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REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

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TWELFTH PARLIAMENT – SECOND SESSION – 2018

DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS AND HOUSING

**DELEGATION REPORT**  
ON  
**THE ICAO REGIONAL SEMINAR**  
HELD IN JOHANNESBURG, SOUTH AFRICA

8<sup>TH</sup> TO 14<sup>TH</sup> APRIL 2018

DIRECTORATE OF COMMITTEE SERVICES  
CLERK'S CHAMBERS  
PARLIAMENT BUILDINGS  
NAIROBI

 <b>THE NATIONAL ASSEMBLY</b> <b>PAPERS LAID</b> 2018	
<b>DATE:</b> 06 DEC 2018	<b>DAY:</b> THUR
<b>TABLED BY:</b>	Chair, Hon David Prosser
<b>CLERK-AT THE-TABLE:</b>	Mr. Lemura

## **ANNEXES**

1. Members Adoption List
2. Minutes of the sitting adopting the Report

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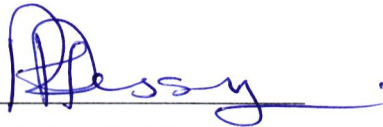
## **Abbreviations**

CAEP	-	Committee on Aviation Environmental Protection
CERT	-	CO2 Estimation and Reporting Tool
CO2	-	Carbon Dioxide
CORSIA	-	Carbon Offsetting and Reduction Scheme for International Aviation
ETM	-	Environmental Technical Manual
ICAO	-	International Civil Aviation Authority
KCAA	-	Kenya Civil Aviation Authority
MBM	-	Market Based Measures
MRV	-	Monitoring, Reporting and Verification
SARPs	-	Standards and Recommended Practices
UN	-	United Nations

## **1. FOREWORD**

The ICAO Regional Seminar was one of the many seminars organized by ICAO in different parts of the world, as a forum to sensitize countries and mobilize collective efforts in the control of Carbon emission.

On behalf of the Departmental Committee on Transport, Public Works & Housing, we wish to express our gratitude to the Kenya Civil Aviation Authority for inviting us to this very important event, and for their facilitation in ensuring the National Assembly delegation got the necessary accreditation to enable attendance. Our sincere gratitude goes out to the office of the Clerk of the National Assembly for facilitating the travel arrangements for Members of the delegation, and to the Clerk of the Committee for his excellent conduct throughout the event. It was this team work that made the event successful.



Hon. Peris Pesi Tobiko, MP

**Leader of the Delegation**

**Departmental Committee on Transport, Public Works & Housing**

## 2. MANDATE OF THE COMMITTEE

2.1 The Departmental Committee on Transport, Public Works and Housing derives its mandate from the provisions of Standing Order No. 216(5). Pursuant to this Standing Order, the functions of the Committee are:

- a) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
- b) To study the programme and policy objectives of ministries and departments and the effectiveness of their implementation;
- c) To study and review all legislation referred to it;
- d) To study, assess and analyze the relative success of the ministries and departments measured by the results obtained as compared with their stated objectives;
- e) To investigate and enquire into all matters relating to the assigned ministries and departments as may be deemed necessary, and as may be referred to it by the House; and
- f) To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.

2.2 Further, the Second Schedule to the Standing Orders mandates the Committee consider matters relating to the following subjects:-

- a) Transport;
- b) Roads;
- c) Public works;
- d) Construction and maintenance of roads, rails and buildings;
- e) Air and seaports; and
- f) Housing.

2.3 In executing this mandate, the Committee oversees various State Departments, namely:

- a) Transport
- b) Infrastructure;
- c) Housing and Urban Development;
- d) Public Works; and
- e) Shipping and Maritime Affairs.

### **3. THE NATIONAL ASSEMBLY'S DELEGATION**

The National Assembly Delegation comprised of the following:

1. The Hon. Peris Tobiko, M.P. - Chairperson of the Delegation
2. The Hon. Kulow Maalim Hassan M.P. - Member of the Delegation
3. The Hon. Ahmed Bashane Gaal, M.P. - Member of the Delegation
4. The Hon. Samuel Arama, M.P. - Member of the Delegation
5. The Hon. Vincent Kemosi, M.P. - Member of the Delegation
6. Mr. Ahmed Salim Abdalla, Esq. - Secretary of the Delegation
7. Mr. Eugene Luteshi - Audio Officer, K.N.A.



### 3. INTRODUCTION

Improving the environmental performance of aviation is a challenge the International Civil Aviation Authority (ICAO) has so far taken very seriously. In fulfilling its responsibilities, the ICAO developed a range of standards, policies and guidance material for the application of integrated measures to address aircraft noise and emissions, embracing technological improvements, operating procedures, proper organization of air traffic, appropriate airport and land-use planning, and the use of market-based options. All of this has contributed to aircraft operations that today can be 70% more efficient than in the 1970s.

In 2004, ICAO adopted three major environmental goals, to:

- a. limit or reduce the number of people affected by significant aircraft noise;
- b. limit or reduce the impact of aviation emissions on local air quality; and
- c. limit or reduce the impact of aviation greenhouse gas emissions on the global climate.

The ICAO Council also adopted Strategic Objectives, with high priority given to environmental protection, while the new Business Plan asserts the Organization's status as the leading international organization pursuing unified and coordinated measures to reduce civil aviation's impact on the environment.

ICAO's activities in the environment field are primarily focused on those problems that benefit most from a common co-ordinated approach, on a worldwide basis, namely aircraft noise and emissions.

Most of this work is undertaken through the ICAO Council's Committee on Aviation Environmental Protection (CAEP), which consists of Members and Observers from States, intergovernmental and non-governmental organizations representing aviation industry and environmental interests.

A Consolidated Statement of continuing policies and practices related to environmental protection is revised and updated by the Council every three years for adoption by the ICAO

Assembly. The present version, Assembly Resolutions A39-1, A39-2 and A39-3, were adopted in October 2016.

ICAO also maintains close relations with other UN policy-making bodies that have expressed an interest in civil aviation, notably with the Conference of the Parties to the United Nations Framework Convention on Climate Change, to which it provides regular statements on ICAO's emission-related activities.

#### **4. THE SEMINAR**

The seminar was conducted through in a roundtable, ensuring maximum interaction amongst the participants. Under this section of the Report, the Committee has highlighted a few points that have been discussed at the seminar, shedding light on the session.

##### **Objectives of the Seminar**

The main objective was to share information on the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) implementation requirements, focusing on the Monitoring, Reporting and Verification aspects.

Further, the seminar was also meant to ensure that participants have a clear understanding of the procedures as well as required actions and related responsibilities of stakeholders involved in the CORSIA implementation. The presented information is based on the CORSIA-related Standards and Recommended Practices (SARPs), as shared with States through the corresponding consultation State letter AN 1/17.14-17/129, which was issued 5 December 2017.

Adopted through Assembly Resolution 39-3 and is the first global MBM scheme for any industry sector.

To achieve ICAO's global aspirational goal of carbon neutral growth from 2020 (CNG 2020), CORSIA is one complementary element in the basket of measures to:

1. aircraft technology
2. operational improvements
3. sustainable aviation fuels

### **Key design features of CORSIA:**

- Phased implementation
- Emissions coverage: route-based approach
- Offsetting requirements
- New entrants
- Technical exemptions
- Review mechanism

### **Implementation features:**

- Monitoring, Reporting and Verification

### **Mandate for the Development of CORSIA SARPs**

The 39th ICAO Assembly requested the Council: *“to develop, with the technical contribution of CAEP, the SARPs and related guidance material for the implementation of the MRV system under the CORSIA, including simplified MRV procedures, for adoption by the Council by 2018”*

It also requested Member States: *“whose aircraft operator undertakes international flights to develop the necessary arrangements, in accordance with the MRV SARPs, for implementation from 1 January 2019”*

### **CORSIA Implementation Components**

CORSIA’s implementation elements are largely divided into three:

1. Standards and Recommended Practices (SARPs)  
Mandatory actions by States and operators (the “what” and “when”) to implement CORSIA
2. Environmental Technical Manual (ETM) Volume IV  
Guidance on the process (the “how”) to implement CORSIA

### 3. Implementation Elements

Directly referenced in draft Annex 16, Volume IV, and essential information for the implementation of CORSIA

## **CORSIA Administrative Aspects and Timelines**

The CORSIA's Administrative Aspects and Timelines can be divided into five categories:

1. Attribution of international flights to aeroplane operators
2. Attribution of an aeroplane operator to a State
3. State – Administrative Partnerships and Processes
4. Record keeping
5. Compliance periods and timeline (Appendix 1)

### **Purpose of Attribution**

- To ensure completeness
- To identify all applicable international flights
- Emissions from all applicable international flights must be reported
- To avoid duplication Each international flight is allocated to a single aeroplane operator
- Each aeroplane operator is allocated to a single State

### **Attribution of an International Flight to an Operator**

Attribution based on information in the flight plan form

- ICAO designator, or
- Registration marks.

Emissions Monitoring Plan code

- If none of the above, attribution to the aeroplane owner

### **Attribution of an Aeroplane Operator to a State**

Attribution of an aeroplane operator based on:

- ICAO designator, or
- Air operator certificate, or
- Place of juridical registration

**Each State shall submit to ICAO a list of aeroplane operators which are attributed to it – update regularly, as necessary.**

*It is recommended that the State should use the ICAO document entitled “CORSIA Aeroplane Operator to State Attributions”*

### **Subsidiary Aeroplane Operators**

- The aeroplane operator with a wholly owned subsidiary aeroplane operator that is legally registered in the same State can be treated as a single consolidated aeroplane operator liable for compliance with the requirements of this Volume, subject to the approval of the State.
- Evidence shall be provided in the aeroplane operator’s Emissions Monitoring Plan to demonstrate that the subsidiary aeroplane operator is wholly owned.

### **State – Administrative Processes**

Delegation of administrative processes: A State may delegate administration processes to another State through an Administrative Partnership based on Bilateral Agreement among the respective States.

A State shall **not** delegate enforcement of the requirements in this Volume, or their administrative tasks towards ICAO, to another State.

### **State – Administrative Partnerships**

Administrative partnerships (optional)

- A State providing capacity support shall notify ICAO about the contracting administrating authorities’ scope and duration of the Administrative Partnership and a copy of the Bilateral Agreement.
- A State receiving capacity support shall ensure that Aeroplane Operators are advised of the administrative arrangements prior to start of the Administrative Partnership and any potential changes thereafter.

## **Record Keeping**

Aeroplane Operator is required to keep relevant records for a period of 10 years. It is recommended that the aeroplane operator should keep records relevant to its CO<sub>2</sub> emissions per State pair during the 2019-2020 period in order to cross-check its offsetting requirements calculated by the State during the 2030-2035 compliance periods.

- Each State is required to keep records relevant to the Aeroplane Operator's CO<sub>2</sub> emissions per State pair during the period of 2019-2020 in order to calculate the Aeroplane Operator's offsetting requirements during the 2030-2035 compliance periods.

## **Compliance Periods and Timeline**

Five 3-year compliance periods starting in 2021 have been proposed by ICAO as follows:

- 2021-2023 (Pilot phase)
- 2024-2026 (First phase)
- 2027-2029; 2030-2032; 2032-2035 (Second phase)

## **Monitoring, Reporting and Verification (MRV) of CO<sub>2</sub> Emissions**

A monitoring, reporting and verification (MRV) system is a key component of CORSIA implementation.

–Implementation of the MRV system was proposed to commence on 1 January 2019 for all international flights and is essential to establish CORSIA's baseline (2019-2020)

–Purpose of MRV is to collect information on international aviation CO<sub>2</sub> emissions on an annual basis and compare emissions against the baseline emissions

- **Components of the MRV system:**

–**Monitoring** of fuel use on each flight and calculation of CO<sub>2</sub> emissions

–**Reporting** of CO<sub>2</sub> emissions information between aeroplane operators, States and ICAO

–**Verification** of reported emissions data to ensure completeness and to avoid misstatements

## **Applicability of Monitoring Requirements**

All aeroplane operators conducting international flights are required to monitor, report and verify CO<sub>2</sub> emissions from these flights every year starting on 1 January 2019. Requirement for the MRV of CO<sub>2</sub> emissions is independent from participation in CORSIA offsetting:

- From the use of an aeroplane with a maximum certificated take-off mass of greater than 5,700 kg
- Conducting international operations on or after 1 January 2019
- With the exception of humanitarian, medical and firefighting operations
- An operator that produces annual CO<sub>2</sub> emissions greater than 10,000 tonnes

## **Monitoring of CO<sub>2</sub> Emissions – Emissions Monitoring Plan**

An Emissions Monitoring Plan (EMP) is a collaborative tool between the State and the aeroplane operator. The EMP identifies the most appropriate means and methods for CO<sub>2</sub> emissions monitoring on an operator-specific basis and facilitates the reporting of required information to the State.

An aeroplane operator shall submit an EMP to the State to which it is attributed for approval. The State and aeroplane operator should maintain clear and open communication during the development and review of an EMP.

## **State's Review of the Emissions Monitoring Plan – Some Specific Cases**

- If an aeroplane operator does not have an approved EMP as of 1 January 2019:
  - The operator shall monitor CO<sub>2</sub> emissions in accordance with the EMP that it will submit, or has already submitted, to the State.
- If an aeroplane operator does not have sufficient information to use a Fuel Use Monitoring Method:
  - The State can approve the use of the ICAO CORSIA CERT for a period lasting no later than 30 June 2019.

### Revisions to the Emissions Monitoring Plan

- The aeroplane operator shall resubmit the Emissions Monitoring Plan to the State for approval if “a material change” is made to the Plan
- A material change would affect e.g.:
  - The status or eligibility for an option under the emissions monitoring requirements;
  - or
  - Operator’s approach to monitoring.
- The aeroplane operator shall also inform the State of changes that would affect the State’s oversight, even if the changes do not fall within the definition of a material change, e.g.:  
Change in corporate name / address.

### Calculation of CO2 Emissions from Fuel Use

- After an aeroplane operator has monitored its fuel use in accordance with an approved EMP, it shall calculate the CO2 emissions from the fuel burn
- ICAO CORSIA CERT automatically estimates the CO2 emissions for aeroplane operators who have been approved to use the CERT
- An operator using a Fuel Use Monitoring Method shall determine the CO2 emissions by using the following equation:

$$CO2\ Emissions = Mass\ of\ fuel * Fuel\ Conversion\ Factor\ of\ given\ fuel\ type$$

Reference: draft Annex 16, Volume IV, Part II, Chapter 2, 2.2.3

### Timeline – 2018 and 2019

Timeline – 2018 and 2019 Timeline	Responsible Party	Activity
30 September 2018	Operator	Submit <b>Emissions Monitoring Plan</b> to State of attribution <i>(recommended)</i>
30 November 2018	State	Approve <b>Emissions Monitoring Plans</b> of operators attributed to the State <i>(recommended)</i>



<b>30 November 2018</b>	State	Submit to ICAO a list of <b>operators attributed to the State</b>
<b>31 December 2018</b>	ICAO	Make available the <b>ICAO document entitled “CORSA Aeroplane Operator to State Attributions”</b>
<b>1 January to 31 December 2019</b>	Operator	Monitor <b>2019 CO2 emissions</b> from international flights
<b>28 February 2019</b>	Operator	Submit <b>Emissions Monitoring Plan</b> to State of attribution
<b>30 April 2019</b>	State	Approve <b>Emissions Monitoring Plans</b> of operators attributed to the State
<b>30 April 2019</b>	State	Submit to ICAO: List of <b>operators attributed to the State</b> List of <b>verification bodies accredited in the State</b>
<b>31 May 2019</b>	ICAO	Make available the <b>ICAO document entitled “CORSA Aeroplane Operator to State Attributions”</b>

### **CO2 Estimation and Reporting Tool (CERT)**

The sessions also included practical demonstration of the ICAO CORSIA CO2 Estimation and Reporting Tool (CERT). CERT is an ICAO tool to help Aeroplane Operators estimate and Report their international aviation emissions. International Aviation Emissions Monitoring and Reporting from Aeroplane Operators is a CORSIA requirement. Aeroplane Operators eligible to use the CERT, are also encouraged to use one of the five Fuel Use Monitoring Methods to monitor CO2 emissions from international flights. ALL Aeroplane Operators can use the CERT for a preliminary CO2 assessment but only some Aeroplane Operators can use the CERT as primary\* means for CO2 Estimation and Reporting.

In other words, CERT is a flight-by-flight-based tool requiring only 3 elements of input:

- an Aeroplane Type
- an Origin
- a Destination

## **How CERT works**

The CERT comprises a three-step process

- (1) Entering Aeroplane Operator's Basic Information
- (2) Entering Flight Data to estimate CO<sub>2</sub> Emissions by entering:
  - a) Aeroplane Type by ICAO Type Designator
  - b) Origin-Destination Aerodrome
  - c) Number of flights (if batches of flights are entered)
- (3) Generating the Summary Assessment report in support for EMP submission

## **Reporting of CO<sub>2</sub> Emissions – Aeroplane Operator**

CORSIA requires aeroplane operators conducting international flights (\*) to report on related CO<sub>2</sub> emissions information

- First reporting year: **2020** (for data related to 2019 international flights)
- Frequency of reporting: on an annual basis
- Reporting format: **Emissions Report**
- Reporting recipient: State

Aeroplane operators that produce annual CO<sub>2</sub> emissions greater than 10,000 tonnes from international flights conducted by aeroplanes with a maximum certificated take-off mass greater than 5 700 kg (with the exception of humanitarian, medical and firefighting flights)

## **Verification of CO<sub>2</sub> Emissions**

Verification is a process to ensure that the information is accurate without errors prior to final reporting. It requires an independent third-party. Verification is a process which is already in use in various forms (financial auditing, greenhouse gas inventories, etc.).

## **Verification in CORSIA**

Verification is an essential part of the CORSIA, as it ensures the accuracy of the information related to:

- The amount of CO<sub>2</sub> emissions from international flights

- The purchase of emissions units from eligible programmes to address offsetting requirements
- The cancellation of eligible emissions units
- The confirmation of the single use of eligible emissions units

### **Data Gaps and Error Corrections**

Gaps in emissions-related data can occur due to various reasons (e.g. irregular operations, data feed issues or critical system failures)

Data gaps can be identified at various stages:

- By the aeroplane operator when preparing the Emissions Report
- By the verification body when receiving the Emissions Report submitted by the aeroplane operator  
*It can lead to an Emissions Report being assessed as “non-satisfactory”*
- By the State in its review of the verified Emissions Report submitted by the aeroplane operator and the verification body

### **Actions to address data gaps - aeroplane operator**

- The aeroplane operator shall fill identified data gaps and correct systematic errors and misstatements prior to the submission of the Emissions Report
- The aeroplane operator using a Fuel Use Monitoring Method (covered in session #2), shall fill data gaps using the ICAO CERT, provided that the data gaps during a compliance period do not exceed the following thresholds:
  - a)2019-2020 period: 5 per cent of international flights*
  - b)2021-2035 period: 5 per cent of international flights subject to offsetting requirements*
- If the extent of the data gaps is beyond these thresholds, the aeroplane operator will inform of the percentage of international flights affected and provide an explanation in its Emissions Report.

### Actions to address data gaps – State / ICAO

- If the aeroplane operator does not provide its annual Emissions Report in accordance with the timeline as defined in Appendix 1, then the State to which it is attributed shall engage with the operator to obtain the necessary information
- If this proves unsuccessful, then the State shall estimate the operator’s annual emissions using the best available information and tools (i.e. CERT)
- If the State does not report to ICAO in due time, ICAO will fill the data gaps to calculate the total sectoral CO2 emissions in that year and related calculations

### Error correction to Emissions Report

The State shall report an error in aeroplane operator’s CO2 emissions data submitted to ICAO and update the reported CO2 emissions to address the error.

### Timeline for actions on Reporting and Verification of CO2 Emissions

#### Timeline and Actions (2018 and 2019)

Timeline	Responsibility	Action
<b>30 September 2018</b>	Operator	Submit <b>Emissions Monitoring Plan</b> to State of attribution <i>(recommended)</i>
<b>30 November 2018</b>	State	Approve <b>Emissions Monitoring Plans</b> of operators attributed to the State <i>(recommended)</i>
<b>30 November 2018</b>	State	Submit to ICAO a list of <b>operators attributed to the State</b>
<b>31 December 2018</b>	ICAO	Make available the <b>ICAO document entitled “CORSIA Aeroplane Operator to State Attributions”</b>
<b>1 January to 31 December 2019</b>	Operator	Monitor <b>2019 CO2 emissions</b> from international flights
<b>28 February 2019</b>	Operator	Submit <b>Emissions Monitoring Plan</b> to State of attribution

<b>30 April 2019</b>	State	Approve <b>Emissions Monitoring Plans</b> of operators attributed to the State
<b>30 April 2019</b>	State	Submit to ICAO: List of <b>operators attributed to the State</b> List of <b>verification bodies accredited in the State</b>
<b>31 May 2019</b>	ICAO	Make available the <b>ICAO document entitled “CORISIA Aeroplane Operator to State Attributions”</b>

### Timeline and Actions (2020)

<b>Timeline</b>	<b>Responsibility</b>	<b>Action</b>
<b>1 January to 31 December 2020</b>	Operator	Monitor <b>2020 CO2 emissions</b> from international flights
<b>1 January to 31 May 2020</b>	Operator	- Compile <b>2019 CO2 emissions data</b> to be verified by a verification body - Submit <b>Emissions Report</b> (coverage: 2019 CO2 emissions) to selected verification body for verification
<b>31 May 2020</b>	Operator and verification body	Submit <b>Emissions Report</b> and associated <b>Verification Report</b> to the State of attribution
<b>1 June 2020 to 31 August 2020</b>	State	Conduct an <b>order of magnitude check</b> of verified Emissions Report from operators attributed to the State
<b>31 August 2020</b>	State	Submit <b>2019 CO2 emissions data</b> to ICAO
<b>30 November 2020</b>	State	Submit to ICAO: - List of <b>operators attributed to the State</b> - List of <b>verification bodies accredited in the State</b>
<b>31 December 2020</b>	ICAO	Make available the <b>ICAO document entitled “CORISIA Aeroplane Operator to State Attributions”</b>

## 5. OBSERVATIONS

The Committee observed that:

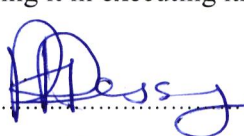
- i. CORSIA is an initiative that is of extreme importance not only for the aviation industry, but to collective efforts of safeguarding the environment and controlling the larger issue of climate change. It sets out standards for monitoring, reporting and verification (MRV) of Carbon emissions, a matter of great environmental importance. The Seminar therefore aimed at sensitizing and seeking States engagements on the proposals for final adoption by States.
- ii. On the strength of the observation (i.) above, the Kenya Civil Aviation Authority should be in the frontline in collaborating with ICAO towards the attainment of the goals as envisaged in the CORSIA agenda. Unfortunate, KCAA was not represented to this forum because of lack of clearance from the executive.
- iii. The Committee noted that there exist tight timelines for the implementation of CORSIA. It is important that the Kenya Civil Aviation Authority (KCAA) takes note of the timelines.

## 6. RECOMMENDATIONS

The Committee recommends as follows:

- i. Kenya through the KCAA engages ICAO fully in supporting all efforts by ICAO in developing and adopting CORSIA measures and guidelines keeping in mind the national interest and in support of environmental protection measures.
- ii. The Kenya Civil Aviation Authority is, henceforth, given all the clearances by the executive in supporting it in executing its activities.

Signed: .....

 Date: 19<sup>th</sup> / 6 / 2018

Hon. Peris Pesi Tobiko, MP

**Leader of Delegation and Member**

**Departmental Committee on Transport, Public Works & Housing**

**Adoption of the Committee Report (Delegation Report) on the ICAO Regional Seminar  
held in Johannesburg, South Africa from 8<sup>th</sup> to 14<sup>th</sup> April 2018**

We, the Members of the Departmental Committee on Transport, Public Works and Housing, have, pursuant to Standing Order 199, adopted this report and affixed our signatures to affirm our approval and confirm its accuracy, validity and authenticity:

1. Hon. David Pkosing, M.P. – **Chairperson** ..... 
2. Hon. Moses Kuria, M.P. – **Vice Chairperson** .....
3. Hon. Samuel Arama, M.P. .... 
4. Hon. Johnson Many Naicca, M.P. .... 
5. Hon. Peris Pesi Tobiko, M.P. .... 
6. Hon. Savula Ayub Angatia, M.P. .... 
7. Hon. Suleiman Dori Ramadhani, M.P. .... 
8. Hon. Ahmed Abdisalan Ibrahim, M.P. .... 
9. Hon. Ahmed Bashane Gaal, M.P. .... 
10. Hon. David Njuguna Kiaraho, M.P. .... 
11. Hon. Dominic Kipkoech Koskei, M.P. .... 
12. Hon. Gideon Mutemi Mulyungi, M.P. ....
13. Hon. Kulow Maalim Hassan, M.P. ....
14. Hon. Mugambi M. Rindikiri, M.P. .... 
15. Hon. Rehema Dida Jaldesa, M.P. .... 
16. Hon. Rigathi Gachagua, M.P. .... 
17. Hon. Shadrack John Mose, M.P. .... 
18. Hon. Tom Mboya Odege, M.P. .... 
19. Hon. Vincent Kemosi Mogaka, M.P. .... 





**MINUTES OF THE THIRTY SEVENTH (37<sup>TH</sup>) SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING HELD ON TUESDAY, 19<sup>TH</sup> JUNE 2018 AT 9.30 A.M. IN 11<sup>TH</sup> FLOOR BOARDROOM, PROTECTION HOUSE, PARLIAMENT BUILDINGS**

**MEMBERS PRESENT**

1. Hon. David Pkosing - Chairperson
2. Hon. Samuel Arama
3. Hon. Suleiman Dori Ramadhani
4. Hon. Ahmed Abdisalan Ibrahim
5. Hon. Kulow Maalim Hassan
6. Hon. Mugambi Murwithania Rindikiri
7. Hon. Peris Pesi Tobiko
8. Hon. Rehema Dida Jaldesa
9. Hon. Shadrack John Mose
10. Hon. Tom Mboya Odege
11. Hon. Vincent Kemosi Mogaka
12. Hon. Dominic Kipkoech Koskei
13. Hon. Rigathi Gachagua
14. Hon. David Njuguna Kiaraho
15. Hon. Johnson Many Naicca

**MEMBERS ABSENT WITH APOLOGY**

1. Hon. Moses Kuria - Vice Chairperson
2. Hon. Ahmed Bashane Gaal
3. Hon. Gideon Mutemi Mulyungi

**MEMBERS ABSENT WITHOUT APOLOGY**

1. Hon. Savula Ayub Angatia

### **FRIEND OF THE COMMITTEE**

1. Hon. Chris Wamalwa - Member for Kimilili

### **SECRETARIAT**

1. Ms. Chelagat Aaron Tungo - Clerk Assistant II  
2. Mr. Ahmed Salim A. - Clerk Assistant III  
3. Ms. Mercy Wanyonyi - Legal Counsel II  
4. Mr. James Muguna - Research Officer  
5. Mr. Eugene Luteshi - Audio Officer  
6. Ms. Zainab Wario - Sergeant at arm  
7. Mr. Yezziel Jillo - Sergeant at arm  
8. Ms. Noelle Chelagat - Media Relations Officer

### **IN ATTENDANCE**

2. Mr. Nicholas Bodo - Ag. Director, Air Transport  
3. Mr. Gilber Kibe - Director General. KCAA  
4. Mr. Conrad Mochu - M.D. PR Agency  
5. Mr. Martyn Lunani - Chief Investigator of Aircraft Accidents

### **MIN No. TPWH 150/2018: PRELIMINARIES**

The Chairperson called the meeting to order at forty minutes past nine o'clock, with a prayer from Hon. Sam Arama, MP. The Chairperson informed the Committee that the agenda of the meeting was meeting with Kenya Civil Aviation Authority on the statement by Hon. Chris Wamalwa on the aircraft crash of 5<sup>th</sup> June 2018 and adoption of reports on the Statute Law (Miscellaneous Amendments) Bill, 2018, the Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2018, the Building Surveyors Bill, 2017 and three delegation reports for visits undertaken in Malaysia, Senegal and South Africa.

### **MIN No. TPWH 151/2018: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTINGS**

The confirmation of the pending minutes of the previous sittings was deferred to Tuesday, 26<sup>th</sup> June 2018.

**MIN No. TPWH 152/2018:**                    **MEETING WITH THE KENYA CIVIL AVIATION  
AUTHORITY (KCAA) ON THE AIRCRAFT CRASH  
OF 5<sup>TH</sup> JUNE 2018**

Mr. Nicholas Bodo, who accompanied the Director General of KCAA, read to the Committee a statement signed by the Cabinet Secretary for Transport, explaining the sequence of events since the occurrence of the aircraft crash of the flight Reg. 5Y-CAC en route from Kitale to Nairobi, which was operated by Fly SAX company.

In the statement, the Cabinet Secretary informed the Committee that investigations were ongoing, and added that the Emergency Locator Transmitter (ELT) was found and was being examined. It was further reported that the aircraft last underwent an inspection and received a Certificate of Release into Service (CRS) on 14<sup>th</sup> May 2018 and was therefore airworthy. In addition, the aircraft was fitted with a Ground Proximity Warning System (GPWS) and Weather Radar. The Ministry undertook to update the Committee with more information as and when it becomes available.

Members, including the Hon. Chris Wamalwa, were not satisfied with the information from the Ministry. The Committee noted that the government owed the families of the victims and the country at large a detailed and open explanation on the air crash. While interacting with the Ministry representatives, it was noted that there were ten pending investigations into the causes of different air crashes in Kenya and therefore it was important that the matters be brought to a quick and conclusive closure. The Committee further noted with concern that although the flight was given clearance to fly at 13000 feet, the crew requested to fly at 11000 feet despite the fact that the path might not have been favorable to a lower cruise. The Committee also noted that although the flight was destined for Wilson to Kitale, there was an immediate change to Jomo Kenyatta International Airport reportedly for the pilot to drop three passengers who were late for their connecting flight. This information was however subject to verification from the Fly SAX Company. The Director General of KCAA informed the Committee that change of path is

normal as long as the pilot requested from the air traffic control for any reasons deem proper by the pilot.

The Committee was further informed that most of the information spread on both the print and the social media on the accident were untrue but that the relevant government and investigatory agencies cannot respond to such because the investigations were ongoing and therefore it needed extreme level of restraint considering the sensitivity of the matter.

The Ministry officials were asked to send more information and a preliminary report to the Committee by Thursday, 21<sup>st</sup> June 2018. Further, the KCAA was advised to send a request to aircraft operators to ensure they only use pressurized aircrafts in those routes with bad weather as part of precautionary and safety steps.

**MIN No. TPWH 153/2018:**                    **ADOPTION OF THE REPORT ON STATUTE LAW  
(MISCELLANEOUS AMENDMENTS) BILL, 2018**

The Report on Statute Law (Miscellaneous Amendments) Bill, 2018 was adopted by the Committee, having been proposed for adoption by Hon. Peris Tobiko and seconded by Hon. Mugambi Rindikiri.

**MIN No. TPWH 154/2018:**                    **ADOPTION OF THE REPORT ON STATUTE LAW  
(MISCELLANEOUS AMENDMENTS) (NO. 2) BILL,  
2018**

The Report on Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2018 was adopted by the Committee, having been proposed for adoption by Hon. Samuel Arama and seconded by Hon. Shadrack Mose.

**MIN No. TPWH 155/2018:**                    **ADOPTION OF THE REPORT ON THE BUILDING  
SURVEYORS BILL, 2018**

The Report on the Building Surveyors Bill, 2018 was adopted by the Committee, having been proposed for adoption by Hon. David Kiharao and seconded by Hon. Rigathi Gachagua.

**MIN No. TPWH 156/2018:**

**ADOPTION OF THE DELEGATION REPORT ON  
THE 9<sup>TH</sup> WORLD URBAN FORUM (WUF9) HELD IN  
KUALA LUMPUR, MALAYSIA**

The Delegation Report on the 9<sup>TH</sup> World Urban Forum (WUF9) held in Kuala Lumpur, Malaysia on February 2018 was adopted by the Committee, having been proposed for adoption by Hon. Tom Odege and seconded by Hon. Dominic Koskei.

**MIN No. TPWH 157/2018:**

**ADOPTION OF THE DELEGATION REPORT ON  
THE ICAO REGIONAL FACILITATION (FAL)  
SEMINAR HELD IN DAKAR SENEGAL**

The Delegation Report on the ICAO Regional Facilitation (FAL) Seminar held in Dakar Senegal on March 2018 was adopted by the Committee, having been proposed for adoption by Hon. Rehema Jaldesa and seconded by Hon. Mugambi Rindikiri.

**MIN No. TPWH 158/2018:**

**ADOPTION OF THE DELEGATION REPORT ON  
THE ICAO REGIONAL SEMINAR HELD IN  
JOHANNESBURG, SOUTH AFRICA**

The Delegation Report on the ICAO Regional Seminar held in Johannesburg, South Africa on April 2018 was adopted by the Committee, having been proposed for adoption by Hon. Samuel Arama and seconded by Hon. Vincent Mogaka.

**MIN No. TPWH 159/2018:**

**ADJOURNMENT**

There being no other business, the sitting was adjourned at ten minutes past one o'clock. The next meeting to be held on Thursday, 21<sup>st</sup> June 2018.

Signed.....



(Chairperson)

Date.....

20/06/2018

