

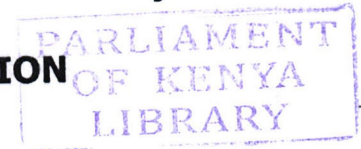


REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY (SECOND SESSION)

CONVEYANCE OF PUBLIC PETITION

(No. 23 of 2023)



**REGARDING PUNITIVE CHARGES LEVIED BY THE
KENYA NATIONAL HIGHWAYS AUTHORITY**

- 1. Honourable Members,** Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2)(b) requires the Speaker to report to the House any Petition other than those presented by a Member.
- 2. In this regard, Honourable Members,** I wish to report to the House that my office has received a petition from Hon. Francis Ngunga, who is the Member of County Assembly (MCA) for Mua Ward in Machakos County, calling for *consolidation of licences issued by the Kenya National Highways Authority as well as comprehensive review of KeNHA's licensing and levies regime.*
- 3. Honourable Members,** the Petitioner is aggrieved by KeNHA's issuance of exemption permits/ licences for the transport of abnormal loads that include road construction equipment such as excavators, bulldozers, rollers and graders as well as other over-dimensional or heavy cargo. He avers that KeNHA unfairly institutes double charges that are punitive and regressive with regard to the said licences.
- 4. The Petitioner describes how KeNHA charges low loaders for carrying loads that do not exceed ten tonnes, but further proceeds to levy additional charges if the load in question is a grader or a roller, notwithstanding the fact that the said grader or roller does not exceed the ten tonne limit that has already been paid for.**

- 5. Honourable Members,** in light of these woes occasioned by double charges and related inconveniences, the Petitioner seeks the urgent intervention of the National Assembly in reviewing KeNHA's licencing framework for abnormal loads transport, consolidating KeNHA's exemption licences and having them issued annually as opposed to quarterly, and the release of abnormal load transport vehicles from police stations pending the review of KeNHA's licencing and levies regime.
- 6. Honourable Members,** having established that the matter raised in the Petition is well within the authority of this House; and further, that the matters raised in this Petition are not pending before any court of law, constitutional or legal body, I hereby commit the Petition to the Public Petitions Committee for consideration pursuant to Standing Order 208A.
- 7.** The Committee is required to consider the Petition and report its findings to the House and to the Petitioner in accordance with Standing Order 227(2).

I thank you.

THE RT. HON. MOSES WETANG'ULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Date: 

REPUBLIC OF KENYA



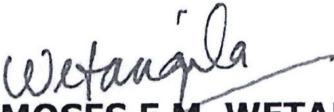
THE NATIONAL ASSEMBLY THIRTEENTH PARLIAMENT (SECOND SESSION)

CONVEYANCE OF A PUBLIC PETITION (No. 35 of 2023)

REGARDING COMPENSATION OF COMPULSORY ACQUIRED LAND AND PROPERTIES ALONG KIBWEZI - KITUI ROAD

- 1. Honourable Members,** Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2)(b) requires the Speaker to report to the House any Petition other than those presented by a Member.
- 2.** In this regard, **Honourable Members,** I wish to report to the House that my office has received a petition from one *Ibrahim Nthitu Makwattah*, on behalf of landowners of land and properties compulsorily acquired by the Government of Kenya for the construction of *Kibwezi Lorry Park and Roadside Amenities along Kibwezi –Kitui Road*.
- 3.** The Petitioner avers that the landowners he is representing were invited for a meeting in the *Office of the Deputy County Commissioner, Kibwezi Sub-County* on *October 7th 2021* where they were informed of the decision by the Government of Kenya to acquire parcels of land for purposes of constructing a lorry park and other roadside amenities. During the said meeting, *the National and County Governments, the Kenya National Highways Authority (KeNHA), the National Lands Commission (NLC) and APEC Consortium* were in attendance. The affected landowners were requested to give access to their properties for purposes of identification of beacons and measurements for design purposes.

4. **Honourable Members**, the Petitioner is perturbed that when it was time for this exercise to commence none of the Government Officers were present. Instead, staff of APEC Consortium participated in the exercise of *October 8th 2021* claiming to represent the Kenya National Highways Authority.
5. The Petitioner adds that the Kenya National Highways Authority published a Gazette Notice indicating interest on the parcels of land and inviting the landowners for negotiations, a process which he claims was unsuccessful. The Petitioner states that immediately thereafter, the National Land Commission wrote to affected landowners informing them that the Kenya National Highways Authority had been granted full access to commence construction.
6. **Honourable Members**, the Petitioner asserts that all efforts to have the matter settled amicably including the intervention of then Makueni Senator have all been unsuccessful.
7. The Petitioner thus prays that this House investigates the alleged illegal acquisition of their properties, investigates why affected landowners were not compensated, what was the role of APEC Consortium in the compulsory acquisition of the properties and whether National Land Commission shared the valuation report and any recommended offers to the affected landowners.
8. **Honourable Members**, having established that the matter raised in the petition is well within the authority of this House; and further, that the matters raised in this petition are not pending before any court of law, constitutional or legal body, I hereby commit the petition to the Public Petitions Committee for consideration pursuant to Standing Order 208A.
9. The Committee is required to consider the petition and report its findings to the House and to the petitioner in accordance with Standing Order 227(2).


THE RT. HON. DR. MOSES E.M. WETANG'ULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Date 27/7/23