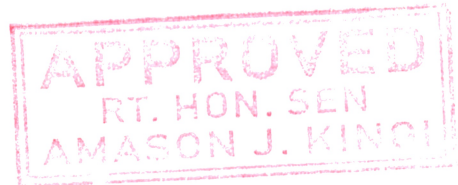




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03/03/26

THE SENATE



THIRTEENTH PARLIAMENT | FIFTH SESSION

SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES
.....

COMMITTEE REPORT ON ENVIRONMENT MANAGEMENT AND CO-
ORDINATION BILL, 2023 (NATIONAL ASSEMBLY BILLS NO. 66 OF 2023)

Clerk's Chambers,
First Floor,
Parliament Buildings,
NAIROBI.

	PAPERS LAID
DATE	4/3/2026
TABLED BY	Sen. Ngũgĩ
COMMITTEE	—
CLERK AT THE TABLE	Kavato

o/b of the chair

FEBRUARY, 2026

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PREFACE

ESTABLISHMENT AND MANDATE OF THE COMMITTEE

The Standing Committee on Land, Environment and Natural Resources is established under standing order 228(3) of the Senate Standing Orders. The mandate and the functions of the Committee are set out under the Fourth Schedule of the Senate Standing Orders which mandates the Committee to consider all matters relating to lands and settlement, environment, forestry, wildlife, mining, water resource management and development.

MEMBERSHIP OF THE COMMITTEE

The Committee is comprised of the following members –

- | | |
|---|-----------------------------|
| 1. Sen. Mohamed Mwinyihaji Faki, CBS, MP | - Chairperson |
| 2. Sen. Karen Nyamu, MP | - Vice - Chairperson |
| 3. Sen. Mohamed Hajji, MP | |
| 4. Sen. Johnes Mwashushe Mwaruma, MP | |
| 5. Sen. Joe Nyutu, MP | |
| 6. Sen. James Murango, MP | |
| 7. Sen. Allan Chesang, CBS, MP | |
| 8. Sen. Mariam Sheikh Omar, MP | |
| 9. Sen. Beatrice Akinyi Ogola, MP | |

CHAIRPERSON'S FOREWORD

Honourable Speaker,

This report contains proceedings of the Standing Committee on Land, Environment and Natural Resources on its consideration of the Environment Management and Co-ordination (Amendment) Bill, 2023 (National Assembly Bills No. 66 of 2023) which was published in the Kenya Gazette Supplement No. 195 of 2023 and passed by the National Assembly, with amendments, on 4th June, 2025. It was thereafter read a first time in the Senate on 6th November, 2025 and committed to the Land, Environment and Natural Resources Committee for consideration and reporting to the House pursuant to the provision of Standing Order 145.

Honourable Speaker,

The Environment Management and Co-ordination (Amendment) Bill, 2023 (National Assembly Bills No. 66 of 2023) (*Refer to Annex II*), seeks to amend Section 42 of the Environmental Management and Co-ordination Act, Cap 387 to empower the Cabinet Secretary to make regulations prohibiting the planting and requiring the removal of eucalyptus and other invasive, water-intensive tree species from riparian areas, in order to protect groundwater, soil health, water levels and riparian ecosystems.

The Bill proposes removal and restriction of potentially invasive and harmful plant species along riparian land in order to prevent excessive water uptake from riparian ecosystems. This will improve groundwater recharge, river base flows, wetland stability, and lake water levels.

The Bill will foster regeneration of indigenous vegetation, enhance ecological balance and promote enhanced water security, climate resilience and harmonize environmental policy to align with Kenya's Vision 2030.

Honourable Speaker,

Subsequently, the Committee, pursuant to Article 118(1) (b) of the Constitution and standing order 145(5) of the Senate Standing Orders, invited submissions from members of the public on the Bill via an advertisement in the Standard and the Daily Nation Newspapers on Tuesday, 25th November, 2025 (*Refer to Annex III*), inviting members of the public to submit written memoranda to the Committee on the Bill for consideration.

Having conducted public participation, the Committee was able to receive submissions from one (1) Stakeholder. The Committee considered the submissions and compiled the observations and recommendations in this report.

The Committee observed that the submissions made are in support of the Bill's objectives as espoused particularly on the regulation of invasive and water-intensive tree species in riparian areas and the offering of additional recommendations; however, the remainder of submissions fall outside the current scope and 'long title' of the Bill as presently drafted.

The Committee having reviewed the Environment Management and Co-ordination (Amendment) Bill, 2023 (National Assembly Bills No. 66 of 2023) and conducted public participation **recommended that the Senate approves the Bill without amendments.**

Honourable Speaker,

The Committee, following consideration of the Bill, will be processing the Bill without amendments.

Honourable Speaker,

The Committee thanks the Offices of the Speaker of the Senate and the Clerk of the Senate for the support extended to the Committee in the execution of its mandate. The Committee acknowledges and appreciates the efforts of the Mau Mau Children Post Colonial Elites for providing submissions towards enriching of this Bill.

Honourable Speaker,

It is now my pleasant duty, pursuant to standing order 148 of the Senate Standing Orders, to present the Report of the Standing Committee on Land, Environment and Natural Resources on the Environment Management and Co-ordination (Amendment) Bill, 2023 (National Assembly Bills No. 66 of 2023).

Signed: 

Date: 26/02/2026

SEN. MOHAMED MWINYIHAJI FAKI, CBS, MP

CHAIRPERSON.

**STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES.**

CHAPTER ONE: INTRODUCTION

1.1. Background

The Environment Management and Co-ordination (Amendment) Bill, 2023 (National Assembly Bills No. 66 of 2023) which was published in the Kenya Gazette Supplement No. 195 of 2023 and passed by the National Assembly, with amendments, on 4th June, 2025. It was thereafter read a first time in the Senate on 6th November, 2025 and committed to the Land, Environment and Natural Resources Committee for consideration and reporting to the House pursuant to the provision of Standing Order 145.

1.2. Purpose of the Bill

The principal object of the Environment Management and Co-ordination (Amendment) Bill, 2023 (National Assembly Bills No. 66 of 2023) is to amend Section 42 of the Environmental Management and Co-ordination Act, Cap 387 to empower the Cabinet Secretary to make regulations prohibiting the planting and requiring the removal of eucalyptus and other invasive, water-intensive tree species from riparian areas, in order to protect groundwater, soil health, water levels and riparian ecosystems.

1.3. Situational Analysis on Eucalyptus tree planting in Kenya

Eucalyptus (locally called *Muthaiga* or *blue gum*) has been planted in Kenya since the early 1900s, introduced during the colonial era primarily for timber and fuel. Today, it is one of the most widely planted exotic species in the country, found across smallholder farms, roadside, riparian zones and public institutions.

Eucalyptus has thrived in Kenya for several practical reasons. It grows extremely fast reaching harvestable size in 5-10 years making it attractive to smallholder farmers seeking quick returns. It is highly versatile, used for construction, poles, charcoal, firewood, furniture, paper pulp, and essential oils. It is also relatively low maintenance, regrows after harvesting, tolerates a wide range of soils and altitudes, and has strong market demand in both rural and urban areas.

For millions of Kenyan households, eucalyptus is a key source of income. The construction industry depends heavily on eucalyptus poles for scaffolding and building. Urban demand

for charcoal and firewood keeps rural producers profitable. The species has also enables Kenya to reduce pressure on indigenous forests by providing an alternative commercial timber source.

Despite its economic value, eucalyptus planting has attracted significant controversy, particularly around environmental impact. Planting of eucalyptus, in riparian zones leads to water loss and soil degradation in ecosystems.

1.4. Policy and Regulatory Framework

The current legal framework generally provides for promoting of soil conservation measures along river banks, lake shores, and the seashore, including tree planting. Without a clear statutory structure, water depletion, groundwater stress, ecosystem depletion and soil degradation will continue to affect communities who rely on riparian zones for their livelihood.

1.5. Overview of the Bill

The Bill contains the following one (1) Clause:

Clause 2 of the Bill proposes to introduce new paragraphs after Section 42(3) (b) for the Cabinet Secretary to issue general and specific orders, regulations or standards for the management of river basins, lake basins, wetlands or coastal zones and provide for—

- i. the prohibition of the introduction, growth or maintenance of trees of the eucalyptus species in and along any river, lake, sea or wetland; and
- ii. the prohibition of the introduction, growth or maintenance of any invasive species or other potentially dangerous species.

1.6. Consequences of the Bill

The Bill proposes removal and restriction of potentially invasive and harmful plant species along riparian land in order to prevent excessive water uptake from riparian ecosystems. This will improve groundwater recharge, river base flows, wetland stability, and lake water levels.

The Bill will foster regeneration of indigenous vegetation, enhance ecological balance and promote enhanced water security, climate resilience and harmonize environmental policy to align with Kenya's Vision 2030.

CHAPTER TWO: PUBLIC PARTICIPATION

2.1. Attendance by Stakeholders

The Committee, pursuant to Article 118 of the Constitution and standing order 145(5) of the Senate Standing Orders, invited submissions from members of the public on the Bill via an advertisement in the Standard and Daily Nation Newspapers on Tuesday, 25th November, 2025 (*Refer to Annex III*).

The Committee thereafter received submissions from the Mau Mau Children Post Colonial Elites, which were considered by the Committee (*Refer to Annex IV*).

The Committee held a total of two (2) Meetings and attached to this report are the corresponding record of proceedings. (*Refer to Annex I*).

2.2. Submissions from stakeholders and Committee observations and determinations on stakeholder proposals

The Mau Mau Children Post Colonial Elites

The Committee received written submissions from the Mau Mau Children Post Colonial Elites (*Refer to Annex IV*) as follows-

In the memorandum, they proposed promoting indigenous, water- friendly tree species, the establishment of ‘Forest Academies’, the clear definition of invasive and water-intensive species, strengthening community engagement and provision of incentives for transition.

Justification – This amendment seeks to promote environmental education, indigenous tree propagation, and long-term sustainability.

Committee’s Observation

The Committee noted that the stakeholder supports this Bill and is further proposing additional inclusions to the Bill that are outside the scope of the Bill.

CHAPTER THREE

3.1. COMMITTEE OBSERVATIONS

The Committee made the following observations in line with its consideration of the Environment Management and Co-ordination (Amendment) Bill, 2023 (National Assembly Bills No. 66 of 2023) –

1. the submissions made are in support of the Bill’s objectives as espoused particularly the regulation of invasive and water-intensive tree species in riparian areas and the offering of additional recommendations;
2. the principal object of the Bill is to amend Section 147 of the Environmental Management and Co-ordination Act, No. 8 of 1999 to permit the Cabinet Secretary to make regulations to prohibit the planting of eucalyptus trees along rivers, lakes, seas, and wetlands;
3. the submissions made include:
 - a. promoting of indigenous, water- friendly tree species;
 - b. the establishment of “Forest Academies”;
 - c. providing clear definition of invasive and water-intensive species; and
 - d. strengthening community engagement and provision of incentives for transition;
4. the submissions fall outside the current scope and 'long title' of the Bill as presently drafted.

CHAPTER FOUR

4.1. COMMITTEE RECOMMENDATIONS

The Committee having reviewed the Environment Management and Co-ordination (Amendment) Bill, 2023 (National Assembly Bills No. 66 of 2023) and conducted public participation **recommended that the Senate approves the Bill without amendments.**

LIST OF APPENDICES

- i. Appendix I:** Minutes of the meetings
- ii. Appendix II:** Environment Management and Co-ordination (Amendment) Bill, 2023 (National Assembly Bills No. 66 of 2023)
- iii. Appendix III:** Newspaper Advert
- iv. Appendix IV:** Stakeholder Submissions/Public Views

ANNEX I - MINUTES



MINUTES OF THE NINETY NINTH (99TH) SITTING OF THE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY, 26TH FEBRUARY, 2026 IN COMMITTEE ROOM 1, FIRST FLOOR, BUNGE TOWER BUILDING AT 10.00 A.M.

PRESENT

- | | |
|--|----------------------|
| 1. Sen. Mohamed Mwinyihaji Faki, CBS, MP | - Chairperson |
| 2. Sen. Mariam Sheikh Omar, MP | - Member |
| 3. Sen. Joe Nyutu, MP | - Member |
| 4. Sen. Beatrice Akinyi Ogola, MP | - Member |
| 5. Sen. Johnes Mwashushe Mwaruma, MP | - Member |
| 6. Sen. Abdul Haji, MP | - Member |

ABSENT WITH APOLOGIES

- | | |
|--------------------------------|---------------------------|
| 1. Sen. Karen Nyamu, MP | - Vice Chairperson |
| 2. Sen. James Murango, MP | - Member |
| 3. Sen. Allan Chesang, CBS, MP | - Member |

SECRETARIAT

- | | |
|-----------------------------|---------------------------------|
| 1. Mr. Victor Bett | - Clerk Assistant I |
| 2. Ms. Caroline Njue | - Clerk Assistant II |
| 3. Mr. Andrew Nyairo | - Legal Counsel II |
| 4. Mr. John Gichia | - Research Officer III |
| 5. Mr. Tonkei Sekento | - Research Officer III |
| 6. Mr. Simon Muinde | - Audio Officer |
| 7. Mr. Nandemu Barasa | - Asst. Media Relations Officer |
| 8. Ms. Christabelle Wasilwa | - Asst. Public Comms. Officer |

IN ATTENDANCE

MEMBERS OF THE COUNTY ASSEMBLY OF KWALE

- | | |
|--------------------------|------|
| 1. Hon. Manza Beja | -MCA |
| 2. Hon. Frederick Ndegwa | -MCA |
| 3. Hon. Mulki Adan | -MCA |

4. Hon. Yusuf Sengeza	-MCA
5. Hon. Juma Maone	-MCA
6. Hon. Hanifa Badi	-MCA
7. Hon. Teresia Muoki	-MCA
8. Ms. Victoria Barmao	-CPST
9. Mr. Chimba Sindi	-SAA
10. Mr. Juna Zani	-Clerk Assistant
11. Mr. Said Mwamazima	-Hansard Officer
12. Ms. Mrina Kwomboza	-Principal Clerk

MINUTE SEN/LENR/549/2026:

PRELIMINARIES

The Chairperson called the meeting to order at 10.20 a.m. followed by a word of prayer.

MINUTE SEN/LENR/550/2026:

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. Beatrice Ogolla, MP, and seconded by Sen. Joe Nyutu MP as follows –

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of:
 - i. Minutes of the Ninety Fifth (95th) sitting held on Thursday, 12th February, 2026 at 10:00 a.m.; and
 - ii. Minutes of the Ninety Eighth (98th) sitting held on Tuesday, 24th February, 2026 at 10:00 a.m.;
4. Matters Arising;
5. **Consideration and adoption of the Report on the Environment Management and Co-ordination (Amendment) Bill, 2023 (National Assembly Bills No. 66 of 2023) (Committee Paper No. 86);**
6. Any Other Business; and
7. Date of the Next Meeting and Adjournment.

MINUTE/SEN/LENR/551/2026:

CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING

The Committee confirmed the Minutes of the Ninety Eighth (98th) sitting held on Tuesday, 24th February, 2026 at 10:00 a.m. after having being proposed and seconded by Sen. Joe Nyutu, MP and Sen. Beatrice Ogola, MP respectively.

The Committee deferred to the next sitting, the consideration of Minutes of the Ninety Fifth (95th) sitting held on Thursday, 12th February, 2026 at 10:00 a.m.

MINUTE/SEN/LENR/552/2026:

MATTERS ARISING

There were no matters arising.

MINUTE/SEN/LENR/553/2026:

**CONSIDERATION AND
ADOPTION OF THE REPORT ON
THE ENVIRONMENT
MANAGEMENT AND CO-
ORDINATION (AMENDMENT)
BILL, 2023 (NATIONAL
ASSEMBLY BILLS NO. 66 OF
2023) (COMMITTEE PAPER NO.
86)**

The Committee Considered the Report and adopted it with the recommendation that the Committee will not be making any amendments. The Report was adopted after having been proposed by Sen. Joe Nyutu, MP and seconded by Sen. Mariam Sheikh, MP.

MINUTE /EN/LENR/554/2026:

ANY OTHER BUSINESS

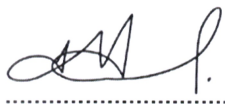
There was no other business.

MINUTE SEN/LENR/555/2026

**ADJOURNMENT AND DATE OF
NEXT MEETING**

The meeting was adjourned at 11:00 a.m. The next meeting was scheduled for 11.30 am the same day.

SIGNED:



DATE: 26/2/26

**SEN. MOHAMED MWINYIHAJI FAKI, CBS, MP
CHAIRPERSON.**



MINUTES OF THE NINETY EIGHTH (98TH) SITTING OF THE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON TUESDAY, 24TH FEBRUARY, 2026 IN COMMITTEE ROOM 1, FIRST FLOOR, BUNGE TOWER BUILDING AT 10.00 A.M.

PRESENT

- | | |
|--|---------------|
| 1. Sen. Mohamed Mwinyihaji Faki, CBS, MP | - Chairperson |
| 2. Sen. Mariam Sheikh Omar, MP | - Member |
| 3. Sen. Joe Nyutu, MP | - Member |
| 4. Sen. James Murango, MP | - Member |
| 5. Sen. Beatrice Akinyi Ogola, MP | - Member |

ABSENT WITH APOLOGIES

- | | |
|--------------------------------------|--------------------|
| 1. Sen. Karen Nyamu, MP | - Vice Chairperson |
| 2. Sen. Allan Chesang, CBS, MP | - Member |
| 3. Sen. Johnes Mwashushe Mwaruma, MP | - Member |
| 4. Sen. Abdul Haji, MP | - Member |

IN ATTENDANCE

SECRETARIAT

- | | |
|-----------------------------|--------------------------------|
| 1. Mr. Victor Bett | - Clerk Assistant I |
| 2. Ms. Caroline Njue | - Clerk Assistant II |
| 3. Mr. Andrew Nyairo | - Legal Counsel II |
| 4. Ms. Keziah Muthama | -Fiscal Analyst |
| 5. Mr. John Gichia | - Research Officer III |
| 6. Mr. Tonkei Sekento | -Research Officer III |
| 7. Mr. Simon Muinde | - Audio Officer |
| 8. Mr. Nandemu Barasa | -Asst. Media Relations Officer |
| 9. Ms. Christabelle Wasilwa | -Asst. Public Comms. Officer |
| 10. Mr. Boniface Mbithi | -Sergeant at Arms |

MINUTE SEN/LENR/541/2026:

PRELIMINARIES

The Chairperson called the meeting to order at 10.20 a.m. followed by a word of prayer.

MINUTE SEN/LENR/542/2026:**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted having been proposed by Sen. Joe Nyutu, MP, and seconded by Sen. Mariam Sheikh, MP as follows –

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of:
 - i. Minutes of the Ninety Fifth (95th) sitting held on Thursday, 12th February, 2026 at 10:00 a.m.;
 - ii. Minutes of the Ninety Sixth (96th) sitting held on Tuesday, 17th February, 2026 at 10:00 a.m.; and
 - iii. Minutes of the Ninety Seventh (97th) sitting held on Thursday, 19th February, 2026 at 10:00 a.m.
4. Matters Arising;
5. **Consideration of:**
 - i. **The Environment Management and Co-ordination (Amendment) Bill, 2023 (National Assembly Bills No. 66 of 2023) (*Committee Paper No. 82*);**
 - ii. **The Real Estate Regulation Bill, 2023 (Senate Bills no. 35 of 2023) (*Committee Paper No. 83*);**
6. Any Other Business; and
7. Date of the Next Meeting and Adjournment.

MINUTE/SEN/LENR/543/2026:**CONFIRMATION OF MINUTES
OF THE PREVIOUS SITTING**

The Minutes of the Ninety Sixth (96th) sitting held on Tuesday, 17th February, 2026 at 10:00 a.m. were confirmed as a true record of the proceedings having been proposed by Sen. Joe Nyutu, MP and seconded by Sen. Mariam Sheikh, MP.

The Minutes of the Ninety Seventh (97th) sitting held on Thursday, 19th February, 2026 at 10:00 a.m. were confirmed as a true record of the proceedings having been proposed by Sen. Mariam Sheikh, MP and seconded by Sen. Joe Nyutu, MP.

MINUTE/SEN/LENR/544/2026:**MATTERS ARISING**

Under **MINUTE/SEN/LENR/528/2026:**

**MEETING WITH THE
PRINCIPLEAL SECRETARY,
NATIONAL TREASURY AND
ECONOMIC PLANNING TO
DELIBERATE ON FINANCING
LOCALLY-LED CLIMATE
ACTION PROGRAM (FFLoCA)**

(COMMITTEE PAPER 78)

Under further deliberations, the Committee was informed that:

- i. The Committee sought clarifications on the reasons why Nairobi County has not received FLLoCA;
- ii. The secretariat did a letter to the National Treasury to request for an officer to be seconded to attend meetings relating to invitations issued to Governors on FLLoCA matters.
- iii. The Governor Bungoma County fine will be served on 24th February, 2025 and that Migori and Homabay Counties summons are being processed.

MINUTE/SEN/LENR/545/2026:

**THE ENVIRONMENT
MANAGEMENT AND CO-
ORDINATION (AMENDMENT)
BILL, 2023 (NATIONAL
ASSEMBLY BILLS NO. 66 OF
2023) (COMMITTEE PAPER NO.
82)**

On the **Long Title**, the Mau Mau Children Post Colonial Elites proposed the creation of Forest Academies, inspired by the work and legacy of distinguished environmentalists such as Professor Wangari Maathai promote environmental education, indigenous tree propagation, and long-term sustainability.

The amendment seeks to promote environmental education, indigenous tree propagation, and long-term sustainability.

Committee Observations:

The Committee made the following observations in line with its consideration of the Environment Management and Co-ordination (Amendment) Bill, 2023 (National Assembly Bills No. 66 of 2023) –

- i) the submissions made are in support of the Bill's objectives as espoused particularly the regulation of invasive and water-intensive tree species in riparian areas and the offering of additional recommendations;
- ii) the principal object of the Bill is to amend Section 147 of the Environmental Management and Co-ordination Act, No. 8 of 1999 to permit the Cabinet Secretary to make regulations to prohibit the planting of eucalyptus trees along rivers, lakes, seas, and wetlands;
- iii) the submissions made include:

- a) promoting of indigenous, water- friendly tree species;
 - b) the establishment of “Forest Academies”;
 - c) providing clear definition of invasive and water-intensive species; and
 - d) strengthening community engagement and provision of incentives for transition;
- iv) the submissions fall outside the current scope and 'long title' of the Bill as presently drafted.

Committee Resolution:

The Committee resolved to reject the proposal and proceed with processing the Bill in its current form.

MINUTE/SEN/LENR/546/2026:

**THE REAL ESTATE
REGULATION BILL, 2023
(SENATE BILLS NO. 35 OF 2023)
(COMMITTEE PAPER NO. 83)**

Clause 24

- i. **Metroplex Ltd** – Proposed to amend the proposed consequences of conviction, professional misconduct or undertaking activities contrary to public interest. This is because the Bill proposes various consequences to offences committed by real estate agents and developers. However, the proposal to sanction these players in the same category is unfair as real estate agents are professionals with distinct specialization and skills compared to developers.

Committee Resolution

The Committee rejected the proposal as the Clause is sufficient in order for the Board to effectively carry out its mandate under the Bill.

- ii. **EARB** – proposed to review and amplify the clause to ensure that it covers a wide range of potential developer and developer misconduct to Strengthen penalties and clarify developer obligations and ethical standards.

Committee Resolution

The Committee rejected this proposal as it there are no proposed amendments provided to be considered.

Clause 25

- i. **Masterways Real Estate Ltd – proposed to amend** Clause 25-31 which is on registration and licensing of real estate agents be deleted. The proposed act only takes into account the registration and licensing of real estate agents while forgetting that estate agency is a wide professional practice with many areas of specialization. It fails to mention many areas including; scale of fees, practice areas such as property and facilities management, valuation, mortgage broking. This action would lead to watering down of the estate agency practice.

Committee Resolution

The Committee rejected the proposal as the objective of the Bill is to regulate and license real estate agents and real estate projects. The Estate Agents Act, Cap 533 is outdated and does not provide for emerging issues.

- ii. **KEPSA/KPDA – proposed to amend** Clause 25. This is because contravention of this requirement attracts a fine not exceeding 5M or imprisonment for a term not exceeding 2 years of both and further the real estate agent shall not be entitled to payment for any service rendered.

Committee Resolution

The Committee rejected the proposal as the rationale does not relate to the Clause which is on application for registration and is not penal in nature.

- iii. **EARB – proposed to revise to read** developer not real estate agent to enhance the developer registration process by including a provision for oral interviews. Introduce proof of capital requirements.

Committee Resolution

The Committee rejected the proposal as the objective of the Bill is to regulate and license real estate agents.

Clause 26

- i. **KEPSA/KPDA – proposed to amend** this clause which provides for qualifications for registration of real estate agents. This is because:
 - a. This clause will lead to an even higher level of unemployment in Kenya as majority of agents do not have degrees.
 - b. The academic qualifications threshold is too high and there should be clarity on what would constitute appropriate or equivalent qualifications.

Many real estate agents are graduates in diverse specifications who then receive extensive on the job training by experienced professionals within the sector.

Committee Resolution

The Committee rejected the proposal as real estate agents are professionals and therefore professional qualifications are necessary in order to carry it out. The Clause provides for a degree in real estate or its equivalent therefore other degrees are included. The Committee acknowledges that the real estate sector has witnessed a lot of fraud in the recent past hence the need for professionals to further consumer protection as envisaged in Article 46 of the Constitution.

EARB – proposed to align with relevant qualifications for developers. Clarify developer qualifications and introduce evidence of land ownership or acquisition.

This is because many registered estate agents (about 500) do not have degree qualifications and will not qualify to practice as estate agents. In contrast, the draft Estate Agents Categorization Rules allows players at different levels to register as estate agents. It will also provide for growth among the different categories with a basic entry point. This will open up the registration and regularization of many persons acting as brokers, caretakers, property agents, managers and marketers. The Bill does not offer any proposals for qualification of developers. This is a major anomaly given that they are the major focus of the Bill.

Committee Resolution

The Committee rejected the proposal as the draft Estate Agents Categorization Rules make reference to qualifications including certification, diploma and degree with respect to the work undertaken and classified in Classes. The classification may be included in regulations made by the Cabinet Secretary.

Clause 27

- i. **KEPSA/KPDA** - Delete Clause 27(a) that requires estate agents to maintain books of accounts and records since real estate agents are employed by a developer and hence it is already the responsibility of the developer to maintain such books of accounts. It does not make sense from a business or accounting perspective to pass on such obligations to a real estate agent.

Committee Resolution

The Committee rejected the proposal as the maintain books of accounts and records is in line with professional standards. The Committee notes that real estate agents are not

necessarily employed by developers and may also carry out sole proprietorship, partnership and be incorporated as companies.

- ii. **KEPSA/KPDA** – proposed deletion of Clause 27(c)(i)(a) or provide clear guidelines on what particular standard or grade are. This is because Standards and grades are subjective. A clear definition should be provided.

Committee Resolution

The Committee rejected the proposal as the standard and grade are with respect to the real estate sector.

- iii. **EARB** – proposed to strengthen developer duties and penalties for non-compliance. This is to deter non-compliance.

Committee Resolution

The Committee rejected this proposal as there are no proposed amendments provided to be considered.

- iv. **Metroplex Ltd** – proposed to maintain the provision of the clause as it is. This is because among the duties of real estate agents prescribed by the Bill is that a real estate agent cannot facilitate any sale if the said project is not registered in accordance with the Bill. This will aid in curbing fraudsters and conmen in the real estate sector who have over time increased in number to the disadvantage of innocent purchasers.

Committee Resolution

The Committee approved the proposal as no change to be made.

Clauses 28-31

- i. **EARB** – proposed to amend the clauses to clarify the distinction between registration and licensing.

Committee Resolution

The Committee rejected the proposal as the registration and licensing have been distinguished in the Act.

Clause 28

- i. **KEPSA/KPDA** – proposed to amend clause 28(2) on the fines for offences. This is because a penalty of five million shillings on an individual real estate agent is extremely high and punitive, especially considering many are employed. Developers will then be forced to take out high levels of insurance cover to mitigate this risk.

Committee Resolution

The Committee resolved to reconsider the matter after adequate research.

Clause 29

- i. **KEPSA/KPDA** – proposed to amend Clause 29(3) which provides for the number of days the board of directors shall issue a practicing certificate. This is because 28 days is quite lengthy. Application and renewal of licences for other practising professionals are issued once payment is made.

Committee Resolution

The Committee rejected the proposal as the timelines given are to provide a maximum number of days and allows the Board to carry out its due diligence on applications made.

- ii. **KEPSA/KPDA** - Proposed to amend Clause 29(5) which provides for the practising year. This is because license should remain in effect for a full calendar year, aligning with the eve of issuance to the subsequent year's issuance date.

Committee Resolution

The Committee approves the proposal as the full calendar year would be equitable and the Committee amends the clause to read as follows – “(5) A practicing license issued under this section shall be valid from the day for a full calendar year.”

Clause 30

KEPSA/KPDA - Amend Clause 30(1)(a) on the suspension of practicing certificate. This is because suspension of the practising license on mere allegations of misconduct is prejudicial to the real estate agent. They should be accorded their constitutional right to be heard and given a fair hearing. A fair and just framework needs to be developed.

Committee Resolution

The Committee rejects the proposal as the Board may exercise their discretion to suspend the license on a case-by-case basis. The decision may still however be challenged in the court if the licensee is aggrieved.

PART IV

ISK/ Citiscape Valuers & Estate Agents Ltd proposed deletion of the provision for the registration of Real Estate Developers. This is because the Bill introduces a

provision for the registration of projects, a role which is already being undertaken by the National Construction Authority (NCA), as well as county governments.

The provisions in the Bill do not take into consideration the fact that real estate developments are already subject to approval by County Governments, therefore, we do not need another layer of registration to record the developments that have been approved.

If this is allowed, it will increase the cost of doing business. This will cripple real estate development in the country.

Committee Resolution

The Committee rejected the proposal as Part V of the Bill provides for the registration of real estate projects and not real estate developers.

MINUTE /EN/LENR/547/2026:

ANY OTHER BUSINESS

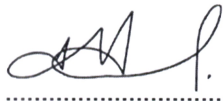
- i. Continuously consider the Real Estate Regulation Bill (Senate Bills No. 35 of 2023) until completion at any opportunity when an invited stakeholder fails to appear;
- ii. Conduct the earlier postponed Site visit within Nairobi County on Monday, 9th March, 2026; and
- iii. Conduct the Retreat for the coastal region on the 12th – 16th March, 2026

MINUTE SEN/LENR/548/2026

ADJOURNMENT AND DATE OF NEXT MEETING

The meeting was adjourned at 11:32 a.m. The date of the next meeting was to be called on notice.

SIGNED:



DATE: 26/2/26

SEN. MOHAMED MWINYIHAJI FAKI, CBS, MP
CHAIRPERSON.

ANNEX II –
ENVIRONMENT MANAGEMENT AND CO-
ORDINATION (AMENDMENT) BILL, 2023
(NATIONAL ASSEMBLY BILLS NO. 66 OF 2023)



REPUBLIC OF KENYA

PARLIAMENT

NATIONAL ASSEMBLY BILLS
(*Bill No. 66 of 2023*)

**THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION
(AMENDMENT) BILL, 2023**

(A Bill published in the Kenya Gazette Supplement No. 195 of 2023 and
passed by the National Assembly, with amendments, on June 4th, 2025)

N.A. /B/No. 66/2023

1793

**THE ENVIRONMENTAL MANAGEMENT AND CO-
ORDINATION (AMENDMENT) BILL, 2023**

A Bill for

**AN ACT of Parliament to amend the Environmental
Management and Co-ordination Act and for
connected purposes**

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Environmental
Management and Co-ordination (Amendment) Act, 2023.

Short title.

2. Section 42 of the Environmental Management and
Co-ordination Act is amended in subsection (3) by inserting
the following new paragraphs immediately after paragraph
(b)—

Amendment of
section 42 of
Cap.387.

(ba) the prohibition of the introduction, growth or
maintenance of trees of the eucalyptus species in and
along any river, lake, sea or wetland;

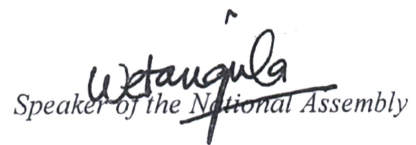
(bb) the prohibition of the introduction, growth or
maintenance of any invasive species or other
potentially dangerous species;

The Environmental Management and Co-ordination (Amendment) Bill, 2023

I certify that this printed impression is a true copy of the Bill passed by the National Assembly on the 4th of June, 2023.


Clerk of the National Assembly

Endorsed for presentation to the Senate in accordance with the provisions of Standing Order 142 of the National Assembly Standing Orders.


Speaker of the National Assembly

ANNEX III – PUBLIC ADVERT

REPUBLIC OF KENYA



THIRTEENTH PARLIAMENT | THIRD SESSION

THE SENATE

INVITATION FOR SUBMISSION OF MEMORANDA

**THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION
(AMENDMENT) BILL, 2023 (NATIONAL ASSEMBLY BILLS NO. 66 OF 2023)**

The **Environment Management and Co-ordination (Amendment) Bill, 2023 (National Assembly Bills No. 66 of 2023)** was read a First Time in the Senate on Thursday, 6th November, 2025 and thereafter stood committed to the Standing Committee on Land, Environment and Natural Resources for consideration. The Committee is required, under Standing Order 145(5) of the Senate Standing Orders, to facilitate public participation on the Bill and to take into account the views and recommendations of the public when the Committee makes its report to the Senate.

The Bill seeks to amend Section 42 of the Environmental Management and Co-ordination Act, Cap 387 to empower the Cabinet Secretary to make regulations prohibiting the planting and requiring the removal of eucalyptus and other invasive, water-intensive tree species from riparian areas, in order to protect groundwater, soil health, water levels and riparian ecosystems.

In accordance with the provisions of Article 118 of the Constitution and standing order 145 (5) of the Senate Standing Orders, the Standing Committee on Land, Environment and Natural Resources now invites interested members of the public to submit any representations they may have on the Bill by way of written memoranda.

The memoranda may be submitted to the Clerk of the Senate, P. O. Box 41842-00100, Nairobi, hand-delivered to the Office of the Clerk of the Senate, Main Parliament Buildings, Nairobi or emailed to clerk.senate@parliament.go.ke and copied to landenvironcommittee.senate@parliament.go.ke to be received on or before **Monday, 8th December, 2025 at 5.00 p.m.**

The Bill and a digest that summarizes the contents and context of the Bill may be accessed on the Parliament website at <http://www.parliament.go.ke/the-senate/House-Business>.

**J. M. NYEGENYE, CBS,
CLERK OF THE SENATE.**

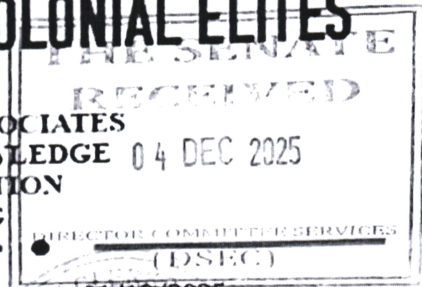
**ANNEX IV –
STAKEHOLDER SUBMISSIONS/PUBLIC VIEWS**



MAU MAU CHILDREN POST COLONIAL ELITES

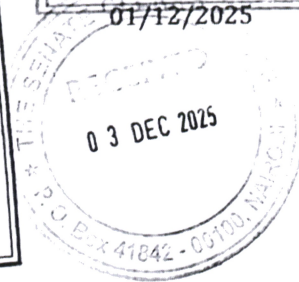
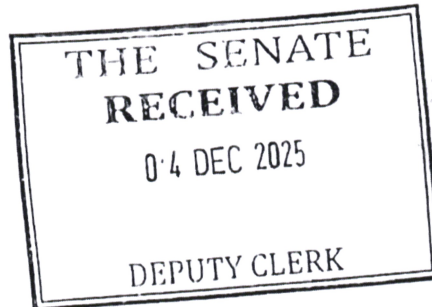
PARTNERS:

- * MAU MAU WAR VETERANS ASSOCIATES
- * MAU MAU INDIGENOUS KNOWLEDGE
- * JEREMIAH MUGI FOUNDATION
- * MMV ASSOCIATES CLG



01/12/2025

THE CLERK OF THE SENATE
PARLIAMENT OF KENYA
P.O. BOX 4We842-00We00
NAIROBI, KENYA



Dear Sir/Madam,

RE: SUBMISSION OF MEMORANDUM ON THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (AMENDMENT) BILL, 2023 (NATIONAL ASSEMBLY BILL NO. 66 OF 2023)

① D SEC
DHS

We hereby submit my written memorandum on the Environmental Management and Co-ordination (Amendment) Bill, 2023, currently before the Standing Committee on Land, Environment and Natural Resources.

Kindly deal.

The purpose of this memorandum is to express support for the Bill's objectives—particularly the regulation of invasive and water-intensive tree species in riparian areas—and to offer additional recommendations that can strengthen environmental conservation in Kenya.

E
24/12/2025

In my submission, We have highlighted the importance of protecting indigenous forests, the need for clear guidelines on harmful tree species, and the role of communities in environmental stewardship. I have also proposed the creation of Forest Academies, inspired by the work and legacy of distinguished environmentalists such as Professor Wangari Maathai, to promote environmental education, indigenous tree propagation, and long-term sustainability.

② D SEC (BL)
Kindly deal
24/12/2025

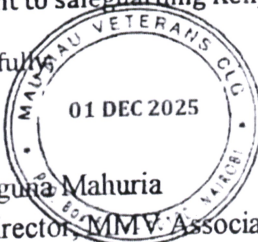
I kindly request the Committee to consider the views and recommendations contained in my memorandum as part of its report to the Senate.

Thank you for providing an opportunity for public participation, and for your continued commitment to safeguarding Kenya's environment for current and future generations.

③ Clerk Environment

Yours faithfully,

James Njuguna Mahuria
General Director, MMV Associates



Mr. Bett
Kindly deal
24/12/2025



MAU MAU CHILDREN POST COLONIAL ELITES

PARTNERS:

- * MAU MAU WAR VETERANS ASSOCIATES
 - * MAU MAU INDIGENOUS KNOWLEDGE
 - * JEREMIAH MUGI FOUNDATION
 - * MMV ASSOCIATES CLG
-

MEMORANDUM ON THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (AMENDMENT) BILL, 2023 (NATIONAL ASSEMBLY BILL NO. 66 OF 2023)

SUBMITTED TO:

THE CLERK OF THE SENATE

STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES

REPUBLIC OF KENYA

1. Introduction

I, the undersigned, wish to present my views regarding the Environmental Management and Co-ordination (Amendment) Bill, 2023. I commend the Senate for enhancing environmental governance, especially in regulating invasive and water-intensive tree species in riparian ecosystems.

2. General Position

I support the objectives of the Bill. Protecting riparian areas from harmful tree species is essential for safeguarding groundwater, rivers, wetlands, soil fertility, and biodiversity.

3. Recognition of Environmental Champions

Kenya has a strong history of environmental conservation led by globally respected environmentalists such as:

- Professor Wangari Maathai, Nobel Peace Prize Laureate and founder of the Green Belt Movement.

Her work inspires the need for strong environmental stewardship, indigenous forest restoration, and community empowerment.

4. Importance of Indigenous Forest Conservation

Indigenous forests are critical for water catchment protection, climate regulation, soil conservation, biodiversity support, and cultural heritage.

5. Key Recommendations

A. Promote Indigenous, Water-friendly Tree Species

The Bill should encourage planting of indigenous species such as:

- *Prunus africana* (Mueri)
- *Croton megalocarpus*
- *Syzygium guineense* (Muthitho)
- *Markhamia lutea* (Muu)
- Environmentally suitable bamboo species

B. Proposal for Establishment of "Forest Academies"

I recommend creation of Forest Academies to:

1. Train communities, youth, and learners on sustainable forestry.
2. Promote indigenous tree propagation.
3. Serve as knowledge hubs inspired by Wangari Maathai.
4. Offer courses on climate change and forest conservation.
5. Support county and national forest management.

C. Clear Definition of Invasive and Water-intensive Species

The Bill should include a clear list of invasive and water-hungry species.

D. Strengthen Community Engagement

Community Forest Associations, schools, churches, and youth groups should be involved in forest conservation efforts.

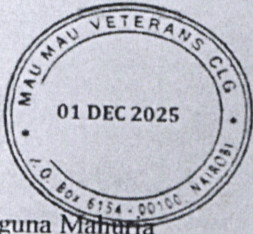
E. Provide Incentives for Transition

Communities reliant on eucalyptus should receive seedlings, training, and support for adopting sustainable alternatives.

6. Conclusion

I support the Amendments and urge incorporation of recommendations on indigenous species, community empowerment, and establishment of Forest Academies.

Signed:



James Njuguna Maharia
General Director, MMV Associates