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PARLIAMENT OF KENYA



07/08/24



13TH PARLIAMENT | 4TH SENATE | THIRD SESSION

APPROVED
RT. HON. SEN
AMASON J. KINGI

STANDING COMMITTEE ON ENERGY

PARLIAMENT
OF KENYA
LIBRARY

REPORT ON THE INQUIRY INTO THE LPG EXPLOSION IN MRADI AREA
EMBAKASI, NAIROBI CITY COUNTY

Rt. Hon. Speaker
You may approve for tabling
J. M. Nyegenye, C.B.S.,
Clerk of the senate/secretary, PSC
Date: 07/08/24

PAPERS LAID	
DATE	08/08/2024
TABLED BY	Senate Majority Whip
COMMITTEE	Energy
CLERK AT THE TABLE	Carolyne Chesep

Clerk's Chamber
The Senate
Parliament Buildings
NAIROBI.

July, 2024

Mr. Hon. Speaker
You may appear on table
J. M. Wagner, C.R.
Chair of the committee
I am sure you will be
pleased to hear from me

TABLE OF CONTENTS

LIST OF ABBREVIATIONS AND ACRONYMS	3
LIST OF ANNEXURES	4
PRELIMINARIES	5
A. Establishment and Mandate of the Standing Committee on Energy	5
B. Functions of the Committee	5
C. Government Agencies and Departments	5
D. Membership of the Committee	6
E. Committee Secretariat	6
CHAIRPERSON'S FOREWORD	8
CHAPTER ONE	15
INTRODUCTION	15
A. Background	15
B. Inquiry of the Standing Committee on Energy on the LPG Explosion in Mradi Area, Embakasi	15
CHAPTER TWO	17
CONSTITUTIONAL, LEGAL AND REGULATORY CONSIDERATIONS	17
A. Constitutional, Legal and Regulatory Frameworks for the Energy Sector	17
B. Constitution of Kenya	17
C. Relevant Statutes	17
a) Petroleum Act, Cap. 308	17
b) Energy Act, Cap. 314	18
c) Environmental Management and Coordination Act (EMCA), Cap. 387	18
d) Physical and Land Use Planning Act, Cap 303	19
D) The Petroleum (Liquefied Petroleum Gas) Regulations, 2019	19
CHAPTER THREE	20
COMMITTEE PROCEEDINGS	20
A. Submissions by the Ministry of Energy and Petroleum and EPRA	20
B. Submission by a Gas and Explosive Expert from EPRA	25
C. Submissions by the National Environment Management Authority	28
D. Submissions by the Nairobi City County	30
E. Submissions by Petroleum Institute of East Africa (PIEA)	33
F. Submissions by the Energy Dealers Association (EDA)	37
CHAPTER FOUR	40
COMPARATIVE ANALYSIS OF LIQUEFIED PETROLEUM GAS (LPG) DISTRIBUTION SYSTEMS	40
A. LPG Distribution in Kenya	40
B. Jurisdictional Comparison	41

i) LPG Distribution in USA	41
ii) LPG Distribution in South Africa	41
iii) LPG Distribution in South Korea	42
CHAPTER FIVE	43
COMMITTEE OBSERVATIONS AND RECOMMENDATIONS	43
A. Committee Observations	43
B. Committee Recommendations	46

LIST OF ABBREVIATIONS AND ACRONYMS

DCI	-	Directorate of Criminal Investigations
EDA	-	Energy Dealers Association
EIAL	-	Environmental Impact Assessment Licence
EPRA	-	Energy and Petroleum Regulatory Authority
EMCA	-	Environmental Management and Coordination Act
ESIA	-	Environmental Social Impact Assessment
ESIASR	-	Environmental and Social Impact Assessment Study Report
KEBS	-	Kenya Bureau of Standards
LPG	-	Liquefied Petroleum Gas
NEMA	-	National Environment Management Authority of Kenya
SEA	-	Strategic Environmental Assessment
PAPs	-	Project Affected persons
EPRs	-	Emergency Response Plans
NERA	-	Nyayo Embakasi Residents Association
PIEA	-	Petroleum Institute of East Africa

LIST OF ANNEXURES

1. *Annex 1:* Minutes of the Committee Sittings
2. *Annex 2:* Schedule of Committee Sittings
3. *Annex 3:* Submissions from Ministry of Energy and Petroleum
4. *Annex 4:* Submissions from National Environmental Management Authority
5. *Annex 5:* Submissions from Nairobi City County
6. *Annex 6:* Submission from Petroleum Institute of East Africa
7. *Annex 7:* Submission from Energy Dealers Association

PRELIMINARIES

A. Establishment and Mandate of the Standing Committee on Energy

The Standing Committee on Energy is established under standing order 228 (3) of the Senate Standing Orders and is mandated to consider all matters related to fossil fuels exploration, development, production, maintenance and regulation of energy.

B. Functions of the Committee

Pursuant to Standing Order 228(4), the Committee functions to –

1. Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration and operations of its assigned ministries and departments;
2. Study the program and policy objectives of its assigned ministries and departments, and the effectiveness of the implementation thereof;
3. Study and review all legislation referred to it;
4. Study, assess and analyse the success of the ministries and departments assigned to it as measured by the results obtained as compared with their stated objectives;
5. Consider the Budget Policy Statement in line with Committee's mandate;
6. Report on all appointments where the Constitution or any law requires the Senate to approve;
7. Make reports and recommendations to the Senate as often as possible, including recommendations of proposed legislation;
8. Consider reports of Commissions and Independent Offices submitted to the Senate pursuant to the provisions of Article 254 of the Constitution;
9. Examine any statements raised by Senators on a matter within its mandate;
10. Follow up and report on the status of implementation of resolution within their mandate; and
11. Follow up and report on the status of commitments made by Cabinet Secretaries in their responses to questions understanding order 51(c).

C. Government Agencies and Departments

In exercising its mandate, the Committee oversees the County Governments, the Ministry of Energy and its various Semi-Autonomous Government Agencies (SAGAs).

1. Energy and Petroleum Regulatory Authority (EPRA)
2. Kenya Power & Lighting Company Limited (KPLC)
3. Kenya Electricity Generating Company Limited (Kengen)

4. Kenya Electricity Transmission Company Limited(KETRACO)
5. Rural Electrification and Renewable Energy Company (REREC)
6. Nuclear Power and Energy Agency (NUPEA)
7. Geothermal Development Company (GDC)
8. Kenya Pipeline Company (KPC)
9. Kenya Pipeline Refineries Limited (KPRL)

D. Membership of the Committee

The Committee is comprised of the following Members:

- | | | |
|--|---|-------------------------|
| 1. Sen. Wamatinga Wahome, MP | - | Chairperson |
| 2. Sen. William Kisang' Kipkemoi, MP | - | Vice-Chairperson |
| 3. Sen. (Dr.) Boni Khalwale, CBS, MP | - | Member |
| 4. Sen. Ledama Olekina, MP | - | Member |
| 5. Sen. (Dr.) Oburu Oginga, MGH, MP | - | Member |
| 6. Sen. James Lomenen Ekomwa, MP | - | Member |
| 7. Sen. Danson Buya Mungatana, MGH, MP | | Member |
| 8. Sen. Abass Sheikh Mohamed, MP | - | Member |
| 9. Sen. Edwine Watanya Sifuna, MP | - | Member |

E. Committee Secretariat

The Committee secretariat is composed of the following -

- | | | |
|-------------------------|---|-------------------------|
| 1. Mr. Crispus Njogu | - | Clerk Assistant |
| 2. Dr. Christine Sagini | - | Lead Clerk |
| 3. Ms. Mary Kule Waqo | - | Clerk Assistant |
| 4. Mr. Faith Cheruto | - | Legal Counsel |
| 5. Ms. Nancy Mulei | - | Research Officer |
| 6. Mr. Joseph Lekisima | - | Fiscal Analyst |
| 7. Eng. Nicholas Arusei | - | Audio Officer |
| 8. Ms. Violet Nalianya | - | Media Relations Officer |
| 9. Ms. Loice Wachuka | - | Accounts |

- 10. Mr. Kiptanui Kipchirchir - Procurement
- 11. Ms. Ronny Nyaga - Protocol Officer
- 12. Mr. John Lekampule - Sergeant-at-Arms

CHAIRPERSON'S FOREWORD

On Thursday, 1st February, 2024, an LPG explosion occurred in the Mradi Area of Embakasi, Nairobi County. The facility involved was an LPG plant used for storing and filling gas cylinders. The explosion claimed eleven (11) lives and left at least 280 other people injured. The explosion further resulted in a massive fire, which spread to nearby buildings, causing extensive damage to residential and commercial properties. Several homes and businesses were destroyed, and many residents were displaced.

Standing order 228(3) of the Senate Standing Orders mandates the Committee to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration and operations of its assigned ministries and departments.

A. Committee Proceedings

Accordingly, following the explosion, the Committee resolved to open an inquiry into the matter, with a view towards assessing industrial safety regulations and emergency preparedness in the Country. In its deliberations, the Committee noted that the key issues for determination centred around the following-

- a) Reasons why the LPG refilling facility was located close to a human settlement;
- b) Ownership details of the company that was running the facility and their beneficial owners;
- c) Compliance to the statutory and regulatory requirements of having an LPG refill and storage facility;
- d) Details of all LPG refill and storage facilities and their locations in the country, sorted per county; and
- e) Safeguards that the Government has put in place to avoid a recurrence of the same.

Accordingly, the Committee held six (6) meetings and met with key stakeholders including the Cabinet Secretary, Ministry of Energy and Petroleum, the Director-General, National Environment Management Agency (NEMA), the Director General, Energy and Petroleum Regulatory Authority (EPRA), Eng. Edward Kinyua, Director and Gas and Explosives Expert (EPRA), the Petroleum Institute of East Africa (PIEA) and the Energy Dealers Association. In addition, the Committee received written submissions from the Governor, Nairobi City County. Minutes of the Committee have been attached as **Annex 1**.

Further to the above, the Committee reviewed technical, non-partisan output from the Parliamentary Budget Office, the Senate Directorate of Legal Services and the Senate Research Services.

The aforementioned Committee proceedings were aimed at investigating the circumstances that led to gas explosion, as well as understanding the broader legal, policy, regulatory and structural issues surrounding the storage and filling of LPG gas cylinders.