

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 6th December 2017

The House met at 2.30 p.m.

[The Speaker (Hon. Muturi) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Can you ring the bell to attain quorum?

(The Quorum Bell was rung)

You may stop the bell. We now have quorum. We may commence.

COMMUNICATION FROM THE CHAIR

DEMISE OF HON. FRANCIS MWANZIA NYENZE

Hon. Speaker: Hon. Members, as you are already aware, today, Wednesday 6th December 2017 is a sad day for the National Assembly and, indeed, the nation as a whole as we have lost one of our most vibrant colleagues, Hon. Francis Nyenze. The Member of Parliament for Kitui West Constituency passed away while undergoing treatment at the Nairobi Hospital. The late Hon. Francis Nyenze was born on 2nd June 1957 in Kitui County. He attended Kyome Boys Secondary School between 1974 and 1977. Thereafter, he proceeded with his A-Level education at Kagumo High School between 1978 and 1980. Between 1980 and 1984, he attended the University of Nairobi where he graduated with a Bachelor of Arts Degree in Design. Later, Hon. Nyenze attended Moi University for his Master of Business Administration (MBA) degree between 2003 and 2005.

Hon. Members, Hon. Nyenze made his debut in national politics in the run up to the 1997 General Election when he successfully vied for the Kitui West Constituency seat where he served between 1997 and 2002. He was re-elected in the 2013 General Election and subsequently appointed the Leader of the Minority Party by the Coalition for Reforms and Democracy (CORD), where he served diligently until the end of the 11th Parliament.

His swift mastery and grasp of parliamentary business ensured that his contributions were keenly followed by all, particularly his contributions on legislations related to the agricultural sector were insightful and tremendously enriching to the matters under debate.

In the 8th Parliament between 1997 and 2002, he served in various Committees where his contribution and participation was commendable. He was an active member of the House Business Committee (HBC) as well as the Public Investments Committee (PIC) in the 11th

Parliament. The late Hon. Nyenze served this country in various other capacities. Just to mention a few, he served as the Cabinet Minister for Sports and Heritage between 1997 and 2002 and the Minister for Environment and National Resources between 2011 and 2012. He also served as the chairperson of the Water Resources Management Authority and the famous taskforce for investigating pyramid schemes and Community Aid and Development Corporation (CAD). He started his career as a designer with the Ministry of Health from 1985 to 1989. Between 1986 and 1989, he served diligently as the national treasurer for one of the largest savings and credit cooperative organisations (SACCOs) in the country – the Afya SACCO.

Hon. Members, on behalf of all the Members of the National Assembly, the entire Parliamentary Service Commission (PSC) and on my own behalf, I wish to take this opportunity to condole with the family of the late brother Hon. Francis Nyenze, the people of Kitui West Constituency and his friends, for the loss of this great legislator at this trying moment. As the National Assembly, we assure the family of our support during this period of great sorrow.

In tribute to our departed colleague and for the information of Members, we lost the immediate former Member of Parliament for Belgut Constituency, the late Hon. Eric Keter. I request that we all stand to observe a minute of silence.

(The House observed a minute of silence)

May his soul rest in eternal peace. Let us have the Leader of the Majority Party. Do you have a tribute?

Hon. A.B. Duale: Thank you, Hon. Speaker. On behalf of the great people of Garissa Township, my family and myself, I want to join you and the rest of the country in sending our sincere condolences to our great friend, leader and colleague, the late Hon. Francis Nyenze, Member of Parliament for Kitui West.

In the 11th Parliament, I had the opportunity to serve in the leadership position with Hon. Nyenze. He was the Leader of the Minority Party in the 11th Parliament. I am sure you will agree with me that Hon. Nyenze contributed to the great success of the 11th Parliament. He was part and parcel of the leaders who contributed to the great success and achievements of the 11th Parliament in terms of the over 181 Bills and Motions that this House processed. He represented the people of Kitui West for many years from the Kenya African National Union (KANU) days, during the multiparty politics and even under the new Constitution, 2010.

Hon. Francis Nyenze was a soft spoken man but one who stood for what he thought. At times, he would disagree with his coalition. At times, he would disagree with even those of us who were in the leadership. He would say that this was his position. His position was always the one that favoured the majority of the people of Kenya. I can describe him as a nationalist. Some of us at times spearhead party interests but Francis Nyenze was a man who, not only advanced the interest of the people of Kitui West, but the interests of the people of Kenya.

I am sure colleagues in this House, the Speaker and the staff of Parliament who were in the 11th Parliament know the contributions of Francis Nyenze as the Leader of the Minority Party and as a Member of the House Business Committee (HBC) and the Public Investments Committee (PIC) - an oversight Committee. I am sure Hon. Keynan and Hon. Chris Wamalwa will agree with me that he was the voice of reason in the PIC just as he was in the HBC and in the leadership of the then Coalition for Reforms and Democracy (CORD).

He had been sick since the beginning of this Session. I am sure even those of us who were here when he took the oath of office know that he was not well. We want to assure his

family and the people of Kitui West that the 12th Parliament - under the leadership of our Speaker – will stand with them during these hard times. We ask the Almighty God to give the family comfort, courage and to keep the legacy of Francis Nyenze both in the family and in the constituency. I am sure, under your leadership, when we are called upon soon, we will all go to Kitui West and give our brother a befitting send-off. May his soul rest in peace. May the people of Kitui County, Kitui West Constituency and his immediate family members get the courage to withstand this difficult time.

Hon. Speaker: Let us have Hon. John Mbadi.

Hon. Ng'ongo: Thank you very much, Hon. Speaker. I also stand here this afternoon to speak on behalf of the National Super Alliance (NASA) Coalition; the Orange Democratic Movement (ODM) Party, which I chair; the people of Suba South, whom I represent in this Parliament; and on my own behalf as someone who, at a personal level, knew the Hon. Francis Nyenze. I want to express my deep condolences and shock at the untimely death of our brother, who passed on barely this morning.

Hon. Nyenze was my predecessor. I have just succeeded him as the Leader of the Minority Party or coalition of parties. We voted him in as our Leader of the Minority Party in the 11th Parliament when we were in CORD. He steered us through the four-and-a-half years or so as the Leader of the Minority Party.

I want to say without any fear of contradiction that there were admirable qualities that one would learn from Hon. Nyenze. One is that he was a great listener. Hon. Nyenze - even though he was our leader - could listen to you and if convinced, he would change his mind which is very rare with many of us in positions of leadership. He had wisdom and experience that many of us lacked. When you sat with him to discuss issues or matters pertaining to parliamentary procedures and issues of concern, whether it was Bills or any matter that was the subject of discussion, you would learn a lot from him. That is why we all know how he became the Leader of the Minority Party. He was able to gain our confidence for the four-and-a-half years that he was the Leader of the Minority Party, as those of us who were in the minority coalition know.

It is a great loss for all of us, not just to the people of Kitui West, although, I know that they have lost much more than us. This is a constituency which had confidence in this great leader. I say so because Nyenze won his re-election when he was very unwell. He was very ill. For the electorate to vote for you even when you are showing signs that your health is failing is not very easy. We have participated in campaigns and know the kind of propaganda and smear campaigns that are associated with the campaigns, to an extent that most of the electorate are usually not very sympathetic to their leaders when they are seeking re-election. Hon. Nyenze won the elections with a landslide and got his seat back even when his health was failing him. This is a clear demonstration that his electorate had confidence in him probably to the grave.

Hon. Speaker, I must say that the people of Kitui West have lost more than we lost. I used to call him *Waziri* Nyenze because once you are a Minister, you always remain one. So, the demise of *Waziri* Nyenze is a great loss to all of us.

I want to wind up because I know many of my colleagues have something to say about Hon. Francis Nyenze. I want to wind up by saying that he played a critical role in NASA during its formation and more particularly when we were in the process of agreeing on a presidential candidate. He was in the committee which agreed to field one presidential candidate for the NASA. That shows and demonstrates the kind of confidence that our Coalition had in Hon. Francis Nyenze. I want to agree with Hon. Duale that he spoke his mind. At times, he could speak his mind and some of us would not be very happy about it but once overruled by the

majority, he followed and supported our Coalition to the end up to and including the general election on 8th August 2017. I want to keep on praying for the family because I know I come from a denomination that does not believe that once someone has passed on, there is something that you can say which can change the mind of God to either take him to heaven or hell. My denomination which is the Seventh Day Adventist (SDA) believes that your relationship with God when you are alive is what determines your destiny once you die. What I would pray for as a staunch SDA is for the family, friends and relatives who are hurting at the moment that they may get peace and realise that we are all headed to that direction that our brother has gone to. We can join him but he cannot join us.

I want to end there lest I turn into a preacher. I want to end there by saying that we are all united at this point in time when we are mourning Hon. Francis Nyenze. Thank you, Hon. Speaker.

Hon. Speaker: Hon. Washiali

Hon. Washiali: Thank you, Hon. Speaker. I want to join my boss, Hon. A.B. Duale and Hon. Mbadi in sending my heartfelt condolences to the family of Hon. Francis Nyenze and the entire extended family of the people of Kitui West. When Hon. Nyenze was the Leader of the Minority Party in the 11th Parliament, he played a major role in bringing sanity in this House, especially when we had Motions that would easily divide us as a House. I remember that we had quite a number of Motions that could easily tear us as a House but Hon. Nyenze usually remained sober and guided us. Every time he could refer to himself as a son of a bishop. Indeed, it was not what he used to say but he put it into practice. When I learnt of the demise of Hon. Nyenze, I wondered why good people die. If I was given an opportunity to choose who was to go, I have a number of candidates here. If I was given the opportunity to choose between Hon. Nyenze and some of our colleagues who are here, I am sure Hon. Nyenze would still be alive.

(Laughter)

Hon. Nyenze used to be the Leader of the Minority Party in the 11th Parliament. Many times, you would find him consulting the Leader of the Majority Party, Hon. Duale, on Government issues. He was foregoing his party position to come and consult with the Leader of the Majority Party, so that they could agree on issues that would take this House forward.

As Christians, we want to request God to rest his soul in eternal peace. Thank you, Hon. Speaker.

Hon. Speaker: Member for Kitui Central.

Hon. Mulu: Thank you, Hon. Speaker. Let me also join my colleagues in conveying my deepest condolences to the family of the late Hon. Nyenze. I do this on my own behalf, my family and the good people of Kitui Central who happen to be neighbours of Hon. Nyenze's Kitui West Constituency.

This morning was very sad to all of us who come from the South Eastern Region. We learnt of the passing on of Hon. Nyenze at around 9.00 a.m. We had a chance to go to the Lee Funeral Home to see the body. I must say that we have lost a great son of the Eastern region. Hon. Nyenze, just as many have said, was a unique person. Being the voice of reason is one of the qualities that I can associate with him. When we joined the 11th Parliament as a Minority Coalition, some of us expected Hon. Nyenze to be very aggressive in taking on the Government. However, at times because of his background as the son of a pastor, the way he approached things is not the way most politicians would want things to be approached. I remember at one

point people thought that he was a very weak leader. When you look at what he used to do at the end of the 11th Parliament, we all agreed that Hon. Nyenze was a very strong leader.

I chaired the Kitui County Parliamentary Forum during the 11th Parliament. Hon. Nyenze was one of the members. Despite him and Hon. Musila being very senior in political career compared to me, those two leaders demonstrated a very high level of humility when I chaired that forum. As a region, we want to pray to God that he stands with the family. He has left a wife and three children. As a House, I only plead with the Members that you support us in praying for the family and the region. Because he was a sitting Member of Parliament, we appeal to all Members of Parliament to support us as we prepare to send off our colleague. As we move on, I am sure that we will be updating you in terms of the programmes that will be there. When that big day comes to send him off, we look forward to seeing all of you joining us in Kitui West, so that we console the people of Kitui West as a result of what has happened.

With those remarks, I want to pray that my colleague and friend rests in eternal peace.

Hon. Speaker: Member for Belgut.

Hon. Koech: Thank you, Hon. Speaker. I also take this opportunity on my own behalf and on behalf of the people of Belgut to pass a message of condolences to the family of Hon. Nyenze following his demise. Personally, I did not know Hon. Nyenze, but from the Members who have spoken here today, I conclude that he must have been a great man. I wish his family God's blessings at this time.

Secondly, I also take this opportunity on my own behalf and on behalf of my family to pass condolences to my immediate predecessor Hon. Eric Keter, the immediate former Member of Parliament for Belgut. I contested with him in the election in 2013. He beat me even though I was in a popular party, the United Republican Party (URP) where I had won the nominations while he was in KANU. Again in 2017, it was a rematch between the two of us. I trounced him, but that notwithstanding he was a great person. From history, he started as a teacher and rose all the way to be a mayor and finally a Member of Parliament for Belgut Constituency. He had initiated many projects in my constituency. One of them is fashioned from the Starehe Schools where children from disadvantaged families like orphans attend these schools without paying any fees, both for girls and boys.

Today, we mourn a great person. It is only two weeks ago when Hon. Shinali, Member of Parliament for Ikolomani and I shared a podium with the late Hon. Keter in my constituency. Hon. Shinali had attended a burial of his brother-in-law. They were together in the Departmental Committee on Education, Research and Technology. I told him jokingly that he needed to teach me the ropes. Hon. Keter was a very generous man. I had trouble many times especially when I went to rallies where he was in attendance. He had deep pockets. I would have trouble leaving the venue where he was. I used to jokingly tell him how he should then hang his political boots, own me and teach me to maintain the same generosity. I was told on Monday morning that he had succumbed to cardiac arrest.

I have been in touch with the family and I can reliably inform the people who knew him and Members of the Departmental Committee on Education, Research and Technology of the 11th Parliament that the family purposes to hold the funeral on 15th December 2017 because he has children who study and work abroad. Arrangements are being made to have them in the country. Those who will travel to Belgut Constituency next week on Friday 15th December 2017 are highly welcome.

I take this opportunity once again to say *pole sana* to the family of Hon. Eric Keter. Thank you very much.

Hon. Speaker: Member for Kiminini.

Hon. Wakhungu: Thank you, Hon. Speaker. On behalf of the great people of Kiminini, my family and Trans Nzoia at large, I take this opportunity to send a message of condolences to the families of the late MP for Belgut Eric Keter and Hon. Francis Nyenze. We pray to the almighty God to give the families of the deceased strength and comfort at this difficult time. The Bible says in Revelations Chapter 7 verse 17 that it is only God who will wipe all the tears.

I stand here today to mourn the late Francis Nyenze. I worked with him in the House Business Committee and in Public Investments Committee. Last time, we were also in the technical committee of NASA that was looking for a single presidential candidate. He was a humble man, peace maker and team player. He was also disciplined. He respected hierarchy. He was never abusive. It is only about a year ago that we were in Kitui West Constituency to bury his mother. Today, Hon. Nyenze has followed her. We are in this world but when our time will come, we will all go. William Shakespeare says that this world is like a stage, which has actors and when time comes they exit the stage. Nyenze has existed but his legacy remains behind. It is a legacy of respect and humility which Hon. Members need to follow. He was so humble that he could hardly hurt a fly. He could exchange words with the Leader of Majority Party but outside the Chamber they would shake hands. Whatever was on the Floor of the House would end here. He was a wonderful man.

We served together in the leadership of CORD. Where we had issues particularly differences of the members of the coalition, he was a leader who consulted. He was a team leader. He could not do anything concerning FORD-Kenya without consulting me as the representative of the party. That was Nyenze. He was a family man. Many times we could be together and his wife would call. I have even visited him at his House in Karen. He is the age-mate of mother but he used to address me as his brother. That is the kind of respect he had.

Hon. Speaker, I remember he mentioned that he was a presiding officer in your place during the KANU nominations and he told you what he did. I am sure you forgave him because he acted on directions from above. He is a man who meant well. He was very close to the former President Daniel Toroitich Arap Moi whom I respect very much. Moi used to tell us *siasa mbaya, maisha mbaya* when we were children. There is a lot we can borrow from these great leaders.

We pray for the people of Kitui West. We assure them, God willing, Hon. Makali Mulu, we will be there to give our brother a decent sendoff. When he was absent he used to call me and tell me that he had gone to the hospital and I would be present to take charge of our Coalition and counter Hon. Daule if he misbehaved. That is how we were. We were brothers. There is so much we can borrow from this great leader. We pray to Almighty God to give the family strength and comfort at this difficult time.

Thank you.

Hon. Speaker: Member for Kajiado South

Hon. Katoo: Thank you, Hon. Speaker. I take this opportunity on my behalf and on behalf of my family and on behalf of the people of Kajiado South to pass my condolences to the families of the late Hon. Francis Nyenze and the late Hon. Keter, immediate former Member for Belgut.

As many have said, Hon. Nyenze was first of all the first Leader of the Minority Party under the new Constitution promulgated in 2010. We worked with him in the 11th Parliament both at the leadership of this House, Committee on Appointments and in House Business Committee. In plenary or Floor of this House, Hon. Nyenze exhibited exemplary qualities that a leader of that stature would have.

He was very humble, friendly to everybody and ever jovial. As many have said, even in our leadership caucuses, he was a unifying centre who was never extreme on any of the political issues, be it in the House or outside the House. Many were mistaking it to say that he was a weak leader. He was not. He was very sober. He was soft but very firm. At the same time, he spoke his mind as many have said. Even the latest was when the NASA Coalition was coming up with a single presidential candidate. He spoke his mind and it is in the public domain. He was a leader who liked listening. He liked listening more than talking. When he had a position, the late Hon. Nyenze was easily convinced if you brought a better idea than what he had in mind.

The late Hon. Nyenze was well versed with parliamentary rules, customs and procedures. He spoke not so many times but the few times he spoke, he returned a lot. He was so wise and as I said, he liked listening more than talking. I take this opportunity to wish the family God's grace and comfort during this very difficult time. As my colleagues have said, we will support the family and ensure that we give our colleague a very befitting send-off. He is the first sitting Member we have lost as the 12th Parliament.

May his soul rest in eternal peace.

Hon. Speaker: Hon. Members, I know many of us want to say something about Hon. Nyenze. Several of us, like you may have heard from Hon. Wamalwa, have known Nyenze for many years. Therefore, I am aware that so many of us want to say something but we may not all be able to do so. Those that will get an opportunity please try to be brief. Some of us have known him since the days he appeared at the University of Nairobi as a first-year student when many of us were exiting. We have some great knowledge and information about Hon. Nyenze apart from our time in politics.

Member for Mavoko.

Hon. King'ola: Thank you, Hon. Speaker. Let me join my colleagues in conveying my condolences on behalf of myself, the great people of Mavoko and Machakos at large. True, Hon. Nyenze was a man of God. He was a Christian straight from high school to the university. He was a member of the Christian Union. That was guided by his father having been a pastor. Nyenze was a soft spoken person who avoided confrontation and verbal exchange.

Hon. Nyenze is one special person. In the 11th Parliament, if you look at his surroundings, he was supposed to answer back to Hon. Duale, who is not very easy. Hon. Nyenze also used to have a deputy in the name of Midiwo. Hon. Nyenze handled them with a lot of ease. That one made those of us who were here in the 11th Parliament learn a lot of humility and good manners from Hon. Nyenze.

I have no doubt that the people of Kitui West have lost a leader. As the Wiper fraternity, we have lost a tall man, a leader and an advisor. This morning when I went to see Hon. Nyenze at the morgue, I saw his family, his children and his wife. It is very sad. I ask this House that we pray for that family and the people of Kitui West that God provides another leader, and that even us as Ukambani leaders, get another person who will fit in the shoes of Hon. Nyenze. I remember one time when Nyenze stood at a rally and told everybody in Kitui to vote for President Uhuru. That was during the time of campaigns but the way we handled the matter, and the way Nyenze handled it, was very unique. Nobody can handle such matters like him. He used to call me "His worship" and I used to call him "leader". At times I am arrogant. Sometimes I am big headed but through Nyenze, today I am a better person. I have lost a good person. I will carry his legacy. I am going to be a good person. In fact, I am going to be a church man.

I pray to God to rest his soul in eternal peace.

Hon. Speaker: Hon. Cecily Mbarire.

Hon. (Ms.) Mbarire: Thank you, Hon. Speaker. I also rise to add my voice to those that have spoken before me by sending my condolences to the family of Hon. Francis Nyenze, a great leader who served in Parliament very well. Hon. Nyenze was a personal friend and a friendly person who provided very mature leadership as Leader of the Minority Party. All of us will agree that he was one very humble man. He never carried himself like the Minority Leader he was supposed to be. He gave chance to those in the Opposition at that time to participate in debate and air their views. He was very accommodating. More importantly, although he was the Minority Leader, Hon. Nyenze never opposed the agenda on the Floor of the House for the sake of it. I hope this is something that the current leadership of the Opposition – Hon. Mbadi and Hon. Junet – will learn; that you can be in the Opposition but still support progressive agenda of Government.

As a result of him supporting progressive agenda of Government, many people started to accuse him of being a mole. It is important we say that now. What I admired about Hon. Nyenze is that, that did not stop him from doing what he thought was right. He also opposed vehemently what he did not believe in. That is what leadership is all about.

I have lost a dear friend. I used to consult him a lot on national matters. Many times we talk about politics but I want us to remember that Hon. Francis Nyenze did something that made him get the wrath of his colleagues in the party and in the coalition. Hon. Nyenze was convinced that the route that his party leader was taking was the wrong route. He even went on media and said he thought they were taking the wrong way; that there was need to sit and rethink the direction they were taking. He advised his party leader. That was very brave because not many of us have the courage to tell our party leaders what they do not want to hear. He told Hon. Stephen Kalonzo Musyoka that he did not think the route that he was taking was the right route. Today, it is clear that what he foresaw has come to pass. That the direction they took was wrong. I hope that going forward, we will have another Nyenze from within the Wiper Party. Hon. Maanzo, take up that leadership where you can speak out even when you know that is not the best thing to say.

I will truly miss Hon. Nyenze. I will miss his maturity, his clarity of thought and his courage. For those of us who worked with him, we can only pray that his soul rests in peace but importantly that we can support him as colleagues, support his final send off, and support his family as has been proposed here by the Member for Kitui. For the new Members, we have a system of assisting our colleagues when they are bereaved. We have something called the check-off system. You may not know about it.

You just sign off the much you want to be deducted from your payslip at the end of the month. Please let us not allow that culture to die. Let us continue with that culture because there is nothing as important as working together and being there for each other beyond politics. I believe Hon. Nyenze deserves that support for himself and his family. He always did that. He always signed the check-off system even for Members from other parties because he was a very friendly man. May his soul rest in peace.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Kisumu West.

Hon. Aluoch: Hon. Speaker, I would like to add my voice to the Members of this House who have spoken about Hon. Francis Nyenze. I wish to eulogise him as a personal friend and on behalf of the people of Kisumu West. In a nutshell, what Members have been saying this afternoon about Hon. Nyenze is that his strength laid in his humility. If there is anything that I have always advocated for us in this House to make a perfect Member of Parliament is that one

needs to be skilled in arbitration and conflict resolution. Some of us are trained in those areas, some are not. Some have them naturally. Hon. Nyenze was a naturally made arbitrator and one who could resolve conflicts. I got to know him extremely well when I served with him in the last Parliament in the Public Investments Committee. Many times, he would listen to divergent views. I am sure those who have worked with him in the last Parliament - I see Hon. Wamalwa, Hon. Lemein, and others are here. They will confirm that when matters were controversial Hon. Nyenze would not speak his mind quickly. He would first listen to everybody then speak last. Most of the times when he spoke last, we would all agree with him. As it happens in many committees, Members sometimes disagree over foreign trips. When it became heated in our Committee, Hon. Nyenze would say Hon. Keynan, the Chair, he and I had travelled more and we needed to give the opportunity to those of us who had not travelled widely. That would settle issues.

When I talk about his humility being his strength, not many Members in the last Parliament knew that Hon. Jakoyo Midiwo was doing a lot of work, not because Hon. Nyenze was a weak leader, but because most times he was feeling unwell. Despite feeling unwell, he was always there to serve the House. I remember once very informally Hon. Nyenze, Dr. Nyikal, Hon. Ben Washiali and I were talking about the chaos that were erupting in the country. He said, as Members of this House, we have the mandate to provide leadership in the matters of politics. We had abdicated that responsibility and were being led by the people we were supposed to be leading. What is our role as Members of Parliament? He took us aback and we thought about it. We asked ourselves what we were supposed to do as Members of Parliament in conflict situation like we had at that time. He said that time has come for both sides of the House to find people who are firm but are fair to sit down together quickly and see how we can build bridges that can bring peace and reduce the heat in the country. That was Nyenze as he was then. I am sure if Nyenze was alive today, he would be happy that finally this House is in the process of setting up committees. Setting up committees would then give us a chance from both sides of the House to interrupt and deal with some of the hot issues that cause us to be at loggerheads. We never had that chance in the past. I am sure wherever he is, he must be happy that finally we are moving an inch closer to where this House is supposed to provide leadership. As we mourn our departed brother, I wish to say that the best memory we can have of Hon. Nyenze as we eulogise him, is to ensure that this House takes up its rightful role to provide leadership and reconcile the country.

Thank you very much for listening to me.

Hon. Speaker: Hon. Members, I think we will stop there. We will have an occasion in the coming days to express our condolences to the family and the people of Kitui West. We will move to the next Order.

PAPERS LAID

Hon. Washiali: Hon. Speaker, I beg to lay the following Papers on the Table of the House:

The Annual Report on Banks Position by the Central Bank of Kenya for the year ended 2016.

The Reports of the Auditor-General on the Financial Statements in respect of the following constituencies for the year ended 30th June 2016 and the certificates therein:

- i. Suba Constituency; and

ii. Lamu East Constituency.

The Report of the Auditor-General on the Financial Statements of the National Exchequer Account for the year ended 30th June 2016 and the certificate therein.

The Report of the Cabinet Secretary for the National Treasury on all new loans contracted by the Government from 1st July 2017 to 31st October, 2017.

NOTICES OF MOTION FOR ADJOURNEMENT UNDER S.O.33**KILLINGS IN BUNGOMA COUNTY**

Hon. Speaker: Member for Kimilili, Hon. Didmus Barasa, you are also known as Captain Retired.

Hon. Didmus Mutua: Hon. Speaker, pursuant to Standing Order 33, I wish to seek leave of the House to discuss the matter of ongoing killings in Bungoma County, particularly in Kimilili Constituency and Mt. Elgon Constituency where in a span of three months more than 42 people have lost their lives. Among the people killed are women and minors have been defiled. I want to remind the House that no Kenyan has the right to take away the right of another Kenyan. Even a pregnant woman has no right of taking away the life of the baby she is carrying.

Hon. Speaker: You have not been inducted on how to go about it. You are just giving notice of Motion. You appear to have begun debating.

Hon. Didmus Mutua: I am properly guided.

Pursuant to Standing Order No.33, I wish to seek leave of the House in order to discuss the matter of the ongoing killings of people in Kimilili Constituency and areas bordering Mt. Elgon Constituency in Bungoma County, where close to 42 people have been brutally murdered in a span of three months. Among the people killed are women who have been gang raped and minors defiled by gangsters before they were brutally murdered in cold blood. The chilling murder of the innocent citizens has sparked fears of re-emergence of a killer outlawed gang in the name of Sabaot Land Defence Force that terrorized the residents of Bungoma County in the years of 2006/2007. Appreciating that the efforts of the security and intelligence agencies to investigate and apprehend the perpetrators of the killings have born no fruits, I wish to seek your indulgence to seek leave of the House to discuss this matter of national concern and explore measures to be put in place to mitigate the situation before it gets out of hand.

Hon. Speaker: Do you have support?

(Hon. Members stood in their places)

Apparently, you have the support of many Members, more than the numbers required. I will allow the House to adjourn to debate that Motion by Hon. Barasa from 6.00 p.m., or such earlier time as the House will have concluded considering the business appearing on the Order Paper shown as Order No. 11. If you conclude the business appearing as Order No. 11 in the next one hour then debate on this Motion will commence. Having seen the number of Members in support I will not limit save for, if it is 7.00 p.m., the House will have of necessity adjourn.

BILL*Second Reading*

THE COPYRIGHT (AMENDMENT) BILL

(Hon. Washiali on 30.11.2017)

(Debate concluded on 5.12.2017)

Hon. Speaker: Hon. Members, debate on this Bill was concluded and we will adopt the same procedure as we indicated yesterday with regard to the other Bill. Nevertheless, I have to put the Question today. Having confirmed that the House has quorum, I proceed to do so.

(Question put and agreed to)

(The Bill was accordingly read a Second Time and committed to the Committee of the whole House tomorrow)

Next Order.

MOTIONS

ALTERATION OF THE CALENDAR OF THE HOUSE

Hon. Speaker: Hon. Mbarire.

Hon. (Ms.) Mbarire: Hon. Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Standing Order 28(4) and notwithstanding the provisions of Standing Order 27(1), this House resolves to alter its Calendar for the First Session of the Assembly (2017) as adopted on 27th September 2017 by extending its regular sittings to Thursday, 14th December 2017.

The House Business Committee (HBC) yesterday resolved to extend the regular sittings of the House. This will allow the House sufficient time to consider and approve the report of the Committee on Selection on appointment of Members to various committees. It is also anticipated that Members will vote for the Kenyan representatives to the East African Legislative Assembly (EALA) on Thursday, 14th December 2017.

I move and ask Hon. Washiali to second.

Hon. Speaker: Hon. Washiali.

Hon. Washiali: Thank you, Hon. Speaker. As my colleague has moved, it is very important that we change the Calendar of the House so that we can go on recess next week, especially after we have allocated committees to Members. You are aware that we started this House with a lot of challenges that would not allow us to set up committees. Now it is moving on smoothly, especially now that our colleagues in the Minority have already presented their names. I think it will be proper for better running of this House, when we resume, that Members of this House should know the committees that they serve.

Maybe what my colleague did not say while moving is that according to this Calendar, we will have proposed names of members of committees by Thursday, which will come to this House, without appearing as if I am anticipating debate, because this is a function purely for the Committee on Selection. If we will agree as the leadership and the committee, we will propose

that these committees are brought to the House in the morning of Thursday. We can agree also that during the month of January, the members can meet to identify those who are going to be in the leadership of those committees, that is, Chair and Vice-Chair. By the time we resume, the committees will be ready.

We are also expecting, with your permission Hon. Speaker, that even after they have identified their leadership, they can still go ahead and start looking at some of the Bills that are pending so that as we resume, we have a complete House which is ready to move as expected. Otherwise, Hon. Speaker, I wish to second.

Hon. Speaker: Of course, a number of Members who have been in the House before are aware that committees of the House continue sitting even when the House is on recess, except for periods when the Speaker permits the staff who service those committee to also take their Christmas leave, in December and early January. But the committees will be at liberty to begin their sittings, set the agenda and make certain other housekeeping decisions before you can commence serious interrogation of various businesses that may be referred to your respective committees.

(Question proposed)

Hon. Members: Put the Question.

Hon. Speaker: It seems to be the desire of the House that I put the Question.

(Question put and agreed to)

Next Order.

APPROVAL OF NOMINEES TO VARIOUS
CONSTITUENCY COMMITTEES OF THE NGCDF

Hon. Speaker: Who is moving? Hon. Washiali.

Hon. Washiali: Hon. Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Section 43(4) of the National Government Constituency Development Fund Act, 2015 and paragraph 5 (9 & 10) of the National Government Constituency Development Fund Regulations, 2016, this House approves the list of nominees for appointment to the following four (4) Constituency Committees of the National Government Constituency Development Fund, laid on the Table of the House on Tuesday, 5th December 2017:

NAROK EAST CONSTITUENCY

- | | | | |
|-------|--------------------------------|---|--|
| (i) | Rapanket Daniel Koisikir | - | Male Youth Representative |
| (ii) | Tapaiya Olngashar Punyua | - | Male Adult Representative |
| (iii) | Sointa Kuyoo Parkire | - | Female Youth Representative |
| (iv) | Peninah Sein Benson Olturoomum | - | Female Adult representative |
| (v) | Dominic Tira Dikirr | - | Representative of Persons living with Disability |
| (vi) | William Kabaka Kirtelah | - | Nominee of the Constituency Office (Male) |
| (vii) | Gladys Wanjiru Soitara | - | Nominee of the Constituency Office (Female) |

GATANGA CONSTITUENCY

*(Additional names to those approved by the House
on Wednesday, 8th November 2017)*

- (i) Peter Mulwa Mutune - Nominee of the Constituency Office (Male)
- (ii) Naomi Wairimu Ndarua Nominee of the Constituency Office (Female)

MVITA CONSTITUENCY

- (i) Easter Oduor Oremo - Male Youth Representative
- (ii) Omar Shariff Ali Male - Adult Representative
- (iii) Sylvia Buluma Adikinyi - Female Youth Representative
- (iv) Anna Nyambura Female - Adult Representative
- (v) Amina Saud Ali - Representative of Persons with Disability
- (vi) Jamal Ali Mohamed Noor - Nominee of the Constituency Office (Male)
- (vii) Fatuma Mbeyu Khamis - Nominee of the Constituency Office (Female)

NYANDO CONSTITUENCY

- (i) Joseph Rocky Odada - Male Youth Representative
- (ii) Marcella Amondi Onyango - Female Youth Representative
- (iii) Hellen Adhiambo Muga - Female Adult Representative
- (iv) Zedekiah Odalo Hongo - Representative of Persons with Disability
- (v) Henry India Odep - Nominee of the Constituency Office (Male)
- (vi) Eunice Awino Ochieng - Nominee of the Constituency Office (Female)

I wish to move and ask Hon. Mbarire to second.

Hon. Speaker: Hon. Mbarire.

Hon. (Ms.) Mbarire seconded.

(Question proposed)

Hon. Kubai Iringo: Thank you, Hon. Speaker for giving me this opportunity to contribute to this Motion. I believe this is the last bunch of constituencies which had not brought their names. I support that they also be included in the list. However, we are yet to get the others gazetted. I do not know where the delay is. I remember the Leader of the Majority saying that the gazetting would be done by Friday and up to now it is yet to be done. This delay sometimes makes most Members of Parliament worry on how they are going to handle their electorate given that the Appropriations Bill for the county governments' money has already been appended to by the President and money is going to be released to the counties. As we talk, the MCAs have already started distributing bursary forms to their electorates so that they can fill. We are being called by our electorates. They are asking when they are going to get bursaries. I would request it to be expedited because we are heading to January when schools will be reopened. We have a long holiday and without these funds, we will be put into an awkward position. I believe my colleagues would support me as we urge this money to be released as fast as possible.

I support.

Hon. Speaker: The Majority Whip and his deputy are both in the House and I think they have heard. It is a matter that I think you should pursue. The Leader of the Majority Party had given an assurance to the entire House that the bunch that had been discussed earlier ought to have been gazetted last week. So, I think there is a genuine concern. That matter must be addressed. Member for Kwanza, the Floor is yours.

Hon. F.K. Wanyonyi: Thank you, Hon. Speaker. I just want to echo what you have just said. We are going for a long recess. Just as my colleague has just mentioned, the Leader of the Majority Party assured this House that by Friday he would have done the needful but he has not. The gazetting ought to have been done and up to now as you rightfully say nothing has been done. Quite a number of projects are waiting for the disbursement of the NG-CDF. I would also want to take this opportunity to ask the leadership that as they promised, they should work and be able to have this gazetting done before we go home.

I support.

Hon. Speaker: The Member for Othaya, the Floor is yours.

Hon. Mugambi: Thank you, Hon. Speaker. First, I appreciate through you the kind of support I have received from Members of this House for my quick recovery. I came to this House on a wheelchair. As we speak now, I am on my two feet. I have been on a wheelchair for some time and when we go on recess our electorate expect that we serve them. Without NG-CDF money we cannot serve them well. We would therefore request that the gazetting and release of funds be expedited and this will help us serve our constituents.

Hon. Speaker, you also know that the Ministry of Education, Science and Technology has been very efficient in releasing the results on time. The kids are already aware of the schools they are joining. Therefore, we need to disburse bursary funds as soon as possible.

Thank you very much and I support.

Hon. Speaker: The Member for Likoni, the Floor is yours.

Hon. (Ms.) Khamisi: Thank you, Hon. Speaker. I would also want to concur with my colleagues in supporting this Motion. It is a direct Motion and in fact it is long overdue. We are really waiting for the rest of the constituencies to be brought to this House so that we have the gazetting. I would also like to concur with my colleagues that it is taking long. Right now, we should have given bursary forms to our students so that they can fill them on time and enable them to receive bursary funds and go to Form One. So, this issue is very important and maybe we need to get guidance. When are we going to get the gazette notice so that we continue with activities through the NG-CDF money?

Thank you, Hon. Speaker.

Hon. Speaker: The Member for Dagoretti South, the Floor is yours.

Hon. Waweru: Thank you very much Hon. Speaker for the opportunity. I stand to support. I also want to add my voice to the ones of other Members of this House who are here requesting for expedition of gazetting of these members of NG-CDF Boards and most importantly, also, the disbursement of funds to the NG-CDF accounts which is going to facilitate in the implementation of ongoing projects and also the beginning of new projects. As it stands now, it looks like one side of Government is moving way faster than the other. As we know, the results of the Kenya Certificate of Primary Education (KCPE) are already out and also the Kenya Certificate of Secondary School Education (KCSE) results will be coming out very soon thanks to the efficiency in the Ministry of Education, Science and Technology. That is a good story for the nation but it also portends some pressure to the leaders in this House because very soon we

shall be having our constituents knocking at our constituency office doors demanding for their bursaries, which is actually their right. As such, one arm of Government is moving way faster than the other one.

Hon. Speaker, we all seek expedition of the gazettelement of these members and a quick disbursement of these funds to our NG-CDF accounts.

Thank you very much, Hon. Speaker.

Hon. Speaker: The Member for Nambale, the Floor is yours.

Hon. Bunyasi: Thank you Hon. Speaker for giving me this opportunity. As I rise to support this proposal for the gazettelement, I urge the National Treasury to strive in every way possible to release funds in their fullness so that the two quarters that have been passed, we can get the funds at one go and we can begin to activate the development programmes that we had all anticipated. All my colleagues who have spoken have commented on the urgency particularly of the bursary schemes. I also hope that as we do that, we shall get sufficient guidelines on how much is going to be paid by Government so that we can access what the residual requirements would be towards bursary.

However, I support.

Hon. Speaker: The Member for Bomachoge Borabu, the Floor is yours.

Hon. (Prof.) Ogutu: Thank you, Hon. Speaker. I would also like to take this opportunity to join the rest of the Members in this House to say that the process to receive the names of the nominees for NG-CDF Committees has been long overdue.

Having understood that this is the last batch of the list of names that we are receiving, it would be pleasant to have the list gazetted and NG-CDF money released to ensure that it serves the intended purpose in good time.

I support the Motion.

Hon. Speaker: Member for Kisumu East.

Hon. S.S. Ahmed: I am sorry, Hon. Speaker. I beg your pardon Sir, I did not expect to be called upon so quickly.

Firstly, I would like to console with the nation and the family of our late brother, Hon. Nyenze. He was a great leader. He is going to be missed by us all.

In respect of the NG-CDF, I endorse what our colleagues have said. Due to the fact that our Form Ones have come in quickly, we should move first and get the list gazetted so that action can start as soon as possible.

Thank you, Hon. Speaker.

Hon. Speaker: Let us have Hon. ole Sankok.

Hon. ole Sankok: Thank you, Hon. Speaker. Though nominated Members of Parliament have no kitty, I nevertheless support this Motion. I hope in the near future the House will also consider nominated Members to have the opportunity to manage kitties like the NG-CDF. This is because we have bigger constituencies. The persons living with disabilities in this country are six million, and they are concerned. Some are going to school and they need bursaries. We are left with the option of borrowing money for bursaries from KCB, canvassing for Equity Bank's Wings to Fly scholarship, and relying on well-wishers to assist our constituents. Therefore, as these funds are released, we also have to consider nominated MPs to be involved in the management of the National Government Affirmative Action Fund (NGAAF), which is a fund for County Women Representative Members of Parliament. We noticed in the last Parliament that they needed a kitty. Nominated MPs also need a kitty.

I would like to condole with the family of Hon. Nyenze. It was sad as a nation especially at the point when he came with a gas cylinder for the swearing-in. We felt sad at that time. We condole with the family and the people of Kitui West.

(The Speaker (Hon. Muturi) left the Chair)

*(The Temporary Deputy Speaker
(Hon. (Ms.) Tuya) took the Chair)*

Now the Member for Othaya is out of the disability bracket. We always pray for you people so that you do not join our club. Our club is the only one in the world whose members are not fully catered for. The benefits that we are given by the Government are not enough for some of us. We pray for you daily that you do not join our club.

Thank you, Hon. Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Let us hear Hon. Baya.

Hon. Baya: Thank you, Hon. Temporary Deputy Speaker. I notice that the Hon. Speaker has left.

I support this Motion but it is important to also note that when gazettelement of the NG-CDF committees is delayed, formation of the roads committees is also delayed. This is because the roads committees need the gazetted NG-CDF members to become operational. I want to take this session because in my constituency, if we get to February and this has not been done, it will be difficult to do the roads at that time. When the Leader of the Majority Party tabled the long list he said that it would be done in the course of the week. Thereafter, while tabling the second list, he said the names would be gazetted by Friday. We are about to go on recess but the gazettelement has not been done.

I urge the House leadership and the concerned members of the NG-CDF Board to ensure that the gazettelement is done on time so that when schools are opened we can give bursaries to students joining Form One as well as to continuing students. At the same time, those concerned need to ensure that the Kenya Rural Roads Authority (KeRRA) Boards are also in place so that we can begin work.

I also join my colleagues in condoling with the family of the late Hon. Nyenze, having lost a gentleman who served in this House in many capacities, including serving as the Leader of the Minority Party. Kenya has lost a gallant soldier. I would like to condole with his family.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Let us have Hon. Dawood.

Hon. Dawood: Thank you, Hon. Temporary Deputy Speaker. I support this Motion but first, I want to send my condolences, together with my family's and constituents' condolences, to Hon. Nyenze's family and to the people of Kitui West Constituency.

The issue of NG-CDF is very emotional because it is not just about giving bursaries to students but also about providing school infrastructure and other things. As we talk about putting funds into the bank accounts of the constituencies, the NG-CDF Committee members should be gazetted so that we can see which projects to prioritise during the long recess. If we do not do that, we will be behind schedule. We will not get whatever we need with the funds. I am proud that North Imenti Constituency produced the second top girl in last year's Kenya Certificate of Primary Education (KCPE) exams. She got 447 marks. I believe she will not need bursary

because the Government will support her. However, there are many more top performers like her who are going to boarding schools, universities and colleges, and who need bursaries.

Hon. Temporary Deputy Speaker, we need to think about the Women Representative Members of Parliament. They also need to be given their money under the Affirmative Action Fund. We need to see how this House, in totality, can assist to improve the wellbeing of our people. Women Representative Members of Parliament should also have their funds so that they can be seen to be working while in recess in the next two months.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Let us hear the Member for Seme, Hon. Nyikal.

Hon. (Dr.) Nyikal: Thank you, Hon. Temporary Deputy Speaker for this opportunity. A lot has been said. Repetition is what we are hearing now. However, I wanted to say just one thing about the NG-CDF.

Hon. Aluoch: On a point of order.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): What is it, Hon. Olago?

Hon. Aluoch: Thank you, Hon. Temporary Deputy Speaker. I am concerned about what Hon. Mbarire is doing. If there is anything that is central to the core responsibility of MPs, it is the NG-CDF. It is a matter that MPs cannot compromise on. We are dealing with a serious issue but there is nobody to take note of what we are saying on the Government side of the House. Hon. Mbarire has been around, but she also wants to go away. Who is going to communicate these sentiments to the concerned persons within the Government?

Last week, we got an undertaking. An undertaking is a serious issue. The Leader of the Majority Party told this House that he had talked to the National Treasury, and that the funds would be released. He also said that he had talked to the Attorney-General so that the names of the NG-CDF Committees can be gazetted but as at now none of the two things has happened. We need an explanation. Hon. Mbarire should not go away without telling us why.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Okay. Hon. Olago, I am sure that Hon. Cecily Mbarire, having been a Member of the NG-CDF Committee in the last Parliament, knows how important this matter is. She is still here. Everything that is being said here is being recorded, and it will be taken seriously. I know the House leadership is in an equally critical sitting. So, their absence should not be taken for lack of seriousness. Hon. Mbarire you want to interject on that.

Hon. (Ms.) Mbarire: Thank you, Hon. Temporary Deputy Speaker. I feel Hon. Olago Aluoch because I have worn those shoes before. There is nothing as critical as the NG-CDF to any Member of Parliament and also the affirmative fund. It is the one thing that makes you achieve your pledges to the people. This matter has been seriously noted and although the leadership is not in the House, we have already made arrangements. Hon. Rachael Nyamai is sitting in for us and will note everything. Remember, she also needs NG-CDF in her constituency like yesterday. So, that pressure is from all the Members and we are taking it very seriously. Even though the leadership is not in the House we have an important meeting of the Procedure and House Rules Committee. Hon. Rachael Nyamai is able to represent Government very well because she is an old Member. Also Hon. Sankok is very good.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Nyamai, once Hon. Mbarire is out, you should sit here in front, so that the leadership seats are not vacant. Go on, Hon. Nyikal.

Hon. (Dr.) Nyikal: I think the seriousness of the matter has been stressed adequately but the delay is not only for the 2017/2018 Financial Year but also the 2016/2017. This is totally unacceptable because even road works have stopped. Since Hon. Nyamai is now sitting for the leadership, on the Government side there is also an element which has not been said concerning the oversight committee which is in the structure and in law but has not been seriously operationalised. The guidelines do not indicate clearly when it should meet and what it should operate on. I think this time we need guidelines on the oversight committee of the NG-CDF.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Nyamai Kaki.

Hon. (Ms.) Nyamai: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to also make comments on the approval of the nominees for various constituencies committee Members. Before I go there, I would like to take this opportunity to also console with the family of Hon. Nyenze who is one of the leaders from Kitui County. He was also a very good Member of Parliament for the people of Kitui West. I console with his family, constituents and also the people of Kitui County. We have learnt so much from him and all we can say is that God does not make mistakes.

With regard to the Motion, I would like to take this opportunity to also support it and say it is high time these few remaining constituency committee members are approved, so that we can start implementing the projects in the constituencies. For most of us who were able to come back to this House, it was partially because of the work we did and implemented in our constituencies. As many Members have said, our constituents will become impatient especially when the county governments become operational and NG-CDF will seem not to be operational. I would like to concur with the other Members that it is time we passed this Motion.

My friend, Dr. Nyikal, has mentioned something about the oversight committee because it is not very well structured. We are not given proper roles and there are questions on how that particular aspect is going to be funded. Those who will be in the NG-CDF Committee should ensure that we are given proper roles and develop a funding structure for the oversight committee. With regard to the role that I have taken, I am going to sit here, take notes and make sure all that information reaches the leadership of this House.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Oundo Ojiambo, Member for Funyula. Hon. Ochanda, I will give you a chance.

Hon. (Dr.) Oundo: Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to this Motion. I want to reiterate what my colleagues have stated so far. Last week we were promised that the names would be gazetted on Friday. I happily told my constituents that from Friday last week we were going to move with full speed. They have branded me a liar, somebody who jumps and talks on issues before knowing what is happening.

I had a discussion with the acting Chief Executive Officer (CEO) and he again mentioned that they are having issues at the Attorney-General's Office cleaning and setting up the paper work for gazette. He indicated that it is outside his control and hopes it will be done. As my colleagues have said, it is incumbent upon the leadership of the House to push and have this list gazetted to allow us to move forward, knowing that the process of submitting the proposal for the Financial Year 2017/2018 is a fairly lengthy one because of public participation, generating the projects, preparing the report plus the Cabinet Secretary submitting it. We are seriously running out of time.

The people of Funyula, being severely impoverished, generally depend on external support to educate their children and they feel they are in a state of panic. Schools are opening on 2nd January and they do not know how their children will go to school. This is a matter of national importance. If indeed nothing happens by this Friday, I suppose by next week we need to probably have a Motion or beg leave of the House to debate this matter because we cannot afford to go on and proceed without the bursary fund.

In addition, quite a lot of roads in our constituencies have been severally damaged by the short rains and as you have been told, the Roads Board cannot also operate because the road funds cannot be expended without the gazetted members. We sincerely urge and request the Government to move with speed to get us this money. We are of course apprehensive that once the county governments get their money and start working pressure is going to mount on the MPs and we will be seen to be doing nothing yet the MCAs and county governments are working hard enough. Therefore, I support the names.

Finally, on behalf of the people of Funyula, I send my sincere condolences to the family of Hon. Nyenze. I am a new Member in Parliament and I never served under his leadership, but following from outside I saw the amount of work he did to enable the CORD Coalition then to play its role in Parliament. I wish the family God's grace at this moment of hardship and I pray for them.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Jackson Lekumontare, Member for Samburu East.

Hon. Lekumontare: Thank you, Hon. Temporary Deputy Speaker. I also wish to contribute to this Motion. Time has gone by very fast since we were elected in this House and this financial year is only remaining with six months. If we are given funds and do not utilise them, then it means that money will go back to the National Treasury. Due to this problem bursaries have not been given to students and some of them did not attend school due to lack of fees. It is very important for this matter to be handled quickly so that as we go on recess we can do something. We have had two recesses and have just been sitting with our electorate without doing anything for them.

There are also pending projects which were not completed in the last financial year. They are waiting for us to complete them. We seriously need the money. Because of the high demand for bursary, even the county women representatives need to have some money so that they can team up with us and the county governments so that our children can get good amounts of bursary.

I support this Motion and say that we need this money.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Ogolla Ochanda, Member for Bondo.

Hon. Ogolla: Thank you, Hon. Temporary Deputy Speaker. Having served as a member of the Select Committee on the National Government Constituencies Development Fund in the last Parliament, there is one or two things that I want to remind hon. members about. Some of the things that happen are our own doing. If you look at them critically, some are our own doing.

The approvals that we are doing today is a process that started more than a month ago, meaning that it is us who did not do enough work in terms of bringing the names at the time they were required. I want to remind ourselves that some of these things are going to happen. If you check through the NG-CDF in terms of the transfer of funds, there are some constituencies – sometimes it could be some of the members that are with us at the moment – which have not

managed to use their monies in the last four or five years, and those monies are still with the Board. When a Committee changes, the old Committee cannot transact business but your money is lying with the Board. I think it is our own doing.

So, I wanted to remind the House that when requests for submissions are made, please let us try to run out quickly such that these things are submitted early enough. Today we are talking about these constituencies. Remember that out of 290 constituencies, there are only 116 that brought their lists within the time that was required, and in every sitting we have been coming up with lists of two or three constituencies that had not submitted. We are trying to give somebody a scapegoat. Maybe, the Attorney-General might say he is still waiting for the names of other constituencies. So, they will get a scapegoat. I think Members need to be serious to remind their committees and people in the constituencies that some of these things should be done early enough.

The other thing that has been brought up is that of oversight. I wanted to remind ourselves without shouting that the oversight role and the oversight personnel that are now prescribed in the NG-CDF Act are people that are supposed to work with the Member of Parliament in overseeing the NG-CDF at the constituency level. Many have been wondering what the oversight arrangement within the NG-CDF is all about. There has been this question of what the role of the Member of Parliament in NG-CDF is. Many have been questioning this but we are saying that our role is oversight. So, where are you in the oversight positioning at the level of the constituency? You are there within the four who are now the oversight committee of the NG-CDF at the constituency level. I wanted to remind ourselves on this but what is really clear is that, that oversight is not given adequate resources for it to oversee the Fund at the constituency level. These are some of the things that I wanted to remind ourselves in a manner that next time or any other time we deal with issues of NG-CDF, we do it in time. Now we are in the second month and names have not been completed. I think today is when we got the last bunch of names, and we are already blaming the Attorney-General. I believe that if the Leader of the Majority Party pursues this matter, he will be asked: "Why do you want these things to be gazetted when they are less than 290? We have 290 constituencies?" So, I want to remind the House about that.

Thank you very much.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Member for Turkana South.

Hon. Ekomwa: Thank you, Hon. Temporary Deputy Speaker, for this opportunity. I stand to support this Motion.

Just as my colleagues said earlier, the NG-CDF Committees are very important. We request the leadership of the House and the Government departments concerned to urgently gazette these names. This is one of the issues that led to the alteration of our business calendar. If we go on recess when the NG-CDF has not been disbursed, as the overseers of the Fund, what are we going to oversee?

Secondly, you know the stress of December. When we go there as Members of Parliament, although some people are trying to avoid some things, the truth of the matter... Hon. Temporary Deputy Speaker, you are a Member of Parliament. When you go there, the first person to be asked questions about NG-CDF is the Member of Parliament. Whether you do oversight or not, you are answerable. During the audit, when there is malpractice in NG-CDF, the media will rush to write about the specific Members of Parliament for the affected constituencies without caring that they are not there. Because we oversee these funds, we are

telling the Government that it has to ensure that the first thing that is in place is actually the NG-CDF Committees.

This House resolves so many things. We are preparing to employ people like Cabinet Secretaries (CSs) and Principal Secretaries (PSs). However, our own welfare and our funds, which we oversee, are not yet in place. Do you think we will be in a conducive environment to do such things if the welfare of Members is not considered? It is not in order for us to vet some things in this House when our own issues have not been addressed. Therefore, we are calling on those who are responsible to ensure that the NG-CDF funds are deposited in the constituency accounts so that when we go there, we can make sure that the constituents have received their right.

Hon. Temporary Deputy Speaker, it is not enough to tell you the truth. What really happens is that when we go to our constituencies, so many people look at Members of Parliament as they are beggars. We are leaders. I want to tell Kenyans wherever they are that the most expensive job, and whose hold bears massive responsibility in this nation is to become a Member of Parliament. If people could see the tribulations that Members of Parliament go through in order to be elected as a leader, it is very difficult.

Those who do not know the role of a Member of Parliament are very wrong in the way they perceive us. I can give you an example. If the NG-CDF funds are availed, and you go to a home of a Member of Parliament, you do the work of Red Cross and the work of the benevolent fund in terms of making sure that you bury people. You also do the work of emergency relief in making sure that you provide to the people who are hungry. You do the work of a doctor. You make sure that you have taken those who are sick to hospital. You do the work of ensuring that those who do not have school fees are provided with school fees. That has not been accounted for. That is our role because as Members of Parliament, you need to have passion, to be patient and to be resilient. People should understand that we did not come here to seek for wealth. We came here to serve people, to sacrifice and be resilient. So, when some people see Members of Parliament saying, "Please make sure that the funds are in the constituencies' bank accounts," it is because they understand the burden that is bestowed upon them. They know the burden they have and the difficulty they face when they go there. That is why we are saying that all the funds that are meant for the needy must be in place in the right time so that the issues that we deal with as Members of Parliament can be mitigated or minimised.

We cannot underrate the role of NG-CDF. If we analyse, scrutinise and compare the development that has been done by county governments and that which has been done by the NG-CDF, you will appreciate that one done by the NG-CDF. With the NG-CDF, we respect the scriptures that say that when you are given little, make sure you maximise it. I will give you an example. With the NG-CDF, you can construct a road using Kshs2 million. The same 10-kilometre road can be constructed by a county government using Kshs15 million. This means that NG-CDF funds are used in the right manner. The NG-CDF funds are used cost-effectively compared to the funds being misused by county governments.

There are reasons why the NG-CDF is very important. It is a devolved function and has a committee that oversees it. However, there is no committee to oversee the funds of the county government. Use of those funds is decided at the county headquarters. We tell the governors responsible that even as the funds come to the county governments, they must be devolved back to the wards. We want to hear specific county governments having ward development committees just the way the NG-CDF Committee has eight or 11 members sitting to decide on those funds. We also want to see the ward development committees setting aside specific funds

for the county to aid in development. Those Committees would compete in terms of development and the use of county funds will be decided by the Ward Development Committee. The NG-CDF funds will be decided by the Constituency Development Committee. You will see the impact of those funds.

I do not see why people are very keen to criticise and analyse the Members of Parliament while in the county, people are not vigilant to analyse how those other funds are being used. I trust our Leader of the Majority Party. I do not know why he has delayed today. We always trust him. He is a man who is very fast in action. We request him that if he has encountered barriers somewhere, let him report back to the Members. We will ensure that we support the leadership to ensure that the NG-CDF funds are put in the right place.

Finally, if the welfare of the Members of Parliament or anything that concerns MPs will not be in place at the right time, so many things will delay in this House.

I support the Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Let us have Hon. Mboko Khamisi.

Hon. (Ms.) Khamisi: I have already contributed.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): You already contributed.

Hon. (Ms.) Khamisi: I will wait for the next Order.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Let us have Hon. Mwanyanje, Member for Kilifi County.

Hon. (Ms.) Mwanyanje: Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion. I am the County Woman Representative of Kilifi County. What is left is the approval of the nominees to the NG-CDF Committees. Currently, the bloggers in Kilifi are asking what the Woman Representative is planning for the girl-child education in Kilifi. We urge for the gazettment and more so, the approval of the Affirmative Fund - though little money - but it will give us a hand to help our students going to Form One in January. I urge fellow MPs to give priority to the girl-child. As much as we love all children, our girl-child has been left behind in education. I urge the MPs in Kilifi County to put this into consideration and give first priority to the girl-child.

On behalf of the people and leaders of Kilifi, I take this opportunity to condole with the family of the late Hon. Nyenze.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Let us have Koshal Tongoyo.

Hon. Tongoyo: Thank you, Hon. Temporary Deputy Speaker. Before I contribute to this Motion, I want to join the House and the rest of the country in passing my condolences to the fallen hero, *Mheshimiwa* Nyenze. I want to pass my condolences on my own behalf and the people of Narok West.

On the Motion on the NG-CDF, the majority of Members have contributed. It is really worrying and becoming a concern to all of us that, it is now three weeks or so since the first bunch of the members were introduced and approved in this House and they have not yet been gazetted.

Hon. Temporary Deputy Speaker, I am privileged because we come from the same area. I am actually your local MP. You know the kind of challenges caused by the drought that our community is undergoing at the moment. It will not be enough to celebrate the exemplary performance of our students in the released KCPE results if we will not facilitate their going to Form One due to lack of finances through the NG-CDF. I want to call upon the leadership of this country to fast-track and try to see that the names are gazetted and the funds are released on time.

It is very worrying that here we are as Members of this august House doing very important business in this House but matters that concern us most like this issue of NG-CDF are not given priority. We are besieged and ask the authorities to look into this and gazette the names on time as a matter of urgency and even disburse the funds.

I support the Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Wanyonyi, do you have a point of intervention?

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, we have talked quite a bit on this Motion. Each one of us is concerned. Therefore, can we ask the Mover to reply so that we can move to other urgent businesses? There are two other urgent businesses before six o'clock.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Is that the mood Members?

Hon. Members: Yes!

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Okay, I will give an opportunity to the last Member. Let us have the Member for Lurambi, Titus Khamala, and then we will go on.

Hon. Mukhwana: Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity in this Honourable House. I would like to join the Hon. Members in offering my condolences on behalf of my family and the people of Lurambi to the family of our departed brother, Hon. Francis Nyenze, and his wonderful constituents of Kitui West.

I stand to support the issue of the NG-CDF Committees, especially on the gazetting of the nominees. Also, it is my sincere prayer that the leadership will take this seriously from now and move as quickly as yesterday so that our members are gazetted. Remember, when we voted for the names in this House, we did that in tranches so it should not delay us. The gazetting should take effect as soon as possible because we are on the ground.

There have been a lot of fights with regard to the NG-CDF and the MPs. The MPs have been fought left and right on the issue of the NG-CDF.

Hon. Temporary Deputy Speaker, it is high time we stopped burying our heads in the sand on this issue. Hon. Members, when people look at you out there, they see the NG-CDF. They do not understand these other issues about managers, the High Court, the appellate Court and the civil society. When you are out campaigning, our constituents know you are the person who will bring projects to the community. They know you are the person who has the NG-CDF. As time goes by, we should affirm our position so that we do not sit on the fence when it comes to the issue of NG-CDF. If it is the oversight role, we should have it. We do not have to be in a position or situation whereby a fund manager will be telling us that our work is to oversee according to what the court said, and yet when you go to the constituents, they look at you as the person who bears the NG-CDF.

Early in the morning, the people who voted for us do not go to any other person's home. They come to our homes. This is my very first time to be elected, and I am also a church bishop. I am a preacher. I have been looking at the offering in the church and what my members were giving to me. I was better off there than I am here because I spend all I have for the needs of the people. We should not bury our heads in the sand like ostriches. We should take our position because we know our constituents better than other people. Our fund manager cannot know where the bursary is needed more than me. I know the homes and the people. I know where they live. Going forward, we should fight for our space, role and position in the management of NG-CDF, so that this money goes to our people directly. We do not want our money to go to other places quietly.

Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute. If anybody needs spiritual guidance, Hon. Sankok is there. I do not charge to pray for people. I pray freely. Thank you and God bless this House.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Bishop, it is very interesting to know that the spiral effect of lack of NG-CDF funds is going right into the tithe and offering baskets. I hope this will be a thing of the past soon.

We will have the Mover to reply. The mood was already clear that we have deliberated on this Motion enough. We shall have Hon. Rachael Nyamai.

Hon. (Ms.) Nyamai: Thank you, Hon. Temporary Deputy Speaker. I take this opportunity to thank all Members who have contributed to this important Motion on NG-CDF. This Motion has given people an opportunity to ventilate on other matters related to NG-CDF which are outside the nominees who are being approved today. Indeed, NG-CDF has contributed to change of lives within our constituencies. I would like to encourage the Hon. Members, especially the new ones that as soon as the funds are availed, take this opportunity and implement the projects that you promised your constituents when you were being elected.

We have also noted the concerns of Members on disbursement of funds. There is unclear policy on the oversight role and all the other matters that Hon. Members have raised. I would like to undertake to communicate all these concerns to the able leadership of this House. I am sure and hopeful that the authorities will implement them as soon as possible.

Hon. Temporary Deputy Speaker, I would like to congratulate you for being given an opportunity to sit on these high seats of this House. I thank you very much for the opportunity to contribute. I beg to reply.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): We shall defer the putting of the final Question on this Motion for obvious reasons. Therefore, we shall move to the next Order.

(Putting of the Question deferred)

Second Reading

THE BUILDING SURVEYORS BILL

(Hon. (Ms.) Mbarire on 5.12.2017)

(Resumption of Debate interrupted on 5.12.2017)

Hon. Members, this is an equally important debate. We are resuming debate on this Bill. I want to believe that the Members whose names are lined up here are those interested in contributing to this Bill. We shall move on to have Hon. Muli Fabian, Member for Kangundo.

Hon. Muli: Thank you, Hon. Temporary Deputy Speaker. Before I go to the Building Surveyors Bill, I would like to take this opportunity on behalf of Kangundo people to send my condolences to the family of Hon. Nyenze and the people of Kitui West. I did not serve with him in the other Parliament because I was not here, but I had met him several times. What I know about him is that he was a father and ideologist.

Segmentation of land in this country by surveyors is very important within the Kenyan jurisdiction. We have been having cases where some surveyors' documents have not been registered. I would like to support this Bill because it is high time all surveyors in this country go

under the charter of Institute of Surveyors for the benefit of this nation. Anything dealing with land in the Kenyan society is very important. Any policy or regulation made in Parliament is very fundamental to the society. So, I would like to support this Bill. It is very important to regulate our surveyors. We should move very fast so that this Bill can be implemented.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Mboko Khamisi

Hon. (Ms.) Khamisi: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute. I also stand to support the Building Surveyors Bill 2017. This Bill will provide some discipline in the field of building surveying. The activities and conduct of the building surveyors will be regulated through the rules and procedures provided in this Act. Through this Bill, the building surveyors registration board will be established. Through it, we will know the genuine surveyors, those who are registered, those ones who have paid subscription fees and those ones who have been doing the building surveying work honestly. We have seen so many people in our country who are using certificates of dead people who used to be building surveyors. This thing has to be stopped. We cannot achieve this without putting any kind of a law.

Part 5 of this Bill provides for financial provisions which will ensure that there will be accountability of the funds of the Board such as those monies appropriated by the National Assembly, gifts, grants, donations or other endowment fund given to the Board. We know that through these building surveying activities, there have been many corruption and dispute cases which have been taken to the Judiciary. When we have this Act of Parliament, we will cap all these corruption cases.

Part 6 of this Bill contains miscellaneous provisions. It says that the provisions will ensure that only genuine registered building surveyors can practise or carry out the building surveying business

There are many quack surveyors or fake building surveyors who con the public by taking their money. They con people and do shoddy work. At the end of the day our infrastructure in the country is damaged.

Hon. Temporary Deputy Speaker, the Bill also stipulates the guarantee bond or policy insurance to be issued by an insurance company. Furthermore, it has stated the stipulated amount to be carried by an individual, two or more individuals or a corporate body. In this respect no one is going to con another person by lying to them that they need to pay a certain amount of money because everybody shall have known the amount supposed to be paid for the services. There are not going to be any shortcuts. We all know that there are many shortcuts in this field, many dirty deals and many things that are done to the public and the public cannot do anything because there is no law which governs the building surveyors.

Lastly, the Bill will provide methods for keeping records, provide procedure for registration and remuneration of building surveyors in respect of the services rendered. If we have all these procedures and regulations, we will save a lot of Government funds which are required to be used in building survey. There will be no corruption.

I support this Bill and commend the Member who introduced it in this House. It is a good Bill that will assist in accountability and transparency.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Let us have Hon. Waruguru Wanjiku. Is she here? Hon. Member for Tharaka Nithi County.

Hon. (Ms.) B.N. Nyaga: Thank you, Hon Temporary Deputy Speaker for giving me the opportunity to support this Bill. It is a very important Bill because it is going to regulate activities of building surveyors in the country. We have many of them who are briefcase, quack or call them anything. They are there. They go round telling people anything. As long as you have money and you need a building surveyor, they will claim that they are qualified. This Bill will provide the proper qualifications of building surveyors in this country.

We want to have records of every building surveyor in the country. We want to know whether they are qualified or not. We also want to know where they belong and who they are. We cannot have everyone in the streets telling us that they are qualified building surveyors yet they cannot produce any qualifying papers. They only have fake papers and business cards showing that they are building surveyors whereas they are not.

I take this opportunity to condole the people of Kitui West for the death of Hon. Nyenze. I have known Hon. Nyenze for many years since he was a young graduate from the university. He was posted to the Ministry of Health where I was working. He had no office and I gave him one and we worked together. He was a humble man who was friendly to everyone. He was neither a noise maker nor a heckler like the other Members in his Coalition. He was very good to us. We hope God will take care of the family. We will give him a proper send off.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Nkatha, we do not have hecklers in this House. We only have Hon. Members representing various constituencies.

Let us move on to Hon. Ogola Ochanda.

Hon. Ogolla: Thank you, Hon. Temporary Deputy Speaker. That is a good reminder to Hon. Beatrice that not all Members from this side are noise makers.

There are things I wanted to bring forward as I support this Bill. The first one is the trend and urge by professionals to regulate themselves. For example, in the 11th Parliament, we had not less than 10 Bills geared towards professionals regulating themselves. They were in engineering sector, technician or in the health sector. We saw many coming up. I do not see why we want to put aside the building sector. I support the Bill based on that.

Secondly, in this decade the sector that has shown constant growth and engagement is building and construction. This is a sector that has been growing in this country. There is a lot that is happening in building and construction. The kind of income from this sector is huge.

As that happens, the issue of sector regulation is important but beyond that even as the Bill has brought out that very well, we need to see a good measure of regulation on how the professionals in the sector work. It is a sector that is growing and it comes on with a lot of negatives. It also scores negatively in the amount of losses that we see from time to time coming out of exercises that are not professionally supervised. We have seen a lot of construction going down. The other day we saw a bridge collapse in a bad way at a time when the country did not need that. We have also seen many buildings collapse. The amount of loss that comes with their collapse is huge to the economy. We are talking about millions of shillings going to a bridge and it collapses. In the private sector, there are many constructions that collapse before they are completed. We have a number even after they are completed they come down after short period of time. We have also seen that the estimated period that buildings are supposed to take is shorter because of the shoddy work done.

I support the regulation of the sector. One thing I want to bring out clear that is not brought out well in the Bill is the amount of repression that is placed for purposes of those who handle building surveying in a negative manner. The Bill provides for deregistration of a

building surveyor's name or he can be delisted. But let us look at the amount of loss that is incurred if a building collapses. Do we just take you to the registrar and have your name delisted? There is something that the Bill lacks that needs to be looked at very comprehensively in terms of the reprimand. What needs to be done to a person who is a consultant or is in charge of a construction that comes down? Leaving aside issues of death and looking at the hours lost and the amount of money wasted one can be charged for murder but the amount of punishment that the Bill has provided for is not adequate. In my view, the sector is huge and is growing faster than the others and has a lot of negatives running along with it. We must prescribe a good amount of repression for those who mismanage the process.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Tuyu): Hon. David ole Sankok.

Hon. ole Sankok: Thank you, Hon. Temporary Deputy Speaker. If there are professions that we need to regulate as a House, they are building surveyors. Building surveyors have caused a lot of pain and conflict in this country because of their shoddy works. I hear that surveyors never die. They hand over their certificates and identity cards to relatives and friends who may know nothing about surveying. That is why road reserves and riparian areas are being grabbed courtesy of quack surveyors. We need to regulate any other profession as we do in the medical sector, human resource and others.

I do not know why we never thought of regulating the profession of building surveyors. Building surveyors have caused a lot of conflict in our society where beacons are moved from point A to point B without any professionalism or referring to the existing maps. It has brought conflict among communities and even among brothers. A large number of our cases in the Judiciary emanates from land disputes. The land disputes come as a result of rogue surveyors. We need to have professionalism in surveying especially in a country like Kenya where we have taken up our farmlands and our grazing areas for buildings and settlement. When we take up land for settlement and we do not control the buildings, then our farmlands will continue shrinking. Very soon, we may not be able to feed our masses.

If we have professionals in building survey, we will be able to regulate our settlements. For example, in Narok, our population is increasing and very soon people will start owing only two acres of land where they will construct a house, a small *boma* for the sheep, a small *boma* for the cows and a pit latrine somewhere. Then there will be no land to farm. If the whole land mass in our country is divided into small portions, we will very soon suffer from lack of enough food to feed our masses. Many people are normally settled in towns where a one-storey building can host so many families. This takes a small portion of land and can leave huge chunks of land for farming and food production. This can only be achieved when we regulate building surveyors. Building surveyors should be professionals. They can only be professionals when we have laws to regulate their conduct. Otherwise, we will suffer more as a country.

I thank the Mover of the Bill for having thought out clearly. The Bill exhausts the regulation of building surveyors. I support. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Tuyu): Member for Muhoroni. Hon. Oyoo Onyango.

Hon. Oyoo: Thank you, Hon. Temporary Deputy Speaker. First, let me take this golden opportunity on behalf of myself and on behalf of the great people of Muhoroni Constituency, to extend our deepest sympathies to the family, constituents, Wiper and NASA fraternity, for the loss of the meticulous late Francis Nyenze. Francis Nyenze was a colleague in the 11th

Parliament and he was our Minority Leader. He was very humble, straightforward, straight kicking and stickler to the rules. We will miss his guidance and his company.

I have looked at the Bill, but I want to support by saying that this Bill could not have come at a more opportune moment than now. We are living in a world where land is getting smaller and the population is getting bigger. We will need a lot of regulations to maximise the use of the little land that is remaining so that those who can buy land can get the opportunity to get value for their money. As it is now, there is survey without proper regulations. We had so many qualified diligent surveyors at hand, in offices, and most of them have died and some retired. A lot of people went and picked their licences and certificates and are now using them when they do not have what it takes to serious surveyors hence the lots of conflict that we have. They are bringing unnecessary conflict over land everywhere. If you move around, even the so-called physical planners and part of the surveying fraternity, you will find that our towns are unplanned. When you check, you find that building owners have approvals. The approvals are given for people who purport to be surveyors and yet the work does not add value to their certificates and purported qualifications. This Bill is coming at a time when we badly need this law. We need to regulate this profession. We need proper direction.

When the Bill becomes law, I hope there will be opportunity for home hunters. People who want to involve themselves in real estate can now get true value for their money. They can make use of the maximum or minimum land for the better of their aspirations. Otherwise, I support. It is coming at the right time.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Wambilianga Nanjala, Member for Bungoma County.

Hon. (Ms.) Wambilianga: Thank you, Hon. Temporary Deputy Speaker, for this opportunity to speak. I also wish to add my voice to the sentiments of the previous speakers who have supported this Bill. In that wake, I support this Bill.

I support the Bill because we are doing away with quacks that everybody has talked about here. This country needs better planning and better roads. Using this august House, I believe this is the time this Bill is best suited and can go down to in helping the people of this country.

Secondly, I wish, on behalf of the people of Bungoma, to convey my message of condolence to the family of Hon. Nyenze. I did not work with him. I did not know him, but from what has been said here, he was a leader. I followed him partly when I was out as a NASA member and a CORD member. I believe this House has lost a Member who was of great value to all of us. So, I join the rest of the country on behalf of the people of Bungoma in condoling the family. May his soul rest in peace as we continue praying for his family. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Nyikal.

Hon. (Dr.) Nyikal: Thank you, Hon. Temporary Deputy Speaker. When I had a brief intervention on the CDF Bill, I did not take the opportunity to pass condolences on my own behalf, my family and my constituents to the family of the departed Member of Kitui West, Hon. Nyenze. As everybody has said, he was a man of great humility. He stuck to his views, but with humility and no aggression at all. He had a lot of flexibility, very much unlike what you see amongst us politicians. He paid great attention to detail. I had opportunity to work with him when he was the Leader of the Minority. He always wanted all Members to be well informed on what was being discussed. Whenever he made a presentation, many of you may remember, he

always had it prepared, well written down, but he never read it. Somehow, he mastered it which means he worked a lot on it.

This House and the people of Kitui West will miss a great man. May almighty God rest his soul in eternal peace and also protect his family.

I rise to support the Bill on building surveyors. There is a great need for regulation, maintenance or standards in the building environment. There is a very fine distinction when we talk about building surveyors. There is a difference between them and other surveyors that are in the market. These are building surveyors and their area of operation is building environment. There is a big problem in the country now about adherence to building standards and even maintenance of buildings that are in place and ensuring that they comply with environmental standards. We are all aware of the many buildings that collapse, some during construction, others after they have been constructed when people are staying there. That falls in the domain of building surveyors to pick the defects. They are probably not involved in the design and the construction, but they are the quality assurance people in the built environment sector. They are concerned with certification and maintenance of buildings, inspection of building, testing and classification of buildings in terms of what the buildings should be used for. They give certificates on conditional surveys to give the conditions of the house. They prepare dilapidation schedules so that if a building is dilapidated, it should be brought down, be repaired, refurbished or renovated. They give occupation certificates. They also give inspection reports on buildings. So, to a large extent, this is a very important service to us particularly in this country where as we are growing, buildings are coming up everywhere.

They also prepare guidelines in the maintenance of buildings. In fact, they have produced the building maintenance manual that is currently being used in this country. One problem is that many building surveyors are in Government departments. That is why you will rarely see a Government building collapsing during construction. If these buildings are to be renovated, they are properly done. These are the cadres of professionals that deal with this. Unfortunately, this service is not widespread in the private sector. You can understand why most of the disasters tend to occur in the private sector. There is, therefore, need to extend this. With this Bill, these services will be extended to the private sector in terms of the same regulation, control and inspections.

By training these people who come from various backgrounds and to a larger extent from land economics, they also do land surveying and quantity surveying. They are related in that context. Even in the current regulation, you will find that they link with the Kenya Institute of Surveying and Mapping and the Institute of Architects and Quantity Surveyors of Kenya. However, there is need for a clear delineation so that this cadre of professionals can work under their own clear regulations. They should not be lumped together with others. To that extent, I support this Bill. Clause 3(2) of this Bill does that. It details who should be members of the board and how they are appointed. That is extremely important. Parts III and IV deal with the registration of building surveyors. The parts have outlined the process and the qualifications that are required for registration as building surveyors.

I would like to note that in Clause 21, when they give the required qualifications for registration, they just refer to the membership of existing institutions. That should be looked into, so that it comes out clearly in terms of the training background that is needed before they are registered.

The Bill also establishes the office of the registrar under Clause 12. It states clearly how the registrar is appointed and their qualifications. That is needed. It also establishes a register

which is then gazette, so that we can know who is a building surveyor and who is not. It further puts regulation on practice. As I said, most of them are now in Government department. When this Bill gets into place, many will practice on their own as building surveyors. It is important that we put in place regulations for that practice when they get into it.

This Bill also puts in place the discipline required and the processes of sanctions. It outlines the situations under which some sanctions need to be instituted. As my colleagues have said, in this industry, just the mere removal from the register and the mere withdrawal of a licence is not enough. We should be stricter because when buildings collapse, there is a lot more lost than just the economic loss. In fact, the biggest loss sometimes is the loss of lives. So, I think we need to put much clearer sanctions. I want to bring some caution as I end. As I said, this cadre of professionals is closely linked with other cadres in the building industry. The architects, quantity surveyors and land surveyors. This is very important and I have not seen it clearly in the Bill. It does not just lead to fragmentation and competition in the business sense. If that happens, then all the benefits we expect to accrue from this Bill when it becomes an Act will be lost. So, we should look at it and look at where there is amendment. I am not sure whether there has been public participation. This is a Bill that needs a lot of public participation.

With that, I support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. John Bunyasi, Member for Nambale.

Hon. Bunyasi: Thank you, Hon. Temporary Deputy Speaker. While I rise to support this Bill, I would like to make a few comments. From my experience and what I have seen even while sitting in committees here in Parliament, it is important to comment. First of all, this is an integrative profession from the quick lessons I have received from Dr. Mudeny, who is a professional in this area. It is an integrative profession. It picks on trainings in other areas as has been mentioned including quantity surveying, land valuation and perhaps even structural engineering. In essence, beyond having regular framework for them, I hope we will go upstream and look at the curriculum development of this cadre of professionals so that they can truly come out with something substantive. They should not just be backed by the law, but by substantive knowledge so that what they say is agreed to and respected.

Secondly, it would be important to oblige providers of buildings particularly office and rental buildings in apartment blocks to have one of these qualified professionals managing their buildings on part time or full time as the case might be. This makes sense. Otherwise, if they all came in to inspect because of the regulatory framework that they have backing them, that would be inadequate. It is important that we beget professionalise the services so that hapless tenants feel protected when they live in these kinds of structures.

One of the major concerns I have heard with these professionals particularly those under various regulatory bodies like the Institution of Surveyors of Kenya, sometimes the degree of adherence to professionalism can be very low. We have run into professionals here while I was sitting in one of the parliamentary committees who simply did things from the office or went there and adjusted depending on what the client wanted. You would wonder what their own view is. In one case, one of the leading universities which has received a service where they have hired professionals to work in the market disowned their professional saying he has not fully got the qualifications. How then did you send such a person to do a major job? This was a job related to some of the activities of the third Arm of the Government, namely, the Judiciary.

It is clear there are games being played. So, quite beyond regulating the service, we must regulate the individuals so that lying and manipulating information can be punished severely. That cost has implications for the taxpayer. It will mean that if it is something that would have required small corrective measure, for example, it is hidden, so that when there is a catastrophe, the implications for the public are measured or if it is a value that is being assigned to something, it is exaggerated to enable rent seeking. So, the regulatory bodies must also bear the consequential responsibility from the decisions that are made by professionals of this kind or any other professionals.

I want to end on the note that for professions that are going to be protected, it is not just how much they will charge. It must be something that is seen. You can feel and see a professional who you would call a building surveyor. If that is not the case, then we are just creating cards to collect rent from investors and other developers that are involved. So, while I support this, I really think it should also be an eye-opener for us to question more deeply the actual willingness, capacity and integrity with which the supervising bodies for these professionals work. There must be pain when they do not do it right. Usually, it is too late when they have done it wrong and they get over the hook. You cannot even get them to court. There are all kinds of ways through which this can be hidden.

Secondly, Matiang'i has begun cracking down on quality of training. I think the providers of training in our higher institutions will look at areas of this nature and solidly define what they are supposed to be doing.

With those few remarks, I would like to end by memorialising Mhe. Nyenze with whom I served on the NASA management committee that created NASA. He was a very diligent and forthright person. We know he has been unwell for a while, but we always assume that between the efforts of doctors and God, life can be extended. He was relatively a young person. He was younger than me for sure. It is sad that we have lost him. He is a very consummate Member of Parliament. He had been here for a very long time. As we all know, he was our Leader of the Minority Party in the 11th Parliament. The people of Nambale, through me, would like to express deep condolences on the passing of Mhe. Nyenze.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Hulufu, I can see your name here, but you are not eligible to contribute to this Bill having done it yesterday. That is a point of procedure. You cannot contribute to a Bill twice. I think he has taken out the card.

Let us go to Hon. Wanyonyi Kevin.

Hon. F.K. Wanyonyi: Thank you, Hon. Temporary Deputy Speaker, for this opportunity. I have been sitting here to contribute to this Bill. Before I do that, I want to take this opportunity, on my own behalf and that of the good people of Kwanza and Trans Nzoia County as a whole, to pass my heartfelt condolences, with shock and dismay, on the passing on our brother, Hon. Francis Nyenze. I worked with him and he was my boss in this august House. He was a very intelligent person and soft spoken. The late Nyenze was a man of reason. He called me "brother" all the time I met him on an issue. That is the way out. All of us will follow him, but I think he went rather too soon. He helped the coalition which I am a Member of. He was a very good leader here. As my friends have mentioned when passing messages of condolences, he was a visionary and fearless leader. I want to take this opportunity to pass my condolences to the family and the good people of Kitui West, who had a lot of confidence in him. When I looked at the results of the past election, he performed very well which means that even after working for them all this time, they still had a lot of confidence in him. May his soul rest in peace.

Coming to this Bill, I also want to take this opportunity to support it. I think we will make some amendments when it comes to the Committee of the whole House. This is just a profession like any other which we have, in the past in this House, given some standalone laws, so that it is on its own instead of grouping it with other professions. This makes it very difficult to identify. I know for sure that with the passage of this Bill with the amendments that will be brought, the profession will have a board with its own regulations. As it is said here, the activities are also going to be regulated. This is a good thing because looking at what my colleagues have mentioned, we have quacks in this field.

I recently engaged one of them and I did not even know his qualifications. He came to me and said that he was a qualified surveyor. The guy did not even give me receipts for the money I have given to him. I do not even know how much he is supposed to be paid. Of course, I kept giving him money. He has not even completed the work that has taken almost six months. So, this board will regulate how much one is supposed to pay for whatever services. This is good because one will know how much to pay like we known when we go to a doctor for consultation. This guy did not have any of those. With the passage of this Bill, we will be able to know what is supposed to be done.

As my colleagues have said, some of them inherit licences from their brothers, sisters or fathers who pass on. In Part IV, this will not happen. Once somebody is dead, their name will be deleted from the register and this is a good thing. We have people lined up there and you do not even know their qualifications. Some of them did not even go beyond Form Four, but they seem busy carrying briefcases. Clients are tempted to think that these people are going to give them the service they require. Once you engage these quacks, they take you round in circles. So, those who have been acquiring licences from the dead, this is their time. They should count their days. Secondly, if one is convicted of some offence, like the one I have given of giving money without knowing how much I am supposed to give, action will be taken. The quacks will ask for money, go to Bungoma and comes back with nothing. Then he waits for another two weeks and comes back to ask for some more money. After the passage of this Bill, we will know the specific amounts one is supposed to pay for whatever service.

When we come to the Committee of the whole House, we will pass this board. This is a very important profession like any other because it deals with properties. The professionals should be able to take insurance so that in case they are responsible for any harm, the insurance can pay for the damages caused by whoever did the particular job.

In the Committee of the whole House, we should be able to add that the professionals must take insurance covers, so that in case of a problem, the insurance company can help them pay for whatever damages have been caused. Therefore, I take this opportunity to support the Bill. I am looking forward to amendments.

I support. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): The Member for Gatanga, Hon. Nduati Ngugi.

Hon. Ngugi: Thank you very much, Hon. Temporary Deputy Speaker, for giving me an opportunity to speak. Before I speak on the Bill, I want to pass my condolences on my behalf and that of the people of Gatanga, to the family of the late Hon. Nyenze.

Many Members have talked about professionals in the building sector. I want to assure Members that Kenyans who work in the building sector are very well trained. You have seen very nice buildings. You can see we are working in a very good Chamber and I am sure it was designed by a Kenyan. If you go Westlands or Upper Hill, you will see very beautiful buildings. If you go to

Kigali, Dar-es -Salaam and South Africa, most of the buildings are designed by people who are trained here.

I know buildings have collapsed, but I want to assure Kenyans that those buildings are not done by qualified or registered professionals. Acts of Parliament are very clear that if you construct a building and it collapses, you will be denied your licence. I am sure there is no Kenyan who would like to lose his licence. Most of them depend on the licences for their livelihoods. So, anytime you are doing a building, I want to urge you to use qualified professionals. Various Acts of Parliament provide clear guidelines about what should happen in case a building collapses. They outline how that matter should be dealt with.

For most of the buildings, the surveyors work in Government buildings. We have not had them in the private sector. Most of them are trained as land surveyors and they venture into building surveyors. There has been no law regulating their activities. You find that most of them have been working in the Government, maintaining our buildings, preparing the relevant schedules on how maintenance is supposed to be done and preparing leases. But there has never been regulation even to guide how their work will be done. It is good that we have now come up with this Bill, which I support, so that we can regulate them.

(Hon. F.K. Wanyonyi consulted loudly with Hon. Bunyasi)

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Order, Hon. Wanyonyi! Kindly do your consultations in acceptable tones.

Hon. Ngugi: Can I proceed, please? Hon. Wanyonyi, can you allow me to talk, please? We have given you adequate time. I wanted to say that the Government is now coming up with many buildings. We have seen the Standard Gauge Railway (SGR). Many dams are going to be built. Many buildings are being constructed in this country. When the architect hands over the building, we are supposed to hand it over to a building surveyor, who will take care of it from completion, ensure that maintenance is done regularly and coordinate whatever is happening in that building.

This is something I would also prescribe to the private sector. As one of our colleagues has said, most of the buildings which are done in the private sector are not supervised within time. That is why when you go to Biashara Street, you find very old buildings which have not been painted for a long time. I am sure if we had building surveyors, they would advise the landlords on how to deal with those buildings. That is why we should enact this Bill so that in future, we can have beautiful cities and counties. Going forward, we should see many of them going to practise in the private sector.

In conclusion, thank you very much, Hon. Temporary Deputy Speaker. I support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): The Hon. Member for Wajir East, Hon. Rashid Amin, the Floor is yours.

Hon. Amin: Thank you very much, Hon. Temporary Deputy Speaker for giving me this opportunity to add my voice in support of this Bill.

Before that, I would like to pass my condolences to the family of the late Hon. Nyenze and the people of Kitui for the demise of Hon. Nyenze. He came from the Wiper Party which I subscribe to. I am a Member of the Wiper fraternity and I come from Northern Kenya. I am the only Member of Wiper Party from northern Kenya. It is my feeling that I should make an obligation to pass my condolences to the people of Kitui and to the party as a whole. We have lost a leader and a key person in the leadership of Wiper.

Finally, I wish to make certain contributions regarding the Bill. This Bill is very critical in terms of the current situation in the region and the country as a whole in terms of development in real estate. Building surveyor is a very critical component of any building that is going to be constructed. Real estate is a growing industry. There is need to have a corrective measure, check and balance and to see who should oversee building surveys and structures that are coming up and their construction. So, the institution can critically make this board a very viable project for all the Members. It is very critical and good for the people of this country and all the people who are interested in construction. This will entail a board that will oversee and register surveyors and particularly building surveyors. That will see the construction of various items and growth in the building industry.

So, the names and roles of these professionals would appear in the category as registered members of the society and members of the registered building associations. It would be key in controlling check and balances in terms of their performance and in terms of their skills, so that they can remain accountable to land owners and building users. For now, what is happening in the country is that high rise buildings are coming up without proper checks. There are incidences of buildings encroaching into the riparian areas without control. There are incidences of buildings encroaching into public utilities and public roads. Generally, the fact that we will have a body to regulate the performance of these professionals, these things will be things of the past. We are going to establish a board whose membership is categorized and their names and qualifications provided, it will be easy to identify the qualifications of the professionals, experience and how long have they served in the industry. These are critical concerns that should be indicated as we establish the board. We will be able to regulate the performance of building surveyors. Without it, it would be difficult. It is quite possible for an engineer who has just qualified from the university without a background qualification or experience to be put in such a role. Generally, it is my feeling that in the future amendments, certain categories in terms of experiences should be provided.

There are counties that do not have building surveyors. In the entire northern Kenya region, there are no private entrepreneurs who are providing building surveys. So, it is difficult to ascertain who is can do what. I have encountered repeated cases of conflict of land and who is constructing what. So, generally, it is my feeling that all buildings that are coming up either in the city or in the respective counties should be subjected to authorisation from the board. Those who will undertake construction should get a clear permission from the board. So, this board, in its formation is a critical component of the industry that is likely to grow over the years. It is my feeling that we need to support this Bill, have a role of surveyors and an institution that is self-sustaining. However, one thing I am sure of is that there should be specific functions of this board. It can generate small income, be self-regulating and not require much expenditure from the Exchequer. So, it is my feeling that this Bill should be supported by every person who has an interest in this nation. I suggest that it is going to be a self-sustaining board. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Is Hon. Ouda Odhiambo here? You contributed to this Bill yesterday. So, kindly pull out your card because you are not eligible to contribute to it again. Let us have Hon. Ombaki of Machogu Constituency.

Hon. Ombaki: Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Members, just a point of reminder. We have an upcoming Motion of Adjournment which was allowed. It is being brought by Hon. Mutua Barasa on the issue of insecurity in Bungoma. So, we will be moving to that Motion.

Members who wish to contribute to that Motion can begin to register their interest as we transit to that Motion.

Hon. Ombaki: Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this very important Bill. We all know that building surveyors play a very important role in the building industry and environment. These are the professionals who provide the Bill of Quantities (BQ) and costing of any upcoming building. In case one requires to do any costing for an existing building, these are the people responsible for doing that. This Bill is long overdue because the industry has existed over the years without any Act to regulate its conduct and activities.

Of late, the building industry has been bedevilled with a lot of problems including people operating minus the appropriate qualifications. They claim to be engineers or architects when they are not. Surveyors and building economists as known; they work in close liaison with engineers and architects in ensuring that there is stability in the building industry. It is, therefore, good that this Bill has come to us so that there will be a registration board to ensure that whatever they come up with in their regulations is complied with. They will also ensure that those who sometimes masquerade as qualified building surveyors are barred from practicing as such.

The Bill also provides that there will be a registrar who will serve as the Chief Executive. I support this provision because apart from the people who will be serving in the board, there will be professionals. The registrar, who will be the Chief Executive Officer operating on a day-to-day basis, will issue certificates to those that have been endorsed and approved by the board to ensure that there are proper regulations being followed as far as this industry is concerned.

I am sure that once we pass this Bill and it is enforced, we will have some sanity in the building industry. As of now, we are having a number of challenges. In almost all towns in this country, a month hardly passes without a building collapsing. Once we have this body and they work closely with engineers and architects, these will be challenges of the past.

When you look at the financial implications, this is not something that will cost the Exchequer much money because it is not expensive. Therefore, I totally support that we enact this Bill.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): We have Hon. Kioni. Would you like to contribute to this one or the next Motion?

Hon. Kioni: I would like to contribute to this one.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Please, proceed.

Hon. Kioni: Thank you, Hon. Temporary Deputy Speaker. First, I thank those who have brought this Bill to the House. I remember as a young person back in mid 980s, we started agitating for the enactment of this Bill. To find it on the Floor is a pleasant surprise for me.

My colleague over there knows how much we have struggled to get this aspect of our profession regulated in a known manner. This Bill largely deals with maintenance of buildings or taking care of already constructed buildings. We know that houses continue wasting away when we do not have people who can take care of them in a known manner. This Bill serves to ensure that those who have been trained in this field, and they are normally trained at university for a period of about four years, leave with a degree in Land Economics and they specialise as building surveyors, valuation surveyors or estate agents. The area that has been lacking is that of building surveyors because it has never been provided for with a gradation and a board. This Bill comes at the right time. It is never too late. I thank the Government and the Leader of the Majority Party

for making it possible for us to have this Bill. I support it entirely. It is necessary that professions are well regulated.

When we hear of buildings collapsing in various parts of this town and in other parts of the country, it is because the profession has been left for any person walking around. When that happens, everybody would want to say that he knows what to do in a given situation and we end up in the difficulties that we have had as country.

For that reason, it is good that we have this Bill. I support it and ask that it be allowed to become law by all of us here and those who are not there. In terms of its cost, we can borrow a leaf from other professions. We have the valuation surveyors and they cost nothing to the Government. This is because the people who get into the managing of the profession are the individuals who are already employed by the public service. Other than the sitting allowances, it costs no money to the Government. For that reason, we should not block it for reasons that we fear it will cost the Exchequer some money.

There is a lot which has been said about this Bill, but it suffices to say that it is long overdue. I want to thank everybody who has made it possible for it to come to the Floor and the Members who have supported it.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Wanyonyi, have you already made your contribution to this one. Could we have Hon. Ondieki?

The Member for Bomachoge Chache Constituency (Hon. Alfah Miruka Ondieki): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. Before I contribute let me pass my sincere condolences to the family of the late Hon. Nyenze and the people of Kitui West. I support the Bill simply because it will bring sanity in the construction industry. It is one of the areas which are highly affected by unprofessionalism in the works which are undertaken.

This Bill will improve the quality of our buildings and the works undertaken. For example, in Kisii, buildings keep on collapsing simply because developers ignore professionalism in this field. I sympathise with them because you find a person wants to invest heavily in the industry without being cautious. This Bill will increase sanity and professionalism and will enhance the technical aspects to be followed. Lastly, I want to encourage our students to take up technical courses like quantity survey which is a very good course. The board to be constituted needs enough personnel to undertake services well. Let me take this opportunity to also thank the people of Bomachoge Chache for giving me a chance to serve them in this House. Thank you, Hon. Temporary Deputy Speaker for the brief chance.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Waluke.

Hon. Koyi: Thank you, Hon. Temporary Deputy Speaker for giving me a chance to contribute. I think my card is not working well.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): On that note, we have a number of Members who have the same issue. They are logging in and their names are not reflecting here. Kindly take it up with the right office to make sure your cards are working.

Hon. Koyi: Let me start by sending my condolences and those of the people of Sirisia Constituency to the family of the late Hon. Nyenze. We are very sorry. I have known Hon. Nyenze for a very long time. I served with him in the last term. He was a senior Member of this House and he contributed greatly in this House as the Leader of the Minority Party. We are going to miss him and say sorry to his family and the people of Kitui West.

I stand here to support the Bill because it is good. This House has passed very many Bills and Motions before which are not implemented. We can pass a Bill and it remains here and may find

another Parliament discussing it and that is not good. Sometimes, we need to speak the truth. Some engineers in this country do shoddy work. Many Members have said that we have the Architects Board and the Engineers Board, but many buildings collapse in this country.

After every one month, we see a building in Kisii collapsing and killing several people. We hear they usually cancel the contractor's licence, but what about the people who die? What action has the Government taken against those who have fake papers and kill several people? Sometimes the materials used while building are inadequate. For example, someone puts up a 10 storey building with very thin steel, for example, Y8 or Y14 and engineers approve it. One cannot start building without getting approval from engineers or architects. There is failure somewhere in the system. Therefore, serious action should be taken against those who kill innocent Kenyans because they want to leap from their buildings and people end up paying with death. Many Members have spoken on this Bill and, therefore, I support it. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. George Theuri, the Member for Embakasi West.

The Member for Embakasi West Constituency (Hon. George Theuri): Thank you, Hon. Temporary Deputy Speaker. First of all, as I support this Bill, allow me to make my maiden speech. I take this early opportunity to thank all those who made it possible for me to be a Member of this 12th Parliament. To God the Almighty, creator of heaven and earth, we owe our debt and gratitude, every day we serve the great people of this country. I thank the great people of Embakasi West who voted for me overwhelming for the second time and across the political divide. I shall forever remain indebted to you for your selfless sacrifice. I thank my family for their support and patience over the years.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Theuri, did you just say you are making your maiden speech?

Hon. Theuri: Yes, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): You are a second term Member in this House. You cannot be making your maiden speech. You are only speaking for the first time.

Hon. Theuri: Yes, in the 12th Parliament.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): But you are in order.

Hon. Theuri: Thank you, Hon. Temporary Deputy Speaker. As I diligently serve my duties, I thank my fellow legislators who have been my peers for the better part of the last five years. Your commitment to this nation is admirable. I salute you all as you carry out your various duties for your constituencies. To the good people of Embakasi West goes my dedication and commitment in ensuring that all the wards will receive nothing short of what they expect from me while I represent them in the august House. The people of Embakasi West are hardworking, God fearing and responsible citizens who have co-existed in peace since time immemorial.

It is because of the people's good will that we were able, as a constituency, to come third position in Kenya in prudent NG-CDF use in the Financial Year 2015/2016. It is my commitment that in the next four years, we will do even better in prudent usage of public resources.

Having been born and raised and still living in Eastlands, a part of Nairobi, I see the constant struggle of our people every day. I see the struggle to put food on the table, to cloth their children and uplift their everyday lives. In Eastlands, we recognise two major tribes, namely, the haves and have-nots. I salute the diversity of my constituents. I recognise their prayers to have tribeless leadership and committed leaders who will help alleviate the challenges

faced in their everyday lives. I might be a young leader, but I have been in service to the people since I was elected as a councillor and now the second time as a Member of Parliament.

My reason for joining politics is the need to have leaders who are approachable, practical in project conception and implementation and leaders who lead by example and not by talk. I commit to always lead by example. I pay particular tribute to our President and the Deputy President for their leadership and transformative agenda for this republic. We thank God for His Excellency President Uhuru Muigai Kenyatta and the Deputy President William Ruto. I must, at this point, congratulate the Jubilee campaign committee in charge of the President re-election, our able Leader of the Majority Party and all Jubilee Party Members of Parliament for the roles they played.

I stand today to affirm that this House has a huge responsibility to heal the wounds and close ranks after the just concluded general elections.

Hon. Bunyasi: Hon. Temporary Deputy Speaker, I rise on a point of order. Is the Hon. Member in order to read a speech in the House rather than speak to it?

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): I am sure Hon. Theuri knows that he is out of order if he reads from a written script. So, you should restrain yourself from doing so.

Hon. Theuri: I am just checking my notes. After all, I have finished. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): I can see a number of requests here and I think we have a mixture of those Members wanting to continue with the Building Surveyors Bill. Hon. Lentoimaga, are you on the Building Surveyors Bill? I think you are the last Member who wants to contribute on that Bill. Go ahead, Hon. Lentoimaga.

Hon. Lentoimaga: Thank you, Hon. Temporary Deputy Speaker. Before I comment on the Building Surveyors Bill, I would like to take this opportunity to just join my colleagues and the people of Kitui West to pass my heartfelt condolences to the family and the people of Kitui for the loss of Hon. Nyenze. This is a very painful loss. We knew Hon. Nyenze as a very vibrant and articulate person. He was a man of leadership qualities in the last Parliament. He had done his best to represent the people of Kitui West as well as his party, being the Leader of the Minority Party in this House in the last Parliament. We have a lot to learn from what he was doing here as a leader. This is a very great loss and on behalf of my family and the people of Samburu North, I pass condolences and say that we, his former colleagues, are actually with the family. We grieve with the family and pray that they get strength during this trying time. We cannot do much, but we pray for them that God condoles them and gives them the strength to go through this trying moment in their lives.

Secondly, I am also very grateful for the opportunity the people of Samburu North have given me as a second term Member of Parliament. It was so gruelling to go through the last election and campaigns, but with their trust and confidence, they gave me an opportunity to serve again in this House for the second time. I assure them that during these five years, I will endeavour to do more than what I did last time to ensure that equity prevails in that particular constituency. It is a cosmopolitan constituency and we have already started trying to ensure that every single interest group in Samburu North will enjoy the very few and sparing resources that are available at our disposal. We ensure that they all gain from our wealth of experience of distributing resources equitably for the benefit and the welfare of our people in the north.

Thirdly, I support the Building Surveyors Bill. It has come at the right time. Many of my colleagues have already spoken about it, but I want to add my voice and say that we have a problem because of the many mushrooming buildings which are coming up and which are not being taken care of. However, in the advent of country governments and resources being

devolved to the grassroots, many people who had no opportunities before to access resources can now access them through employment. Many senior members of staff in the counties now have opportunity to get mortgages and even tenderers bid to build either public or private houses. Buildings are coming up, which is very important, good and encouraging.

I urge surveyors and architects who are responsible for buildings to ensure that no opportunity is allowed for unprofessional way of constructing buildings. It has become shameful. Houses are becoming a death row. They have been killing people every now and then because people are building and they want to rush and cash in on the tenants. They want to get as many tenants as possible and many tenants also cannot afford very expensive buildings to rent. So, sometimes landlords, especially in the densely populated areas like where Hon. Theuri comes from, Embakasi West, and other places in Nairobi, are in a rush to construct buildings. I do not know whether those buildings do not catch the eye of the professionals. Buildings are coming up which are not done properly and at the end of the day, they collapse even before they are completed.

So, when this Bill becomes an Act of Parliament, we urge the law enforcers to implement it. This country has never lacked laws. The problem is implementation and enforcement of the laws. So, we urge those who are responsible for this, for example, county governments and the national Government, especially the Ministries of Physical Planning and Lands, to enforce the law so that we do not loss lives. We should plan well. Even planning itself is very haphazard. Buildings are coming up in a very haphazard way.

With those few remarks, I support the Bill. I urge the stakeholders to ensure that they implement the provisions of this law once it becomes an Act of Parliament. If the Bill is amended, they should make sure it is enforced with the full force of the law.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Members, the time being 6.00 p.m., I will call the Member for Kimilili, Hon. Capt-Rtd Mutua Barasa, to move the Motion for Adjournment for purposes of discussing a definite matter of urgent national importance regarding the ongoing killings of people in Kimilili Constituency. Hon. Barasa, you have 10 minutes to move the Motion and the rest of the Members will have five minutes each.

MOTION FOR ADJOURNMENT UNDER S.O.33

KILLINGS IN BUNGOMA COUNTY

Hon. Didmus Mutua: Hon. Temporary Deputy Speaker, I beg to move that the House do now adjourn for the purposes of discussing the ongoing killings of people in Kimilili Constituency and areas bordering Mt. Elgon Constituency in Bungoma County, where close to 42 people have so far been brutally murdered in a span of less than three months.

Just to bring the House up to speed, sometime in the last two months, a businessman by the name Evans Barasa was murdered in a place called Chebkwabi in Kimilili Constituency and his children were gang-raped by a group of people. Currently, none of them has been arrested by the police. Barely three days later, in an area called Kibisi in Maeni Ward, a woman was killed and even before she was buried, her son disappeared only to be found murdered and dumped in a sugarcane plantation after three days. We have so far had a number of killings that have happened. Most recently, the day before yesterday in a village called Chepkurkur in Mt. Elgon Constituency, a few kilometres from Kimilili Constituency, seven people were killed and several

others injured. Among those killed were women. Women are sacred. When you kill a woman, God will never forgive you.

We have had other attacks in various parts neighbouring Kimilili Constituency. We have had attacks in Bumula Constituency in a place called Kimwanga where a gang of people descends into a village, butchers and injures people. The laws of this country are clear that no Kenyan has the authority or mandate to kill any other person. Even a pregnant woman has no power to terminate the life of the baby that she might be carrying.

Even though I appreciate that the police are holding meetings and that the county commissioner has been convening meetings in those areas, those meetings have not borne any fruit. It is a shame to our country that somebody can go into a particular area, kill people, injure several other people and the same police continue to earn a salary and occupy an office. We need to come to a level as a country where we evaluate and pay the police based on how many cases they have properly investigated and prosecuted. It does not make sense that in Kimilili Police Station, the police have so far only prosecuted very minor cases of people who are drunk and disorderly and women arrested for brewing and selling *busaa* and *chang'aa*, but cases of murder and robbery do not live to see the light of day. I dare even say that those police officers are using those murder cases as a way of bargaining for bribes and negotiating with criminal gangs so that they can be paid to cover up these investigations.

With the current democracy in this country and the enactment of the new Constitution and various laws that protect lives and property, we need to ensure that once we have murder cases happening in a particular area, such police officers need to be moved to different areas so that they can also be investigated. It does not make sense that three months down the line, the case has not been solved. The killer crew that is suspected is the Sabaot Land Defense Forces (SLDF) and other militia groups which are mushrooming. We have the Janjaweed. Sometimes we hear of other defense forces that are coming up that the police need to crack down on.

As I urge the House to deliberate those matters and maybe come up with suggestions that will put this matter to rest, I want to conclude by offering my heartfelt condolences to the families of the 42 people who have lost their lives and who are currently living in fear. As we deliberate on this matter, the Inspector-General (IG) of Police needs to move with speed to first transfer the police officers and security agencies that are manning this area, so that we can restore public confidence in the police forces which has been lost.

As I conclude, I wish to ask the Bungoma County Woman Representative... I am properly guided.

I beg to ask the House to adjourn so that we can discuss this matter.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Barasa, you do not need a seconder for this nature of a Motion. I already said that each Member will have five minutes to contribute.

Let us have Hon. Wakhungu Wamalwa, the Member for Kiminini.

Hon. Wakhungu: Thank you, Hon. Temporary Deputy Speaker. First and foremost, I want to thank Hon. Didmus Barasa, the Member for Kimilili Constituency for moving this Motion of Adjournment. People have died. We have a right to life. First, I want to condemn the people who are behind this ugly incident. It is the responsibility of the police to take care of its citizens. The cardinal responsibility of any Government is to take care of its people. It is high time that the Jubilee Government wakes up.

Currently, we do not have a Departmental Committee on Administration and National Security. I want to urge Hon. Didmus that as we move on, if the Departmental Committee on Administration and National Security will not have been constituted, you have the right to move

for the formation of an *ad hoc* committee to look into this matter. I say this because of the history of that region. Once upon a time we had the SLDF which went around beheading people and cutting their ears. We are getting worried.

I represent Kiminini Constituency which is a neighbouring constituency. It originated from Bungoma. We have relatives who have suffered and others who have cried. I am sure the IG is listening. With immediate effect, the police officers in the area should be transferred. When a security officer overstays at a place, they collude with criminals so that they can share whatever proceeds are generated. That has to be done immediately.

For the people who have lost lives, the Government should compensate their families. That is why we say that parliamentary committees must be put in place. If the committee will not be in place, Hon. Didmus, through the Leader of the Majority Party, should move quickly and seek to establish an *ad hoc* committee on this. It has happened before and we cannot wait. I can see Major there who has been in the military. It would be nice for him to be on that committee to provide his skills so that the people who are killing our people in Bungoma are brought to book and this is brought to an end.

Forty two people have lost their lives. We send our message of condolence to their families. He has mentioned Chebyuk and Chesamisi where we originated from. These particular issues should not be tolerated. It is high time the police force, wherever they are, do something to contain the situation. The Inspector-General whom I have a lot of confidence in should move with speed and clear that area.

Hon. Temporary Deputy Speaker, Article 37 of the Constitution is clear that you are free to picket and demonstrate. When the NASA brigade was demonstrating, the police force was overwhelmed. Why are they prioritising battering people during demonstrations instead of taking care of lives? I have seen it. When the police smell *chang'aa* or *busaa* somewhere, they move there very fast because they know those people are not armed, and it is a source of bribes. However, when you tell them that you have a terrorist or murderer somewhere, they say that they do not have a vehicle, it has a puncture or has no fuel. If they can go to an extent of arresting the people who are brewing *busaa* or *boda boda* riders, they are doing that for a livelihood. Some of us are where we are today because of *busaa* business. These *boda boda* boys are doing that work because of unemployment. I have seen police officers molesting these young people. They molest the *busaa* brewer instead of focusing on this murderer who is terrorising people in Kimilili, Sirisia and Kanduyi. We condemn this activity. The police officers are now remunerated well. If at all they will not shape up, then they should shape out.

Thank you, Hon. Didmus, for bringing this Motion. Let us work together, so that these people who are killing others can be prosecuted. I support the Adjournment Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Member for Kapenguria

Hon. Chumel: Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to add my voice to what we are discussing which is so touching. It is not a laughing matter. We need to be serious both as human beings and as Kenyans.

Before I go further, I also want to join my colleagues on my own behalf, my family and the people of Kapenguria to give our condolences to the family of our brother, Hon. Nyenze. I knew him when I came here first. He was our Minister during Nyayo's time, and he did very well. We used to depend on him so much as a leader and in the church. I know he is a Christian.

We are discussing the issue of peace. This is not the first time that area is having these problems. My appeal is to all the leaders from Trans Nzoia, especially those who border that area, Mt. Elgon and Bungoma, to come together and chart the way forward. If they will not come

together, there is nothing we can do. We should not depend on the police force because some of us have experienced this among the Pokot, Turkana and Samburu. There is no conflict today apart from one area in Kapedo where some officers were killed the other day. We are pursuing that. We have agreed as leaders from all those regions to come together and face those people. The murderers are not unknown people. They do not live in heaven. They are just there with those people. They are known. They always move with their colleagues even when they are attacking. I was told they attack during daytime in some areas. Everybody knows that. If we keep singing about police protection... It is good that the Member who has moved this Motion comes from that area. He was a military man at one time. Some of us like the Pokot do not want to see the military because they are our enemies. Instead of coming to solve issues, they used to come and create more problems in the name of operation. There is nothing they can do. Most of them are here and they know that. They made us hardcore. We resisted and fought them. They were fighting us during daytime and we were facing them at night time. My brother, Hon. Waluke, knows how things were there. To solve the conflict in Mt. Elgon, we need to come together and pray because God will make a way. We do not want to see young men and businesspeople losing lives. Innocent blood is being shed in that area.

I also want to appeal to Members and political leaders in Mt. Elgon region to come together and see to it that this nonsense stops because we are neighbours. You cannot move your neighbour. You cannot choose your neighbour. He is given by God. That is why people live and move together.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Let us have Member for Masinga, Hon. Joshua Mbithi.

Hon. Mwalyo: Thank you, Hon. Temporary Deputy Speaker, for the chance that you have given me although I wanted to contribute to the Building Surveyors Bill. Let me add my voice to this killing of innocent people. It is very sad that at this age people are still being killed by their neighbours who have formed groups calling themselves armies of the people or enemies of the people. It is timely that Hon. Barasa has brought this Motion, so that we can add our voice because it is very bad to kill another person who was not sick.

(Hon. (Ms.) Wambilianga crossed the Floor without bowing)

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): The Member for Bungoma, you need to do what you have just done right. You cannot cross from one side of the Floor to the other one without bowing. Go up to the bar and bow.

(Hon. (Ms.) Wambilianga bowed at the bar)

Hon. Mwalyo: Thank you, Hon. Temporary Deputy Speaker. I can continue. It is very bad to kill innocent people. Wait for people to die a natural death. These killings are not only happening at these constituencies but also in other constituencies like Masinga. There are some young people who have organised themselves. They wait for the other boys who are coming from the shops at night and kill them. When you report and they are arrested, the police release them even without taking them to court. These kinds of killings might spread to every part of this country which will be very sad. So, I call upon the police to move with speed, so that they can arrest these cases before they spread to all parts of the country.

I remember the other day they killed a boy and slit his throat. When I reported to the police, I told them that I needed the corporal who is there to be transferred immediately because the boys who killed the other boy were released. How do you release a murderer even without taking him to court to be jailed? Therefore, I feel that it is high time that the police took action to tame such criminals, so that our people can live in peace wherever they are, wherever they live and they can work anytime they need to.

(Hon. (Ms.) Wambilianga crossed the Floor without bowing)

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Member for Bungoma, you have just repeated the same sin I have corrected you on. So, in order for you to learn, go back and do it right. I know you are a first-timer, but once you get it, it will be well. I want you to get it right.

Hon. Mwalyo: Thank you. I would like to pass my condolences and those of my family to the people of Kitui West for the loss of their Member of Parliament, Hon. Nyenze. It is indeed a big loss especially for our big brother who had been our mentor for many years. I knew Hon. Nyenze 15 years ago. I borrowed a leaf from him in order to join politics. I also used to get advice from him on what to do so that I could land here in Parliament. I am sure some of the advice he gave me contributed to my coming to this House.

I support this Motion by Hon. Barasa so that people can be tamed in whatever way so that we can have freedom of speech and of movement wherever one wants to go.

Thank you, Hon. Temporary Deputy Speaker for the time.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Let us have the Member for Njoro, Hon. Kathambi.

Hon. (Ms.) Chepkwony: Thank you Hon. Temporary Deputy Speaker for granting me this time to contribute to the Motion my colleague has moved. I wish to have contributed to the Surveyors Bill.

Before I proceed, let me send my condolences to the family of the late Hon. Nyenze. Njoro people are mourning with the people of Kitui West Constituency. We are mourning as a nation.

I will not stand here and blame police officers. It is high time for criminals to be called criminals and must face the law. We have realised there are many illegal groupings which cause many killings in this country. It is high time the intelligence team woke up and researched so that we can take preventive measures before actions happen. As Hon. Members have said, it will also be very crucial for this House to constitute the Departmental Committee on Administration and National Security which will enable Members of Parliament to come up with different ways or make contribution on how to tackle issues affecting security. It is true that peace is paramount in this country. The right to life is important and recognised in our Constitution.

My main point is not to blame police officers. Recently, we lost a lot of property and lives during NASA demonstrations. It is high time each one of us took responsibility by contributing to the achievement of peace and attainment of good livelihoods for everyone.

I do not have a lot. Thank you for this moment. Security is important to all of us.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Member for Turkana Central.

Hon. Nakara: Thank you, Hon. Temporary Deputy Speaker. I join my colleagues in sending my condolences and those of the people of Turkana Central to the family of the late Hon. Nyenze and to the people of Kitui West for losing a dedicated servant of this country. I

know him because he has served this country in several capacities like District Officer (DO) then he was elected to Parliament.

I join the rest of the Members to make my contribution on the killings that are taking place all over this country. We have become a lawless country. We need to enforce our laws so that the culprits who are doing this are brought to book.

I also send my sincere condolences to the people of Kiminini for what they are going through. I join the Member of Parliament, Rt. Captain Barasa for raising this issue. I am also a victim of the same. Four days ago, five people were killed in Kapedo. It was terrible. Yesterday, they again raided Kapedo. It has become too much. How can one area experience four raids within one week? The people of Kapedo do not sleep in their houses. They eat and disappear into the bushes. How can we live such a kind of life in a country that is independent, with a police force, with an army and with all kinds of security officers, yet the people of Kapedo do not sleep? We need to wake up! We need our security agencies to begin looking for the culprits whether they are Turkanas, Pokots or Kikuyus. A robber is a robber and a thief is a thief. We need our security agencies to start looking for those people seriously. We have lost faith in our security agencies because when a person is killed, they do nothing. We want our security agencies to win back the confidence they had some years back.

Every day along Kitale-Lodwar Road, there are incidents of someone getting killed, a driver shot or someone's money stolen. Along the same road, we have three security agencies. We have the General Service Unit (GSU), the Administration Police (AP) and the regular police but every now and then the Kitale-Kainuki Road is insecure yet the security agencies are there. They do not do anything. As Hon. Wamalwa said, whenever the police are told of a raid, they do not go there, but if they are told that there is *busaa* in some place or *boda boda* riders, they rush there because they know they will get something.

I challenge our President, Hon. Uhuru Muigai Kenyatta, that as he thinks of appointing the Cabinet Secretary for Interior and Coordination of National Government, he must go for somebody who has done a military course. He should either be a retired major or colonel. Giving this docket to someone like Matiang'i can mess up this country. We have seen the few days he has been in charge of that docket what he has done. It was terrible. We are telling the President to appoint a pastoralist to the security docket. A pastoralist can perform security duties very well. He should appoint a Turkana, Maasai or Pokot: people who know how to handle a gun. Never give the security docket to people who do not know how to handle a gun like Matiang'i.

With those few remarks, I support the Motion. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Let us now go to the Hon. Member for Bungoma County, Hon. Wambilianga Nanjala.

Hon. (Ms.) Wambilianga: Thank you, Hon. Temporary Deputy Speaker, for this chance. I stand here, first, as the County Woman Representative for Bungoma. I would like, first of all, to send my message of condolence to the bereaved families for losing their loved ones at this point in time. These were innocent people who have just been killed out of unknown thuggery that is ongoing and still a mystery to the people of Bungoma.

Two days ago, we lost 11 lives in a place called Masaek in Chepkurkur. Among the lost lives, we had three children who belonged to one woman. The same woman was raped together with her son and her daughter. As I speak, they are in critical condition struggling for their lives at one hospital in Bungoma Town. Two weeks ago, in the same village, two people were, again, killed. These are the people who sell cows. We call them *wachuruzi* in our village. They were killed brutally. As I speak, nobody has been brought to book, having been condemned or discovered to

have been the killer. That not stopping there, again, two weeks ago, we buried two people from a village called Kimwanga where the killings were done at about 11.00 O'clock in the night when one family was attacked. As the other two went to rescue the family, they were slashed and killed. We even visited the scene with the Senator, Hon. Moses Masika Wetang'ula. What came out clearly from the residents is the people who were attacking those people were dressed in police uniform, and when the residents tried to approach them for help, that is when they were slashed and killed. The big question is: Are police officers meant to guard or kill people?

On that note, we demand that the police of that station be transferred with immediate effect because they do not seem to know their work. Even after being called to rescue the residents, it took them almost two hours yet the police post is almost 200 metres away from where the killings happened. If we have police officers who do not care about the residents, surely, do we have any protection as residents? The people of Bungoma are worried. The women are worried. They no longer sleep peacefully in their houses. The county is hurting and we are wondering what next.

Yesterday, as a result of what has been happening, at least our governor and the MP for Mount Elgon swung into action straightaway. They visited the area, and they had a security meeting. I hope something will be done. Hon. Didmus, you have been urged by one of the Members to swing into action and make sure that we get the House Committee to investigate the matter so that some of these problems can be solved.

In a village called Maeni, similar killings took place and nothing has been done. We have the County Commissioner and the security teams in place but whenever killings happen, the killers are never apprehended. Even if the killers are militia groups, they ought to have been brought to book but nothing has been done so far.

I urge the County Commissioner of Bungoma, together with other security agents, to put in place security teams so that anytime we call upon them, such matters can be resolved amicably. We are tired of such killings. It does not stop at that, our *boda boda* riders have also been killed randomly.

The Temporary Deputy Speaker (Hon. (Ms.) Tuyu): Member for Nandi County, Hon. Chebet Tum.

Hon. (Dr.) Tum: Hon. Temporary Deputy Speaker, allow me to convey my message of condolence to the family of the late Hon. Nyenze. I know it is painful for the widow, the children and the entire residents of Kitui West at such a time. Mine is to say, may the peace of the Lord which surpasses human understanding be upon all of you in Jesus name.

Coming to this Motion, it is saddening to know that 42 lives have been lost in Bungoma, wives have become widows, husbands have become widowers and children have lost their lives. We know it affects the economy of this nation. The children who have been left behind are not going to school because they have lost their parents. I want to say that it is good that the Commissioner has convened security meetings because he is the one in charge. We know that criminal gangs have been in existence, it is not a Jubilee creation as somebody said. We have noted that there have been many criminal gangs even when Raila Odinga was the Prime Minister of this nation. We have to seek for ways of dealing with the problems without blaming anybody.

First of all, we have to know the root cause of the problem. We have to identify the disease before treating it. So, politicians from Sabaot and Bungoma have to lead in bringing peace and reconciliation among their communities. We cannot blame the police, I know they are doing what is required of them, but we have to keep our ears on the ground. I know they are also doing

it. So, we have to dig deeper into the source of the issue and that is why it was brought to this House. We have to involve the two communities and look at the root cause.

I also want to say that life is sacred. We are not happy when we lose our people. We are supporting this Motion and we are calling upon the residents of Bungoma and Sabaot to reconcile. There are leaders in this House, they can come together and go deeper so that this problem can be solved. I support this Motion by saying, we have to look for ways of dealing with this problem.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Joyce Kamene, Member for Machakos County.

Hon. (Ms.) Kamene: Hon. Temporary Deputy Speaker, thank you so much for giving me this opportunity. First, I would like to send my heartfelt condolences to the family of Hon. Nyenze and the people of Kitui West.

Coming back to the Motion at hand, I wish to condemn the happenings in Kimilili in the highest terms possible. Human life is sacred. The greatest responsibility of the Government is to protect its people. Words cannot explain the horrific, sad and shameful incidents that we are hearing about rape. One would imagine what the villagers or what the people in those areas are going through. I am sure even the children in those areas are traumatized. That is why it is unbelievable to hear that even after the 42 people more have passed on and the police have not been able to come up with any person that has been caught or any case at hand. One wonders, why they are there. There should have been some transfer so that we can get people or security personnel who will tell us exactly what is causing these happenings. We need security and protection. We need to feel that all of us are Kenyans and we are equally protected. I want to congratulate the Member for Kimilili who brought this Motion and I urge the Government to take action.

I beg to support this Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Jeremiah Kioni

Hon. Kioni: Thank you, Hon. Temporary Deputy Speaker, for this opportunity to contribute to this Motion. Allow me, to first of all, convey my condolences, on behalf of my family, the people of Ndaragwa and Nyandarua, to the family of the late Nyenze and the people of Kitui West. We want to condole with them. We have known Hon. Nyenze and we know how much he has contributed to many issues in this country. In the same breath, let me pass my condolences to the families of the 42 people of Kimilili and others in that region and other parts of this country who have lost their loved ones because of the behaviour of people who do not want to obey the law.

In the 10th Parliament, I was a member of the Defence Committee, and together with the committee on internal security, we visited this area. That is the time we had a man by the name Matakwei, who had really terrorised that area. Having been sent by the National Assembly, we did investigations and eventually recommended the need for an army camp that was sent there to clear the difficulties that were in that area, for the reasons that the police had been overwhelmed by the defence force led by Matakwei. There is a lot that we can say because there is a lot that we came across when we went to that area.

One of the key things that I think is important to us even as we debate this thing, is that without doubt we discovered or we were informed or we found out that all those difficulties were happening because there was a political hand. There were politicians who were directly involved. Unfortunately, those groups started maiming others. It was horrifying and really worrying. It scared me. It is for that reason that I want to speak to this Motion. I want to thank the Member

for Kimilili, Mheshimiwa Barasa, for bringing this up. It worries me to think that Kenyans in this area could be subjected to this kind of torture again.

One of the things that could help, because this Motion talks of many things, including issues of defilement and rape... I do not know whether Members are aware that in our courts today 60 to 65 per cent of the cases that are being prosecuted on a daily basis relate to rape and defilement. It would be important for us to think about it. It is a major problem in our country, especially in the smaller towns like Nyahururu in our place.

Even as we think through this issue, let us also reflect and question ourselves. Like I have said there were politicians who were involved that time. As we go through it now, we need to know whether we are creating an environment that allows criminality to thrive within our areas. One of the shortcomings with the prosecution is that... I had a short stint with the Office of the DPP and what happens is that the prosecutors have introduced professionalism with the introduction of the DPP's Office. The prosecutors are now lawyers; quite a number of them are young lawyers and they are doing very well. But all the police officers who are involved in gathering evidence and producing it in court report to the OCSs. They do not report to the prosecutors. For that reason, the police officers really mess up evidence, for the reason that either they do not want to be called to the courts many times or they do not want the perpetrators to be caught. I think one of the things we need to do is to get police officers involved in prosecution reporting to the prosecutors.

Two, we need to come up with a law that punishes every police officer who messes up evidence, either in production or in the gathering of evidence. That way, criminals will know that they will not have Christmas in court. As it is now, people caught in this country are almost certain that they will be freed.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Bunyasi, the Floor is yours.

Hon. Bunyasi: Thank you, Hon. Temporary Deputy Speaker. This is a crucial and important Motion. I want to thank my colleague, the Hon. Member for Kimilili, Capt. Rtd. Didmus on this. Hon. Temporary Deputy Speaker, I rise to speak with a heavy heart. These are not things to take lightly. It is usually the poor and the weak in society who are subjected to these kinds of events on a wide scale. They may be random events that target the middle and upper class but when you see this kind of thing moving from village to village, it is the poor who cannot defend themselves who are subjected to this.

The worst case is advising people to go and pray. I am seated next to the Bishop. He will excuse me, sorry. People are being murdered and we are here saying we should pray. No! We have the Constitution and the law that define what should happen when people commit crimes. We must hold the police and its leadership accountable. I get pained with the conflicts of the recent past and during the elections. There are huge attempts to exonerate the police because now people think anytime you say the police were inactive or not responsive, they see it in a NASA or Jubilee divide and, that is extremely unfortunate. We are talking about a case in which police are not far from where the scenes of crimes are occurring. These people are trained, have the means with which to go and follow through and they do not and yet they are on taxpayers' expense all the time. We must hold the police and its leadership accountable. It has nothing to do with the Jubilee/NASA divide so that we go out of our way to jump and say that the police are not to blame and that we should stop blame games. We are talking about accountability in the law. I do not think we should relent on this. We can pray when burying but we should not pray in terms of follow up.

Thirdly, I do not think that these conflicts are in fact necessarily inter-ethnic. When you talk about the conflicts in Kimwanga, all the people there are essentially the same. This is just criminal.

I would add to what Hon. Kioni said that there may be an angle of collusion by people who organised this, if it is in fact an organised and a syndicate type of crime but that is exactly what the police must unravel. They can unravel and say that in fact this thing is politically organised, and it is organised for revenge that occurred sometime ago. This is organised out of greed or whatever the case might be but it must be explained. It cannot just pass and then we move on. That is unacceptable thing to do. I do not see that anywhere in our law where it says when you have a case of this kind just forget it, go and pray and let the thing pass, God himself will punish them. Yes, he might punish him. Those fellows might live up to 100 years. God will not take them away that quickly and we cannot accept to have that continue. We must really stand firm. We should come out clearly and identify the weak spots in this system. As I quote Hon. Kioni again, what he has pointed out about the weakness in a reporting system in the DPP's Office is true. I think DPP is one way of beginning to think about how this should be tackled.

Lastly, we must have a way in which we get feedback on how many cases have been unravelled, how many have failed and how much money has been used. We would have talked about loss of property. Each time we talk about these, they jump from loss of life to loss of property. I think the hierarchy of importance is loss of lives that is far important than loss of property. Both need to be protected in due course. However, let us not mix those two. Let us get this police service to be accountable. We saw them as a police force during demonstrations. If they can be a police force, let them be a police force in dealing with crimes of this nature.

Hon. Temporary Deputy Speaker, this is a very important Motion. I would like to pass my condolences to the many people who are affected by the deaths of the 42 persons that have been identified in this House.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Kevin Wanyonyi, the Floor is yours. I am a worried person because I come from Trans Nzoia, and it has happened in Bungoma. When I sneeze, Bungoma catches a cold and when they cough, we catch a cold the other side. We are very close and whatever is happening in Bungoma is something I cannot take lightly. That is why I have sat here to contribute. Let us get it right. Hon. Barasa, I thank you for bringing this at the earliest time possible because if we ignore this, it will get nasty. I thank you for coming up with it at this early opportunity. Let us all speak about it and condemn it. Therefore, my condolences to the 42 families or more that have been affected. I will personally be involved. As *Mheshimiwa* Chris Wamalwa said, I better agree: If we do not have the Departmental Committee on Defence and Foreign Relations, then we can have an *ad hoc* committee to look into this matter. It is not a small matter; it can degenerate into further violent conflict.

Hon. Barasa, he has assured me that it is not political. It is not tribal but there is a militia group that is responsible. Knowing there is a problem of unemployment, the youth are getting organized, as you have heard from the contribution of Members here. We want to arrest this situation at the earliest opportunity possible. Hon. Barasa, that is very good because people are living in fear and thugs are taking advantage.

As somebody mentioned, the people responsible for such are from the neighbourhood. Otherwise, how would one go to attack a place they do not know? Therefore, as Hon. Barasa said, the police in Bungoma should be transferred. We are talking about 42 families who are very innocent. Some of them are now moving from where they are to other places. We will have

internally displaced persons because as they move, they do not know where they are going. I can assure you that if it happened to me, I would know where to go but the affected families are very poor. Something should be done to the area police heads that are there.

Heads should roll. They should be moved to other places because they are not being responsive. This has nothing to do with politics. I have in mind a case where I was welcoming His Excellency Hon. Raila Amollo Odinga, and policemen were throwing stones at vehicles. I could not believe it. Could this be out of lack of training? I do not understand how a policeman can use a stone to destroy property he is supposed to protect. Those who are there should be moved. The Inspector General of Police should have them transferred because very soon, we will have internally displaced people.

People in that area have no income, and business has been hampered. If they can kill an M-pesa vendor and a *mchuruzi*, what could their intentions be? They are killing anybody. A solution must be found quickly. The police officers in charge of that area should be transferred elsewhere. Let them know that we have other people who can do the job better and undertake some activities that can help the affected families.

I send my condolences to the affected families, hoping that we will follow up this matter before we proceed on the recess that is coming in a few days' time.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Let us hear Hon. Ojiambo, the Member for Funyula.

Hon. (Dr.) Oundo: Thank you, Hon. Temporary Deputy Speaker. I condole with my colleagues. Since I come from Busia, we are neighbours with Bungoma. Whatever happens in Bungoma affects us in Busia directly or indirectly.

I must hasten to mention that the criminal activities, killings, maiming, rape and the rest of heinous crimes in Bungoma are becoming predictable. Often we hear from the news and get reports on the ground of murders, invasion of private properties and generally this issue needs to be addressed once and for all.

In the years 2005 and 2006, as Hon. Kioni has mentioned the Sabaot Land Defence Force (SLDF) caused untold suffering to the people of that constituency and Bungoma as a whole. We hope the killings which have occurred now will not spread and cover the entire Bungoma and spill over to Busia. We need to avoid loss of lives, intimidation, creation of a state of fear and destabilization of the livelihood of those constituents and the larger area of the former western Kenya.

This presents a very bad image of our police force, if they can be overwhelmed by militia, a ragtag group and gang of criminals. Where has the special branch gone? What has happened to intelligence gathering to a point that 42 people have been killed and this is not by accident? There is systematic planning to commit these crimes, and obviously a lot of investment put to commit them. Where are the intelligence services? Why can they not gather information and prevent these attacks. As Hon. Bunyasi has said, it is the downtrodden people in the society who suffer most in the event of organised criminals. There are those small hardworking traders and people who suffer most from these kinds of crimes.

A government which cannot protect the most vulnerable in society is one, for all practical purposes, that has failed or abdicated its duties. We call upon the Jubilee Government, because it seems like the Police Service is no longer independent. It has become an appendage of the Jubilee Government and should literally get out of its comfort zone and deal with these minor shameful activities. It does not help to commit all the massive police resources to tear gas

innocent protestors. It does not help to mount the Police Service, General Service Unit and Administration Police to shot innocent children playing on the balconies, yet there are very many people in many places who get killed for no apparent reason.

In my own constituency in the run-up to the fake elections of 26th October, the Jubilee brigade unleashed untold suffering and violence to innocent people who heeded the call not to participate in an election they did not want. We reported these cases all the way to the county security system and up to now your guess is as good as mine - nobody has been apprehended. They stroll in the villages boasting how they are under good protection by the Jubilee Government. This level of impunity and do-not-care attitude needs to stop in the Police Service. We need to put the Police Service to account for the activities and resources we have pumped into them. It should not be resources gone to waste or are only employed to deal with political disagreements.

With those few remarks, I sympathise with my colleague Hon. Barasa and wish that action will be taken. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Members, we are running out of time and I have two more Members to whom I will give one minute each. Hon. Waluke.

Hon. Koyi: Thank you, Hon. Temporary Deputy Speaker. Because of time, I just want to appreciate Hon. Barasa for bringing up this important Motion. I come from Bungoma and this has been happening there for quite some time.

In 2004, the killings of innocent *wananchi* continued until the Deputy President of this Republic of Kenya came in to save the situation. It was there until the Government got concerned. We need to come out clearly to say it openly as leaders from western Kenya.

I thank my colleagues like Hon. Bunyasi for their good contribution. As people of Bungoma, we need not hide; we need to say openly as politicians and as representatives of people. We need to say the truth. This thing is there and it is real. We demand that those groups stop these killings. We know them. They are financed and manned by politicians. We need to say that.

I have been with a Member of Parliament from Mt. Elgon. I want him to go on record. It is just because of time but this thing is manned. Those people are paid by politicians. The groups that they have mentioned here include the Sabaot Land Defence Force, Janjaweed and Kabuchai Defence Force found in a district where a women representative comes from. There is one called Kabuchai manned and paid by two politicians from Bungoma County. Mt Elgon is manned by two politicians: the former MP and the current MP. They compete on their differences and...

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Bishop Titus Khamala.

Hon. Mukhwana: Thank you, Hon. Temporary Deputy Speaker. I will keep my time. I just want to support Hon. Barasa. My prayers are with you and with the people of Kimilili. I just want you to know that I am from the neighbouring Kakamega County and Bungoma people are our brothers and sisters. My main concern is that instability in Mt. Elgon and Kimilili areas would affect food supply, especially onions and tomatoes in Kakamega. That is a food basket area that must be protected by all means. The people in Bungoma, especially Mt. Elgon and Kimilili have had a lot of pain. It is time this thing was brought to an end once and for all.

Even in my own constituency of Lurambi, in the few past weeks, we witnessed killings of motorcycle riders in a similar manner; being hacked to death by gangs and the police do not come in time to help and support. Hon. Barasa comes from Kimilili. Kimilili has a very great place in my heart because it is an academic centre where fear can destabilise schooling. Friends School Kamusinga is an academic giant located in Kimilili. So, it is our pride. We pride in Friends School Kamusinga and we want to ask the Inspector General of Police to do his work.

Hon. Waluke talks about politicians funding militias. They should be arrested. Nobody should be above the law. We should be united in this House.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Tuya): Hon. Members, the time being 7.04 p.m., this House stands adjourned until tomorrow Thursday, 7th December 2017 at 2.30 p.m.

The House rose at 7.04 p.m.