

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT- FOURTH SESSION

REPORT OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT,  
PUBLIC WORKS AND HOUSING

ON THE CONSIDERATION OF THE NATIONAL AVIATION MANAGEMENT  
BILL, 2020 (NATIONAL ASSEMBLY BILL NO. 18 OF 2020)

VOLUME I

DIRECTORATE OF COMMITTEE SERVICES  
THE NATIONAL ASSEMBLY  
PARLIAMENT BUILDINGS  
NAIROBI

SEPTEMBER 2020

Hon SPEAKER  
DC - Transport  
Report on the  
National Aviation  
Bill for your  
approval for  
tabling

D/Committee  
09/09/2020  
PARLIAMENT  
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**LIST OF ABBEVIATIONS**

- KQ - Kenya Airways PLC
- KAA - Kenya Airports Authority
- KCAA - Kenya Civil Aviation
- KALPA- Kenya Airline Pilots Association
- KAAO- Kenya Association of Air Operators

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## **FOREWORD**

The Bill was read for the first time on **30<sup>th</sup> June, 2020** and subsequently committed to the Committee pursuant to the provisions of Standing Order 127 (1); it is on the basis of this that the Committee makes this Report. The Committee held eight (8) meetings both in-house and with the stakeholders where submissions were received and considered before the adoption of this report.

May I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations of the submissions by different stakeholders on the National Aviation Management Bill, 2020. The Committee also takes this opportunity to thank the Offices of the Speaker and of the Clerk of the National Assembly for the logistical support accorded to it during the exercise. The Committee also appreciates the role played by the media following its coverage of the proceedings, thus enhancing accountability, transparency and ensuring the participation of the public. Pursuant to provisions of Standing Order 199 (6), and on behalf of the Departmental Committee on Transport, Public Works and Housing, it is my pleasant privilege and honor to present to this House the Report of the Committee on its consideration of the National Aviation Management Bill, 2020.

**HON. DAVID PKOSING, CBS, M.P**

**CHAIRPERSON,**

**DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING**

## 1.0 PREFACE

### 1.1 Mandate of the Committee

The Departmental Committee on Transport, Public Works and Housing is established under Standing Order 216(1) whose mandate, pursuant to the Standing Order 216 (5), is as follows;

- a. 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. study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- c. study and review all legislation referred to it;
- d. study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- e. investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
- f. to vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (*Committee on Appointments*);
- g. examine treaties, agreements and conventions;
- h. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- i. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- j. consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
- k. examine any questions raised by Members on a matter within its mandate.

Further, the Second Schedule to the Standing Orders mandates the Committee to 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.

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

- i. The State Department of Transport;
- ii. The State Department of Infrastructure;
- iii. The State Department of Housing and Urban Development;
- iv. The State Department of Public Works; and
- v. The State Department of Shipping and Maritime Affairs.

## 1.2 Members of the Committee

The Departmental Committee on Transport, Public Works & Housing was re constituted by the House on 15<sup>th</sup> July 2020 and comprises of the following Members:-

### **Chairperson**

Hon. David Pkosing, M.P.  
Member for Pokot South Constituency

### **Jubilee Party**

### **Vice-Chairperson**

Hon. Gathoni Wamuchomba, M.P.  
Member for Kiambu County

### **Jubilee Party**

### **Members**

Hon. Dominic Kipkoech Koskei, M.P.  
Member for Soitik Constituency

### **Jubilee Party**

Hon. Peris Tobiko, M.P.  
Member for Kajiado East Constituency

### **Jubilee Party**

Hon. Kulow Maalim Hassan, M.P.  
Member for Banisa Constituency

### **Economic Freedom Party (EFP)**

Hon. Abdul Rahim Dawood, M.P.  
Member for North Imenti Constituency

### **Jubilee Party**

Hon. Samuel Arama, M.P.  
Member for Nakuru Town West

### **Jubilee Party**

Hon. Shadrack John Mose M.P.  
Member for Kitutu Masaba Constituency

### **Jubilee Party**

Hon. Ali Wario Guyo M.P.  
Member for Garsen Constituency  
**Orange Democratic Movement Party**

Hon. Rehema Dida Jaldesa M.P.  
Member for Isiolo County

### **Jubilee Party**

Hon. Ahmed Bashane Gaal M.P.  
Member for Tarbaj Constituency  
**Peoples Democratic Party**

Hon. David Njuguna Kiaraho M.P.  
Member for Ol Kalou Constituency  
**Jubilee Party**

Hon. Johnson Many Naicca M.P.  
Member for Mumias West Constituency  
**Orange Democratic Movement Party**

Hon. Omar Mwinyi Shimbwa M.P.  
Member for Changamwe Constituency  
**Orange Democratic Movement Party**

Hon. Tom Mboya Odege M.P.  
Member for Nyatike Constituency  
**Orange Democratic Movement Party**

Hon. Ahmed Abdisalan Ibrahim M.P.  
Member for Wajir North Constituency  
**Orange Democratic Movement Party**

Hon. Gideon Mutemi Mulyungi M.P.  
Member for Mwingi Central Constituency  
**Wiper Democratic Party**

Hon. George Aladwa Omwere M.P.  
Member for Makadara Constituency  
**Orange Democratic Movement Party**

Hon. Mercy Wanjiku Gakuya M.P.  
Member for Kasarani Constituency  
**Jubilee Party**



### **1.2.1 Committee Secretariat**

Ms. Chelagat Tungo Aaron

**First Clerk Assistant**

**Head of Secretariat**

Mr. Ahmed Salim Abdalla

**Second Clerk Assistant**

Ms. Mercy Wanyonyi

**Legal Counsel I**

Mr. Abdinasir Moge Yusuf

**Fiscal Analyst**

Ms. Winnie Kulei

**Research Officer III**

Mr. Brian Ngetich

**Audio Recording Officer**

Ms. Zainabu Wario

**Sergeant at Arms**

### **1.3 ADOPTION OF THE COMMITTEE REPORT**

We, the Members of the Departmental Committee on Transport, Public Works and Housing have, pursuant to Standing Order 199, adopted this report and affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity as per the attached list (Annexure I)

## **2.0 BACKGROUND**

The National Aviation Management Bill, 2020 was read for the first time on **30<sup>th</sup> June, 2020** and subsequently committed to the Departmental Committee on Transport, Public Works and Housing for consideration pursuant to the provisions of Standing Order 127 (1), and report to the House. The principal object of this Bill is to provide for the establishment of the National Aviation Council, Kenya Aviation Corporation and its Operating Entities; to provide for their powers, functions and management and for connected purposes.

## **3.0 SITTINGS**

The Committee considered the National Aviation Management Bill, 2020 in its sittings held on **Thursday 6<sup>th</sup>, Thursday 13<sup>th</sup>, Tuesday 18<sup>th</sup> and Thursday 20<sup>th</sup> August, Tuesday 1<sup>st</sup>, and Wednesday 2<sup>nd</sup> September, 2020; and adopted its report on Thursday 3<sup>rd</sup> September 2020;** where submissions from stakeholders were received and considered before the adoption of this report. The Minutes of the meetings of the Committee are annexed as **Annex IV**.

## **3.1 SUMMARY OF THE NATIONAL AVIATION MANAGEMENT BILL, 2020**

### **PART 1-PRELIMINARY**

Part I of the Bill (**Clauses 1-4**) contains preliminary provisions which include the short title of the Bill, interpretation of terms as used in the Bill and sets out the objects and purposes of the Bill which include the establishment of the Kenya Aviation Corporation and the Operating Entities and providing for their operations, powers, functions and responsibilities.

### **PART II—ESTABLISHMENT OF THE NATIONAL CIVIL AVIATION COUNCIL**

**Part II (Clause 5)** of the Bill establishes the National Aviation Council and whose functions shall be to integrate policies relating to aviation sector and the other sectors of the economy to enable all the national organs and the sectors of the economy requiring access and support of the civil aviation sector to cooperate and work with the sector to ensure the effective performance of its mandate; and to assess the objectives, commitment and the risks to the country in respect of actual and potential civil aviation capabilities.

The membership of the Council comprises of the President as the Chairperson, the Cabinet Secretary responsible for matters relating to Transport, Internal Security, the National Treasury, the Attorney-General and the Kenya Air force Commander.

### **PART III—THE ESTABLISHMENT OF THE KENYA AVIATION CORPORATION**

Part III of the Bill (**Clauses 6-7**) establishes the Kenya Aviation Corporation and provides for the functions and powers of the same including: holding the shares in the Operating Entities (KQ,KAA and the Aviation Investment Corporation);managing, overseeing and where applicable managing the operations of the Group (Corporation and the operating entities i.e KQ,KAA and the Aviation Investment Corporation) including establishing centralised functions to be shared by the Group; promoting the development of the Kenyan aviation sector; and advising the Government on matters relating to the development of the Kenyan aviation sector.

### **PART IV—MANAGEMENT OF THE CORPORATION**

Part IV of the Bill (**Clauses 8-22**) provides for the management of the Corporation including the creation of the Board of Directors which shall be the governing body of the Corporation. The membership of the Board consists of a Chairperson to be appointed by the President, the Attorney General, the Cabinet Secretary for the time being responsible for matters relating to the National Treasury and Planning or their representative, the Principal Secretary of the Ministry for the time being responsible for matters relating to Transport or their representative, the Chief Executive Officer, the Managing Directors of Kenya Airways and the Kenya Airports Authority and four independent non-executive Board members appointed by the Cabinet Secretary.

### **PART V— ESTABLISHMENT OF THE OPERATING ENTITIES**

PART V (**Clauses 23-38**) of the Bill provides for the establishment of the three Operating Entities and their functions. The Operating entities are-

- (a) **Kenya Airways** whose functions include to carry on business as carriers of air passengers, cargo, mail and goods in Kenya and elsewhere and to provide other transport related services and to undertake other businesses related to air transport and ancillary businesses. The initial share capital of Kenya Airways shall be seven billion four hundred

and eighty two million three hundred and forty five thousand, one hundred and seventy four (7,482,345,174) shillings divided into seventy four million, eight hundred and twenty three thousand, four hundred and fifty two (74,823,452) ordinary shares as may be varied from time to time in accordance with the provisions of the Companies Act, 2015.

- (b) **Kenya Airports Authority** whose functions include to own, operate and maintain Aerodromes and to construct, operate and maintain Aerodromes and other related facilities. The initial share capital of the Kenya Airports Authority shall be sixty-six billion (66,000,000,000) shillings divided into sixty-six million (66,000,000) ordinary shares as may be varied from time to time in accordance with the provisions of the Companies Act, 2015.
- (c) **Aviation Investment Corporation** whose functions include to carry on businesses in relation to aviation activities and any other business related to the aviation sector as may be determined by the Board; to undertake all necessary activities necessary to construct, operate and manage such businesses; to carry on businesses in relation to aviation training schools, maintenance and repair organisation, aircraft handling, flight catering, aviation medical services, tour and holiday management services and any other business related to the aviation sector as may be determined by the Board and to undertake all necessary activities necessary to construct, operate and manage such businesses.

## **PART VI—MANAGEMENT OF THE OPERATING ENTITIES**

PART VI (**Clauses 39-45**) of the Bill contains provisions on the management of the Operating Entities including the appointment of Managing Directors and qualifications for their appointment. The Managing Director shall have control over all personnel and other activities of the Operating Entity and is to report to the Chief Executive Officer. The qualifications for appointment as a Managing Director include a master's degree from a university recognised in Kenya or its equivalent in a relevant field and at least ten years work experience in the relevant industry.

## **PART VII—OPERATING ENTITY SUBSIDIARIES**

PART VII (**Clauses 46-48**) of the Bill provides for the management of the Operating Entity Subsidiaries. The provisions require each Operating Entity to appoint persons nominated by the Corporation to act as director(s) of the Operating Entity Subsidiaries. The Board is required to appoint such persons as are nominated by the Chief Executive Officer to act as managing director(s) of each of its Operating Entity Subsidiaries and to carry out such functions as may be determined by the relevant Operating Entity Subsidiary's board.

#### **PART VIII—TRANSFER OF UNDERTAKINGS TO THE OPERATING ENTITIES**

PART VIII (**Clauses 49-53**) of the Bill contains provisions on the transfer of undertakings to the Operating Entities. The undertakings includes all businesses, assets, liabilities and contracts of the former Kenya Airports Authority to the Kenya Airports Authority; and of Kenya Airways PLC, including the equity interests held by Kenya Airways PLC in its subsidiaries, to Kenya Airways.

The Cabinet Secretary is required, with the approval of the Cabinet Secretary to the National Treasury, immediately upon the Government acquiring one hundred percent of the equity interest (the shares, convertible debt instruments, shareholder loans, shareholder debt instruments, rights to invest, voting rights, equity or other forms of ownership interests or rights of any class) in Kenya Airways PLC, by notice in the Gazette, issue one or more Vesting Orders effecting the creation of the Operating Entities and transferring the relevant undertaking to the relevant Operating Entity.

#### **PART IX— THE ESTABLISHMENT AND MANAGEMENT OF THE FUND**

PART IX (**Clauses 54-55**) of the Bill contains provisions establishing the Kenya Aviation Corporation Fund to be administered by the Board and managed by the Chief Executive Officer of the Corporation. Payments are to be paid out of the Fund for the purposes of expenditure of the Operating Entities as appropriated by the Board.

The sources of the Fund include apportioned proceeds from the passenger service charge as provided for under the Air Passengers Service Charge Act, such monies as may be appropriated by Parliament for the purposes of the Fund, grants and loans from the Government, grants, donations and loans from any other person or body, surplus income accruing to the Operating

Entities in the discharge of their functions at the end of the Financial Year, interest on savings accruing on moneys held in the Fund and monies from any other lawful source.

#### **PART X—FINANCIAL PROVISIONS**

PART X (Clauses 56-63) of the Bill provides for financial provisions, reporting mechanism, and management of funds by the established entities. The Board is required, within ninety days of the end of each Financial Year to prepare a report of the operation of the Corporation during that year and transmit the report to the Cabinet Secretary who shall cause it to be presented to the National Assembly together with the report of the Auditor-General.

#### **PART XI—OFFENCES RELATING TO AERODROMES**

PART XI (Clauses 64-71) of the Bill contains provisions for offences and penalties relating to aerodromes including any act which obstructs or is likely to obstruct the working of any equipment or vehicle of the Kenya Airports Authority used in the operation of an aerodrome and which endangers or is likely to endanger the life of any person therein.

#### **PART XII—MISCELLANEOUS PROVISIONS**

PART XII (Clauses 72-74) of the Bill contains miscellaneous provisions relating to the power of the Cabinet Secretary to make Regulations and the repeal of the Kenya Airports Authority Act Cap 395.

#### **FIRST SCHEDULE -THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD**

The First Schedule to the Bill contains provisions relating to the conduct of business and the affairs of the Board.

#### **SECOND SCHEDULE- WRITTEN LAWS TO BE AMENDED**

The Second Schedule to the Bill contains provisions relating to consequential amendments to various Acts of Parliament, including to State Corporations Act, Cap 446 to ensure that the Kenya Aviation Corporation and Operating Entities established under the National Aviation

Management Act and the Operating Entity Subsidiaries are not state corporations; the Public Procurement and Asset Disposal Act, 2015 to allow the Cabinet Secretary, from time to time, with approval of Cabinet and the National Assembly, by notice, to exempt a state organ or public entity from the application of the Act based on procurement guidelines developed by that state organ or public entity and approved by the National Treasury; and the Companies Act, 2015 to provide for the registration of a state owned entity i.e it must be created pursuant to the provisions of an Act of Parliament, it must have a share capital that is wholly owned by Government, the liability of its members is limited pursuant to the provisions of its establishing Act of Parliament and its certificate of registration states that it is a state owned entity.

#### **4.0 CONSIDERATION OF THE NATIONAL AVIATION MANAGEMENT BILL, 2020**

The Committee considered the National Aviation Management Bill, 2020 in its sitting held on Thursday 13<sup>th</sup> August, 2020. Pursuant to Standing Order 127(3)(a), the Committee invited the public through the Daily Nation and Standard newspapers on **Thursday, 2<sup>nd</sup> July 2020** to make representations on the Bill. The advertisement is annexed as **Annex III**.

The Committee received thirteen (13) memoranda with various proposals on the Bill. The written submissions are annexed as **Annex V**

The Committee, pursuant to Standing Order 127(3) (c), further engaged different stakeholders in the aviation sector by holding meetings with the Ministry and various agencies and organizations. The Committee, through the Office of the Clerk of the National Assembly formally invited the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works, The Attorney General's Office, The National Treasury, State Agencies, and Private Sector Stakeholders, to give their written views on the Bill. The letters are annexed as **Annex II**.

In this regard, views were sought and memoranda submitted from the following stakeholders:

#### **4.1 KENYA AIRWAYS PLC (KQ)**

**Kenya Airways PLC was represented by the Managing Director, Mr. Allan Kilavuka, when they met the Committee on 13<sup>th</sup> August, 2020, morning session and on Tuesday 1<sup>st</sup>**



**September, 2020 at 2.00 p.m. in the Mini Chamber, County Hall, at Parliament Building.**

**They submitted that-**

1. Clause 2 of the Bill should be amended in the definition of “user charges” in order to specify the scope and provide clarity on the nature of regulated user charges that will be referred to the Cabinet Secretary for publication and give the Board latitude in determining applicable rates for non-aeronautical user charges that are commercially driven.
2. Clause 3 of the Bill should be amended in order to provide for the establishment of the Council which is a key aspect of the Bill.
3. Clause 5 of the Bill should be amended in order to include the chairperson of the Corporation in the Council so as to ensure that the Council’s role is aligned to the group structure.
4. Clause 13 of the Bill should be amended to provide for a minimum qualification of a bachelor’s degree for qualification for appointment as a Chief Executive Officer with possession of a Master’s degree as an added advantage rather than a minimum qualification.
5. Clause 19 of the Bill should be amended by deleting the requirement of imprisonment for a term exceeding six months since imprisonment notwithstanding the period of conviction reflects on the character of the Board Member, in breach of chapter six of the Constitution. Further that the Chairperson of the Board should give permission to a Board member and not the Board for failure to attend the meetings of the Board.
6. Clause 22 of the Bill should be amended to remove the requirement to have a Board member also authenticate the common seal of the Corporation; and to provide that the seal of the Corporation shall be authenticated by the signature of the Chief Executive Officer and the Corporation Secretary.
7. Clause 27(3) of the Bill should be amended to give the Board (and not the MD) powers to approve the erection or modification of any building which may be deemed to interfere with the operation of any service provided by KAA.
8. Clause 30 of the Bill should be amended to expressly provide for aircraft overhaul as one of the functions of the Aviation Investment Corporation.
9. Clause 37(2) of the Bill should be deleted for want of repetition with sub-clause (3).

10. Clause 40 of the Bill should be amended in order to specify a minimum qualification of a bachelor's degree for appointment as a Managing Director.
11. Clause 44 of the Bill should be amended by deleting the requirement of imprisonment for a term exceeding six months since imprisonment notwithstanding the period of conviction reflects on the character of the Managing Director, in breach of chapter six of the Constitution.
12. Clause 56 of the Bill should be amended in order to ensure the opening of bank accounts is approved by the Board and the Cabinet Secretary of the National Treasury for transparency.
13. The Second Schedule should be amended in order to clarify that the scope of powers and duties of a state owned entity are circumscribed by the statute establishing the entity.

#### **4.2 KENYA AIRPORTS AUTHORITY (KAA)**

**KAA was represented by its Managing Director, Mr. Alex Gitari when they met the Committee on 13<sup>th</sup> August, 2020, morning session and on Tuesday 1<sup>st</sup> September, 2020 at 2.00 p.m. in the Mini Chamber, County Hall, Parliament Building.**

**They submitted that-**

1. Clause 2 of the Bill should be amended in the definition of "user charges" in order to specify the scope and provide clarity on the nature of regulated user charges that will be referred to the Cabinet Secretary for publication and give the Board latitude in determining applicable rates for non-aeronautical user charges that are commercially driven.
2. Clause 3 of the Bill should be amended in order to provide for the establishment of the Council which is a key aspect of the Bill.
3. Clause 5 of the Bill should be amended in order to include the chairperson of the Corporation in the Council so as to ensure that the Council's role is aligned to the group structure.
4. Clause 8 of the Bill should be amended in order to include the Principal Secretary Ministry of Interior and Coordination of National Government as Airports being border points and key security installations, there is need for articulation of security matters at Board level.

5. Clause 19 of the Bill should be amended by deleting the requirement of imprisonment for a term exceeding six months since imprisonment notwithstanding the period of conviction reflects on the character of the Board Member, in breach of chapter six of the Constitution. Further that the Chairperson of the Board should give permission to a Board member and not the Board for failure to attend the meetings of the Board.
6. Clause 22 of the Bill should be amended to remove the requirement to have a Board member also authenticate the common seal of the Corporation; and to provide that the seal of the Corporation shall be authenticated by the signature of the Chief Executive Officer and the Corporation Secretary.
7. Clause 27(3) of the Bill should be amended to give the Board (and not the MD) powers to approve the erection or modification of any building which may be deemed to interfere with the operation of any service provided by KAA.
8. Clause 30 of the Bill should be amended to expressly provide for aircraft overhaul as one of the functions of the Aviation Investment Corporation.
9. Clause 40 of the Bill should be amended in order to specify a minimum qualification of a bachelor's degree for appointment as a Managing Director.
10. Clause 41 of the Bill should be amended in order to correct a typographical error.
11. Clause 44 of the Bill should be amended by deleting the requirement of imprisonment for a term exceeding six months since imprisonment notwithstanding the period of conviction reflects on the character of the Managing Director, in breach of chapter six of the Constitution.
12. Clause 56 of the Bill should be amended in order to ensure the opening of bank accounts is approved by the Board and the Cabinet Secretary of the National Treasury for transparency.

#### **4.3 KENYA CIVIL AVIATION AUTHORITY (KCAA)**

**KCAA was represented by the Director General, Capt. Gilbert Kibe, when they met the Committee on 13<sup>th</sup> August, 2020, morning session and on Tuesday 1<sup>st</sup> September, 2020 at 2.00 p.m. in the Mini Chamber, County Hall, Parliament Buildings.**

They submitted that-

1. Clause 4(2) and 4(3) of the Bill should be amended in order to ensure KCAA's oversight mandate is recognized as under International Standards and recommended Practices, the

Civil Aviation Authority has mandate to ensure effective oversight of the entire aviation sector.

2. Clause 7(1)(c) and(d) should be amended as they are in conflict with section15(2) of the Civil Aviation Act,2013 which requires the KCAA Board of Directors to advise the Cabinet Secretary on the development and maintenance of civil aviation policy framework and the objectives of the Authority.
3. Clause 24 of the Bill should be amended in order to recognize in aviation the common and acceptable items moved by air i.e passengers, cargo and mail.
4. Clause 27 of the Bill should be amended in order to ensure that KCAA and not KAA regulates the use of facilities provided by KAA as KCAA is mandated to regulate the entire aviation industry in line with ICAO's Standards and Recommended Practices.

#### **4.4 STATE DEPARTMENT OF INTERIOR AND CITIZEN SERVICES**

The State Department, presented their written response through the State Department of Transport where they submitted that clause 8 of the Bill should be amended in order to include the Principal Secretary Ministry of Interior and Coordination of National Government as Airports being border points and key security installations, there is need for articulation of security matters at Board level.

#### **4.5 KENYA ASSOCIATION OF AIR OPERATORS (KAAO)**

KAAO was represented by the Vice Chairman; Mr. Fredrick Opot and other officials when they met the Committee on 20<sup>th</sup> August 2020. They submitted that-

1. The title of this Bill and Section 1 (1) of the Bill is misleading as Kenya Aviation is comprised of diverse organizations some of which are in private ownership.
2. Clause 4 of the Bill should be amended as the guiding principles should include the enhancement and/or development of JKIA as an international Hub as this has always been one of the key strategies to enable Kenya capture the aviation market in the region.

3. Clause 9 of the Bill should be amended in order to ensure that the function of the Board to approve the user charges is not subjective especially as seen by other players, some being competitors.
4. Clause 10 of the Bill should be amended in order to remove the restriction for the Chairman to have knowledge and experience of similar business as it will be subjective.
5. Clause 13 of the Bill should be amended to provide for a longer period of experience for qualification for appointment as a Chief Executive Officer.
6. Clause 14 of the Bill should be amended to provide for the tenure of the Chief Executive Officer as three years renewable once.
7. Clause 15 of the Bill should be amended to provide for matters relating to integrity, Corruption, Performance and Fraud as grounds for removal of the Chief Executive Officer.
8. Clause 22 of the Bill should be amended in order to align it with the Business Laws (Amendment) Act, 2020 that abolished the use of Common Seals by Companies.
9. Stakeholder consultation by the Operating Entities in setting user charges though intended to protect other users, has by experience been found to be misused at the detriment of the users. It will result in subjective application due to direct conflict of interest.
10. Clause 43 of the Bill should be amended in order to ensure that the tenure of office of a Managing Director is four years and not five.

#### **4.6 KENYA AIRLINE PILOTS ASSOCIATION (KALPA)**

KALPA was represented by the **General** Secretary; Mr. Murithi Nyaga among other officials, when they met the Committee **on 20<sup>th</sup> August 2020**. They submitted that-

1. Clause 5 of the Bill should be amended to include a representative from the Kenya Civil Aviation Authority in the Council to offer expert advice
2. Clause 7 of the Bill should be amended to ensure that measures aimed at developing the Kenya aviation sector are ratified through a consultative approach.
3. Clause 8 of the Bill should be amended to provide for inclusion of a representative of the Kenya Airline Pilots Association in the Board Membership.

4. Clause 10 of the Bill should be amended to provide for the qualification of an ATPL with an executive MBA/MSC or ten years commercial airline experience and experience relevant to aviation.
5. Clause 14 of the Bill should be amended to provide that the tenure of the CEO should be three years.
6. Clause 40 of the Bill should be amended in order to specify a qualification of knowledge and experience in the aviation sector for appointment as a Managing Director.
7. Clause 43 of the Bill should be amended in order to ensure that the tenure of office of a Managing Director is four years and not five.
8. Clause 53 of the Bill should be amended to provide for consultation between the Board and representative associations of employees of the Group in the review of the terms of service of employees of the Operating Entities.
9. Part XI of the Bill on the provisions regarding employees endangering safety should be deleted as it goes against Annex 13 of ICAO (accident investigations).

#### **4.7 R.MOBISA & ASSOCIATES**

R. Mobisa & Associates in their written memorandum dated 13<sup>th</sup> July, 2020 submitted that-

1. Clause 2 of the Bill should be amended to provide for a definite date/time on which the Bill will come into force once passed and to exhaustively define what constitutes “user charges” and to delete the general power given to the Cabinet Secretary to define what the user charges are.
2. Clause 5 of the Bill should be amended to include a representative from the Kenya Civil Aviation Authority in the Council and to remove the President, the Cabinet Secretaries for the National Treasury and Interior and the Kenya Air force commander from the Council
3. Clause 8 of the Bill should be amended to clarify the capacity in which the Chief Executive Officer and the Managing Directors of Kenya Airways and KAA sit on the Board; clarify the reporting relationship between the Chief Executive Officer and the two managing Directors; clarify whether the Managing Director of the Aviation Investment Company also sits on the Board; replace the Cabinet Secretary of the National Treasury

with the Principal Secretary; and require the Cabinet Secretary to appoint the four independent directors subject to their nomination by entities not related to the government.

4. Clause 8 of the Bill should be amended to harmonize the term of office of the Chief Executive Officer and the Managing Directors.
5. Clause 24 of the Bill should be amended by deleting the general power given to the Board to assign undefined functions to Kenya Airways.
6. Clauses 25 and 28 of the Bill should be amended to reflect the true valuation of KQ and KAA.
7. Clause 27 of the Bill should be amended by removing any references to the grant of regulatory powers to KAA with regard to access to, operation and construction of aerodromes and by deleting the general function of providing other transport related services and undertaking other businesses related to air transport and ancillary businesses.
8. Clause 30 of the Bill should be amended by deleting the general power given to the Board to assign the Aviation Investment Corporation undefined functions.
9. Clause 43 of the Bill should be amended to harmonize the term of office of the Managing Directors to the term of the Chief Executive Officer
10. Clause 43 of the Bill should be amended in order to require the Cabinet Secretary to seek the approval of Parliament before excluding any asset or liability of KQ and KAA from any vesting order.
11. Clause 67 of the Bill should be amended in order to harmonize the penalties prescribed with the gravity of the various offences.
12. Clause 72 of the Bill should be amended in order to provide for the objects and purpose for and limitations on the power granted to the Cabinet Secretary for Transport to make regulations.

#### **4.8 WALTER MOCHA ONGERI**

Mr. Walter Mocha Ongeri met the committee on 20<sup>th</sup> August, 2020 and in his submissions dated 8<sup>th</sup> July, 2020 and submitted that-

1. Clause 5 of the Bill should be amended to include a representative from the Kenya Civil Aviation Authority in the Council.

2. Clause 9 of the Bill should be amended in order to ensure that the Board when considering and approving any variations in salaries, wages or other terms and conditions of service of employees of the Group does so in consideration of the existing Collective Bargaining Agreements executed at the time with any labour union.
3. Clause 49 of the Bill should be amended in order to transfer the entire contractual obligations including the Collective Bargaining Agreements, Recognition Agreements with Kenya Airways PLC and Kenya Airports Authority held with the labour unions to the new operating entities.
4. Clause 53 of the Bill should be amended in order to provide for consultation between the Board and representative associations of employees of the Group.

#### **4.9 MWANGI, MWANGI & ASSOCIATES**

Mwangi & Mwangi in their written memorandum dated 7<sup>th</sup> July, 2020 submitted that-

1. A general amendment should be made to subject the entities created under the Bill to the provisions of the Civil Aviation Act, 2013 and the supervision of the Civil Aviation Authority in regulatory and policy matters.
2. Clause 5 of the Bill should be amended to include a representative from the Kenya Civil Aviation Authority in the Council.

#### **5.0 OKAO & COMPANY ADVOCATES**

OKAO & Company Advocates in their written memorandum dated 8<sup>th</sup> July, 2020 submitted that they opposed the consolidation of Kenya Airways and Kenya Airports Authority into one entity under the National Aviation Bill, 2020 because-

1. The assets of KAA should be protected from the losses and debts of KQ;
2. No feasibility study has been done to show that the creation of a Kenya Aviation Corporation to consolidate aviation assets is viable, sustainable and will result in value for tax payers money;
3. The airlines business is historically an unprofitable undertaking. It's a business that should not be gambled with taxpayers money especially in the current pandemic of COVID -19 pandemic; and



4. The government engaging in business has previously gone very badly leading to additional and unnecessary burdens on taxpayers e.g National Bank, Kenya Co-operative Creameries, all the sugar companies and Pan-paper Mills

### **5.1 SESLaw ADVOCATES**

SESLaw Advocates in their written memorandum dated 8<sup>th</sup> July, 2020, submitted that the Bill should be rejected in its entirety for-

1. failure to follow the due process of making a Bill including lack of a policy paper informing nationalization;
2. lack of adequate information/transparency on the nationalization and the proposed merger;
3. failure to meet the constitutional threshold of public participation in law making;
4. failure to adhere to established principals of public finance management; failure to conduct a comprehensive feasibility study on the financial viability of nationalization of KQ and its merger with KAA; and
5. failure to adhere to competition law and policy; potential for infringement on international obligations; and illegalities arising from unlawful/irregular amendment of other laws.

### **5.2 LAW SOCIETY OF KENYA (LSK)**

The Law Society of Kenya in their written memorandum dated 20<sup>th</sup> August, 2020 submitted that the Bill should be withdrawn as-

1. The creation of the Council materializes to nothing as it replicates functional Cabinet Committees that the President can create without legislation.
2. The establishment of the Kenya Aviation Corporation is the primary goal of the Bill and other operating entities hence irregular and unconstitutional as it does not conform to the spirit of the rule of law. A standalone law for every state corporation called Operating Entities should be enacted separately in consonance with the State Corporations Act.
3. Kenya Airways is among the new entities being created yet the Bill is silent on private commercial interests under KQ currently and nothing on redress issues of assets and liabilities under the succession scheme.

4. The Bill purports to amend other statutes like the Public Procurement and Asset Disposal Act that are not related to it in a manner that unduly expands the subject matter of the Bill contrary to law.
5. The constitutional right of aviation workers should be fortified in the Bill after pragmatic consultation with the aviation stakeholders as there are ongoing court matters on the same.
6. Amend to reflect county government's as they are big stakeholders in the management of local aerodromes as they are transport leeway into the counties and their positioning directly affects the county development plans.

## 6.0 COMMITTEE'S GENERAL OBSERVATIONS

### **The committee made the following observations and comments on the Bill:**

- (1) The Bill gives effect to the recommendations of the Parliamentary report approved by the House on 17<sup>th</sup> June, 2019, on the inquiry into the Kenya Airways' Privately Initiated Investment Proposal (PIIP) to Kenya Airports Authority prepared by the Departmental Committee on Transport, Public Works and Housing proposing, among other recommendations.
- (2) There is need to amend clause 2 of the Bill in the definition of 'user charges'. This should be amended to specify the user charges to be levied under the Act. Further, there's need to provide clarity in the use of titles for the Chief Executive Officer of the Group and the Managing Directors of the operating entities and operating entity subsidiaries.
- (3) There is need to amend clause 3 of the Bill to include the establishment of the Council as one of the objects and purpose of the Bill as the same had been omitted in the Bill.
- (4) Clause 4 of the Bill should be amended to ensure KCAA's oversight mandate is recognized and to further provide that where any provisions of the National Aviation Management Act contradict the provisions of the Civil Aviation Act on safety and security, the Civil Aviation Act shall prevail.
- (5) That clause 5 of the Bill should be amended so as to include the chairperson of the Corporation and the Director General of KCAA since under section 9 of the Bill relating to the functions of the Board, they are required to prescribe conditions or restrictions in relation to the powers and functions of the Operating Entities provided that such prescription is not inconsistent with the provisions of this Act, The Board is required to advise the Cabinet Secretary on the development and maintenance of Civil Aviation policy and since restrictions may include issues of security and safety which is sole mandate of KCAA, then KCAA should sit at the Board.
- (6) That clause 7 of the Bill should be amended in order to ensure that the Corporation does not perform the functions of KCAA as prescribed by section 15(2) of the Civil Aviation Act, 2013 which requires the KCAA Board of Directors to advise the Cabinet Secretary on the development and maintenance of civil aviation policy framework and the objectives of the Authority.

- (7) That clause 8 of the Bill should be amended in order to ensure that the Principal Secretary Ministry of Interior and Coordination of National Government, the Managing Director of the Aviation Investment Company and a representative of the private air operators representing the interests of the private sector in the aviation industry is included in the Board. Further, that the Cabinet Secretary should nominate the four independent non-executive Board members taking into consideration regional and ethnic diversity of the people of Kenya. Additionally, that the group Managing Directors should be executive members of the Board with no powers to vote.
- (8) That clause 13 of the Bill should be amended to provide for a minimum qualification of a Bachelor's degree for appointment as a Chief Executive Officer.
- (9) That clause 14 of the Bill should be amended to provide that the Chief Executive Officer shall hold office for a period of five years and shall be eligible for re-appointment for one further term of five years.
- (10) That clause 15 of the Bill should be amended to provide for further detailed grounds for the removal of a Chief Executive Officer from office.
- (11) That clause 19 of the Bill should be amended to provide for incapacity by a Board member to perform his or her functions by reason of physical and mental infirmity as a ground for removal of a Board member and vacation from office.
- (12) That clause 22 of the Bill should be amended by removing the requirement for a common seal and substituting with the new requirement under section 37 of the Companies Act which provides that a document, contract or deed will be considered to be validly executed by a company if it is signed on behalf of the company by two authorized signatories or by a director of the company in the presence of a witness who attests the signature.
- (13) That clause 27 of the Bill should be amended in order to ensure that KCAA and not KAA regulates the use of facilities provided by KAA and to recognize animals apart from birds as being hazardous to aircraft operations. Further, that clause 27(3) should be amended to give the Board (and not the MD) powers to approve the erection or modification of any building which may be deemed to interfere with the operation of any service provided by KAA.
- (14) That clause 30 of the Bill should be amended in order to include "aircraft overhaul" as one of the functions of the Aviation investment Corporation.

- (15) That clause 40 of the Bill should be amended to specify a minimum qualification of a bachelor's degree for appointment as Managing Director.
- (16) That clause 56 of the Bill should be amended in order to ensure that the Corporation opens bank accounts upon approval by the National Treasury and the Board as opposed to only the National Treasury.
- (17) Clause 72 of the Bill should be amended so as to ensure that the powers of the Cabinet Secretary to make regulations are in line with Article 94(6) of the Constitution i.e prescribe the purpose and objectives for which the authority is conferred, the limits of the authority, the nature and scope of the law that may be made and the principles and standards applicable to the law being made.
- (18) That the Second Schedule to the Bill should be amended in the proposed amendment to the Companies Act, in the proposed new section 10D by providing that the scope of powers and duties of a state owned entity are circumscribed by the statute establishing the entity.
- (19) That the Second Schedule should be amended in section 3(3) of the Air Passenger Service Charge Act, Cap 475 in order to provide that twenty five percent of the apportioned proceeds from the passenger service charge to the Kenya Airports Authority is used for the purposes of the development and management of airstrips. The committee further observed that very few County Head Quarters are served with airstrips having runways made of bitumen and tarmac, while most County Head Quarters (*e.g. Tana River, Marsabit, Makueni, Kirinyaga, Muranga, Nakuru, Meru, West Pokot, Samburu, Elgeyo Marakwet, Narok, Kajiado, Kericho, Busia, Siaya and Migori; ANNEX V*) have airstrips made up of murrum and grass making them impossible to land even light aircrafts, hence the necessity for specific allocation of funds ring-fenced for their development and management in order to enhance connectivity and opening up the country.

## 7.0 COMMITTEE RECOMMENDATIONS

The Committee, having considered the National Aviation Management Bill, 2020, and submissions from stakeholders will be proposing amendments to **clauses 2,3,4,5 7, 8, 13, 14, 15, 19, 22, 24, 27, 30, 40, 56, 72 and the Second Schedule** of the Bill as follows-

### CLAUSE 2

**THAT** Clause 2 of the Bill be amended -

(a) by deleting the definition of the term “user charges” and substituting therefor the following new definition-

"user charges" means, aircraft landing charges, aircraft parking & hangar charges, security charges, noise related charges, aircraft emissions related charges, aircraft fuel concession fees, cargo concession fees and other aeronautical charges as specified by the Cabinet Secretary by notice in the *Gazette* and levied under this Act;

**Justification:** To specify the scope and provide clarity on the nature of regulated user charges that will be referred to the Cabinet Secretary for publication.

### CLAUSE 3

**THAT** Clause 3 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b)-

(ba) the establishment of the Council

**Justification:** To provide for the establishment of the Council which is a key aspect of the Bill.

### CLAUSE 4

**THAT** Clause 4 of the Bill be amended by-

(a) by renumbering the existing clause as sub-clause (1);

(b) by inserting the following new sub-clauses immediately after sub clause (1)-

(2) The Kenya Aviation Enterprises Corporation and Operating entities shall in the conduct of their operations, comply with the Kenya Civil Aviation Regulations promulgated by Kenya Civil Aviation Authority from time to time.

(3) Where any provisions of the National Aviation Management Act contradict the provisions of the Civil Aviation Act, the Civil Aviation Act shall prevail.

**Justification:** To ensure KCAA’s oversight mandate is recognized as under International Standards and recommended Practices, the Civil Aviation Authority has mandate to ensure effective oversight of the entire aviation sector.

**CLAUSE 5**

**THAT** Clause 5 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (d)-

(da) the chairperson of the Corporation; and

(db) the Director General of the Kenya Civil Aviation Authority

**Justification:** To ensure that the Council’s role is aligned to the group structure and that the Civil Aviation Authority offers effective oversight of the entire aviation sector.

**CLAUSE 7**

**THAT** Clause 7 of the Bill be amended in sub-clause (1) by-

(a) inserting the words “save for the Civil Regulations and oversight” at the beginning of paragraph (c);

(b) inserting the words “save for the Civil Regulations and oversight” at the beginning of paragraph (c);

**Justification:** To ensure civil aviation matters remain within the purview of KCAA and not KAA.

**CLAUSE 8**

**THAT** Clause 8 of the Bill be amended in sub-clause (1) by-

(a) inserting the following new paragraph immediately after paragraph (d)-

(da) Principal Secretary of the Ministry for the time being responsible for matters relating to internal security;

(b) inserting the words “the Managing Director of the Aviation Investment Corporation” immediately after the words “Kenya Airways”;

(c) inserting the words “out of which one shall be a private air operator” immediately after the words “Cabinet Secretary”; and

(d) inserting the following new sub-clauses immediately after sub-clause (1)-

(1A) The Board members under section 8(1)(f) shall be Executive Board Members with no right to vote.

(1B) In appointing the Board members under section 8(1)(g), the Cabinet Secretary shall take into consideration the regional and ethnic diversity of the people of Kenya”.

**Justification:** To provide for inclusion of the Principal Secretary of the Ministry for the time being responsible for matters relating to internal security, the Managing Director of the Aviation Investment Corporation and a private air operator representing the interests of the private sector in the Board. To further ensure that the Managing Directors of the operating entities have no right to vote.

### CLAUSE 13

**THAT** Clause 13 of the Bill be amended in paragraph (a) by deleting the word “masters” and substituting therefor the word “Bachelor’s”.

**Justification:** Common practice requires a bachelor’s degree, with possession of a Master’s degree as an added advantage rather than a minimum qualification.

### CLAUSE 14

**THAT** Clause 14 of the Bill be amended in sub clause (1) by deleting the word “four” wherever it appears and substituting therefor the word “five”.

**Justification:** To provide for the tenure of the Chief Executive Officer.

### CLAUSE 15

**THAT** Clause 15 of the Bill be amended by-

- (a) renumbering the existing clause as sub-clause (2); and
- (b) inserting the following new sub-clause-
  - (1) The office of the Chief Executive Officer shall become vacant if the Chief Executive Officer —
    - (a) dies;
    - (b) is adjudged bankrupt or enters into a composition scheme or arrangement with his creditors;
    - (c) is convicted of a criminal offence involving corruption, fraud or dishonesty;
    - (d) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months;
    - (e) resigns by giving a notice in writing to the Board;



- (f) assumes a political office; or
- (g) is otherwise unable or unfit to continue serving as a Managing Director.

**Justification:** To include other grounds for vacation from office that have not been provided for.

#### **CLAUSE 19**

**THAT** Clause 19 of the Bill be amended in sub clause (1) by inserting the following new paragraph immediately after paragraph (e)-

- (ea) is unable to perform his or her functions by reason of physical and mental infirmity

**Justification:** To include other grounds for vacation from office that have not been provided for.

#### **CLAUSE 22**

**THAT** Clause 22 of the Bill be amended by-

- (a) deleting sub-clause (1);
- (b) deleting sub-clause (2) and substituting therefore the following new sub-clause-  
(2)Every document of the Corporation shall be validly executed by the signature of the Group Chief Executive Officer and the Corporation Secretary”;
- (c) deleting sub clause (3) and substituting therefore the following new sub clause-  
(3) Every document purporting to be an instrument issued by the Corporation and authenticated in the manner provided by subsection (2) shall be deemed to be such an instrument and shall be received in evidence without further proof.

**Justification:** To align the provision with section 37 of the Companies Act which provides that a document, contract or deed will be considered to be validly executed by a company if it is signed on behalf of the company by two authorized signatories or by a director of the company in the presence of a witness who attests the signature.

#### **CLAUSE 24**

**THAT** Clause 24 of the Bill be amended in sub clause (1) by deleting the words “and goods” appearing in paragraph (a).

**Justification:** In aviation, the common and acceptable items moved by air are passengers, cargo and mail.

#### **CLAUSE 27**

**THAT** Clause 27 of the Bill be amended-

- (a) in sub-clause (1)(a) by deleting the words “or regulate” appearing immediately after the word “control”;
- (b) in sub-clause (1)(f) by deleting the words “or regulate” appearing immediately after the word “control”;
- (c) in sub-clause (1)(j) by inserting the words “and animals” immediately after the word “bird”; and
- (d) by deleting sub-clause (3) and substituting therefor the following new sub-clause-  
(3) Where any person erects any building which in any way interferes with the operation of any service provided by the Kenya Airports Authority under this Act, the Authority shall apply to the High Court for an order for demolition of such building.

**Justification:** To ensure that KCAA and not KAA regulate the use of facilities provided by KAA and to recognize animals apart from birds as being hazardous to aircraft operations. Further, that clause 27(3) should be amended to give the Board (and not the MD) powers to approve the erection or modification of any building which may be deemed to interfere with the operation of any service provided by KAA.

#### **CLAUSE 30**

**THAT** Clause 30 of the Bill be amended in paragraph (b) by inserting the words “aircraft overhaul” immediately after the word “organization”.

**Justification:** To expressly provide for the functions of the Aviation Investment including “aircraft overhaul” which should be part of the functions of such an entity.

#### **CLAUSE 40**

**THAT** Clause 40 of the Bill be amended in paragraph (a) by deleting the word “masters” and substituting therefor the word “Bachelor’s”.

**Justification:** Common practice requires a bachelor’s degree, with possession of a Master’s degree as an added advantage rather than a minimum qualification.

#### **CLAUSE 56**

**THAT** Clause 56 of the Bill be amended-

- (a) in sub-clause (3) by inserting the words “of the Board and” immediately after the words “approval of”;
- (b) in sub-clause (4) by inserting the words “of the Board and” immediately after the words “approval of”.

**Justification:** To ensure the Corporation opens bank accounts upon approval by the National Treasury and the Board as opposed to only the National Treasury.

## **CLAUSE 72**

**THAT** Clause 72 of the Bill be amended-

- (a) by renumbering the existing clause as sub-clause(1);
- (b) by inserting the following new sub-clauses immediately after sub-clause (1)-
  - (2) For the purposes of Article 94 (6) of the Constitution—
    - (a) the purpose and objective of the delegation under this section is to enable the Cabinet Secretary to make regulations for better carrying into effect the provisions of this Act; and
    - (b) the authority of the Cabinet Secretary to make regulations under this Act will be limited to bringing into effect the provisions of this Act and fulfilment of the objectives specified under this section
  - (3) The principles and standards applicable to the delegated power referred to under this Act are those found in—
    - (a) the Statutory Instruments Act, 2013;
    - (b) the Interpretation and General Provisions Act,
    - (c) the general rules of international law as specified under Article 2(5) of the Constitution; and
    - (d) any treaty and convention ratified by Kenya under Article 2(6) of the Constitution.


**Justification:** In order to comply with the requirements of Article 94(6) of the Constitution i.e prescribe the purpose and objectives for which the authority is conferred, the limits of the authority, the nature and scope of the law that may be made and the principles and standards applicable to the law being made.

**SECOND SCHEDULE**

**THAT** the Second Schedule to the Bill be amended by inserting the following new item immediately after the proposed amendment to the Public Procurement and Asset Disposal Act, 2015

Air Passenger Service Charge (Cap 485) Insert the following new subsection immediately after subsection (3)-  
(4) All proceeds of the charge apportioned to the Kenya Airports Authority under subsection (3) shall be used for the development and management of airstrips.

**Justification:** To ensure that the proceeds of the air passenger service charge apportioned to the Kenya Airports Authority are used for the development and management of airstrips.

**SIGNED** ..... 

**CHAIRPERSON**  
**(HON. DAVID PKOSING, CBS, M.P)**

**DATE**..... 09/09/2020 .....

## **IV— Minutes of the meetings of the Committee**

**MINUTES OF THE TWENTY SIXTH (26<sup>TH</sup>) SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING HELD ON THURSDAY, 6<sup>TH</sup> AUGUST 2020 AT 2.00 P.M. IN COMMITTEE ROOM 9, MAIN PARLIAMENT BUILDING, IN NAIROBI**

**MEMBERS PRESENT**

1. Hon. David L. Pkosing, M.P. - Chairperson
2. Hon. Ahmed Abdisalan Ibrahim, M.P.
3. Hon. Ahmed Bashane Gaal, M.P.
4. Hon. Ali Wario Guyo, M.P.

**IN ATTENDANCE VIRTUALLY**

5. Hon. Gathoni Wamuchomba, M.P. - Vice Chairperson
6. Hon. Abdul Rahim Dawood, M.P.
7. Hon. David Njuguna Kiaraho, M.P.
8. Hon. Peris Pesi Tobiko, M.P.
9. Hon. Samuel Arama, M.P.
10. Hon. Omar Mwinyi Shimbwa, M.P.
11. Hon. Dominic Koskei, M.P.
12. Hon. Gideon Mulyungi, M.P.
13. Hon. Mercy Wanjiku Gakuya, M.P.
14. Hon. Tom Mboya Odege, M.P.

**MEMBERS ABSENT WITH APOLOGY**

1. Hon. Johnson Manya Naicca, M.P.
2. Hon. George Aldwa Omwera, M.P.
3. Hon. Kulow Maalim Hassan, M.P.
4. Hon. Rehema Dida Jaldesa, M.P.
5. Hon. Shadrack John Mose, M.P.

**SECRETARIAT**

1. Mr. Ahmed Salim Abdalla - Clerk Assistant II
2. Ms. Mercy Wanyonyi - Legal Counsel
3. Ms. Zainab Wario - Sergeant-at-arm
4. Mr. Brian Ng'etich - Audio Officer

**IN ATTENDANCE VIRTUALLY**

5. Ms. Chelagat Tungo Aaron - Clerk Assistant I

**MIN No. TPWH 141/2020: PRELIMINARIES**

The Chairman called the meeting to order at 2:07 pm followed by a word of prayer. Members confirmed the agenda of the meeting as deliberations on the use of the SGR in Kenya and consideration of the National Aviation Management Bill, 2020.

**MIN No. TPWH 142/2020: CONFIRMATION OF THE MINUTES OF THE PREVIOUS SITTING**

Confirmation of Minutes of the sitting held on Tuesday, 4<sup>th</sup> August 2020 was deferred to a later date.

**MIN NO. TPWH 143/2020:**

**BRIEFING BY THE RESEARCH OFFICER ON THE  
INQUIRY INTO THE USE OF THE STANDARD  
GAUGE RAILWAY IN KENYA**

The Research Officer took Members through the submissions received from stakeholders regarding the use of the Standard Gauge Railway. The Committee was informed that written submissions were so far received from the following:

1. Ministry of Transport, Infrastructure, Housing and Urban Development
2. Kenya Revenue Authority
3. Kenya Ports Authority
4. Kenya Trade Network Agency (KenTrade)
5. Kenya Transporters Association
6. Shippers Council of Eastern Africa
7. Container Freight Stations Association of Kenya

The Committee noted that:

1. There were diverse and good recommendations proposed by the different stakeholders regarding the use of the SGR.
2. It was important to promote both the use of the SGR and the use of road transport.
3. Sittings have been scheduled for 10<sup>th</sup> and 11<sup>th</sup> days of August 2020 where the Committee will meet the stakeholders to seek further clarifications.

**MIN NO. TPWH 144/2020:**

**BRIEFING BY THE LEGAL COUNSEL ON THE  
NATIONAL AVIATION MANAGEMENT BILL, 2020**

The Legal Counsel took Members through the submissions received from stakeholders regarding the National Aviation Management Bill, 2020. The Committee was informed that written submissions were so far received from the following:

1. Kenya Airways
2. Kenya Airports Authority
3. Kenya Civil Aviation Authority
4. KALPA
5. Mr. Walter Mocha Ongeru
6. State Department of Interior and Citizen Services

The Committee noted that on 13<sup>th</sup> August 2020, the Committee will meet the Ministry to seek further clarifications on the Bill, in light of what the stakeholders have submitted. Noting that Committee meetings are now mainly online, Members were urged to thoroughly go through the submissions which are shared by the Secretariat through online platforms.

**MIN No. TPWH 145/2020:**

**ADJOURNMENT**

There being no other business to transact, the sitting adjourned at twenty-eight minutes past three o'clock. Next sitting to be held on notice.

Signed.....



(Chairperson)

Date.....

09/09/2020

**MINUTES OF THE THIRTIETH (30<sup>TH</sup>) SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING HELD ON THURSDAY, 13<sup>TH</sup> AUGUST 2020 AT 2.00 P.M. IN MINI CHAMBER, COUNTY HALL, PARLIAMENT BUILDINGS, IN NAIROBI**

**MEMBERS PRESENT**

1. Hon. David L. Pkosing, M.P. - Chairperson
2. Hon. Gathoni Wamuchomba, M.P. - Vice Chairperson
3. Hon. David Njuguna Kiaraho, M.P.
4. Hon. Johnson Many Naicca, M.P.
5. Hon. Omar Mwinyi Shimbwa, M.P.
6. Hon. Ahmed Abdisalan Ibrahim, M.P.
7. Hon. Ahmed Bashane Gaal, M.P.
8. Hon. Ali Wario Guyo, M.P.
9. Hon. Dominic Koskei, M.P.
10. Hon. Rehema Dida Jaldesa, M.P.
11. Hon. Shadrack John Mose, M.P.
12. Hon. Tom Mboya Odege, M.P.

**IN ATTENDANCE VIRTUALLY**

13. Hon. Abdul Rahim Dawood, M.P.
14. Hon. Samuel Arama, M.P.
15. Hon. George Aldwa Omwera, M.P.

**MEMBERS ABSENT WITH APOLOGY**

1. Hon. Peris Pesi Tobiko, M.P.
2. Hon. Gideon Mulyungi, M.P.
3. Hon. Kulow Maalim Hassan, M.P.
4. Hon. Mercy Wanjiku Gakuya, M.P.

**SECRETARIAT**

1. Mr. Daniel Mutunga - Principal Clerk Assistant I
2. Mr. Ahmed Salim Abdalla - Clerk Assistant II
3. Ms. Zainab Wario - Sergeant-at-Arms
4. Ms. Noelle Chelagat - Media Relations Officer
5. Mr. Brian Ng'etich - Audio Officer

**IN ATTENDANCE**

1. Mr. Solomon Kitungu - PS, State Department for Transport
2. Hon. Peter Kaluma - Member for Homa Bay
3. Mr. Allan Kilavuka - CEO, Kenya Airways
4. Mr. Gilbert Kibe - DG, KCAA
5. Mr. Alex Gitari - Acting Managing Director, KAA
6. Ms. Katherine N. Kisila - Corporation Secretary, KAA
7. Ms. Ettah A. Muango - Legal Counsel, KAA
8. Mr. Joe Mutugu - Special Advisor to CS, Transport
9. Mr. George O. Mogaka - Corporation Secretary, KCAA



**MIN No. TPWH 158/2020:**                      **PRELIMINARIES**

The Chairman called the meeting to order at 2:13 pm followed by a word of prayer. Members confirmed the agenda of the meeting after having been proposed by Hon. Dominic Koskei and seconded by Hon. Ahmed Bashane. The Chairperson welcomed the Principal Secretary and the Ministry officials as well as other Government Agencies to the meeting.

**MIN No. TPWH 159/2020:**                      **CONFIRMATION OF THE MINUTES OF THE PREVIOUS SITTING**

Confirmation of Minutes of the sitting held on Tuesday, 11<sup>th</sup> August 2020 was deferred to a later date.

**MIN NO. TPWH 160/2020:**                      **MEETING THE MINISTRY AND GOVERNMENT AGENCIES TO RECEIVE THEIR VIEWS ON THE NATIONAL AVIATION MANAGEMENT BILL, 2020**

In his opening remarks, the Chairperson informed the Members as follows: -

1. That the Committee held a physical sitting on 9<sup>th</sup> July 2020 and a virtual sitting on 6<sup>th</sup> August 2020 to consider the Bill.
2. That by close of business on 12<sup>th</sup> August 2020, the Committee received memoranda on the Bill from the Kenya Airways, Kenya Airports Authority, Kenya Civil Aviation Authority, KALPA, Mr. Walter Mocha Onger, State Department of Interior and Citizen Services, OKAO Advocates, Mwangi Mwangi Advocates and SESLaw Advocates. These were in response to an advert on the newspapers dated 2<sup>nd</sup> July 2020 requesting Members of the public to submit their views and recommendations on the Bill.
3. That the Ministry was invited to submit their views to the Committee vide a letter dated 3<sup>rd</sup> August 2020, and it was on that basis that the Ministry was now before the Committee.

Members, however, raised a preliminary objection to the meeting with the Ministry, explaining that they required more time to go through the Bill and analyze the different submissions from stakeholders. It was their view that it was important to fully understand the Bill and the stakeholders' submissions before engaging the Ministry, in light of the great importance attached to the Bill.

After consultations, it was resolved that the meeting be adjourned to Tuesday, 18<sup>th</sup> August 2020. It was further resolved that the Cabinet Secretary for Transport, the Cabinet Secretary for the National Treasury and the Attorney General be invited to a meeting with the Committee on Thursday, 20<sup>th</sup> August 2020.

**MIN No. TPWH 161/2020:**                      **ADJOURNMENT**

There being no other business to transact, the sitting adjourned at fifteen minutes past three o'clock. Next sitting to be held on Tuesday, the 18<sup>th</sup> of August 2020.

Signed.....  
(Chairperson)

Date.....09/09/2020.....

**MINUTES OF THE THIRTY FIRST (31<sup>ST</sup>) SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING HELD ON TUESDAY, 18<sup>TH</sup> AUGUST 2020 AT 2.00 P.M. IN COMMITTEE ROOM 7, MAIN PARLIAMENT BUILDING, NAIROBI**

**MEMBERS PRESENT**

1. Hon. David L. Pkosing, M.P. - Chairperson
2. Hon. Gathoni Wamuchomba, M.P. - Vice Chairperson
3. Hon. Johnson Many Naicca, M.P.
4. Hon. Omar Mwinyi Shimbwa, M.P.
5. Hon. Ahmed Abdisalan Ibrahim, M.P.
6. Hon. Ahmed Bashane Gaal, M.P.
7. Hon. Ali Wario Guyo, M.P.
8. Hon. Dominic Koskei, M.P.
9. Hon. Shadrack John Mose, M.P.
10. Hon. Tom Mboya Odege, M.P.
11. Hon. Kulow Maalim Hassan, M.P.
12. Hon. Mercy Wanjiku Gakuya, M.P.

**IN ATTENDANCE VIRTUALLY**

13. Hon. Abdul Rahim Dawood, M.P.
14. Hon. David Njuguna Kiaraho, M.P.
15. Hon. Samuel Arama, M.P.
16. Hon. Peris Pesi Tobiko, M.P.

**MEMBERS ABSENT WITH APOLOGY**

1. Hon. Gideon Mulyungi, M.P.
2. Hon. George Aldwa Omwera, M.P.
3. Hon. Rehema Dida Jaldesa, M.P.

**SECRETARIAT**

1. Ms. Chelagat Tungo - Clerk Assistant I
2. Ms. Mercy Wanyonyi - Legal Counsel I
3. Mr. Moses Ndegwa - Sergeant-at-Arms
4. Ms. Sylvia Mutambari - Research Officer
5. Mr. Brian Ng'etich - Audio Officer

**MIN No. TPWH 162/2020:**

**PRELIMINARIES**

The Chairman called the meeting to order at 2:15 pm followed by a word of prayer. Members confirmed the agenda of the meeting after having been proposed by Hon. Omar Mwinyi, M.P. and seconded by Hon. Shadrack Mose, M.P.

**MIN No. TPWH 163/2020:**

**CONFIRMATION OF THE MINUTES OF THE PREVIOUS SITTING**

1. Minutes of the twenty third sitting held on Thursday, 9<sup>th</sup> July 2020 were confirmed as the true record of the proceedings after having been proposed by Hon. Tom Odege, M.P. and seconded by the Hon. Johnson Naicca, M.P.

2. Minutes of the twenty fourth sitting held on Friday, 17<sup>th</sup> July 2020 were confirmed as the true record of the proceedings after having been proposed by Hon. Ali Wario, M.P. and seconded by the Hon. Tom Odege, M.P.
3. Minutes of the twenty fifth sitting held on Tuesday, 4<sup>th</sup> August 2020 were confirmed as the true record of the proceedings after having been proposed by Hon. Ali Wario, M.P. and seconded by the Hon. Hassan Kullow, M.P.
4. Minutes of the twenty sixth sitting held on Thursday 6<sup>th</sup> August 2020 were confirmed as the true record of the proceedings after having been proposed by Hon. Ahmed Bashane, M.P. and seconded by the Hon. Tom Odege, M.P.
5. Minutes of the twenty seventh sitting held on Monday, 10<sup>th</sup> August 2020 at 10.00 a.m. were confirmed as the true record of the proceedings after having been proposed by Hon. Omar Mwinyi, M.P. and seconded by the Hon. Ahmed Gaal, M.P.
6. Minutes of the twenty eighth sitting held on Monday, 10<sup>th</sup> August 2020 at 2.00 p.m. were confirmed as the true record of the proceedings after having been proposed by Hon. Ahmed Abdisalan, M.P. and seconded by the Hon. Johnson Naicca, M.P.
7. Minutes of the twenty ninth sitting held on Tuesday, 11<sup>th</sup> August 2020 at 2.00 p.m. were confirmed as the true record of the proceedings after having been proposed by Hon. Hassan Kullow, M.P. and seconded by the Hon. Ali Wario, M.P.
8. Minutes of the thirtieth sitting held on Thursday, 13<sup>th</sup> August 2020 at 2.00 p.m. were confirmed as the true record of the proceedings after having been proposed by Hon. Ahmed Abdisalan, M.P. and seconded by the Hon. Hassan Kullow, M.P.

**MIN NO. TPWH 164/2020:**

**LEGAL BRIEFING ON THE NATIONAL AVIATION  
MANAGEMENT BILL, 2020**

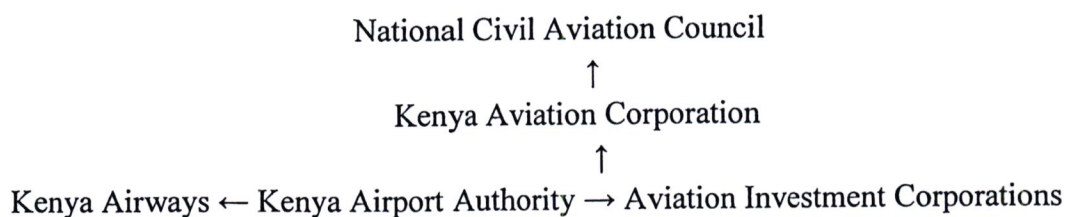
In his opening remarks, the Chairperson informed the Members as follows: -

1. That the memoranda received within the stipulated timelines will be considered. He also stated that two people per organization will be given an opportunity to appear before the committee for public participation.
2. The Chair also informed the Committee that all Private Sector stakeholders will appear before the Committee on **Thursday August 20, 2020**.  
 , The Committee had invited the Cabinet Secretary Ministry of Transport, Infrastructure, Housing, Urban Development & Public Works; Cabinet Secretary, National Treasury; and The Attorney-General on **Friday August 21, 2020**.  
 The Committee will thereafter have a retreat on **Tuesday 25<sup>th</sup> or Wednesday 26<sup>th</sup> August, 2020** to harmonise the views on the Bill.
3. Some Members noted that the Bill needed to be given more time to consider the various memoranda received and the public should be given an opportunity to appear before the Committee.

4. Members raised concerns about the short time span given and the numerous memoranda to be considered. Others proposed that the retreat be held on Thursday 27<sup>th</sup> and Friday 28<sup>th</sup> August, 2020.

### **Consideration of the Bill**

5. The Committee was informed that the Bill is creating 5 structures namely:



### **CLAUSE BY CLAUSE ANALYSIS OF THE BILL**

6. The Committee was taken through the Bill as follows:
- i. Clause 5 establishes NCAC and its functions on sub clause 2(a)(b) and 3
  - ii. Clause 6 establishes the Kenya Aviation Corporation and its functions outlined in Clause 7.
  - iii. Clause 8 establishes the Board of Directors and its functions are outlined in Clause 9.
  - iv. Clause 10 establishes the qualifications for appointment as the Chairperson.
  - v. Clause 11 establishes the qualifications for appointment as a Board Member.
  - vi. Clause 12 establishes the Chief Executive Officer of the Corporation, Clause 13 outlines the qualifications for appointment as the CEO, Clause 14 indicates the tenure of the CEO whereas Clause 15 outlines the procedure for removal of the CEO.
  - vii. Clause 16, 17, 18, 19, 20, 21 and 22 provide for the remuneration of Members of the Board, conduct of meeting of the Board, removal of a Board Member and vacation from office, Committee of the Board, Corporation Secretary as well as Common Seal and execution of contracts by the Corporation, respectively.
  - viii. On establishment of operating entities, Clause 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36,37, and Clause 38 outlines, the establishment of Kenya Airways, functions of KQ, Share Capital of KQ, establishment of KAA, functions of KAA, Share Capital of KAA, establishment of the Aviation Investment Corporation, powers and functions of the Aviation Investment Corporation, share capital of the Aviation Investment Corporation, powers of the operating entity, establishment of additional operating entities, general provisions in relation to the share capital of the operating entities, increase in share capital, liability, application of the companies Act to the operating entities and filing of returns as well as stakeholders consultation by the operating entities in setting user charges respectively.
  - ix. Under management of operating entities, the appointment of the Managing Director, functions of the MD, remuneration of the MD, tenure of office of MD, ground for removal of

MD, and Common Seal of an operating entity are established in Clauses 39, 40, 41, 42, 43, 44 and 45 respectively.

- x. On operating entity subsidiaries, the Director(s) of the operating entity subsidiaries, Managing Directors of the operating entity subsidiaries, Articles of Association, establishment and management of the fund, principles of operation, sources of money into the Fund and payment out of the Fund are established in Clauses 46, 47, 48, 56, 57, 58 and 59

**MIN No. TPWH 165/2020: GENERAL CONCERNS RAISED BY THE COMMITTEE**

7. The following were concerns raised by Members in relation the proposed establishment of the Kenya Aviation Corporation: -
- i. Most Members disagreed to having the NCAC. They were also opposed to having the President as the chair of the Council. The Committee questioned how the President will be answerable and accountable (to the public) considering he is also the Commander in Chief.
  - ii. Concerns were raised on the composition of the Board, such as why CS Treasury is included in Clause 6
  - iii. It was noted that the Kenya Airport Authority can supervise the Kenya Aviation Corporation
  - iv. It was also noted that other aviation operators should be included so as not to be regulated by a competitor i.e. KQ.
  - v. On Clause 7 (d) “to advise the Government on matters relating to the development of the Kenyan aviation sector”, it was not clear how this will be done yet they are competitors. It was also noted that there was no fair competition from other stakeholders.
  - vi. On Clause 8 it was observed that the MDs for KQ and KAA sit in the Board and have powers to remove the CEO as indicated in Clause 15. Thus it was important to relook at the two clauses and amend them by clearly defining the roles of the Board Members by giving the KQ and KAA advisory roles only so as to curb voting powers.
  - vii. On Clause 8 (f), to include KCAA if the Council is to be maintained and the Air Operators be included at the Corporation level.
  - viii. On Clause 9 (m) user charges not defined, how will this be determined?
  - ix. To include a sub clause (p) immediately after sub clause (o) by adding “fire and hire” and that should be distinct.
  - x. Maximum qualification of the CEO to be prescribed as degree holder.
  - xi. It was noted that the KQ Managing Director will pose a conflict of interest by virtue of the fact that he/she will be a Member of the Board.
  - xii. Other operators should also have a representative in the Board.
  - xiii. A concern was also raised on Clause 15 which proposes removal of the CEO by the Board. The Committee Members observed that grounds for removal of the CEO were missing and should therefore be replicated from Clause 44.
  - xiv. It was proposed that a proper amendment be made on sub section (e) of Clause 58 so as to clarify the exact amount in the Fund to be allocated to each Institution.

- xv. It noted that the Bill captured the views of the Committee back when they wanted to nationalize the Kenya Airways.
- xvi. Another Member had concerns about some amorphous bodies that the Bill was creating. He noted that the committee should not be a rubber stamp.
- xvii. It was finally noted that the final document will have to be ratified by the committee. He emphasized on the need to critique the Bill strongly as it will be kicking out private sector from Kenya Airways.

**MIN No. TPWH 166/2020: ANY OTHER BUSINESS**

8. After consideration of submissions received from Private Stakeholders, Members raised concerns on two issues and thought it best to be addressed in subsequent meetings. The issues raised were;-
- a) To confirm whether valuation of assets owned by both KAA and KQ had been carried out and if not when will that be done.
  - b) To confirm from the Ministry and stakeholders whether there was any feasibility study of the proposals contained in the Bill conducted. If not, then the Bill ought to be stepped until the study is carried out.

**MIN No. TPWH 167/2020: ADJOURNMENT**

9. There being no other business to transact, the sitting adjourned at fifteen minutes past six o'clock. Next sitting to be held on Thursday, the 20<sup>th</sup> of August 2020

Signed.....

(Chairperson)

Date.....09/09/2020

**MINUTES OF THE THIRTY SECOND (32<sup>ND</sup>) SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING HELD ON THURSDAY, 20<sup>TH</sup> AUGUST 2020 AT 2.00 P.M. IN THE MAIN CHAMBER, PARLIAMENT BUILDING, NAIROBI**

**MEMBERS PRESENT**

1. Hon. David L. Pkosing, M.P. - Chairperson
2. Hon. Johnson Many Naicca, M.P.
3. Hon. Omar Mwinyi Shimbwa, M.P.
4. Hon. Ahmed Abdisalan Ibrahim, M.P.
5. Hon. Ahmed Bashane Gaal, M.P.
6. Hon. Ali Wario Guyo, M.P.
7. Hon. Dominic Koskei, M.P.
8. Hon. Shadrack John Mose, M.P.
9. Hon. Tom Mboya Odege, M.P.
10. Hon. Kulow Maalim Hassan, M.P.

**IN ATTENDANCE VIRTUALLY**

11. Hon. Gathoni Wamuchomba, M.P. - Vice Chairperson
12. Hon. Abdul Rahim Dawood, M.P.
13. Hon. David Njuguna Kiaraho, M.P.
14. Hon. Samuel Arama, M.P.
15. Hon. Peris Pesi Tobiko, M.P.
16. Hon. Mercy Wanjiku Gakuya, M.P.

**MEMBERS ABSENT WITH APOLOGY**

1. Hon. Gideon Mulyungi, M.P.
2. Hon. George Aldwa Omwera, M.P.
3. Hon. Rehema Dida Jaldesa, M.P.

**SECRETARIAT**

1. Ms. Chelagat Tungo - Clerk Assistant I
2. Ms. Mercy Wanyonyi - Legal Counsel I
3. Mr. Moses Ndegwa - Sergeant-at-Arms
4. Ms. Sylvia Mutambari - Research Officer
5. Mr. Brian Ng'etich - Audio Officer

**PRIVATE SECTOR STAKEHOLDERS**

1. Captain Timothy Njoroge - Vice Chairman KALPA
2. Mr. Joseph Migwi - Regional Vice President IFALPA
3. Mr. Mwenda Mabura - Executive Member, KALPA
4. Mr. Murithi Nyaga - General Secretary, KALPA
5. Col. E.K. Waithaka - KAAO
6. Mr. Fredrick Opot - Vice Chairman KAAO
7. Mr. Walter Ongeru - Chairman, KAWU
8. Mr. Daniel Yatich - Assistant Treasurer, KAWU
9. Ms. Kwamboka Christine - Representative, R. Mobisa Associates Advocates
10. Captain Mathew K. Karimi - Asst. Treasurer, KALPA
11. Mr. Walter Mocha - Public Participant

**MIN No. TPWH 168/2020: PRELIMINARIES**

The Chairman called the meeting to order at 2:30 pm followed by a word of prayer. Members confirmed the agenda of the meeting after having been proposed by Hon. Ali Wario, M.P. and seconded by Hon. Tom Odege, M.P.

**MIN No. TPWH 169/2020: CONFIRMATION OF THE MINUTES OF THE PREVIOUS SITTING**

Confirmation of the minutes of the previous sittings were deferred to the next meeting.

**MIN NO. TPWH 170/2020: SUBMISSION BY THE PRIVATE SECTOR STAKEHOLDERS ON THE NATIONAL AVIATION MANAGEMENT BILL, 2020**

In his opening remarks, the Chairperson informed the Members as follows: -

1. That all eight (8) stakeholders who had submitted their written memoranda received through the Clerk's office had been invited to present their submissions before the Committee. These included, R. Mobisa & Associates Advocates, Mr. Walter Mocha Onger, SESLaw Advocates LLP, Mwangi Mwangi & Associates, The Law Society of Kenya, The Kenya Association of Air Operators, OKAO and Company Advocates and the Kenya Airline Pilots Association. Kenya Association of Workers Union (KAWU) representatives were also present in the meeting.
2. It was noted that representatives from five (5) private sectors were present in the meeting whereas those from SESLaw Advocates LLP, Mwangi Mwangi & Associates and the Law Society of Kenya had written to the Committee requesting for a reschedule of the meeting citing short notice.
3. It was further noted that, the Committee had invited the Cabinet Secretary Ministry of Transport, Infrastructure, Housing, Urban Development & Public Works; the Cabinet Secretary, National Treasury; and The Attorney-General to appear before it on **Friday August 21, 2020**. However, following the Hon. Speaker's communication on engagement between the Executive and the National Assembly, the meeting between the Committee and the Ministries and Government institutions was postponed to **Tuesday 1<sup>st</sup> September, 2020** and all informed accordingly.

**SUBMISSIONS BY STAKEHOLDERS**

**Clause by clause analysis of the Bill**

**4. Title: The National Aviation Management Bill, 2020**

**Kenya Association of Air Operators (KAAO)**

The title of this Bill and Section 1 (1) of the Bill is misleading as Kenya Aviation is comprised of diverse organizations some of which are in private ownership. This Bill seeks to form a Corporation which will be one of the players in the Kenya Aviation System

**5. CLAUSE 2:**

**R.Mobisa & Associates**

The Bill should be shelved and reintroduced once a feasibility study has been conducted, but in the event the Bill is to be considered-

- i. Amend to provide for a definite date/time on which the Bill will come into force once passed.
- ii. Amend to exhaustively define what constitutes "user charges" and to delete the general power given to the Cabinet Secretary to define what the user charges are.

**Amendments to CLAUSE 4: Guiding principles.**



## **Kenya Association of Air Operators (KAAO)**

Guiding Principles of the Act should include the enhancement and/or development of JKIA as an international Hub as this has always been one of the key strategies to enable Kenya capture the aviation market in the region.

- (a) to delete the Council; OR include a representative from the Kenya Civil Aviation
- (b) Authority in the Council; and
- (c) to remove the President, the Cabinet Secretaries for the National Treasury and Interior and the Kenya Airforce commander from the Council

Amend to include the Director General of KCAA.

### **6. Amendments to CLAUSE 7: Functions and powers of the Corporation.**

#### **Kenya Airline Pilots Association (KALPA) and R.Mobisa & Associates**

Amend 7(1) (c) by inserting the words "in consultation with relevant stakeholders" at the end. 7(1)(e) of the Bill should be deleted

### **7. Amendments to CLAUSE 8: Board of the Directors**

#### **Kenya Airline Pilots Association (KALPA) and R. Mobisa & Associates**

Amend 8(1)(g) by inserting the following words at the end-  
"each nominated by the following entities-

- (a) the Kenya Airline Pilots Association.

Amend to-

- (a) clarify whether the Managing Director of the Aviation Investment
- (b) clarify the capacity in which the Chief Executive Officer and the Managing Directors of Kenya Airways and KAA sit on the Board;
- (c) clarify the reporting relationship between the Chief Executive Officer and the two managing Directors;
- (d) Company also sits on the Board;
- (e) replace the Cabinet Secretary of the National Treasury with the Principal Secretary; and
- (f) require the Cabinet Secretary to appoint the four independent directors subject to their nomination by entities not related to the government.

Amend 8(2) to harmonize the term of office of the Board to the term of the Chief Executive Officer and the Managing Directors

### **8. Amendments to CLAUSE 9 Functions and powers of the Board.**

#### **Kenya Association of Air Operators (KAAO) and Walter Mocha Ongeru**

Amend by inserting the following words at the end of 9(k)-

"in consideration of the existing Collective Bargaining Agreements executed at the time with any labour union."

m) This sub-section gives the Board of the Corporation powers to approve and publish fees, rates, levies and all other charges to be levied and collected by the Operating Entities. These being such like landing/ parking/ passenger departure / franchise charges will be subjective especially as seen by other players, some being competitors

-Cannot purport to advise CS on aviation

(c) the board function here suggests implementation of Government strategy in relation to the national aviation sector – cannot be this – can only be group strategy in relation to aviation

(n) This provision should not be construed to cover the entire aviation sector in Kenya, development independent of consultation with other players.

**9. Amendments to CLAUSE 10: Qualifications for appointment as the Chairperson.  
Kenya Airline Pilots Association (KALPA) and Kenya Association of Air Operators (KAAO)**

Insert the following words immediately after paragraph (a)-

“or holds an ATPL with an executive MBA/MSC or ten years commercial airline experience”.

Restriction for the Chairman has knowledge and experience of similar business will be subjective

**10. Amendments to CLAUSE 13: Qualifications for appointment as Chief Executive Officer.  
Kenya Airline Pilots Association (KALPA) and Kenya Association of Air Operators (KAAO)**

Insert the following words immediately after paragraph (a)-

“or holds an ATPL with an executive MBA/MSC or ten years airline experience”.

Longer senior management experience is required

**12. Amendments to CLAUSE 14: Tenure of the Chief Executive Officer.  
R.Mobisa & Associates, Kenya Airline Pilots Association (KALPA) and Kenya Association of Air Operators (KAAO)**

Amend to harmonize the term of office of the Chief Executive Officer and the Managing Directors.  
Tenure of the CEO should be three years

The tenure of 5 years and eligibility for a further term of 5 years for the Chief Executive Officer is too long - recommend a shorter term of say 3 years renewable to give room for another appointment of someone with fresh ideas/strategies, should this be deemed necessary.

**13. Amendments to CLAUSE 15: Removal of the Chief Executive Officer.  
Kenya Association of Air Operators (KAAO)**

Add matters relating to integrity, Corruption, Performance and Fraud as well.

**14. Amendments to CLAUSE 22: Common seal and execution of contracts by the Corporation.  
Kenya Association of Air Operators (KAAO)**

The Business Laws (Amendment) Act, 2020 (the "Amendment") came into effect in March and abolished the use of Common Seals by Companies. In view thereof, subject to the interpretation of Section 36 [Operation of the Companies Act to Operating Entities] this Section should clarify that this Amendment does not apply to the Corporation if that is the intention.

**15. Amendments to CLAUSE 24 (1)(f): Functions of Kenya Airways.  
R. Mobisa & Associates and Kenya Association of Air Operators (KAAO)**

1 (a) Amend phrase "to carry on business as carriers of air passengers and goods" to read "to carry on business as carriers of air passengers, freight, cargo transport services and other related services".

Add also maintenance, repair of Aircraft and other functions normally carried out by an MRO which is an important part of any airline. What about ground handling services?

1 (e) Borrowing – should say under the advice of the board to National Treasury

Amend to delete the general power given to the Board to assign undefined functions to Kenya Airways

**16. Amendments to CLAUSE 25 and 28: Share capital of Kenya Airways.**

**R. Mobisa & Associates**

Amend to reflect the true valuation of KQ and KAA

**17. Amendments to CLAUSE 27: Functions of the Kenya Airports Authority.**

**R. Mobisa & Associates**

Amend to remove any references to the grant of regulatory powers to KAA with regard to access to, operation and construction of aerodromes.

Amend to delete the general function of providing other transport related services and undertaking other businesses related to air transport and ancillary businesses.

**18. Amendments to CLAUSE 30 (d): Powers and functions of the Aviation Investment Corporation. R. Mobisa & Associates and Kenya Association of Air Operators (KAAO)**

Amend to delete the general power given to the Board to assign the Aviation Investment Corporation undefined functions.

The functions listed are all those lifted from the current KAA Act which will raise the concern of the rest of the operators regarding matters of conflict of interest, objectivity and fair treatment.

**19. Amendments to CLAUSE 37: Application of the Companies Act to the Operating Entities and filing of returns.**

**Kenya Association of Air Operators (KAAO)**

Given the passing of the Business Laws (Amendment) Act, 2020 indicates whether [or not this] provision is retrospective in application.

**20. Amendments to CLAUSE 38: Stakeholder consultation by the Operating Entities in setting user charges.**

**Kenya Airline Pilots Association (KALPA) and Kenya Association of Air Operators (KAAO)**

Insert the words “including the Kenya Airlines Pilot Association and the Consumer Federation of Kenya prior to publication by the Cabinet Secretary in the *Gazette*.”

This provision though intended to protect other users, has by experience been found to be misused at the detriment of the users. It will result in subjective application due to direct conflict of interest.

**21. Amendments to CLAUSE 40: Qualifications of a Managing Director.**

**Kenya Airline Pilots Association (KALPA) and Kenya Association of Air Operators (KAAO)**

Insert the following new paragraph immediately after paragraph (c)-

(ca) has knowledge and experience in the aviation sector

Transfer of the entire contractual obligations including the Collective Bargaining Agreements, Recognition Agreements with Kenya Airways PLC and Kenya Aviation Authority held with the labour unions to the new operating entities.

**22. Amendments to CLAUSE 43: Tenure of office of a Managing Director.**

**R.Mobisa & Associates, Kenya Airline Pilots Association (KALPA) and Kenya Association of Air Operators (KAAO)**

Amend to harmonize the term of office of the Managing Directors to the term of the Chief Executive Officer

A Managing Director shall hold office for a period of **four** years and shall be eligible for re- appointment for one further term of **four** years subject to satisfactory performance.

Recommends a shorter term of 4 years renewable to give room for another appointment of someone with fresh ideas/strategies, should this be found necessary.

**23. Amendments to CLAUSE 49: Transfer of Undertakings.**

**Walter Mocha Onger**

Amend by inserting the following new paragraph after paragraph (b)-

Transfer of the entire contractual obligations including the Collective Bargaining Agreements, Recognition Agreements with Kenya Airways PLC and Kenya Aviation Authority held with the labour unions to the new operating entities

Considering that the Corporation is by extension a competitor to other airport users, this would possibly go against the principles of the Competition Act

**24. Amendments to CLAUSE 50: Vesting Orders to be published by the Cabinet Secretary**

**R.Mobisa & Associates**

Amend to require the Cabinet Secretary to seek the approval of Parliament before excluding any asset or liability of KQ and KAA from any vesting order.

**Kenya Airline Pilots Association (KALPA) and Walter Mocha Onger**

Insert the words "in consultation with the Kenya Airline Pilots Association and other associations of employees of the Group" immediately after the words "Board may".

Insert the words "subsisting Collective Bargaining Agreements" immediately after the words "applicable law"

**25. Amendments to CLAUSE 58: Sources of money into the Fund.**

**Kenya Association of Air Operators (KAAO)**

Among the sources is the Passenger Service Charge, the provision further permits that other than the apportionment to KCAA the rest will be invested in the Corporation fund as per Section 63 (3).

**26. Amendments to CLAUSE 61: Borrowing powers.**

**Kenya Association Of Air Operators (KAAO)**

After the phrase "issue any security ...." Add the words "indemnity, guarantee....." to cover the guarantees already in place in KQ and subsidiaries.

Part XI

**27. Amendments to CLAUSE 67: Employee endangering safety.**

It goes against Annex 13 of ICAO (accident investigations)

**28. Amendments to CLAUSE 72: Powers of the Cabinet Secretary to make Regulations.**

**R.Mobisa & Associates**

Amend to provide for the objects and purpose for and limitations on the power granted to the Cabinet Secretary for Transport to make regulations

**Mwangi, Mwangi & Associates**

A general amendment to subject the entities created under the Bill to the provisions of the Civil Aviation Act, 2013 and the supervision of the Civil Aviation Authority in regulatory and policy matters.

In order to reduce any potential conflicts arising in the operation of the Council and the Civil Aviation Authority.

**OKAO & Company Advocates**

Opposed the consolidation of Kenya Airways and Kenya Airports Authority into one entity under the National Aviation Bill, 2020

- a) Historically an unprofitable undertaking. It's a business that should not be gambled with taxpayers money especially in the current pandemic of COVID -19 pandemic;
- b) The government engaging in business has previously gone very badly leading to additional and unnecessary burdens on taxpayers e.g. National Bank, Kenya Co-operative Creameries, all the sugar companies and Pan-paper Mills

**SESLaw Advocates**

The Bill should be rejected in its entirety.

- a) the proposed merger;
- b) Failure to meet the constitutional threshold of public participation in law making;
- c) Failure to adhere to established principals of public finance management;
- d) Failure to conduct a comprehensive feasibility study on the financial viability of nationalization of KQ and its merger with KAA;
- e) Failure to adhere to competition law and policy;
- f) Potential for infringement on international obligations; and
- g) Illegalities arising from unlawful/irregular amendment of other laws.

**The Law Society of Kenya**

- a) The creation of the Council materializes to nothing as it replicates functional Cabinet Committees that the President can create without legislation.
- b) The establishment of the Kenya Aviation Corporation is the primary goal of the Bill and other operating entities hence irregular and unconstitutional as it does not conform to the spirit of the rule of law. A standalone law for every state corporation called Operating Entities should be enacted separately in consonance with the State Corporations Act
- c) Kenya Airways is among the new entities being created yet the Bill is silent on private commercial interests under KQ currently and nothing on redress issues of assets and liabilities under the succession scheme.
- d) The Bill purports to amend other statutes like the Public Procurement and Asset Disposal Act that are not related to it in a manner that unduly expands the subject matter of the Bill contrary to law.
- e) Aviation workers should be fortified in the Bill after pragmatic consultation with the aviation stakeholders as there are ongoing court matters on the same.

- f) Amend to reflect county government's as they are big stakeholders in the management of local aerodromes as they are transport leeway into the counties and their positioning directly affects the county development plans.

**GENERAL COMMENTS FROM THE STAKEHOLDERS AND COMMITTEE**


- i. Representatives from KAAO requested the Committee to look at the real purpose of having the Council and the value it will add to the Civil Aviation System in Kenya.
- ii. The Committee should also look at the plight of the entire industry mainly towards development of the economy and whether all the institutions are contributing in equal measure towards the development.
- iii. Mr. Walter Mocha proposed to have Labour Relations and Unions as part of the Council for regulation purposes.
- iv. KAWU and KALPA confirmed to the Committee that no feasibility studies had been carried out and that they have never been consulted on the same.
- v. KALPA further proposed that experts should be given utmost consideration in leading the aviation sector in the Board.
- vi. The Committee Members wanted to know the reason why ICAO is not mentioned in the Bill and the effect of this omission in the aviation industry.

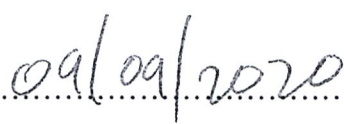
**MIN No. TPWH 171/2020: ANY OTHER BUSINESS**

The Committee was informed that it will receive the final submissions on the Bill from the Ministry and thereafter proceed to prepare its report between 2<sup>nd</sup> and 4<sup>th</sup> September, 2020 which will then be tabled in the House.

**MIN No. TPWH 172/2020: ADJOURNMENT**

There being no other business to transact, the sitting adjourned at fifteen minutes past four o'clock. Next sitting to be held on Tuesday, the 1<sup>st</sup> September 2020

Signed..........  
(Chairperson)

Date..........

**MINUTES OF THE THIRTY THIRD (33<sup>RD</sup>) SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING HELD ON TUESDAY, 1<sup>ST</sup> SEPTEMBER 2020 AT 10.00 A.M. IN THE MINI CHAMBER, COUNTY HALL PARLIAMENT BUILDING, NAIROBI**

**MEMBERS PRESENT**

1. Hon. David L. Pkosing, M.P. - Chairperson
2. Hon. Gathoni Wamuchomba, M.P. - Vice Chairperson
3. Hon. Johnson Many Naicca, M.P.
4. Hon. Omar Mwinyi Shimbwa, M.P.
5. Hon. Samuel Arama, M.P.
6. Hon. Ahmed Abdisalan Ibrahim, M.P.
7. Hon. Ahmed Bashane Gaal, M.P.
8. Hon. Dominic Koskei, M.P.
9. Hon. Shadrack John Mose, M.P.
10. Hon. Tom Mboya Odege, M.P.
11. Hon. Rehema Dida Jaldesa, M.P.
12. Hon. Kulow Maalim Hassan, M.P.
13. Hon. Ali Wario Guyo, M.P.

**IN ATTENDANCE VIRTUALLY**

14. Hon. Abdul Rahim Dawood, M.P.
15. Hon. David Njuguna Kiaraho, M.P.
16. Hon. Mercy Wanjiku Gakuya, M.P.

**MEMBERS ABSENT WITH APOLOGY**

1. Hon. Gideon Mulyungi, M.P.
2. Hon. George Aldwa Omwera, M.P.
3. Hon. Peris Pesi Tobiko, M.P.

**SECRETARIAT**

1. Mr. Daniel Mutunga - Principal Clerk Assistant I, HoD
2. Ms. Chelagat Tungo - Clerk Assistant I
3. Ms. Mercy Wanyonyi - Legal Counsel I
4. Mr. Moses Ndegwa - Sergeant-at-Arms
5. Ms. Sylvia Mutambari - Research Officer
6. Mr. Brian Ng'etich - Audio Officer

**IN ATTENDANCE VIRTUALLY**

7. Mr. Ahmed Salim - Second Clerk Assistant

**IN ATTENDANCE**

1. Mr. James Macharia - CS, Ministry of Transport and Infrastructure
2. Mr. Solomon Kitungu - PS, State Department for Transport
3. Mr. Allan Kilavuka - CEO, Kenya Airways
4. Mr. Gilbert Kibe - DG, KCAA
5. Mr. Alex Gitari - Acting Managing Director, KAA
6. Mr Stanley Kamau - DG Public Investment and Porfolio Management National Treasury

- |                            |   |                                  |
|----------------------------|---|----------------------------------|
| 7. Mr. Fred Mwachi         | - | DCPC, Ag's office                |
| 8. Ms. Katherine N. Kisila | - | Corporation Secretary, KAA       |
| 9. Mr. Joe Mutugu          | - | Special Advisor to CS, Transport |
| 10. Mr. George O. Mogaka   | - | Corporation Secretary, KCAA      |

**MIN No. TPWH 173/2020: PRELIMINARIES**

The Chairman called the meeting to order at 10:20 am followed by a word of prayer. Members confirmed the agenda of the meeting after having been proposed by Hon. Ali Wario, M.P. and seconded by Hon. Tom Odege, M.P.

**MIN No. TPWH 174/2020: CONFIRMATION OF THE MINUTES OF THE PREVIOUS SITTING**

Confirmation of the minutes of the previous sittings were deferred to the next meeting.

**MIN NO. TPWH 175/2020: SUBMISSION BY THE MINISTRY AND GOVERNMENT ON THE NATIONAL AVIATION MANAGEMENT BILL, 2020**

In his opening remarks, the Chairperson informed the Members that, the Committee had earlier invited the Cabinet Secretary Ministry of Transport, Infrastructure, Housing, Urban Development & Public Works; Cabinet Secretary, National Treasury; and The Attorney-General to appear before it on **Friday August 21, 2020**. However, following the Hon. Speaker's communication on engagement between the Executive and the National Assembly during the Covid 19 pandemic period, the meeting between the Committee and the Ministry and Government Institutions, the meetings were postponed, thus the reason why the meeting had to be pushed for a further week

**CONSIDERATION OF THE BILL**

The Legal Counsel took the Committee through the summary of submissions and proposals received from stakeholders and Members of the public. The Ministry was afforded an opportunity to give their views on variety of issues and recommendations. These include the following:

1. On Clause 3, it was noted that the clause required the CS to appoint two independent Directors but no much information has been provided on their background or professional standing. The CS explained that the drafting is better that way in order to restrict appointment to a certain sector but from a pool of available experts from any field. Some Members were of the view that one must specify a sector to be appointed (for example aviation) as a way of curbing abuse in the appointment process and ensuring inclusivity. Proposed that, a proviso be inserted saying that the appointment should be 'done in compliance with Constitution' or 'to consider regional and gender balance'.
2. On Clause 9, it was proposed that the existing CBA agreements be included in the new arrangement. It was resolved that the matter to be discussed at length later during the retreat.
3. On 27(1)(j) there was a proposal to amend to make reference to both animals and birds. There was no objection from the Ministry.
4. On Clause 30, on powers and functions of the Aviation Investment Corporation, there were proposals from the Kenya Airways, KAA, R. Mobisa & Associates; and Kenya Association Of Air Operators.



There was a proposed amendment to include "aircraft overhaul" as one of the functions of the Aviation investment Corporation. The KAA had no objection.

5. On Clause 38 on Stakeholder consultation by the Operating Entities in setting user charges, there was a proposal to provide for consultations between the relevant Group Entity and the Kenya Airlines Pilots Association in setting user charges. The Ministry submitted that the provision makes reference to stakeholders hence no need to specify. The Committee resolved to look into the proposal when they retreat.
6. On Clause 50 regarding the Vesting Orders to be published by the Cabinet Secretary. R. Mobisa & Associates proposed to amend the clause have the Cabinet Secretary seek approvals of Parliament before excluding any asset or liability of KQ and KAA from any vesting order. The Ministry submitted that Parliamentary approval on the same was already provided in law.
7. On Clause 53 on review of the terms of service of employees of the Operating Entities, there was a proposal from KALPA and Walter Mocha Ongeru to provide consultation between the Board and representative associations of employees of the Group. It was noted that the proposal was reasonable.
8. On Clause 56 on Establishment and management of the Fund, there was a proposal from Kenya Airways and Kenya Airports Authority for an amendment to ensure that Corporation opens bank accounts upon approval by the National Treasury and the Board as opposed to only the National Treasury only.
9. On Clause 67, on Employee endangering safety, there was a proposal KALPA and R. Mobisa & Associates to amend to harmonize the penalties prescribed with the gravity of the various offences. The Cabinet Secretary had no objection.
10. On Second Schedule 10D (a) on effect of registration of a state owned entity, there was a proposal from Kenya Airways to amend the section in order to clarify that the scope of powers and duties of a state owned entity are circumscribed by the statute establishing the entity. Kenya Airways was advised by the Chairperson to forward a proposed text to the Legal Counsel before the close of business.

**MIN No. TPWH 176/2020:**                      **ANY OTHER BUSINESS**

The meeting noted that the Committee will proceed to a Report Writing retreat this week. Further logistical details to be provided by the Clerk of the Committee on the *WhatsApp* platform in due course.

**MIN No. TPWH 177/2020:**                      **ADJOURNMENT**

There being no other business to transact, the sitting adjourned at half past one o'clock. Next sitting to be held on Wednesday, the 2<sup>nd</sup> September 2020.

Signed.....  
(Chairperson)

Date.....09/09/2020.....

**MINUTES OF THE THIRTY FOURTH (34<sup>TH</sup>) SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING HELD ON WEDNESDAY, 2<sup>ND</sup> SEPTEMBER 2020 AT 10.00 A.M. IN OLE SERENI HOTEL, NAIROBI**

**MEMBERS PRESENT**

1. Hon. David L. Pkosing, M.P. - Chairperson
2. Hon. Gathoni Wamuchomba, M.P. - Vice Chairperson
3. Hon. Johnson Many Naicca, M.P.
4. Hon. Omar Mwinyi Shimbwa, M.P.
5. Hon. Samuel Arama, M.P.
6. Hon. Ahmed Abdisalan Ibrahim, M.P.
7. Hon. Ahmed Bashane Gaal, M.P.
8. Hon. Dominic Koskei, M.P.
9. Hon. Shadrack John Mose, M.P.
10. Hon. Mercy Wanjiku Gakuya, M.P.
11. Hon. Tom Mboya Odege, M.P.
12. Hon. Kulow Maalim Hassan, M.P.
13. Hon. Peris Pesi Tobiko, M.P.

**IN ATTENDANCE VIRTUALLY**

14. Hon. Abdul Rahim Dawood, M.P.
15. Hon. David Njuguna Kiaraho, M.P.
16. Hon. Rehema Dida Jaldesa, M.P.

**MEMBERS ABSENT WITH APOLOGY**

1. Hon. Gideon Mulyungi, M.P.
2. Hon. George Aldwa Omwera, M.P.
3. Hon. Ali Wario Guyo, M.P.

**SECRETARIAT**

1. Ms. Chelagat Tungo - Clerk Assistant I
2. Ms. Mercy Wanyonyi - Legal Counsel I
3. Mr. Moses Ndegwa - Sergeant-at-Arms
4. Mr. Brian Ng'etich - Audio Officer

**MIN No. TPWH 178/2020:**

**PRELIMINARIES**

The Chairman called the meeting to order at 10:05 am followed by a word of prayer. Members confirmed the agenda of the meeting after having been proposed by Hon. Omar Mwinyi, M.P. and seconded by Hon. Ahmed Abdisalan, M.P.

**MIN No. TPWH 179/2020:**

**CONFIRMATION OF THE MINUTES OF THE PREVIOUS SITTING**

Confirmation of the minutes of the previous sittings were deferred to the next meeting.

**MIN NO. TPWH 180/2020:**

**CONSIDERATION OF THE BILL**

The Legal Counsel took the Committee through the summary of submissions and proposals received from stakeholders and Members of the public as well as the Committee's draft report.

The committee made the following observations and comments on the Bill:

- (1) The Bill gives effect to the recommendations of the Parliamentary report (dated the 17<sup>th</sup> June, 2019) on the inquiry into the Kenya Airways' Privately Initiated Investment Proposal (PIIP) to Kenya Airports Authority prepared by the Departmental Committee on Transport, Public Works and Housing proposing, among other recommendations.
- (2) There is need to amend clause 2 of the Bill in the definition of 'user charges' should be amended to specify the user charges to levied under the Act. Further, there's need to provide clarity in the use of titles for the Chief Executive Officer of the Group and the Managing Directors of the operating entities and operating entity subsidiaries.
- (3) There is need to amend clause 3 of the Bill to include the establishment of the Council as one of the objects and purpose of the Bill as the same had been omitted in the Bill.
- (4) Clause 4 of the Bill should be amended to ensure KCAA's oversight mandate is recognized and to further provide that where any provisions of the National Aviation Management Act contradict the provisions of the Civil Aviation Act, the Civil Aviation Act shall prevail.
- (5) That clause 5 of the Bill should be amended so as to include the chairperson of the Corporation and the Director General of KCAA since under section 15(2) of the Civil Aviation Act, the Board is required to advice the Cabinet Secretary on the development and maintenance of Civil Aviation policy.
- (6) That clause 7 of the Bill should be amended in order to ensure that the Corporation does not perform the functions of KCAA as prescribed by section 15(2) of the Civil Aviation Act, 2013 which requires the KCAA Board of Directors to advise the Cabinet Secretary on the development and maintenance of civil aviation policy framework and the objectives of the Authority..
- (7) That clause 8 of the Bill should be amended in order to ensure that the Principal Secretary Ministry of Interior and Coordination of National Government, the Managing Director of the Aviation Investment Company and a representative of the private air operators representing the interests of the private sector in the aviation sector is included in the Board. Further, that the Cabinet Secretary should nominate the four independent non-executive Board members taking into consideration the regional and ethnic diversity of the people of Kenya.

- (8) That clause 13 of the Bill should be amended to provide for a minimum qualification of a Bachelor's degree for appointment as a Chief Executive Officer.
- (9) That clause 14 of the Bill should be amended to provide that the Chief Executive Officer shall hold office for a period of five years and shall be eligible for re-appointment for one further term of five years.
- (10) That clause 15 of the Bill should be amended to provide for other grounds for the removal of a Chief Executive Officer from office.
- (11) That clause 19 of the Bill should be amended to provide for incapacity by a Board member to perform his or her functions by reason of physical and mental infirmity as a ground for removal of a Board member and vacation from office.
- (12) That clause 22 of the Bill should be amended by removing the requirement for a common seal and substituting with the new requirement under section 37 of the Companies Act which provides that a document, contract or deed will be considered to be validly executed by a company if it is signed on behalf of the company by two authorized signatories or by a director of the company in the presence of a witness who attests the signature.
- (13) That clause 27 of the Bill should be amended in order to ensure that KCAA and not KAA regulates the use of facilities provided by KAA and to recognize animals apart from birds as being hazardous to aircraft operations. Further, that clause 27(3) should be amended to give the Board (and not the MD) powers to approve the erection or modification of any building which may be deemed to interfere with the operation of any service provided by KAA.
- (14) That clause 30 of the Bill should be amended in order to include "aircraft overhaul" as one of the functions of the Aviation investment Corporation.
- (15) That clause 40 of the Bill should be amended to specify a minimum qualification of a bachelor's degree for appointment as Managing Director.
- (16) That clause 56 of the Bill should be amended in order to ensure that the Corporation opens bank accounts upon approval by the National Treasury and the Board as opposed to only the National Treasury.
- (17) Clause 72 of the Bill should be amended so as to ensure that the powers of the Cabinet Secretary to make regulations are in line with Article 94(6) of the Constitution i.e the purpose and objectives for which the authority is conferred, the limits of the authority,

the nature and scope of the law that may be made and the principles and standards applicable to the law being made.

(18) That the Second Schedule to the Bill should be amended in the proposed amendment to the Companies Act, in the proposed new section 10D by providing that the scope of powers and duties of a state owned entity are circumscribed by the statute establishing the entity.


(19) That the Second Schedule should be amended in section 3(3) of the Air Passenger Service Charge Act, Cap 475 in order provide that twenty five percent of the apportioned proceeds from the passenger service charge to the Kenya Airports Authority is used for the purposes of the development and management of airstrips. The committee further observed that very few airstrips have runways made of bitumen and tarmac while most of the airstrips have runways made of murrum and grass hence the necessity for specific allocation of funds for their development and management in order to enhance connectivity within the country.

**MIN No. TPWH 181/2020: ANY OTHER BUSINESS**

The Secretariat was tasked to update all changes raised by the Members on the report. The Committee would thereafter consider its recommendations and adopt the report in the next meeting.

**MIN No. TPWH 182/2020: ADJOURNMENT**

There being no other business to transact, the sitting adjourned at half past two o'clock. Next sitting to be held on Thursday, the 3<sup>rd</sup> September 2020 at 10.00 am

Signed.....  
(Chairperson)

Date.....09/09/2020.....

**MINUTES OF THE THIRTY FIFTH (35<sup>TH</sup>) SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING HELD ON THURSDAY, 3<sup>RD</sup> SEPTEMBER 2020 AT 10.00 A.M. IN OLE SERENI HOTEL, NAIROBI**

**MEMBERS PRESENT**

1. Hon. David L. Pkosing, M.P. - Chairperson
2. Hon. Gathoni Wamuchomba, M.P. - Vice Chairperson
3. Hon. Johnson Many Naicca, M.P.
4. Hon. Omar Mwinyi Shimbwa, M.P.
5. Hon. Samuel Arama, M.P.
6. Hon. Ahmed Abdisalan Ibrahim, M.P.
7. Hon. Dominic Koskei, M.P.
8. Hon. Shadrack John Mose, M.P.
9. Hon. Mercy Wanjiku Gakuya, M.P.
10. Hon. Tom Mboya Odege, M.P.
11. Hon. Kulow Maalim Hassan, M.P.
12. Hon. Peris Pesi Tobiko, M.P.
13. Hon. Gideon Mulyungi, M.P.
14. Hon. George Aldwa Omwera, M.P.

**IN ATTENDANCE VIRTUALLY**

15. Hon. Abdul Rahim Dawood, M.P.
16. Hon. David Njuguna Kiaraho, M.P.
17. Hon. Rehema Dida Jaldesa, M.P.

**MEMBERS ABSENT WITH APOLOGY**

18. Hon. Ali Wario Guyo, M.P.
19. Hon. Ahmed Bashane Gaal, M.P.

**SECRETARIAT**

1. Ms. Chelagat Tungo - Clerk Assistant I
2. Ms. Mercy Wanyonyi - Legal Counsel I
3. Mr. Moses Ndegwa - Sergeant-at-Arms
4. Mr. Brian Ng'etich - Audio Officer

**MIN No. TPWH 183/2020:**

**PRELIMINARIES**

The Chairman called the meeting to order at 10:12 am followed by a word of prayer. Members confirmed the agenda of the meeting after having been proposed by Hon. Dominic Koskei, M.P. and seconded by Hon. Mercy Gakuya, M.P.

**MIN No. TPWH 184/2020:**

**CONFIRMATION OF THE MINUTES OF THE PREVIOUS SITTING**

Confirmation of the minutes of the previous sittings were deferred to the next meeting.

**MIN NO. TPWH 185/2020:**

**CONSIDERATION OF THE RECOMMENDATIONS OF THE BILL**

The Committee, having considered the National Aviation Management Bill, 2020, went through their proposed amendments in **clauses 2,3,4,5 7, 8, 13, 14, 15, 19, 22, 24, 27, 30, 40, 56, 72**. The Committee also proposed amendments to the **Second Schedule** of the Bill which will form part of the recommendation in the report.

**The amendments were as follows:-**

#### **CLAUSE 2**

**THAT** clause 2 of the Bill be amended -

- (a) By deleting the definition of the term “user charges” and substituting therefor the following-

"user charges" means, aircraft landing charges, aircraft parking & hangar charges, security charges, noise related charges, aircraft emissions related charges, aircraft fuel concession fees, cargo concession fees and other aeronautical charges as specified by the Cabinet Secretary by notice in the *Gazette* and levied under this Act;

**Justification:** To specify the scope and provide clarity on the nature of regulated user charges that will be referred to the Cabinet Secretary for publication.

#### **CLAUSE 3**

**THAT** clause 2 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b)-

- (ba) the establishment of the Council

**Justification:** To provide for the establishment of the Council which is a key aspect of the Bill.

#### **CLAUSE 4**

**THAT** clause 4 of the Bill be amended by-

- (a) By renumbering the existing clause as sub clause (1);
- (b) By inserting the following new clauses immediately after clause (1)-
- (2) The Kenya Aviation Enterprises Corporation and Operating entities shall in the conduct of their operations, comply with the Kenya Civil Aviation Regulations promulgated by Kenya Civil Aviation Authority from time to time.
- (3) Where any provisions of the National Aviation Management Act contradict the provisions of the Civil Aviation Act, the Civil Aviation Act shall prevail.

**Justification:** To ensure KCAA's oversight mandate is recognized as under International Standards and recommended Practices, the Civil Aviation Authority has mandate to ensure effective oversight of the entire aviation sector.

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (d)-

(da) the chairperson of the Corporation; and

(db) the Director General of the Kenya Civil Aviation Authority

**Justification:** To ensure that the Council's role is aligned to the group structure and that the Civil Aviation Authority offers effective oversight of the entire aviation sector.

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended in sub clause (1) by-

(a) Inserting the words "save for the Civil Regulations and oversight" at the beginning of paragraph (c);

(b) Inserting the words "save for the Civil Regulations and oversight" at the beginning of paragraph (c);

**Justification:** To ensure civil aviation matters remain within the purview of KCAA and not KAA.

**CLAUSE 8**

**THAT** clause 8 of the Bill be amended in sub clause (1) by-

(a) By inserting the following new paragraph immediately after paragraph (d)-

(da) Principal Secretary of the Ministry for the time being responsible for matters relating to internal security;

(b) Inserting the words "the Managing Director of the Aviation Investment Corporation" immediately after the words "Kenya Airways";

(c) By inserting the words "out of which one shall be a private air operator" immediately after the words "Cabinet Secretary"; and

(d) By inserting the following new sub clause immediately after sub clause (1)-

(1A) In appointing the Board members under section 8(1)(g), the Cabinet Secretary shall take into consideration the regional and ethnic diversity of the people of Kenya".

**Justification:** To provide for inclusion of the Principal Secretary of the Ministry for the time being responsible for matters relating to internal security, the Managing Director of



the Aviation Investment Corporation and a private air operator representing the interests of the private sector in the Board.

#### **CLAUSE 13**

**THAT** clause 13 of the Bill be amended in paragraph (a) by deleting the word “masters” and substituting therefor the word “Bachelor’s”.

**Justification:** Common practice requires a bachelor’s degree, with possession of a Master’s degree as an added advantage rather than a minimum qualification.

#### **CLAUSE 14**

**THAT** clause 14 of the Bill be amended in sub clause (1) by deleting the word “four” wherever it appears and substituting therefor the word “five”.

**Justification:** To provide for the tenure of the Chief Executive Officer.

#### **CLAUSE 15**

**THAT** clause 15 of the Bill be amended by-

- (a) Renumbering the existing clause as sub clause (2); and
- (b) By inserting the following new sub clause-

(1) The office of the Chief Executive Officer shall become vacant if the Chief Executive Officer —

- (a) dies;
- (b) is adjudged bankrupt or enters into a composition scheme or arrangement with his creditors;
- (c) is convicted of a criminal offence involving corruption, fraud or dishonesty;
- (d) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months;
- (e) resigns by giving a notice in writing to the Board;
- (f) assumes a political office; or
- (g) is otherwise unable or unfit to continue serving as a Managing Director.

**Justification:** To include other grounds for vacation from office that have not been provided for.

#### **CLAUSE 19**

**THAT** clause 19 of the Bill be amended in sub clause (1) by inserting the following new paragraph immediately after paragraph (e)-

- (ea) is unable to perform his or her functions by reason of physical and mental infirmity

**Justification:** To include other grounds for vacation from office that have not been provided for.

**CLAUSE 22**

**THAT** clause 22 of the Bill be amended by-

- (a) Deleting sub clause (1);
- (b) Deleting sub clause (2) and substituting therefore the following new sub clause-  
(2) Every document of the Corporation shall be validly executed by the signature of the Group Chief Executive Officer and the Corporation Secretary”;
- (c) Deleting sub clause (3) and substituting therefore the following new sub clause-  
(3) Every document purporting to be an instrument issued by the Corporation and authenticated in the manner provided by subsection (2) shall be deemed to be such an instrument and shall be received in evidence without further proof.

**Justification:** To align the provision with section 37 of the Companies Act which provides that a document, contract or deed will be considered to be validly executed by a company if it is signed on behalf of the company by two authorized signatories or by a director of the company in the presence of a witness who attests the signature.

**CLAUSE 24**

**THAT** clause 24 of the Bill be amended in sub clause (1) by deleting the words “and goods” appearing in paragraph (a).

**Justification:** In aviation, the common and acceptable items moved by air are passengers, cargo and mail.

**CLAUSE 27**

**THAT** clause 27 of the Bill be amended-

- (a) in sub clause (1)(a) by deleting the words “or regulate” appearing immediately after the word “control”;
- (b) in sub clause (1)(f) by deleting the words “or regulate” appearing immediately after the word “control”;
- (c) in sub clause (1)(j) by inserting the words “and animals” immediately after the word “bird”; and
- (d) by deleting sub clause (3) and substituting therefor the following new sub clause-  
(3) Where any person erects any building which in any way interferes with the operation of any service provided by the Kenya Airports Authority under this Act,

the Authority shall apply to the High Court for an order for demolition of such building.

**Justification:** To ensure that KCAA and not KAA regulates the use of facilities provided by KAA and to recognize animals apart from birds as being hazardous to aircraft operations. Further, that clause 27(3) should be amended to give the Board (and not the MD) powers to approve the erection or modification of any building which may be deemed to interfere with the operation of any service provided by KAA.

#### **CLAUSE 30**

**THAT** clause 30 of the Bill be amended in paragraph (b) by inserting the words “aircraft overhaul” immediately after the word “organization”.

**Justification:** To expressly provide for the functions of the Aviation Investment including “aircraft overhaul” which should be part of the functions of such an entity.

#### **CLAUSE 40**

**THAT** clause 40 of the Bill be amended in paragraph (a) by deleting the word “masters” and substituting therefor the word “Bachelor’s”.

**Justification:** Common practice requires a bachelor’s degree, with possession of a Master’s degree as an added advantage rather than a minimum qualification.

#### **CLAUSE 56**

**THAT** clause 56 of the Bill be amended-

- (a) in sub clause (3) by inserting the words “of the Board and” immediately after the words “approval of”;
- (b) in sub clause (4) by inserting the words “of the Board and” immediately after the words “approval of”.

**Justification:** To ensure the Corporation opens bank accounts upon approval by the National Treasury and the Board as opposed to only the National Treasury.

#### **CLAUSE 72**

**THAT** clause 72 of the Bill be amended-

- (a) by renumbering the existing clause as sub-clause(1);
- (b) by inserting the following new sub clauses immediately after sub clause (1)-
  - (2) For the purposes of Article 94 (6) of the Constitution—
    - (a) the purpose and objective of the delegation under this section is to enable the Cabinet Secretary to make regulations for better carrying into effect the provisions of this Act; and
    - (b) the authority of the Cabinet Secretary to make regulations under this Act will be limited to bringing into effect the provisions of this Act and fulfilment of the objectives specified under this section
  - (3) The principles and standards applicable to the delegated power referred to under this Act are those found in—
    - (a) the Statutory Instruments Act, 2013;
    - (b) the Interpretation and General Provisions Act,
    - (c) the general rules of international law as specified under Article 2(5) of the Constitution; and
    - (d) any treaty and convention ratified by Kenya under Article 2(6) of the Constitution.

**Justification:** In order to comply with the requirements of Article 94(6) of the Constitution i.e the purpose and objectives for which the authority is conferred, the limits of the authority, the nature and scope of the law that may be made and the principles and standards applicable to the law being made.

**SECOND SCHEDULE**

**THAT** the second schedule to the Bill be amended by inserting the following new item immediately after the proposed amendment to the Public Procurement and Asset Disposal Act, 2015

Air Passenger Service Charge (Cap 485)	Insert the following new subsection immediately after subsection (3)-  (4) All proceeds of the charge apportioned to the Kenya Airports Authority under subsection (3) shall be used for the development and management of airstrips.
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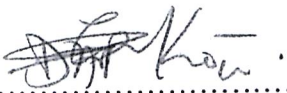
**Justification:** To ensure that that the proceeds of the air passenger service charge apportioned to the Kenya Airports Authority are used for the development and management of airstrips.

**MIN No. TPWH 186/2020:                    ANY OTHER BUSINESS**

The Secretariat was tasked to clean up the report and present it to the Members for adoption in the next meeting.

**MIN No. TPWH 187/2020:                    ADJOURNMENT**

There being no other business to transact, the sitting adjourned at half past eleven o'clock. Next sitting to be held on the same day at noon.

Signed.....  .....

(Chairperson)

Date..... 09/09/2020 .....

**MINUTES OF THE THIRTY SIXTH (36<sup>TH</sup>) SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING HELD ON THURSDAY, 3<sup>RD</sup> SEPTEMBER 2020 AT 12.00 P.M. IN OLE SERENI HOTEL, NAIROBI**

**MEMBERS PRESENT**

1. Hon. David L. Pkosing, M.P. - Chairperson
2. Hon. Gathoni Wamuchomba, M.P. - Vice Chairperson
3. Hon. Johnson Manya Naicca, M.P.
4. Hon. Omar Mwinyi Shimbwa, M.P.
5. Hon. Samuel Arama, M.P.
6. Hon. Ahmed Abdisalan Ibrahim, M.P.
7. Hon. Dominic Koskei, M.P.
8. Hon. Shadrack John Mose, M.P.
9. Hon. Mercy Wanjiku Gakuya, M.P.
10. Hon. Tom Mboya Odege, M.P.
11. Hon. Kulow Maalim Hassan, M.P.
12. Hon. Peris Pesi Tobiko, M.P.
13. Hon. Gideon Mulyungi, M.P.
14. Hon. George Aldwa Omwera, M.P.
15. Hon. David Njuguna Kiaraho, M.P.

**IN ATTENDANCE VIRTUALLY**

16. Hon. Abdul Rahim Dawood, M.P.
17. Hon. Rehema Dida Jaldesa, M.P.

**MEMBERS ABSENT WITH APOLOGY**

18. Hon. Ali Wario Guyo, M.P.
19. Hon. Ahmed Bashane Gaal, M.P.

**SECRETARIAT**

1. Ms. Chelagat Tungo - Clerk Assistant I
2. Ms. Mercy Wanyonyi - Legal Counsel I
3. Mr. Moses Ndegwa - Sergeant-at-Arms
4. Mr. Brian Ng'etich - Audio Officer

**MIN No. TPWH 188/2020:**

**PRELIMINARIES**

The Chairman called the meeting to order at noon. The agenda of the meeting was adopted after having been proposed by Hon. David Kiaraho, M.P. and seconded by Hon. Gideon Mulyungi, M.P.

**MIN No. TPWH 189/2020:**

**CONFIRMATION OF THE MINUTES OF THE PREVIOUS SITTING**

Confirmation of the minutes of the previous sittings was deferred to the next meeting.

MIN No. TPWH 190/2020:


ADOPTION OF THE REPORT ON THE  
CONSIDERATION OF THE NATIONAL AVIATION  
MANAGEMENT BILL

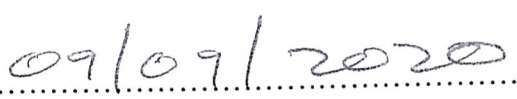
The report on the consideration of the National Aviation Management Bill, 2020 was adopted, having been proposed and seconded by Hon. Samuel Arama M.P. and Hon. Shadrack Mose, M.P. respectively.

MIN No. TPWH 191/2020:

ADJOURNMENT

There being no other business, the sitting was adjourned at half past noon. The next meeting to be held on notice

Signed.....  
(Chairperson)

Date.....

ANNEXURES

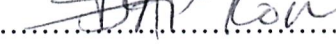



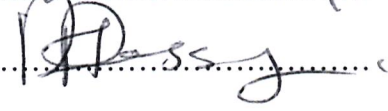
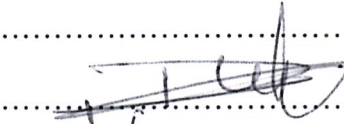

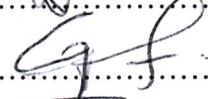
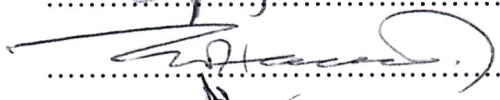



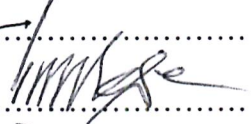

VOLUME I

I— Adoption List



### Adoption of the Report

We, the members of the Departmental Committee on Transport, Public Works and Housing have today 2<sup>nd</sup> September, 2020 adopted this Report on the Consideration of the National Aviation Management Bill, 2020.

1. Hon. David Pkosing, M.P. -Chairperson ..... 
2. Hon. Gathoni Wamuchomba, M.P. -Vice Chair..... 
3. Hon. Samuel Arama, M.P. .... 
4. Hon. Johnson Many Naicca, M.P. .... 
5. Hon. Peris Pesi Tobiko, M.P. .... 
6. Hon. Omar Mwinyi, M.P. ....
7. Hon. Ali Wario Guyo, 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. Abdul Rahim Dawood, M.P. .... 
15. Hon. Rehema Dida Jaldesa, M.P. ....
16. Hon. George Aladwa Omwera, M.P. .... 
17. Hon. Shadrack John Mose, M.P. .... 
18. Hon. Tom Mboya Odege, M.P. .... 
19. Hon. Mercy Wanjiku Gakuya, M.P. .... 

•  
•

## II— Correspondence by the Committee

•  
•

REPUBLIC OF KENYA

Telegraphic Address  
"Bunge", Nairobi  
Telephone 2221291/2848000  
Fax: 2243694  
E-mail: [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke)  
When replying please quote



NATIONAL ASSEMBLY

CLERK'S CHAMBERS  
National Assembly  
Parliament Buildings  
P.O. Box 41842-00100  
NAIROBI, Kenya

Ref: NA/DCS/TPWH/CORR/2020/(026)

3<sup>rd</sup> July, 2020

Mr. Solomon Kitungu  
Principal Secretary  
State Department for Transport  
Ministry of Transport, Infrastructure, Housing  
Urban Development & Public Works  
Transcom House - Ngong Road  
NAIROBI

Dr. Julius Muia, CBS  
Principal Secretary  
The National Treasury  
Treasury House  
NAIROBI

Capt. Gilbert M. Kibe  
Director General  
Kenya Civil Aviation Authority  
Aviation House, JKIA  
NAIROBI

Mr. Alex Gitari  
Managing Director  
Kenya Airports Authority  
Head Office, Off Airport North Road  
Jomo Kenyatta International Airport  
NAIROBI

Mr. Allan Kilavuka  
Chief Executive Officer  
Kenya Airways  
KQ Head Office  
Jomo Kenyatta International Airport  
Airport North Road, Embakasi  
NAIROBI

Dear *Sir*

**RE: STAKEHOLDER SUBMISSIONS ON THE NATIONAL AVIATION MANAGEMENT  
BILL (NATIONAL ASSEMBLY BILLS NO. 18 OF 2020)**

---

The Departmental Committee on Transport, Public Works & Housing is constituted under Standing Order 216 and is mandated to, inter-alia, "study and review all legislation referred to it".

Pursuant to the provisions of Standing Order 127(1), the National Aviation Management Bill (National Assembly Bill, No. 18 of 2020) has been committed to the Committee for consideration and thereafter submission of a report to the House.


The Bill seeks to provide for establishment of the National Aviation Council, Kenya Aviation Corporation and its operating entities; to provide for their powers, functions and management and for connected purposes. The Bill can be accessed from the parliamentary website at [www.parliament.go.ke/the-national-assembly/house-business/bills](http://www.parliament.go.ke/the-national-assembly/house-business/bills).

In line with Article 118 and the provisions of Standing Order 127(3)(c), you are hereby requested to submit any views or recommendations you may have on the said Bill by Friday, 10<sup>th</sup> July 2020.

The liaison officers for this matter are Ms. Chelagat Tungo Aaron, Tel. No. 0720436528 or email address: [ctungo@parliament.go.ke](mailto:ctungo@parliament.go.ke) and Mr. Ahmed Salim Abdalla, Tel. No. 0710204056 or email address: [damnan@parliament.go.ke](mailto:damnan@parliament.go.ke).

Yours *sincerely,*

SERAH M. KIOKO  
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: - Mr. James Macharia, EGH  
Cabinet Secretary  
Ministry of Transport, Infrastructure, Housing  
Urban Development & Public Works  
  
Transcom House - Ngong Road  
NAIROBI

REPUBLIC OF KENYA

Telegraphic Address  
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NATIONAL ASSEMBLY

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National Assembly  
Parliament Buildings  
P. O. Box 41842-00100  
NAIROBI, KENYA

Ref: NA/DCS/TPWH/CORR/2020/(030)

3<sup>rd</sup> August, 2020

Mr. Solomon Kitungu  
Principal Secretary  
State Department for Transport  
Ministry of Transport, Infrastructure, Housing,  
Urban Development & Public Works  
Transcom House - Ngong Road  
NAIROBI

Dr. Julius Muia, CBS  
Principal Secretary  
The National Treasury  
Treasury House  
NAIROBI

Capt. Gilbert M. Kibe  
Director General  
Kenya Civil Aviation Authority  
Aviation House, JKIA  
NAIROBI

Mr. Alex Gitari  
Managing Director  
Kenya Airports Authority  
Head Office, Off Airport North Road  
Jomo Kenyatta International Airport  
NAIROBI

Mr. Allan Kilavuka  
Chief Executive Officer  
Kenya Airways  
KQ Head Office  
Jomo Kenyatta International Airport  
Airport North Road, Embakasi  
NAIROBI

Dear Sir,

**RE: STAKEHOLDER SUBMISSIONS ON THE NATIONAL AVIATION MANAGEMENT BILL  
(NATIONAL ASSEMBLY BILLS NO. 18 OF 2020)**

---

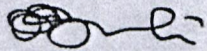
Reference is made to our letter Ref:NA/DCS/TPWH/CORR/2020/26 dated 2<sup>nd</sup> July, 2020 on the above subject matter.

Following Committee's resolution, it was agreed that a meeting be scheduled between the Committee and stakeholders, to allow deliberation on submissions received so far on the Bill.

This is therefore, to invite you to a meeting with the Committee to make your presentation on the Bill on Thursday, 13<sup>th</sup> August, 2020 at 10:00 a.m. The meeting will be held in the Mini-Chamber, 1<sup>st</sup> Floor, County Hall, Parliament Buildings.

The Liaison officers for these meetings are Ms. Chelagat Tungo Aaron, on Tel. No. 0720436528 or email addresses: [ctungo@parliament.go.ke](mailto:ctungo@parliament.go.ke) and Mr. Ahmed Salim Abdalla, who may be contacted on Tel. no. 0710204056 or email addresses: [damnan@parliament.go.ke](mailto:damnan@parliament.go.ke).

Yours

*Sincerely,*  


SERAH M. KIOKO

For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: - Mr. James Macharia, EGH  
Cabinet Secretary  
Ministry of Transport, Infrastructure, Housing,  
Urban Development & Public Works  
Transcom House - Ngong Road  
NAIROBI

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

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National Assembly  
Parliament Buildings  
P. O. Box 41842-00100  
NAIROBI, KENYA

Ref: NA/DCS/TPWH/CORR/2020/(031)

14<sup>th</sup> August, 2020

Mr. Solomon Kitungu  
Principal Secretary  
State Department for Transport  
Ministry of Transport, Infrastructure, Housing,  
Urban Development & Public Works  
Transcom House - Ngong Road  
NAIROBI

Dr. Julius Muia, CBS  
The Principal Secretary  
The National Treasury  
Treasury House  
NAIROBI

Mr. Kennedy Ogeto, EBS  
Solicitor-General of the Republic of Kenya  
Office of the Attorney General & Department of Justice  
Sheria House, Harambee Avenue  
NAIROBI

Capt. Gilbert M. Kibe  
Director General  
Kenya Civil Aviation Authority  
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Mr. Alex Gitari  
Managing Director  
Kenya Airports Authority  
Head Office, Off Airport North Road  
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NAIROBI

Mr. Allan Kilavuka  
Chief Executive Officer  
Kenya Airways  
KQ Head Office  
Jomo Kenyatta International Airport  
Airport North Road, Embakasi  
NAIROBI

Dear *Dr Muia*

**RE: STAKEHOLDER'S SUBMISSIONS ON THE NATIONAL AVIATION MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2020)**

---

Reference is made to our letter Ref:NA/DCS/TPWH/CORR/2020/(030) dated 3<sup>rd</sup> August, 2020 on the above subject matter.

In its meeting held on 13<sup>th</sup> August, 2020, it was mutually agreed between the Departmental Committee on Transport, Public Works & Housing and the various Ministry officials that the meeting be postponed to Thursday, 20<sup>th</sup> August 2020. It was further resolved that the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development & Public Works; Cabinet Secretary for the National Treasury; and the Attorney General be invited to attend the said Committee meeting.

This is therefore, to invite you to attend the said Committee meeting on Friday, 21<sup>st</sup> August, 2020 at 10.00 am to make your presentation. The meeting will be held in Mini-Chamber, First Floor, County Hall, Parliament Buildings

The liaison officers for this matter are Ms. Chelagat Tungo Aaron who may be contacted on Tel. No. 0720436528 or email addresses: [tungoaaron@gmail.com](mailto:tungoaaron@gmail.com) /[ctungo@parliament.go.ke](mailto:ctungo@parliament.go.ke) and Mr. Ahmed Salim Abdalla. Tel. No. 0710204056 or email address: [damnan@parliament.go.ke](mailto:damnan@parliament.go.ke).

Yours



**JEREMIAH W. NDOMBI**  
**For: CLERK OF THE NATIONAL ASSEMBLY**

Copy to:- Mr. James Macharia, EGH  
Cabinet Secretary  
Ministry of Transport, Infrastructure, Housing,  
Urban Development & Public Works  
Transcom House - Ngong Road  
**NAIROBI**

Amb. Ukur Yatani Kanacho, EGH  
Cabinet Secretary  
The National Treasury  
Treasury House  
**NAIROBI**

Justice (Rtd.) Paul Kihara Kariuki  
Attorney General of the Republic of Kenya  
Office of the Attorney General and Department of Justice  
Sheria House, Harambee Avenue  
**NAIROBI**



REPUBLIC OF KENYA

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P. O. Box 41842-00100  
NAIROBI, KENYA

NATIONAL ASSEMBLY

Ref: NA/DCS/TPWH/CORR/2020/(032)

14<sup>th</sup> August, 2020

Capt. Muriithi Nyaga  
Chief Executive Officer  
Kenya Airline Pilots Association (KALPA)  
5<sup>th</sup> Floor, Shelter Afrique Building  
Mamlaka Road  
NAIROBI

Dear *Capt Nyaga*

**RE: STAKEHOLDER SUBMISSIONS ON THE NATIONAL AVIATION MANAGEMENT BILL (NATIONAL ASSEMBLY BILLS NO. 18 OF 2020)**

---

The Departmental Committee on Transport, Public Works & Housing is constituted under Standing Order 216 and is mandated to, inter-alia, "study and review all legislation referred to it".

Pursuant to the provisions of Standing Order 127(1), the National Aviation Management Bill (National Assembly Bill No. 18 of 2020) has been committed to the Departmental Committee on Transport, Public Works & Housing for consideration and thereafter submission of a report to the House.

The Bill seeks to provide for establishment of the National Aviation Council, Kenya Aviation Corporation and its operating entities to provide for their powers, functions and management and for connected purposes.

In its meeting held on 13<sup>th</sup> August, 2020 and in line with Article 118 and the provisions of Standing Order 127(3)(c), the Committee resolved to invite stakeholders for a meeting to receive their views and recommendations on the Bill.

This is therefore, to invite you to a meeting with the Committee on Thursday, 20<sup>th</sup> August, 2020 at 2.30 pm to make your presentation. The meeting will be held in Committee Room 7, Main Parliament Buildings.

The liaison officers for this matter are Ms. Chelagat Tungo Aaron who may be contacted on Tel. No. 0720436528 or email addresses: [ctungo@parliament.go.ke](mailto:ctungo@parliament.go.ke) and Mr. Ahmed Salim Abdalla, Tel. No. 0710204056 or email address: [damnan@parliament.go.ke](mailto:damnan@parliament.go.ke).

Yours

A handwritten signature in black ink, appearing to be 'J. Ndombi'.

JEREMIAH W. NDOMBI  
For: CLERK OF THE NATIONAL ASSEMBLY

REPUBLIC OF KENYA

Telegraphic Address  
"Bunge", Nairobi  
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Parliament Buildings  
P.O. Box 41842-00100  
NAIROBI, Kenya

Ref: NA/DCS/TPWH/CORR/2020/(034)

20<sup>th</sup> August, 2020

Mr. Solomon Kitungu  
Principal Secretary  
State Department for Transport  
Ministry of Transport, Infrastructure, Housing,  
Urban Development & Public Works  
NAIROBI

Dr. Julius Muia, CBS  
Principal Secretary  
The National Treasury  
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Mr. Kennedy Ogeto, EBS  
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Mr. Alex Gitari  
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Kenya Airports Authority  
Head Office, Off Airport North Road  
Jomo Kenyatta International Airport  
NAIROBI

Mr. Allan Kilavuka  
Chief Executive Officer  
Kenya Airways  
KQ Head Office  
Jomo Kenyatta International Airport  
Airport North Road, Embakasi  
NAIROBI

Dear *Mr Kitungu*

**RE: STAKEHOLDER SUBMISSIONS ON THE NATIONAL AVIATION MANAGEMENT  
BILL (NATIONAL ASSEMBLY BILLS NO. 18 OF 2020)**

Reference is made to our letter Ref:NA/DCS/TPWH/CORR/2020/(031) dated 13<sup>th</sup> August, 2020 on the above subject matter.

Following Speaker's communication to Chairpersons of Committees on engagement between the Executive and the National Assembly, it was noted that the Cabinet Secretaries and their respective Principal Secretaries are on Recess from Monday, 17<sup>th</sup> to Friday, 28<sup>th</sup> August, 2020. In this regard, the Committee was advised to reschedule its meetings with the Ministry accordingly.

This is therefore, to invite you to attend the above meeting which has been rescheduled to Tuesday, 1<sup>st</sup> September, 2020 at 10:00 am to make your presentation. The meeting will be held in the Mini Chamber, 1<sup>st</sup> Floor, County Hall, Parliament Buildings.

The liaison officers for this matter are Ms. Chelagat Tungo Aaron who may be contacted on Tel. No. 0720436528 or email address: [ctungo@parliament.go.ke](mailto:ctungo@parliament.go.ke) and Mr. Ahmed Salim Abdalla, Tel. No. 0710204056 or email address: [damnan@parliament.go.ke](mailto:damnan@parliament.go.ke).

Yours



JEREMIAH W. NDOMBI  
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to:- Mr. James Macharia, EGH  
Cabinet Secretary  
Ministry of Transport, Infrastructure, Housing,  
Urban Development & Public Works  
Transcom House - Ngong Road  
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REPUBLIC OF KENYA

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NATIONAL ASSEMBLY

CLERK'S CHAMBERS  
National Assembly  
Parliament Buildings  
P.O. Box 41842-00100  
NAIROBI, Kenya

Ref: NA/DCS/TPWH/CORR/2020/(034)

20<sup>th</sup> August, 2020

Mr. Solomon Kitungu  
Principal Secretary  
State Department for Transport  
Ministry of Transport, Infrastructure, Housing,  
Urban Development & Public Works  
NAIROBI

Dr. Julius Muia, CBS  
Principal Secretary  
The National Treasury  
NAIROBI

Mr. Kennedy Ogeto, EBS  
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Mr. Allan Kilavuka  
Chief Executive Officer  
Kenya Airways  
KQ Head Office  
Jomo Kenyatta International Airport  
Airport North Road, Embakasi  
NAIROBI

Dear

**RE: STAKEHOLDER SUBMISSIONS ON THE NATIONAL AVIATION MANAGEMENT  
BILL (NATIONAL ASSEMBLY BILLS NO. 18 OF 2020)**

---

Reference is made to our letter Ref:NA/DCS/TPWH/CORR/2020/(031) dated 13<sup>th</sup> August, 2020 on the above subject matter.

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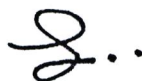
This is therefore, to invite you to attend the above meeting which has been rescheduled to Tuesday, 1<sup>st</sup> September, 2020 at 10:00 am to make your presentation. The meeting will be held in the Mini Chamber, 1<sup>st</sup> Floor, County Hall, Parliament Buildings.

The liaison officers for this matter are Ms. Chelagat Tungo Aaron who may be contacted on Tel. No. 0720436528 or email address: [ctungo@parliament.go.ke](mailto:ctungo@parliament.go.ke) and Mr. Ahmed Salim Abdalla, Tel. No. 0710204056 or email address: [damnan@parliament.go.ke](mailto:damnan@parliament.go.ke).

Yours

**JEREMIAH W. NDOMBI**  
**For: CLERK OF THE NATIONAL ASSEMBLY**

Copy to:- Mr. James Macharia, EGH  
Cabinet Secretary  
Ministry of Transport, Infrastructure, Housing,  
Urban Development & Public Works  
Transcom House - Ngong Road  
**NAIROBI**



Amb. Ukur Yatani Kanacho, EGH  
Cabinet Secretary  
The National Treasury  
Treasury House  
**NAIROBI**

Justice (Rtd.) Paul Kihara Kariuki  
Attorney General of the Republic of Kenya  
Office of the Attorney General and Department of Justice  
Sheria House, Harambee Avenue  
**NAIROBI**

**III— Advertisement inviting submission of Memoranda**

transport

**WPP | SCANGROUP**

### MATERIAL INFORMATION ANNOUNCEMENT

WPP SCANGROUP PLC  
Incorporated in Kenya on 26/01/1996 under the repealed Companies Act (CAP.486)  
Registration Number C.11/2006)

The Capital Markets Act  
Chapter 485A of the Laws of Kenya  
Capital Markets (Securities) (Public Offers, Listing and Disclosures) Regulations, 2002  
(as amended)

**DISPOSAL BY WPP SCANGROUP PLC OF ALL OF ITS SHAREHOLDING (BEING 100% OF THE ISSUED SHARES) IN MILLWARD BROWN EAST AFRICA LIMITED, MILLWARD BROWN NIGERIA LIMITED AND MILLWARD BROWN WEST AFRICA LIMITED AND ALL OF ITS SHAREHOLDING (BEING 80% OF THE ISSUED SHARES) IN RESEARCH AND MARKETING GROUP INVESTMENT LIMITED (THE TRANSACTION)**

Further to the announcement dated 29 May 2020 regarding the results of the virtual-general meeting of the shareholders of WPP Scangroup plc (Scangroup) held on 27 May 2020, wherein the shareholders approved the Transaction, Scangroup is pleased to announce for the information of its shareholders and the general public, that all the conditions precedent (including regulatory approvals) required for the sale of all of its shareholding (being 100% of the issued shares) in Millward Brown East Africa Limited, Millward Brown Nigeria Limited and Millward Brown West Africa Limited and all of its shareholding (being 80% of the issued shares) in Research and Marketing Group Investment Limited, a Mauritius holding company for Kantar TNS businesses in Kenya, Nigeria, Ivory Coast, Senegal, Ghana, Cameroon and the UK to Kantar Square Two B.V. have been satisfied and that the Transaction was completed on 30 June 2020.

The Board of WPP Scangroup will decide on the use of proceeds and the dividend to be recommended to shareholders, which the Board expects to be at least 40% of the net proceeds, in line with the shareholders circular dated 30 April 2020. An announcement in this regard will be made immediately following the meeting.


The Board of WPP Scangroup takes this opportunity to extend its gratitude to all shareholders and regulators, including the Capital Markets Authority, for their support to bring the Transaction to completion.

By order of the Board:

**Reuben Mwangi**  
Company Secretary  
Date: 1 July 2020; Nairobi Kenya

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REPUBLIC OF KENYA



**THE NATIONAL ASSEMBLY**  
TWELFTH PARLIAMENT - FOURTH SESSION

In the matters of consideration by the National Assembly:-  
1. The Social Assistance (Repeal) Bill (National Assembly Bill No. 16 of 2020)  
2. The National Aviation Management Bill (National Assembly Bill No. 18 of 2020)

**SUBMISSION OF MEMORANDA**

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The representations or written submissions may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke); to be received on or before Wednesday, 8<sup>th</sup> July, 2020 at 5.00 pm.

MICHAEL R. SIALA, EBS  
CLERK OF THE NATIONAL ASSEMBLY

**ipa**  
INNOVATIONS FOR POVERTY ACTION

### SUPPLIER PREQUALIFICATION NOTICE 2020-2022

IPAK wishes to prequalify suppliers from competent organizations for the provision of goods, works and services for the period 2020-2022

CATEGORY AND	CATEGORY DESCRIPTION
<b>SUPPLY OF GOODS</b>	
IPAK/PQ/01/2020-2022	Supply and delivery of airtime (Safaricom, Airtel and Telkom) and provision of direct airtime top-up services (National coverage)
IPAK/PQ/02/2020-2022	Supply and delivery of general office stationery and toners (Nairobi, Busia, Siaya)
IPAK/PQ/03/2020-2022	Supply and delivery of computers, laptops, tablets and accessories (Nairobi, Busia, Siaya)
IPAK/PQ/04/2020-2022	Supply & design of promotional materials, printing of flyers, brochures, letterheads, banners, folders general branding & related materials, staff IDs, business cards, bulk photocopying, bulk printing - A3/A5/A4 (Nairobi, Busia, Siaya)
IPAK/PQ/05/2020-2022	Supply and maintenance of office furniture and fittings (Nairobi, Busia, Siaya)
IPAK/PQ/06/2020-2022	Supply and delivery of assorted textile items (pillow cases, blankets e.t.c)
IPAK/PQ/07/2020-2022	Supply and delivery of non-food items (milk cans, cow sprayers, deep casseroles-cooking pots and metal flasks) (Nyeri, Busia, Siaya)
IPAK/PQ/08/2020-2022	Supply and delivery of assorted household items - (sugar, cooking oil, bar soaps, bottled soft drinks, biscuits etc.) (Nairobi, Busia, Siaya, Bomet)
IPAK/PQ/09/2020-2022	Supply of motorcycle branded safety gear (Helmets must either be DOT, ECE or SNELL certified)
IPAK/PQ/10/2020-2022	Supply and delivery of medical / laboratory supplies and equipment including PPE supplies
IPAK/PQ/11/2020-2022	Supply and delivery of educational publications, story books, text books e.t.c
IPAK/PQ/12/2020-2022	Supply and delivery of sports equipment
IPAK/PQ/13/2020-2022	Supply and delivery of long-life milk (authorized by the Kenya Dairy Board)
IPAK/PQ/14/2020-2022	Supply and delivery of office detergents, toiletries and disinfectants (Jumbo tissue paper, hand towels, table hankies hand washing soap, dish washing soap)
IPAK/PQ/15/2020-2022	Supply and installation of ceramics
IPAK/PQ/16/2020-2022	Supply of bottled drinking water and dispensers
IPAK/PQ/17/2020-2022	Supply, installation and maintenance of CCTV surveillance
IPAK/PQ/18/2020-2022	Supply and installation, support and maintenance of clean power
IPAK/PQ/19/2020-2022	Supply of tyres, tubes, spare parts and vehicle accessories
IPAK/PQ/20/2020-2022	Supply of kitchen appliances and general equipment
IPAK/PQ/21/2020-2022	Supply and delivery of office rubber stamps and company seals
IPAK/PQ/22/2020-2022	Supply and service of generator
IPAK/PQ/23/2020-2022	Supply, installation and maintenance of firefighting system and equipment
IPAK/PQ/24/2020-2022	Supply, installation and maintenance of electrical systems & equipment/services
IPAK/PQ/25/2020-2022	Supply of printing of medical cards
IPAK/PQ/26/2020-2022	Supply and installation of electric fencing and back up services
<b>PROVISION OF PROFESSIONAL SERVICES &amp; WORKS</b>	
IPAK/PQ/27/2020-2022	Provision of hotel accommodation and conferencing services in all counties
IPAK/PQ/28/2020-2022	Provision of air travel agency services (IATA registered agents)
IPAK/PQ/29/2020-2022	Provision of building repairs and renovation works: plumbing, building, electrical & carpentry works (Nairobi, Busia, Siaya)
IPAK/PQ/30/2020-2022	Provision of repair and preventative maintenance of computer hardware and accessories (Nairobi, Busia, Siaya)
IPAK/PQ/31/2020-2022	Provision of transport services: taxis, car hires (saloon, vans, matatus & 4x4's) for all counties.
IPAK/PQ/32/2020-2022	Provision of messengerial / errand services (Nairobi, Busia, Siaya)
IPAK/PQ/33/2020-2022	Provision of cleaning, garbage collection and gardening services (Nairobi, Busia, Siaya)
IPAK/PQ/34/2020-2022	Provision of occupational health and safety audit and training services (Nairobi, Busia, Siaya)
IPAK/PQ/35/2020-2022	Provision of security services: guards, alarms, cash in transit, goods in transit (Nairobi, Busia, Siaya)
IPAK/PQ/36/2020-2022	Provision of general insurance services
IPAK/PQ/37/2020-2022	Provision of motor vehicle repair services i.e. garages (Nairobi, Busia, Siaya)
IPAK/PQ/38/2020-2022	Provision of fumigation, mosquito and pest control, sanitation services (Nairobi, Busia, Siaya)
IPAK/PQ/39/2020-2022	Provision of bulk SMS services (National coverage)
IPAK/PQ/40/2020-2022	Provision of local courier services and bulk service delivery
IPAK/PQ/41/2020-2022	Provision of medical insurance and WIBA
IPAK/PQ/42/2020-2022	Provision of audit services (corporate based, project based, forensic investigations, systems audit, tax health checks)
IPAK/PQ/43/2020-2022	Provision of legal services
IPAK/PQ/44/2020-2022	Leasing of multifunctional printer / copier services
IPAK/PQ/45/2020-2022	Provision of leasing services (ICT equipment, motor vehicles)
IPAK/PQ/46/2020-2022	Provision of outside catering services
IPAK/PQ/47/2020-2022	Provision of corporate photography and videography services
IPAK/PQ/48/2020-2022	Provision of weighing and calibration services
IPAK/PQ/49/2020-2022	Provision of clearing and forwarding services
IPAK/PQ/50/2020-2022	Provision of clean water (tankers)
IPAK/PQ/51/2020-2022	Provision of vehicle tracking services
IPAK/PQ/52/2020-2022	Provision of vehicle towing and recovery services
IPAK/PQ/53/2020-2022	Provision of motor vehicle valuation services
IPAK/PQ/54/2020-2022	Provision of transcription services
IPAK/PQ/55/2020-2022	Provision of bulk transport (canters) and relocation services (Movers)
IPAK/PQ/56/2020-2022	Provision of training services for first aiders and fire marshals
IPAK/PQ/57/2020-2022	Provision of international courier services
IPAK/PQ/58/2020-2022	Provision of internet services
IPAK/PQ/59/2020-2022	Provision of structured cabling, support and maintenance services
IPAK/PQ/60/2020-2022	Provision of immigration consultancy
IPAK/PQ/61/2020-2022	Provision of professional risk management services and security information services
IPAK/PQ/62/2020-2022	Provision of NSF Tier II administration services

The supplier prequalification process will be conducted online via:

**Tendersure**  
Cloud Sourcing Solutions

Tendersure™ portal is secure, transparent and provides an efficient prequalification process. Interested suppliers should access and register on [www.tendersure.co.ke](http://www.tendersure.co.ke) under the Available Tenders. More information about the prequalification exercise is available on the Tendersure website.

Access to the prequalification will be granted upon payment of a non-refundable fee of KES 3,000.00 per category. All payments will be made via an online payment platform during the registration process. Available payment options include M-PESA, Visa Card, MasterCard, amongst others.

The online prequalification exercise closes on 24<sup>th</sup> July 2020 at 5pm EAT.

In case of any inquiry kindly contact us at [help@tendersure.co.ke](mailto:help@tendersure.co.ke) or +254 709 557 000.

Existing service providers are required to participate in order to be considered.

IPAK reserves the right to accept or reject any bid in whole or in part at its discretion

Thursday  
Youth  
development  
fund



NEWS GENERAL

COULD FUEL EPIDEMIC

# 900,000 Kenyans walking time bombs with hidden TB – Kagwe

JOHN MUCHANGI  
@TheStarKenya



At least 900,000 asymptomatic Kenyans are walking TB time bombs, carriers of tuberculosis that could easily become an epidemic under the right conditions, the Ministry of Health says.

Health Cabinet Secretary Mutahi Kagwe said health workers will try to identify and put all the estimated 900,000 on treatment to prevent a full-blown epidemic.

Kenya treated 90,000 people for active, non drug-resistant TB last year. They are assumed to be the tenth that developed from the 900,000 latent cases, the World Health Organization says.

The assumption is that the 90,000 Kenyans who were treated for active TB last year, had been living with latent TB for at least five years before 2019.

The recommendation on identification and treatment is contained in the 'National Strategic Plan for Tuberculosis, Leprosy and Lung Health 2019-2023', which the ministry released on Tuesday.

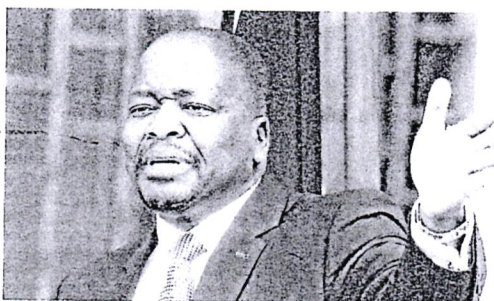
Latent or hidden infection occurs when a person is infected with the TB bacteria but does not have any symptoms. The person is not contagious for about five years.

Kagwe said about 10 per cent of them develop active disease within five years but are not infectious before then, yet they are a danger because no one knows when that estimated five-year period ends.

The others can develop the full-blown disease earlier if their body immunity is compromised by other diseases such as HIV-Aids.

"People with latent TB infection pose a great threat in the community as they are the breeding ground for the TB epidemic," Kagwe wrote in the report.

He said the new strategy aims to



Health Cabinet Secretary Mutahi Kagwe during the daily briefing on Covid-19 at Afya House on June 4 /EZEKIEL AMING'A

eliminate TB from Kenya by 2035.

The CS said the inactive bacteria is probably lurking among people with HIV and their family members, caregivers and contacts of people with active TB.

Others are healthcare workers, prisoners and patients on immuno-

suppressive therapy like dialysis, or those preparing for organ donation.

He said these key groups will first be screened for the cardinal symptoms of TB such as cough, fever and weight loss.

Those without such symptoms will undergo TB lab tests.

SUMAN-WILDLIFE CONFLICT

## Fisher injured in Lake Naivasha hippo attack

GEORGE MURAGE/Hippo attacks around Lake Naivasha have continued unabated as another foot-fisherman was seriously injured near Kamere landing beach.

During the midday incident on Wednesday, his colleagues managed to rescue him from the jaws of the hippo before rushing him to hospital where he was admitted in critical condition.

In the last couple of months, hippo attacks involving illegal fishermen have risen sharply with over ten deaths reported this year.

Honorary game warden David Kilo said a group of foot fishermen were setting their nets when the incident occurred.

Kilo noted that due to an increase in the number of illegal fishermen and flooding of pastureland around the lake, the animals had become very wild.

"The hippo grabbed the man and during the struggle his hands were seriously injured but his colleagues managed to rescue him," he said.

The chairman of Friends of Lake Naivasha Francis Muthui noted that the lake was currently at the mercy of the illegal fishermen.

IMPACT OF PANDEMIC

## Unions want home delivery of drugs to chronic patients

Say hospital visits have dropped due to Covid-19

MAGDALINE SAYA/Health workers' unions have called on the government to provide medication for free in all healthcare facilities including private ones to protect vulnerable groups.

In a joint statement, the unions said even as the government plans to reopen the economy, there is a need to institute measures to ensure crucial services are delivered to these groups.

"The groups that are vulnerable remain the aged, those with pre-existing conditions and diseases as well as children under the age of two years," Kenya Union of Clinical Officers secretary general George Gibore said.

He added, "It should be noted that the inception of coronavirus did not suspend the existence of other medical conditions and diseases but only confounded and complicated them. This, therefore, means the government must strike a balance between protecting livelihoods and curbing the spread of the virus."

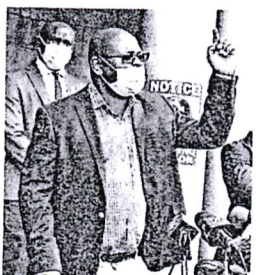
The unions are concerned about decline in hospital visits during the Covid pandemic, majorly attributed to the fear and stigma that has been associated with the disease.

This, they said, has had negative consequences especially to those living with chronic health conditions, infants and expectant women who benefit from special programmes and clinics.

"The increase in unprofessional attended deliveries at home will undo the milestones achieved in addressing maternal and neonatal morbidity and mortality as a country, whereas the low vaccination may lead to resurgence of the otherwise diminishing and even eradicated diseases like polio and measles," Gibore said.

The unions supported reopening of the economy but noted that it should be done in phases to allow time for the country to beef up its capacity to handle the expected surge in cases.

They recommended that priority be given to health training institutions and other tertiary institutions as they could easily observe the containment measures. Reopening of churches, primary and secondary schools should be put on hold.



Kenya National Union of Nurses secretary general Seth Panyako during a press briefing on the well-being of nurses in Nairobi yesterday /MERCY MUMO

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MICHAEL R. SIALAI, EBS  
CLERK OF THE NATIONAL ASSEMBLY

V — List of Airstrips

**ANNEX III: GOVERNMENT AERODROMES DATA**

No	County	Name of Aerodrome	Runway Type and Strength	Aerodrome Category	Runway(s) orientation	Runway(s) Dimensions and Slope	Status	Entity Responsible
1	Mombasa	Moi International Airport (MIA) Mombasa	Bitumen	A	03-21 & 15-33	3360 x 46 & 1260 x 36	Serviceable	KAA
2	Kwale	Ukunda	Bitumen	C	18-36	1190 x 15	Serviceable	KAA
3	Kilifi	Malindi	Bitumen	B	17-35 & 08-26	1402 x 30 & 1128 x 30	Serviceable	KAA
4	Tana River	Hola -Galole	Murram	D	18-36	960 x 18	TBC	CC-Tana River
5	Lamu	Manda	Tarmac	C	16-34 & 08-26	1010 x 30 & 500 x 20	Serviceable	KAA
6	Taita-Taveta	Voi/Ikanga	Tarmac	C	17-35	(1500 x 20)m	Serviceable	KAA
7	Garissa	Garissa	Tarmac	C	17-35	1140 x 20	Serviceable	KAA
8	Wajir	Wajir International (Military/civil)	Bitumen	B	15-33	2810 x 30	Serviceable	KAA
9	Mandera	Mandera (Military)	Bitumen	C	25-23	1100 x 23	Serviceable	DoD
10	Marsabit	Laisamis	Sand	D	17-35	(950 x 25)m	Serviceable	CC- Marsabit
11	Isiolo	Isiolo	Tarmac	C	16-34	1000 x 30	Serviceable	CC- Isiolo
12	Meru	Gaitu (Kaongo)	Murram	D	.07-25	1080 x 15	Serviceable	KAA
13	Tharaka Nithi							
14	Embu	Kagunga	Tarmac	D	14-32	(1000 x 18)m	Serviceable	NIS
15	Kitui	Ithookwe	Tarmac	D		(930 x 18)m	Serviceable	CC-Kitu

No	County	Name of Aerodrome	Runway Type and Strength	Aerodrome Category	Runway(s) orientation	Runway(s) Dimensions and Slope	Status	Entity Responsible
16	Machakos	Kiboko	Bitumen	D	08-26	(900 x 20)m	TBC	CC-Machakos
17	Makueni	Makindu	Sand on loam soil	D	14-32	(904 x 22)m	Serviceable	CC-Makueni
18	Nyandarua	Nyahururu (Thompson's Falls Main Strip)	Bitumen	D		(1200 x 20)m	Serviceable	CC-Nyandarua
19	Nyeri	Nanyuki Civil Airstrip	Bitumen	C	.03-21	(1400 x 20)m	Serviceable	CAA
20	Kirinyaga	Wanguru (Thiba)	Grass on black cotton soil & murram	D	12-30 & 07-25	(900 x 18)m & (690 x 18)m	Serviceable	CC-Kirinyaga
21	Muranga	Kambirwa	Dry grass on red soil	D		800 x 25	TBC	CC-Muranga
22	Kiambu							
23	Turkana	Lodwar	Bitumen	C		(900 x 20)m	Serviceable	CAA
24	West Pokot	Kapenguria (Kisaunet)	Murram	D	.05-23	(1130 x 22)m	TBC	CC- West Pokot
25	Samburu	Baragoi	Murram	D	.09-27	1200 x 40	TBC	CC-Samburu
26	Trans Nzoia	Kitale	Tarmac	C	.04-22	(1460 x 25)m	Serviceable	CAA
27	Uasin Gishu	Eldoret International Airport (EIA)	Tarmac	B	.08-26	3500 x 45	Serviceable	CAA
28	Elgeyo Marakwet	Tot	Murram	D	.05-23	(810 x 23)m	Serviceable	CC- Elgeyo Marakwet
29	Nandi							
30	Baringo	Kabarnet Kapchomuswo	Tarmac	D	16-34	(1200 x 18)m	Serviceable	CC-Baringo

No	County	Name of Aerodrome	Runway Type and Strength	Aerodrome Category	Runway(s) orientation	Runway(s) Dimensions and Slope	Status	Entity Responsible
31	Laikipia						They use the airstrip in Nyeri County	
32	Nakuru	Lanet/Military	Dry grass	Military	Not known	Not known	TBC	DoD
33	Narok	Narok	Dry grass	D	.12-30	(1810 x 40)m	TBC	Narok County Government
34	Kajiado	Kajiado	Murram & grass	D	08-26 & 15-33	(1010 x 18) & (920 x 18)m	Serviceable	CC-Kajiado
35	Kericho	Kerenga	Grass	D	.04-22	(1200 x 22)m	TBC	CC-Kericho
36	Bomet	Itembe	Tarmac	D	.02-20	(1000 x 14)m	Serviceable	CC- Bomet
37	Kakamega	Kakamega	Tarmac	C	.08-26	(1200 x 18)m	Serviceable	KAA
38	Vihiga							
39	Bungoma	Bungoma	Tarmac	D	.07-25	(685 x 20)m	Serviceable	CC- Bungoma
40	Busia	Busia	Murram	C	13-31	(1000 x 25)m	Serviceable	CC-Busia
41	Siaya	Gombe	Murram	D	18-36	(1200 x 24)m	Serviceable	CC- Siaya
42	Kisumu	Kisumu Airport	Tarmac	B	.06-24	3300 x 45	Serviceable	KAA
43	Homa Bay	Kabunde	Tarmac	D	14-32	(1000 x 20)m	Serviceable	KAA
44	Migori	Migori	Bitumen & murram	D	.12-30	(1000 x 22)m	Serviceable	CC-Migori , KAA to start operation after
45	Kisii	Suneka	Tarmac	D	.10-28	(1000 x 18)	Serviceable	KAA
46	Nyamira							
47	Nairobi	Jomo Kenyatta International Airport	Tarmac	A	.06-24	4117 x 45	Serviceable	KAA

No	County	Name of Aerodrome	Runway Type and Strength	Aerodrome Category	Runway(s) orientation	Runway(s) Dimensions and Slope	Status	Entity Responsible
	Nairobi	Wilson	Tarmac	B	07 25 08 32	1464x 24	Serviceable	KAA

