian had not estimated any costs as it was not yet clear where exactly the road would pass. Some of the infrastructure include the fence.
- iv.) Regarding a written commitment on the decision to cede the three meters, the MD committed to submit a written submission stating the decision. That as long as the government was willing to pay for the costs of altering the infrastructure in the three-meter stretch, they would not object ceding.
- v.) The Committee inquired on the other companies or stakeholders owning the rest of the land which the proposed access roads was intended to pass. The MD indicated that Oserian was in charge on only a part of the land in the stretch and other companies were managing the other parts including Bohemian Flowers Limited and LaPier's Flowers Company.

#### **Committee Resolutions**

After the deliberations, the Committee resolved as follows -

- i.) Oserian Company Limited to write a letter communicating the decision of the company to cede the three-metre stretch of land along its borders with KWS.
- ii.) The Committee to invite the Ministry of Roads and Transport and National Lands Commission (NLC) to indicate the way forward on the proposed access road.

#### **MIN./PPETC/2023/441: ADJOURNMENT AND DATE OF NEXT MEETING**

There being no other business, the Chairperson adjourned the meeting at 2:15 p.m. The next meeting would be held on Tuesday, 17<sup>th</sup> October 2023 at 11.00 a.m.

Sign:  .....  
(CHAIRPERSON)

Date..... 29/11/2023 .....







**REPUBLIC OF KENYA**  
**THE NATIONAL ASSEMBLY**

**MINUTES OF THE 74<sup>TH</sup> SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON WEDNESDAY, NOVEMBER 1, 2023, IN MAGADAI HALL ON THE FIRST FLOOR, VICTORIA PLAZA, HOLIDAY INN HOTEL AT 10.00 A.M**

**PRESENT**

- |     |  |   |                         |
|-----|--|---|-------------------------|
| 1.  | Hon. Nimrod Mbithuka Mbai, M.P.          | - | Chairperson             |
| 2.  | Hon. Janet Jepkemboi Sitienei, M.P.      | - | Vice Chairperson        |
| 3.  | Hon. Joshua Chepyegon Kandie, M.P.       |   |                         |
| 4.  | Hon. John Walter Owino, M.P.             |   |                         |
| 5.  | Hon. Bidu Mohamed Tubi, M.P.             |   |                         |
| 6.  | Hon. Maisori Marwa Kitayama, M.P.        |   |                         |
| 7.  | Hon. Edith Vethi Nyenze, M.P.            |   |                         |
| 8.  | Hon. (Eng.) Bernard Muriuki Nebart, M.P. |   |                         |
| 9.  | Hon. Caleb Mutiso Mule, M.P.             |   |                         |
| 10. | Hon. Peter Mbogho Shake, M.P.            |   |                         |
| 11. | Hon. John Bwire Okano, M.P.              |   |                         |
| 12. | Hon. Sloya Clement Logova, M.P.          |   |                         |
| 13. | Hon. Lemanken Aramat, M.P.               | - | Friend of the Committee |

**APOLOGIES**

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Ernest Ogesi Kivai, M.P.
3. Hon. Suzanne Ndunge Kiamba, M.P.

**SECRETARIAT**

- |    |                    |   |                         |
|----|--------------------|---|-------------------------|
| 1. | Ms. Miriam Modo    | - | Clerk Assistant I       |
| 2. | Ms. Willis Obiero  | - | Clerk Assistant III     |
| 3. | Ms. Felistus Muia  | - | Protocol Officer        |
| 4. | Mr. Calvin Karungo | - | Media Relations Officer |
| 5. | Ms. Rehema Koech   | - | Audio Officer           |
| 6. | Ms. Winnie Nyaga   | - | Secretariat             |
| 7. | Mr. Yiezel Jilo    | - | Sergent at Arms         |
| 8. | Ms. Diana Satia    | - | Office Assistant        |

**IN ATTENDANCE**

**MINISTRY OF WILDLIFE AND TOURISM**

- |    |                    |   |  |
|----|--------------------|---|--|
| 1. | Ms. Sylvia Museiya | - | Principal Secretary, State Department for Wildlife |
| 2. | Mr. Eric Mwenda    | - | P.W. O State Department for Wildlife               |
| 3. | Mr. Dickson Ritan  | - | Head Wildlife and Community Service                |
| 4. | Mr. Samuel Tokone  | - | Deputy Director, KWS                               |
| 5. | Mr. Collins Nthuni | - | Assistant Director, KWS                            |
| 6. | Mr. James Gichuhi  | - | Personal Assistant to the PS                       |

### **TIKTOK CONTENT CREATORS**

- |                         |   |                           |
|-------------------------|---|---------------------------|
| 1. Ms. Faiza Abdi       | - | Manager, Content Creators |
| 2. Mr. Vincent Nduri    | - | Software Engineer         |
| 3. Mr. Alex Macharia    | - | Content Creator           |
| 4. Mr. Kennedy Matiko   | - | Content Creator           |
| 5. Mr. Brian Ochieng    | - | Content Creator           |
| 6. Ms. Claudia Naisabwa | - | Content Creator           |
| 7. Mr. Carlos Nyaoge    | - | Content Creator           |
| 8. Mr. Isaack Nazamdin  | - | Content Creator           |

### **BLOGGERS ASSOCIATION OF KENYA (BAKE)**

Mr. Kennedy Kachwanya - Chairperson

### **MIN./PPETC/2023/463: PRELIMINARIES**

The Chairperson called the meeting to order at 10:00 a.m., the proceedings began with prayers by Hon. Janet Jepkemboi Sitienei, M.P.

### **MIN./PPETC/2023/464: ADOPTION OF AGENDA**

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of previous sittings
4. Matters Arising
5. **Consideration of Public Petition regarding Access Roads for residents of Narok East Constituency -**
  - *Meeting with CS, Ministry of Wildlife and Tourism*
6. **Consideration of Public Petition regarding Banning of TikTok in Kenya.**
  - *Meeting with TikTok Content Creators*
  - *Meeting with the Bloggers Association of Kenya*
7. Any Other Business
8. Adjournment

Thereafter, the proposed Agenda of the Meeting was adopted to constitute business having been proposed by Hon. Caleb Mutiso Mule, M.P and seconded by Hon. Peter Mbogho Shake, M.P.

### **MIN./PPETC/2023/465: CONFIRMATION OF MINUTES OF PREVIOUS SITTING**

The Agenda was deferred.

### **MIN./PPETC/2023/466: CONSIDERATION OF PUBLIC PETITION REGARDING ACCESS ROADS FOR RESIDENTS OF NAROK EAST CONSTITUENCY**

#### **Submissions by the PS, State Department for Wildlife**

The PS, State Department for Wildlife, Ms. Sylvia Museiya appeared before the Committee and submitted as follows -



- i.) The Ministry undertook to ensure that the communities living around the national parks and the conservation areas get better benefits including access to transport and other infrastructure in full realization that conservation is not possible without communities. There was no intention of making the lives of the communities, who have for many years assisted in conservation, difficult because communities are part and parcel of the conservation agenda.
- ii.) The Ministry had no objection to ceding land for the construction of the access road for the residents of Narok East Constituency and appreciates that the proposed road will not be put in the middle of the park that would compromise the environmental and social impacts of the park and well being of the animals. Therefore, the land being asked for the access road is a reasonable request and the ministry has no objection to it. However, the technical team will ensure processes and procedures are followed.
- iii.) The Ministry had ceded land before for the construction of access roads like the case of Nairobi National Park to allow for the Southern Bypass hence the Narok East case will not be a precedence.
- iv.) The Ministry submitted that there was a concern regarding the critical installations for power production in the area in question which were within the proximity of the proposed access road. Therefore, the installations will be factored in in the design of the road to ensure they remain safe. There would be a need for a ground visit to establish a proper route that will not compromise the security of the critical installations, for example, Olkaria 1 and 2. Currently, the access is controlled for security reasons. Further, there is a need to involve other stakeholders whose installations could be affected.

### **Members Concerns**

#### *The area of land to be ceded by KWS*

The Committee inquired whether the ministry was able to cede the entire remaining piece of land required for the access road. The PS indicated that to allow the communities to have an access road, the ministry had shown goodwill to cede land just as the Oserian Company did. However, the manner and the exact measurement to be ceded would be handled in the implementation of the proposal including for future expansions. Further, other stakeholders would have to be involved including the National Lands Commission (NLC) for the change of user of the land.

#### *Security of critical installations*

The Committee inquired whether the security concerns raised were due to the people accessing the road or the road itself being a security challenge to the critical installations. The Ministry indicated the access could provide enabling ground for criminals to attack critical installations some of which are foreign-owned for example, OrPower Geothermal Plant which has been targeted before. However, the design of the road will be worked on to ensure it does not pose the security threat to the installations and turbines with hot water. Further, the areas where grounds will be left will also endanger the park as people may encroach hence the need for caution in the design to remain on the periphery of the park.



## Committee Resolutions

- i.) The Ministry of Wildlife and Tourism to communicate the decision to cede land for the access road in writing to the Committee.
- ii.) The Committee further resolved to invite the Ministry of Interior and National Administration to address the security concerns that may be raised over the construction of the road near the critical installations.
- iii.) The technical team to conduct a ground visit and establish the design of the road, while considering the concerns raised.

## MIN./PPETC/2023/467:      CONSIDERATION OF PUBLIC PETITION REGARDING BANNING OF TIKTOK IN KENYA

### Submissions by Kenyan TikTok Content Creators and Bloggers Association of Kenya (BAKE)

The Content Creators and Bloggers Association of Kenya appeared before the Committee and submitted as follows: -

#### Background

- i.) TikTok is a social media platform just like Facebook and Instagram but operates uniquely due to its use of different algorithms. While most social media platforms make relationships between followers and friends, TikTok connects its audience based on the content they like and not necessarily what they follow hence creating a digital persona of a user.
- ii.) Banning TikTok in Kenya is not a good idea as it has many positives including educating and entertaining through good content and the creation of income among the youth. Therefore, the best approach is to work on ways that can ensure consumers get the right content for the right need and for the right age.
- iii.) The regulation aspect of TikTok should fall on the developers since they know what the user may consume right from the design stage. TikTok algorithms operate differently in Kenya compared to other regions hence they should be put to task to improve on the algorithms.
- iv.) One of the challenges in TikTok Kenya as raised by the Petitioner was explicit content degrading the moral and cultural fabric of the society. This was occasioned by the need for content creators to earn. TikTok Kenya content is not monetarised like other platforms, some creators use other inappropriate ways to access pay. Most of the explicit content occurs in TikTok Live where a creator engages the audience live and receives gifts or coins which can be converted into money.
- v.) Content creators make money through influencer marketing where brands use creators with numbers and insights to promote campaigns over a period. Secondly, the gifting through Live feature enables the creators to get money from the fans who appreciate their content. However, the developer takes almost half of the money collected through gifts.



## Proposals for a better TikTok Kenya

- i.) *Content censorship through machine learning:* Machine learning models could filter the content for the appropriate audience. Further, algorithms that can detect inappropriate content such as hate speech or explicit content could be enabled to create some element of censorship. The use of moderators to filter content before being availed to the viewers could also ensure the right content at the right time for the right audience.
- ii.) *Age restriction to secure minors:* TikTok should be compelled to build an age restriction element in their platform to secure minors from inappropriate content. Although it asks for the date of birth, there is no mechanism to establish the truth about the age of a user logging in. The verification model such as the one required for blue badges may be applied to ensure the right audiences receive the right content.
- iii.) *Improved user identification:* Enhanced regulation on user identification by allowing each user to have only one account could bar inappropriate use currently being experienced with duplicate accounts. Currently, a user can mess up and only needs to open another account to continue accessing the platform. Proper identification can curb misuse of TikTok on matters such as hate speech.
- iv.) *Regulating the Live Feature:* Regulation on the Live feature to gag content creators who share inappropriate content as well as limiting the screen recording feature for live content to reduce reposting of the explicit content once a user records them.
- v.) *Revision of the current monetarization policy:* A new monetarization policy to allow creators to earn from their views, likes, and following just like YouTube does. TikTok Kenya does not pay creators for the views and likes hence the influx of the use of the Live feature for the collection of gifts, yet countries earn through their views and likes. Further, the content creator should earn 100 percent of the earnings from TikTok Live.
- vi.) *Revision of TikTok Algorithms and Features:* The algorithms for TikTok Kenya should be geared towards the promotion of good content that can build audiences. Currently, the algorithms push inappropriate content through the FYP (*For You Page*) including explicit content making TikTok Kenya look bad. TikTok should build features that can address cyberbullying when a matter is reported as well as copyright issues.
- vii.) *Formation of a Digital Media Council:* A Digital Media Council that can regulate and monitor digital content and assist content creators on digital platforms would address the concerns of cyberbullying and misuse of the platform. TikTok has many cases of cyberbullying where users offend and spoil the reputation of other users or content creators but when such cases are reported or taken to court, they are not properly handled due to the difficulty in investigations of cybercrime. The council would assist in response whenever issues are reported. Currently, TikTok takes down offensive videos, but action should be taken promptly on reported videos.
- viii.) *Establishment of a TikTok Kenya Office:* There is a need for a TikTok Kenya Office where users can report issues and regulations proposed can be followed up.
- ix.) *Content moderation and trusted partners:* There is a need for content moderators to allow the flagging of inappropriate content. Further, trusted partners can also be used to flag out content and TikTok can rely on trusted partners in Kenya to eliminate the harmful content and act upon reporting.



**Committee Concerns**

*The areas that need regulation*

- i.) **The Committee inquired about the opinion of the content creators on regulating TikTok and the areas that need regulations.** The content creators stated that regulating issues such as hate speech and cyberbullying was ideal but also regulating the content. The purpose of content creation was for one to express him/herself and get to earn. Regulating creators through a Digital Media Council where concerns can be reported to deal with the matter. There is a need for training regarding digital literacy to address cyberbullying and defamation while considering freedom of speech to identify what should be penalized.

*Exploitation of content creators regarding monetization*

- ii.) **The Committee sought the opinion of the creators on whether the developers were exploiting them.** The content creators indicated that they felt exploited as they did not earn from their views, likes, and followers hence resorting to gifting through TikTok Live which the creator only earns half of the money and is later taxed.

*How a user joins TikTok*

- iii.) **The Committee inquired how one qualifies to be on TikTok.** The creators indicated that one can an audience without having an account. Secondly, you can be a creator who just posts things without any intent. Thirdly, one can be a content creator who is intentional with the content and seeks to earn from the content through influencer marketing and TikTok Live. At joining, one is asked for recommendations of various content, for example, travel, cooking, and entertainment. The user chooses the content they wish to see and the FYP is custom-made for the users' liking.

*Cost-benefit analysis of TikTok Kenya*

- iv.) **The Committee inquired whether TikTok had more benefits than costs.** The content creators indicated that TikTok Kenya just needed regulation in collaboration with the developers to address the various issues highlighted in the Petition. Otherwise, banning it would be counterproductive as many youths will lose income.

**MIN./PPETC/2023/468: ADJOURNMENT AND DATE OF NEXT MEETING**

There being no other business, the Chairperson adjourned the meeting at 1:30 p.m. The next meeting will be held on Wednesday, 1<sup>st</sup> November, 2023 at 2.00 p.m.

Sign:  .....  
 for (CHAIRPERSON)

Date..... 29/11/2023 .....





**REPUBLIC OF KENYA**  
**THE NATIONAL ASSEMBLY**

**MINUTES OF THE 14<sup>TH</sup> SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON MONDAY, MARCH 25, 2024, IN MEDUSA 2 ROOM, MARINA ENGLISH POINT HOTEL, MOMBASA COUNTY AT 10.00 A.M**

**PRESENT**

- |   |   |                  |
|---|---|------------------|
| 1. Hon. Janet Jepkemboi Sitienei, M.P.      | - | Vice Chairperson |
| 2. Hon. Joshua Chepyegon Kandie, M.P.       |   |                  |
| 3. Hon. Ernest Ogesi Kivai, M.P.            |   |                  |
| 4. Hon. Bidu Mohamed Tubi, M.P.             |   |                  |
| 5. Hon. John Walter Owino, M.P.             |   |                  |
| 6. Hon. Caleb Mutiso Mule, M.P.             |   |                  |
| 7. Hon. Maisori Marwa Kitayama, MP          |   |                  |
| 8. Hon. (Eng.) Bernard Muriuki Nebart, M.P. |   |                  |
| 9. Hon. Edith Vethi Nyenze, M.P.            |   |                  |
| 10. Hon. Suzanne Ndunge Kiamba, M.P.        |   |                  |
| 11. Hon. John Bwire Okano, M.P.             |   |                  |
| 12. Hon. Peter Mbogho Shake, M.P.           |   |                  |

**APOLOGIES**

- |                                      |   |             |
|--------------------------------------|---|-------------|
| 1. Hon. Nimrod Mbithuka Mbai, M.P.   | - | Chairperson |
| 2. Hon. Patrick Makau King'ola, M.P. |   |             |
| 3. Hon. Sloya Clement Logova, M.P.   |   |             |

**IN-ATTENDANCE**

- |                 |   |                             |
|-----------------|---|-----------------------------|
| 1. Mr. Noah Too | - | Principal Clerk Assistant I |
|-----------------|---|-----------------------------|

**SECRETARIAT**

- |                         |   |                               |
|-------------------------|---|-------------------------------|
| 2. Mr. Ahmed Kadhi      | - | Senior Clerk Assistant        |
| 3. Ms. Miriam Modo      | - | Clerk Assistant I             |
| 4. Ms. Anne Shibuko     | - | Clerk Assistant I             |
| 5. Mr. Willis Obiero    | - | Clerk Assistant III           |
| 6. Ms. Peninnah Naisiae | - | Legal Counsel II              |
| 7. Mr. Martin Sigei     | - | Research Officer III          |
| 8. Ms. Roselyn Njuki    | - | Senior Serjeant-at-Arms I     |
| 9. Mr. Calvin Karungo   | - | Media Relations Officer III   |
| 10. Mr. Peter Mutethia  | - | Audio Officer                 |
| 11. Ms. Felistas Muiya  | - | Public Communications Officer |

The Chairperson called the meeting to order at 10:00 a.m. and proceedings began with prayers by Hon. Edith Vethi Nyenze, M.P.

**MIN./PPETC/2024/095: ADOPTION OF AGENDA**  
**AGENDA**

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of previous sittings
4. Matters Arising

5. Consideration of Report on Public Petition No. 13 of 2023 regarding Access Roads for Residents of Narok East Constituency
6. Consideration of Report on Public Petition No. No. 11 of 2022 regarding Pollution of River Athi
7. Any Other Business
8. Adjournment.

The Agenda was adopted to constitute business having been proposed by Hon. Ernest Kagesi, M.P. and seconded by Hon. Suzanne Ndunge Kiamba, M.P.

MIN./PPETC/2024/096:                      CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The Agenda was deferred.

MIN./PPETC/2024/097:                      CONSIDERATION OF REPORT ON PUBLIC PETITION NO. 13 OF 2023 REGARDING ACCESS ROADS FOR RESIDENTS OF NAROK EAST CONSTITUENCY

The Committee reviewed the draft Report and made the following observations -

1. Hell's Gate National Park is home to diverse wildlife and plant species that are vital to the ecosystem. The claim by the Ministry of Tourism and Wildlife and the Kenya Wildlife Service (KWS) that the decision to restrict access to the park was intended to prevent rapid degradation of the park's flora and fauna that could arise from increased human interference.
2. The closure of the access road was driven by the need to safeguard the sensitive infrastructure supporting the Geothermal power plant from potential damage or destruction as well as protect human beings from injury.
3. To provide access to the residents, the two proposed roads were -
  - i.) the Kongoni-Nkorionto-Suswa Road that passes through Oserian Land; and
  - ii.) the Kasarani-Kongoni Road that passes through Orpower plant.
4. Oserian Development Company and the Kenya Wildlife Service (KWS) agreed to provide an easement at the adjoining boundary for purposes of constructing the access road for the community in line with Section 98 (1) & (2) of the Land Registration Act, 2012 which provides that *"An owner of land or a lessor may, by an instrument in the prescribed form, grant an easement over the land, lease or a part of that land to the owner of another parcel of land or a lessee for the benefit of that other parcel of land."*
5. Section 143 of the Land Act of 2012 confers upon the National Land Commission the power to create public rights of way for the benefit of the national or county government, a local authority, a public authority or any corporate body to enable all such institutions, organisations, authorities and bodies to carry out their functions, referred to in this Act as a wayleave; or a right of way created for the benefit of the public as a communal right of way.



The Committee made the following recommendation -

In response to the above prayer, the Committee recommends that:

As per the deliberations during the stakeholder engagement process, a multi-agency team headed by the Ministry of Roads and Transport and comprised of KenGen, the Kenya Wildlife Service, Ministry of Tourism and Wildlife, the National Land Commission, and the Ministry of Interior and National Administration be constituted within six months of tabling of this report, to commence the acquisition of land to construct the road through the Kongoni-Nkorionto-Suswa Road.

MIN./PPETC/2024/098:

CONSIDERATION OF PUBLIC PETITION NO. 11 OF  
2022 REGARDING POLLUTION OF RIVER ATHI

The Committee reviewed the draft Report and made the following observations -

- (i) The activities of industries/companies in the Athi River Basin pose environmental threats to the residents in the Athi River Basin.
- (ii) The sewer systems in Athi River were old and overstretched by the rapid industrial and population growth thus could not sustain the demand. The Kenanie Effluent Treatment Plant that was for domestic waste was also being used for industrial waste.
- (iii) Nairobi Metropolitan had a capacity of 192,000 cubic meters of sewer yet it produces about 400,000 cubic meters of sewer thus becoming a major source of upstream pollutants into the River Athi.
- (iv) Some estates in Athi River emitted human waste into a dysfunctional Effluent Treatment Plant operated by MAVWASCO leading to transmission of raw sewer into River Athi.
- (v) Administrative challenges between EPZA and Mavoko Water and Sewerage Company hindered coordination in the maintenance and management of the sewerage infrastructure in Athi River.
- (vi) The activities upstream of River Athi including effluent emissions into the tributaries and poor waste management threatened the water quality of the river and further compromises the water collected at the Thwake Dam project.
- (vii) Continuous tests based on requests from researchers, public health department and industries indicated poor water quality in River Athi.
- (viii) According to the Ministry of Interior and National Administration, the Government Chemist had received requests from individuals and companies to test samples from River Athi and the results confirmed the presence of toxic elements majorly emanating from industrial waste.
- (ix) In the advent of the transition of various management roles regarding pollution of rivers, to the multiple agencies, there was financing challenges



to TARDA as well as the duplicity of functions leading to unclarity of which agency was responsible to secure clean-up of the river.

- (x) The County Government of Machakos and NEMA lacked adequate enforcement officers to monitor the discharge of effluents in the river especially at night.
- (xi) Enforcement measures against pollution along River Athi and other riparian areas was inadequate due to poor coordination of agencies involved. For instance, the Ministry of Interior and National Administration relied on requests made by NEMA for assistance in enforcement to assist in stopping the discharge of pollutants into the river. The multi-agency approach was more reactive rather than proactive.
- (xii) The efforts made by the multi-agency team led by the County Commissioner of Machakos after the Committee's site visit had led to positive results. Enforcement notices had been issued to polluters especially in the upstream and there were improvements regarding compliance.

The Committee made the following recommendations:

Pursuant to the provisions of Standing Order 227, the Committee recommends that -

- (xiii) On the prayer for the committee to engage the Government Chemist and National Environment Management Authority (NEMA) to ascertain the specific chemicals and heavy metals that have permeated the waters of Athi River in order to identify the companies responsible for the pollution, the Committee recommends that, the water sampling to be undertaken within sixty (60) days by the Government Chemist and the Water Resources Authority (WRA) which has the mandate of water quality sampling and the sample analysis report be used by the WRA to issue restoration orders to the polluting companies.
- (xiv) On the prayer to secure clean-up of the River Athi through budgetary and related provisions the Committee recommends that TARDA be given budgetary allocation to spearhead the clean-up of Athi River and to collaborate with other agencies NEMA, WRA, WASREB and the County Government of Machakos.
- (xv) On the prayer to secure due compensation of residents affected by the pollution the committee rejects this prayer as the issue of compensation is best resolved through adjudication.
- (xvi) On the prayer to end further pollution through the revocation or withdrawal of licenses of the polluting companies in River Athi and other water bodies, the committee recommends that NEMA conducts inspection of all companies/industries in the River Athi Basin and other affected areas and submits a report of the inspection detailing the non-compliant industries/companies to the relevant Committee of the House within six (6) months. Thereafter, NEMA to take remedial measures against non-compliant companies/industries including but not limited to revocation of their licenses.

(xvii) On the prayer to secure the demarcation of the riparian lands and analyse the feasibility to make them recreation areas the committee recommends that -

i.) WRA is accorded budgetary allocation under the Urban Rivers Regeneration Programme for demarcation and marking with beacons riparian reserve along the River Athi ecosystem.

ii.) The Ministry of Water, Sanitation & Irrigation to consider and report to Petitioner in regard to proposal of establishment of recreational walkways to enhance conservation and ecological awareness of riparian land within one year.

(xviii) The Environmental Management and Coordination Act be amended to provide for vetting by the National Assembly of the NEMA Board.

(xix) The pending regulations on Environmental Bond that will compel polluting companies to pay a guarantee into the Restoration Fund be fast-tracked.

(xx) The national government and the county governments of the affected areas in collaboration with development partners to ensure provision of adequate sewer system for the affected areas.

(xxi) The report be debated in the House.

MIN./PPETC/2024/099:

ADJOURNMENT AND DATE OF NEXT MEETING

The Chairperson adjourned the meeting at 01:45 p.m. The next meeting will be held on Monday 25<sup>th</sup> March, 2024 at 02:30 p.m.

fr Sign: .....  
(CHAIRPERSON)

Date..... 09-04/2024 .....

