

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 13th November 2018

The House met at 2.30 p.m.

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

PRAYERS

COMMUNICATION FROM THE CHAIR

GUIDANCE ON CONSIDERATION OF TWO SENATE BILLS

Hon. Speaker: Hon. Members, this Communication is on guidance on consideration of two Bills from the Senate.

As you may recall, on 16th October 2018, I conveyed to the House a Message from the Senate regarding the Office of the County Attorney Bill (Senate Bill No. 3 of 2018) and the County Boundaries Bill (Senate Bill No. 6 of 2017). As a reminder, the Office of the County Attorney Bill is seeking to provide for the functions and powers of the County Attorney, and the discharge of duties and the exercise of powers of the County Attorney. On the other hand, the County Boundaries Bill seeks to provide a mechanism for the resolution of county boundary disputes to give effect to Article 188 of the Constitution by providing for the procedure for alteration of county boundaries, and to provide for the establishment of an independent county boundaries commission, as well as defining the exact boundaries of each county.

Following the First Reading of the two Bills on 17th October 2018, I did forward the Bills to the technical offices pursuant to Standing Order 143(2) which provides that, "Following First Reading, the Speaker shall, within reasonable time, pronounce his or her opinion contemplated under Article 114(2) of the Constitution."

Now therefore, having received a brief on the matter from the relevant offices, I have made the following determination on the two Senate Bills:

1. The Office of the County Attorney Bill (Senate Bill No. 3 of 2018) does not fall within the meaning of a "Money Bill." As such, it may proceed for Second Reading in the same manner as a Bill originating in the National Assembly as provided for under Standing Order 143(3). This Bill therefore stands referred to the Departmental Committee on Justice and Legal Affairs for consideration.
2. The County Boundaries Bill (Senate Bill No. 6 of 2017) is a "Money Bill" within the meaning of Article 114 of the Constitution. It therefore stands referred to the Budget and Appropriations Committee for consideration and advice on the manner in which the House ought to proceed with this Bill, pursuant to provisions of Articles 109(5) and 114 of the Constitution, as read together with Standing Order 143.

Hon. Members, the House is thus accordingly guided. Thank you.

(Several Hon. Members walked into the Chamber)

Hon. Speaker: Hon. Members making your way to the Chamber, there is a second Communication from the Chair.

POST FACTO APPROVAL OF WITHDRAWAL OF MONEY FROM THE CONTINGENCIES FUND

Hon. Speaker: Hon. Members, I wish to make the following Communication which relates to a request for *post facto* approval of withdrawal of money from the Contingencies Fund of the Republic.

Article 223(1)(a) and (b) of the Constitution allows the National Government to spend money that has not been appropriated. The provision also stipulates the following qualifications for the spending, and I quote:

“(a) The amount appropriated under for any purpose under the Appropriation Act is insufficient or a need has arisen for expenditure for a purpose for which no amount has been appropriated that Act; or

(b) money has been withdrawn from the Contingencies Fund.”

Further, Section 22(1) of the Public Finance Management Act of 2012 provides that not later than two months after making advances from the Contingencies Fund, the Cabinet Secretary responsible for Finance shall submit to Parliament for approval, a detailed report in respect of the said payment.

The Act also sets out the specific information that ought to be included in the Report. Hon. Members, in this regard, by a letter dated 30th October 2018 the Cabinet Secretary for the National Treasury has submitted to my office, by way of a statement, a report on approval of payment from the Contingencies Fund. The payment amounting to Kshs1.05 billion was extended to the victims of the recent flood incidences in the country. The summary of the expenditure is in respect of the following three items:

Broad Area of Expenditure	Amount in Ksh.
(i) Transfer to the Kenya Red Cross Society towards response to flood incidences countrywide	1,000,000,000
(ii) Support to the families who lost loved ones through floods across the country	18,070,000
(iii) Support to the families affected by landslides	31,930,000
Total	1,050,000,000

The Cabinet Secretary, having complied with Section 22(2) of the Public Finance Management Act of 2012, is seeking approval of the said payment by this House. The approval will enable the National Treasury to cause an appropriation of the money paid and replenish the Contingencies Fund.

I will therefore allow the Leader of the Majority Party to table the Report under Order No. 5 after which it shall stand committed to the Budget and Appropriations Committee for consideration. I urge the Committee to pay particular attention to the Report with a view to guiding the House on how to proceed with the request for approval.

I thank you.

PETITION

DELAYED REHABILITATION OF KUTUS-KIANYAGA-KIAMUTUGU-GITHURE-KIBUGU ROAD

Hon. Gichimu Githinji (Gichugu, JP): This is public Petition No.136 of 2018.

I, the undersigned, on behalf of residents of Gichugu Constituency, draw the attention of the House to the following:

THAT, an elaborate and well-maintained road network is essential infrastructural establishment for facilitating and spurring socio-economic growth, movement of goods and services and opening up regions for investment;

THAT, the Kutus-Kianyaga-Kiamutugu-Githure-Kibugu Road in Gichugu Constituency which is about 30 kilometres long, has been in sorry and dilapidated state for many years;

THAT, the contract for rehabilitating/upgrading of the said road to bitumen standards was awarded in 2016 to Jipsy Construction Company and works commenced thereafter;

THAT, the rehabilitation/construction of the said road has been on and off and has only covered about 7 kilometres stretch;

THAT, to-date, works on the said road have stalled and the inordinate delay in rehabilitating the road has exposed the incomplete section to erosion while some sections of the already tarmacked sections have started wearing out;

THAT, further, delays in completion and the dilapidated nature of the said road has caused untold suffering to the residents since movement of people, goods and services has been hampered;

THAT, efforts to resolve the matter with the Ministry have not borne any fruits;

THAT, the matter in respect of which this Petition is raised is not pending in any court of law, constitutional or legal body.

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Transport, Public Works and Housing;

1. Investigates reasons for inordinate delays in completion of the said road;
2. Establishes when the works on the said road will resume and timelines within which the said rehabilitation/upgrading to bitumen will be concluded;
3. Establishes whether the budgetary allocation for the works on the said road to completion is intact to avoid further interruption when works resume;
4. Establishes whether proper legal procedures were followed in the award of the said contract and if the contractor(s) had the capacity to do the works; and
5. Makes any other direction that it deems fit in the circumstances of this matter.

And your petitioners will ever pray.

Hon. Speaker: Hon. Members, if all of us were listening to the Member for Gichugu as he read out his Petition, you would perhaps agree that this Petition would have been better dealt with as a Question to which the Cabinet Secretary and all his officials would appear before the Committee to respond to the questions about inordinate delay.

If the Committee begins investigating, I do not know how long it is going to take. In light of my recent Communication on 25th October that under Standing Order 227, the Committees have only 60 days within which to consider a Petition and write to the Petitioner...They do not have to table a report, petitions are not meant for debate here. You would see that it would have been more appropriate that this matter had been filed as a Question. Since Hon. Gichimu felt that

he wants to do it by way of petition, I would direct that the Committee concerned does what he requests.

Just to guide the Committees, sometimes some of these petitions do not require you to go out to the villages and walk around with your naked eyes to see this or the other. You can just invite the officials here and ask them why it has taken long, how the contract was awarded and whether it was properly awarded, and give directions without necessarily going to visit *in situ*, as it were. That seems to be taking a lot of Committees' time. Committees do not have to move all over the country investigating some of these issues. I want to encourage more Members to utilise the avenue of Questions so that when a Cabinet Secretary appears before the committee and gives an undertaking in a matter like this, then the Committee on Implementation would take up the assurance given by the Cabinet Secretary, the Principal Secretary or whomever and then within the stipulated time call them to hold them to account as to the execution of the undertaking they give. I see there is desire to contribute or make comment.

Member for South Imenti.

Hon. Kathuri Murungi (South Imenti, Independent): Thank you, Hon. Speaker, for this opportunity to give my comment on this Petition by my colleague, Hon. Gichimu. This is one of the roads that are dilapidated. There are so many roads in this country that the President and the Deputy President have been complaining about. The problem could be the capacity of the contractors who are given these works. I know that road from Kutus very well. It has stalled for many years. There was a time I visited that constituency during the 11th Parliament and the Member for that constituency was still complaining about that road. There are similar roads even in our constituencies. They have been given to contractors who are given the 10 per cent for mobilisation but then you cannot see the work on the ground. I want to notice the Nkubu-Kamurita-Kithirune Road in my constituency. It is still under the same situation. The contractor has finished more than eight months yet you cannot see anything on that road so far.

So, this is an opportunity for the ministry to take stock of all those stalled projects because, for sure, *wananchi* are not getting value for their money. The contractors are out there dilly-dallying. Such contractors should just be stopped and those works given to other contractors.

Thank you, Hon. Speaker.

Hon. Speaker: Because I believe many Members may make similar comments, like yours, I think these are matters we ought to put together and present to the Chair of the Departmental Committee on Transport, Public Works and Housing so that, on an appropriate date, that Committee can invite the CS and all those who work under him to appear before the Committee and explain the various issues that I am sure many Members have concerns about. When he comes before the Committee, I am sure he will come to deal with this one. So, he may not know the problem in South Mugirango or West Mugirango, for instance. I am saying this because I can see some requests by Members in those areas. The comments should be on this. It will not be helpful. It may be desirable, for other purposes, to appear that you are also concerned about some delayed completion of certain other projects. But, we are only dealing with this.

Member for West Mugirango.

Hon. Vincent Kemosi (West Mugirango, FORD-K): Thank you, Hon. Speaker for opportunity. Right from the beginning I agree with your directions regarding this Petition.

I had a similar Question that we were dealing with in Committee. I had raised an issue that contractors have really delayed a lot of work. A contract for a road in my constituency had been given some few years ago and it was supposed to have been completed early in January, but

that did not happen. Given the opportunity and since the CS came, he was quite elaborate. He really explained the measures the ministry has taken to ensure these contractors are brought to book once they delay work. The ministry has already assured us how it can deal with them.

My opinion is that, as a Member of the Committee, if the Member could approach this issue in form of a Question, he will be able to get an opportunity – one on one with the CS himself. That is so that the CS can explain what steps he can take to solve this issue. My understanding of the Petition is that the Committee can deal with it without even involving the CS. Therefore, my opinion is that a Question will do better. The Hon. Member will get an opportunity to deal with the Cs and also raise other issues which can be addressed.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Nyaribari Chache.

Hon. Richard Tong’i (Nyaribari Chache, JP): Thank you, Hon. Speaker for the opportunity to put in my word concerning the Petition.

It is true as the Member has said that some parts of this country are hurting; we are not able to move our product from the farm to the market. That is because of the bad roads. We appreciate that His Excellency President Uhuru Kenyatta and his deputy have committed to ensuring that we have good roads in the country. But, we ask them to make it proportional. If they are giving 20 kilometres per constituency, let it be that. There are cases where they have given a lot more in one constituency than they have to others. Some constituencies have not been given a single tarmac road. That is not fair. We need to find a more amicable and fair way of distributing this road network in the country. When the weakest link in the country succeeds, all of us are going to succeed as a country. We need to emphasise that a lot more.

I agree that this would have been best if placed in as a Question. Then, we would have opportunity of contributing a lot more. Nevertheless, it makes a lot of sense. It communicates on behalf of most of the Members here. We are hurting because we are not able to move our produce from the market. You know one of the infrastructures that make marketing a lot easier is the road network. If we can do it well, all of us are going to achieve the anticipated growth of the economy which has a ripple effect. When farmers succeed, even the taxes we pay to the Government will go up because taxes are based on consumption. The VAT which we pay based on how much we are going to consume will go up because we will have the cash power. Most Kenyans will have the cash power to do that. We need to enable them and make sure they have the capacity to supply their goods without interruptions.

Keumbu and Keroka in my constituency...

Hon. Speaker: Now, now, now, there are rules of relevance. When you say in your constituency and this Petition is specific about a single road somewhere in some constituency, please be fair. That is why we say it is not good to take the opportunity to do other things. Just stick to the point. Do you know where this road is? Comment about that road.

Hon. Richard Tong’i (Nyaribari Chache, JP): I hear you, Hon. Speaker. I am guided accordingly. My neighbour here is reminding me that.

Hon. Speaker: Just comment about this one.

Hon. Richard Tong’i (Nyaribari Chache, JP): All the roads in Kenya need help. We need to find a more amicable way so that all of us get a fair share of the cake of infrastructure.

I support.

Hon. Speaker: I think Hon. Pkosing will have to bring a report here one day to discuss roads in the country. That is so that everybody will be able to say what is obtaining in their constituency.

Finally, the Member for Nyando.

Hon. Jared Okelo (Nyando, ODM): I thank you, Hon. Speaker.

It is true that the inordinate delays by contractors in this country, particularly the one before us, has not only denied this country an opportunity to get value for its monies but again denied us other many opportunities that should accompany establishment of new roads. We always have very stringent deliberations on the Public Procurement and Asset Disposal Act. There is always a very elaborate system upon which a contractor is identified and given contract to do a road. If they reverse and back-peddle in the course of these duties and do not do what is required of them, it is important for the Government to step in and, perhaps, cancel such tenders. That is so that we do not have these delays that do not work for us.

Our President has made various trips abroad to go and negotiate for funding so that our roads and other infrastructural developments can be in good shape. But, if our contractors would betray the will that our President has in the other parts of the world, it does not sit well with this nation. Therefore, something needs to be urgently done. Now that we have said we need not mention particular roads, I am gagged. But, the Mamboleo Road in Kisumu has had this delay that has taken way too long to be put into use.

(Laughter)

The Ahero interchange that has been done by another contractor who has employed the same inordinate delays also needs to be tackled.

I thank you.

Hon. Speaker: Very well. This is what I was saying: the Chair of the Departmental on Transport, Public Works and Housing will need to bring one big report about the status of roads in the country.

The Chair of the Departmental on Transport, Public Works and Housing will need to bring one big report about the status of roads in the country because I imagine every Member has an issue with some passage somewhere in their constituency. Hon. Pkosing, you will do this at a different occasion. So, the Petition will stand committed to your Committee to deliberate and report to the petitioner within 60 days. Once 60 days are over and you have not reported on a Petition before yourselves, please do not bother bringing any report because after 60 days you become *functus officio*. Once 60 days are over after a Petition has been referred to a committee, do not bother coming here to say that you have a report. This is to encourage you to act on Petitions with speed and dispatch.

Next Order!

PAPERS LAID

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

The Statement on approval of payment from the Contingencies Fund from the National Treasury and Planning;

The Reports of the Auditor-General and the Financial Statements in respect of the following constituencies for the year that ended 30th June 2017 and the certificate there in.

- a) Gichugu Constituency.
- b) Thika Town Constituency.

- c) Molo Constituency.
- d) Njoro Constituency.
- e) Chepalungu Constituency.
- f) Mathira Constituency.
- g) Mathioya Constituency.
- h) Kipipiri Constituency.
- i) Kingangop Constituency.
- j) Maragwa Constituency.
- k) Kabete Constituency.
- l) Ruiru Constituency.
- m) Laikipia West Constituency.
- n) Lari Constituency, and
- o) Laikipia North Constituency.

The Public Procurement and Asset Disposal Act, 2015 - Submission of the statutory six-month preference and reservation report for the period January to June 2018 from the Public Procurement Regulatory Authority.

As I lay this particular paper, I just want to put emphasis on the Report from the Public Procurement Regulatory Authority which is on State corporations and county governments that have either complied or not complied with Section 157 of the Public Procurement and Asset Disposal Act of 2013. This Act requires all public entities to reserve not more than 30 per cent of tenders to the disadvantaged groups that include youth, women and persons living with disability. I hope that the relevant Committee to which the Report will be referred to, will study this Report and move the House to debate it at an appropriate time. This will bring to the fore the issue of rationalisation procurement quotas. These issues have been canvassed more on the social media and other fora, other than the Floor of this House.

Hon. Speaker: The Leader of the Majority Party, do you have the Report on the Contingencies?

(Hon. Aden Duale spoke off record)

Hon. Speaker: Hon. Chair or Vice Chair of the Committee on Regional Integration.

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

The Report of the Committee on Regional Integration on Inspection Visit of Namanga One Stop Boarder Post, Kajiado County from 7th to 10th April 2018.

Hon. Speaker: Very well. Chair Departmental Committee on Education and Research.

Hon. Julius Melly (Tinderet, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

The Report of the Departmental Committee on Education and Research on the Inquiry into the Alleged Sexual Assault of Students at Moi Girls High School in Nairobi, on 2nd June 2018.

Hon. Speaker: Chairperson or Vice Chairperson of the Select Committee on Delegated Legislation, Hon. Fatuma Gedi.

Hon. (Ms.) Fatuma Gedi (Wajir CWR, PDR): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

The Report of the Committee on Delegated Legislation on its consideration of the Judiciary Fund Regulation, 2018.

Hon. Speaker: Chairperson or Vice Chairperson of the Departmental Committee on Health.

Hon. Mohamed Mohamud (Wajir South, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

The Reports of the Departmental Committee on Health on;

The Ratification of the Protocol to eliminate illicit trade in tobacco products.

The Joint Action Policy of the 7th International Symposium on Hepatitis Care in the Substance Users in Lisbon and Cascais, Portugal from 17th to 21st September 2018.

Hon. Speaker: Chairperson, Departmental Committee on Finance and National Planning.

Hon. Joseph Limo (Kipkelion East, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

The Report of the Departmental Committee on Finance and National Planning on its consideration of the County Pensions Scheme Bill, National Assembly Bill No. 49 of 2017.

Thank you.

Hon. Speaker: Hon. Members, allow me to recognise Members of the Welfare Committee of the County Assembly of Kiambu who are in the Speaker's Gallery. They are welcome to observe proceedings of the National Assembly.

I also welcome the 51 Members of the Timau, AIPCA Men Fellowship, Buuri Constituency, Meru County and six students from Starehe Boys Center, Starehe Constituency, Nairobi County, at the Public Gallery. They are all welcome to observe proceedings of the National Assembly this afternoon.

Next Order!

NOTICES OF MOTION

Hon. Julius Melly (Tinderet, JP): I will make a presentation later.

Hon. Speaker: Chair or Vice Chair of the Departmental Committee on Health.

REPORT ON RATIFICATION OF THE PROTOCOL TO ELIMINATE ILLICIT TRADE IN TOBACCO PRODUCTS

Hon. Mohamed Mohamud (Wajir South, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Health on the Ratification of the Protocol to eliminate illicit trade in Tobacco products, laid on the Table of the House on Tuesday, 13th November 2018.

ALLEGED SEXUAL ASSAULT OF STUDENTS AT MOI GIRLS HIGH SCHOOL

Hon. Julius Melly (Tinderet, JP): Thank you, Hon. Speaker. I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Education and Research on the Inquiry into Alleged Sexual Assault of Students at

Moi Girls High School Nairobi on 2nd June 2018, laid on the Table of the House on Tuesday 13th November 2018.
Thank you, Hon. Speaker.

ADOPTION OF REPORT ON CONSIDERATION OF JUDICIARY FUND REGULATIONS

Hon. Speaker: Vice-Chair Committee on Delegated Legislation, Hon. Fatuma Gedi.

Hon. (Ms.) Fatuma Gedi (Wajir CWR, PDR): Hon. Speaker, I beg to give notice of the follow Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Judiciary Fund Regulation, 2018, laid on the Table of the House on Tuesday, 13th November 2018 and pursuant to the provisions of Section 18 of the Statutory Instruments Act, 2013 and Standing Order No.210(4)(b) annuls in entirety the said regulations.

Thank you, Hon. Speaker.

Hon. Speaker: Finally, the Vice-Chair Committee on Regional Integration.

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Committee on Regional Integration on Inspection Visit of the Namanga One Stop Border Post, Kajiado County, from 7th to 10th April 2018, laid on the Table of the House on Tuesday, 13th November 2018.

Thank you, Hon. Speaker.

Hon. Speaker: Next Order!

QUESTIONS

Hon. Speaker: The first Question is by the Member for Kuresoi North, Hon. Deputy Speaker.

Question No. 132/2018

STATUS OF NAKURU-TOTAL-ELDORET HIGHWAY INTERCHANGE

Hon. Moses Cheboi (Kuresoi North, JP): Hon. Speaker, pursuant to provisions of Standing Order No. 42A(5), I beg to ask Question No.132/2018 directed to the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development.

- a) What is the status of completion of the Nakuru -Total -Eldoret Highway Interchange?
- b) Is the Cabinet Secretary aware that the design of the interchange currently lacks service lanes, underpass, U-turn, pedestrian crossing points, road signage and street-lighting, among others?
- c) What steps has the Ministry taken to ensure the project is as per the set standards?

Thank you, Hon. Speaker.

Hon. Speaker: This is better than a Petition. The Question is referred to the Committee for prioritisation. Next Question is by the Member for Trans Nzoia County, Hon. Janet Nangabo Wanyama.

Question No.134/2018

CLAIMS OF ABUSE OF MIGRANTS IN THE MIDDLE EAST

Hon. (Ms.) Janet Nangabo (Trans Nzoia CWR, JP): Hon. Speaker, I rise to ask Question No.134/2018 directed to the Cabinet Secretary for Foreign Affairs.

- a. Is the Cabinet Secretary aware that there are fresh claims of abuse of migrants in the Middle East leading to loss of lives?
- b. What is the status of bilateral labour agreements with Middle East countries like Qatar and Saudi Arabia regarding safety of Kenyan migrant workers?
- c. What measures is the Ministry putting in place to ensure safety of migrant workers, recruiting agencies are licensed by the Ministry and that Kenyans seeking employment in Middle East do so through licensed and registered recruiting agencies or through the Ministry of Labour?

Hon. Speaker: Next Question is by the Member for Malindi Constituency, Hon. Aisha Jumwa.

Question No.135/2018

MEASURES TAKEN AGAINST PASTOR PAUL MACKENZIE FOR CONTRAVENING THE CONSTITUTION

Hon. (Ms.) Aisha Jumwa (Malindi, ODM): Hon. Speaker, my Question is directed to the Cabinet Secretary for Interior and Coordination of National Government.

What measures has the Ministry taken to ensure that one Pastor Paul Mackenzie of Good News International Ministries in Malindi Town is stopped from preaching against children going to school, seeking medical care and acquiring IDs, voters cards, birth certificates among other crucial national documents, contrary to Articles 43 and 53 of the Constitution of Kenya?

Thank you, Hon. Speaker.

Hon. Speaker: That Question is referred to the Departmental Committee on Administration and National Security. Next Question is by the Member for South Imenti Constituency.

Question No.137/2018

ALIGNMENT OF ADMINISTRATIVE BOUNDARIES

Hon. Kathuri Murungi (South Imenti, Independent): I rise to ask Question No.137/2018 which is directed to the Cabinet Secretary for Interior and Coordination of National Government.

- a. Why are Ukuu and Uruku locations in South Imenti Constituency served by Kariene Police Station and Githongo Law Courts, respectively, which are in Central Imenti Constituency?
- b. What steps is the Ministry taking to ensure administrative boundaries are aligned with the sub-county/constituency boundaries for efficient service delivery?

Thank you, Hon. Speaker.

Hon. Speaker: The Question is referred to the Departmental Committee on Administration and National Security.

Finally, the last Question is by the Member for Dagoretti North Constituency, Hon. Simba Arati, who is out of the country on official Committee duties.

Therefore, it is deferred.

Question No. 141/2018

ASSISTANCE IN CLEARANCE OF MEDICAL BILLS ACCRUED BY LATE LOICE WANJA NGANGA

(Question deferred)

Hon. Didmus Barasa (Kimilili, JP): On a point of order, Hon. Speaker.

Hon. Speaker: Member for Kimilili, what is your point of order?

POINT OF ORDER

CABINET SECRETARIES TO GIVE SATISFACTORY RESPONSES TO
QUESTIONS ASKED BY MEMBERS

Hon. Didmus Barasa (Kimilili, JP): On a point of order, Hon. Speaker. I want you to give guidance. Some Cabinet Secretaries appear before a Committee and provide an answer that is completely different from what was sought. This is especially in the Departmental Committee of Administration and National Security where they photocopy occurrences in the Occurrence Book (OB) as opposed to providing a suitable answer.

Unless you give direction on this matter of Members asking Questions and not getting suitable replies, it is going to disfranchise Kenyans. Members need to get proper answers for the Questions they ask. We do not know what a Member who is not satisfied with an answer should do. Can he bring the Question back or reframe it? What should happen?

Hon. Speaker: I hope Members have listened to the point raised by the Member for Kimilili. This is a matter which should go to the Chairs of Committees. They must know that when Cabinet Secretaries appear before them to answer Questions, the answers must be relevant to the Questions asked. If the answers are unsatisfactorily even to the Committee and the Chairs, they are at liberty to send the Cabinet Secretaries back with strict instructions as to when they should provide suitable answers.

It is not an opportunity for Cabinet Secretaries to come and relax with whatever answers they have. They must give answers that resonate with the Question, not just any answer. The Chairs of Committees are at liberty to send those Cabinet Secretaries back. At that time they can decide when they want them to appear again with a response. Do not pamper anybody, Hon. Members. They are supposed to give answers that are satisfactory. The Questioners are advised to be skilful enough. Remember it is an art to be able to make sure that you extract as much as you desire from the Cabinet Secretaries' answers. For instance, if the Cabinet Secretaries is scheduled to appear on, say, next Tuesday and he or she has provided a written answer and you have read it yourself and found it is wanting, you should, among other things, be the first one to rise in your place and claim that what has been given to you is something that does not belong there and draw the attention of the Chair and the rest of the Committee to the inadequacies or

inconsistencies, if any, in the responses given by the Cabinet Secretaries. The fact that Questions are being responded to in Committees does not mean that Cabinet Secretaries have been exempted from giving responses over which they can be held accountable because the answers they give before the committee should, in fact, be acted on. If they give assurances or undertakings, they should be acted upon by the Committee on Implementation.

Therefore, Hon. Members, you are also encouraged to draw the attention of the Chairs to the inadequacies of responses given by Cabinet Secretaries. Remember when you sit in Committees, the Committees are a replica of the House and we will not just take any answer in the House. It must be an answer that satisfies. The Member is not asking a Question for purposes of appearing to ask a Question. Most likely, you want to elicit action by the responsible Cabinet Secretary because you discuss, deliberate and resolve issues of concern to the people. That must be understood utmost. So, Hon. Barasa, I think it is a good point. The responsibility goes to the Chairs of Committees and their deputies to make sure that the answers you get are satisfactory.

First of all, the chairperson of a committee must be fully seized of the question. Obviously, you receive the written response also. Read through it so that even as the Cabinet Secretary or whoever is responding, you can see whether the response indeed is one that fits the Question. Would the answer satisfy you? If you think it is not satisfactory, be at liberty to send it back with whatever directions to the Cabinet Secretaries. Do not make it appear like it is a lesser sitting. It is not! We never intended that the appearances by Cabinet Secretaries before Committees to answer Questions would be a lesser occasion than if they were to appear before the plenary of the House. So, Chairs, please, take note.

Before we move to the next Order, I wish to announce to the House that today at 6.30 p.m., the House will move into Zero Hour to be moved by Hon. (Capt.) Ruweida Obo, Member for Lamu County. It is not what Hon. Wamalwa refers to as the happy hour. It is not the happy hour, It is Zero Hour. You will have 30 minutes. Hon. Ruweida Obo will move the House.

Member for Bomet Central, Hon. Tonui, you have an indication.

Hon. Ronald Tonui (Bomet Central, JP): Thank you, Hon. Speaker. I wish to seek your guidance on Questions which require answers from independent commissions. I have drafted some and they have been hanging in offices since July. I am made to understand that Questions which are brought to the House are only those ones which require answers from the Cabinet Secretaries. How are we going to oversee the independent commissions if Questions cannot be raised and be answered by them on this Floor? That is the guidance I am trying to seek from you.

Thank you.

Hon. Speaker: Hon. Tonui, in the architecture of our Constitution, you are perfectly right in posing Questions to those independent offices and commissions except on matters to do with finances or accountability when they either appear before Public Accounts Committee (PAC) or before the other Committees like the Justice and Legal Affairs Committee and others. I think the leadership of those commissions and independent offices should appear before the relevant Committees of the House which oversee them. Perhaps, you need to bring to my specific attention the issue that you may have raised so that I can give proper guidance. There is no reason why your Question should remain unanswered if, indeed, it has been properly directed. In some of the Questions, on minor matters, some other offices or ministries, just a titular may appear and even then, they can only appear in company of those responsible for those commissions. I do not know which specific Question you had, Hon. Tonui.

Hon. Ronald Tonui (Bomet Central, JP): Thank you, Hon. Speaker, for your response. I have drafted two Questions which I expected responses from the Salaries and Remuneration

Commission (SRC) and also the Parliamentary Service Commission (PSC). I thought once we draft them and pass them to come to your office, they would reach you. I am surprised they never reached you. Maybe we may not personally deliver it to you but it is drafted in these offices up here, especially Room 8. I do believe once we have drafted a Question in Room 8, it comes to your office automatically. Since July, they have been hanging in that room. Maybe you will provide administrative guidance if they should be published on the Order Paper or they should never appear on the Order Paper. Thank you.

Hon. Speaker: Hon. Tonui, you know I always fast track Members' proposals. Why would I give orders that they should never appear on the Order Paper, if they are Questions really? It is just that I am not aware. That is why I am at a loss because I know as a trade unionist among others, you have interest in the education sector. That is why I was guarded in the way I gave you a response. This is because if it is a Question about education, even though you may have interest in the Teachers Service Commission (TSC), really the matter should be responded to through the Ministry of Education. However, I do not know. I am now also groping in the dark because I have not seen your specific Questions. Maybe you could approach the Clerk-at-the-Table and the matter can be resolved. We will certainly deal with it.

Member for Lugari, what is your intervention?

Hon. Ayub Angatia (Lugari, ANC): Thank you, Hon. Speaker. You know I have been a guest of the State for some days but I wanted to comment on this issue of Cabinet Secretaries appearing before Committees. Some Cabinet Secretaries do not take matters of the Committees seriously. I would propose that we change the Standing Orders and bring them to the Dispatch Box in the Committee of the whole House so that they can answer Questions and we interrogate with other supplementary questions and they answer us properly. This is because at the committee session, they answer one or two Questions and then they say the time is between 10.00 a.m. and 11.00 a.m., they have to go and attend to other matters. They do not take Parliament seriously. We should just amend the Standing Orders and they come to the Dispatch Box here and answer us.

There is an issue concerning a road in Lugari. This is the Turbo-Kendu Road. It was advertised in 2016 and was awarded in 2017. Up to now, nothing has happened. I asked that Question in the last Session and it was partly answered. I asked a similar Question in this Session and it has not been answered at the moment. These Cabinet Secretaries need to take their jobs seriously and answer us. It is in the Standing Orders. Alternatively, we can amend the Constitution and appoint Members of Parliament as Cabinet Secretaries so that they can answer Questions on this Floor. That is the way to go. We should amend the Constitution and bring the Cabinet Secretaries back here so that we satisfactorily run the affairs of this Parliament.

At the Committee level, when we ask for information, the feedback gets distorted in the middle. The best solution is that we start the process of amending the Constitution and stipulate that Cabinet Secretaries should appear in this House so that we effectively discharge our duties. Our way of operation in the 11th and 12th Parliaments is a disservice to Kenyans. We are just joking. At Committee level, Cabinet Secretaries give excuses. Today, he or she will say that the President summoned him or her and yesterday, he or she had an international visitor. He will say that tomorrow he will be travelling out of the country. They do not take matters of Parliament seriously. I hope the Leader of the Majority Party will tell them. This time round, we will confront them. They must obey this House. Duale, you should deliver that report. We are serious on this matter. This is from a former jailbird.

Hon. Speaker: Hon. Savula was also on a point of order. This is why I emphasised that the Committees are a replica of the plenary. Even under the former system, if the Minister was absent, his or her assistant would always be available in the House to answer Questions. It is, therefore, not possible that the Cabinet Secretaries and others in the Ministry are not entirely available even when they are required. The information that seems to be coming up is that Committees do not want to deal with lesser beings other than the Cabinet Secretaries themselves. If you do that, you shoot yourselves in the foot. Every response must be signed by the Cabinet Secretary and not any other functionary. It must be signed by the Cabinet Secretary so that the House can act on it. Even if it is read by some other person – and the Member for Kiharu seems to be reading as he makes his way slowly into the House - it is still an answer from the Ministry.

More importantly, the Committees must make sure that whatever answers they receive meet the standards. The Chair of the Departmental Committee on Labour and Social Welfare has drawn my attention to some issue. Hon. Ali Wario, I am in receipt of your letter. We will take action. If a person does not appear and the Committee determines that it is deliberate failing and/or neglecting to appear before it, the Committee should make the relevant decision and communicate the same so that we can issue summons under the Powers and Privileges Act. If they do not come, we will deal with them under that Act. Nobody is above the law. They must, therefore, know that they have an obligation to the House and Kenyans who are represented in the House.

Hon. Savula, even before we complain, we must also ask ourselves whether we want to receive answers from any other person other than the Cabinet Secretary. We have just deferred a Question by Hon. Simba Arati because he is out on official parliamentary business. It is not unusual that even a Cabinet Secretary might be away on official duties or whatever reason. If the Cabinet Secretary is not there, there must be some other senior officer not below the level of Principal Secretary. Just look at the Standing Orders, you know who is not below the Principal Secretary.

We tried as much as possible to capture what used to happen in the former system. If a Minister was not present, the Assistant Minister would appear and read the answer from the Minister and respond to other supplementary questions that Members may raise. If Members are not satisfied with the answer given by the Cabinet Secretary or those others, the Committee is at liberty to determine one way or another that, that is not satisfactory and request the person to go back and bring a satisfactory answer within seven days. This is what I am telling you.

Committees are replicas of the House. You have the same powers. If you decide not to exercise those powers, do not blame any other person, blame yourselves, especially the Chairpersons. It is too early in this 12th Parliament for us to start complaining. We amended the Standing Orders, specifically, to give those powers to the Chairpersons of Committees. Let us see the Chairpersons also beginning to flex their muscles within the law. The exercise must be within the law.

There is a way you can see what answer has been given and how it responds to the Question asked by the Member. It used to happen in the former system. If a Minister gave an unsatisfactory answer, the Member could rise and request the Speaker to direct that a more satisfactory answer be given. That used to happen. You can ask Hon. Duale and Hon. Jimmy Angwenyi. Both of them served as junior Ministers and they will tell you that it used to happen. If you brought an answer which was not satisfactory, you were sent back with it to bring a better answer. Chairmen of Committees, Hon. Pukose, Hon. Adan and Hon. Wario, flex your muscles. We do not want Members to say that when Cabinet Secretaries are called to appear before

Committees, they think they are appearing before a lesser form of the House. That must never be entertained. Such a thought would be misplaced. Let us not complain beyond there. You have it all, Chairpersons of Committees. You have it in your hands.

Let us move to the next Order.

MOTION

REPORT ON AUDITED FINANCIAL STATEMENTS FOR THE POLITICAL PARTIES FUND

THAT, this House adopts the First Report of the Special Funds Accounts Committee on Audited Financial Statements of the Political Parties Fund for the year ended June, 2017, laid on the Table of the House on Wednesday, 29th August 2018.

(Hon. Kathuri Murungi on 7.11.2018)

(Debate concluded on 8.11.2018)

Hon. Speaker: Debate on this Motion was concluded. What remained was for the Question to be put, which I hereby do.

(Question put and agreed to)

BILL

Second Reading

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO.2) BILL

(Hon. Benjamin Washiali on 8.11.2018)

(Resumption of Debate interrupted on 8.11.2018)

Hon. Speaker: There is a point of order by the Member for Makueni.

Hon. Daniel Maanzo (Makueni, WDM – K): Thank you, Hon. Speaker for giving me an opportunity. This Bill was moved and seconded. On page 412, with regard to the matter on the Cooperative Societies Act, my Committee prepared a report for the Cabinet Secretary and Principal Secretary for Industry, Trade and Cooperatives who appeared before our Committee. They disowned these amendments and said that they never originated from neither their Ministry nor the cooperative movement. The cooperative movement was also summoned. This Bill has now been moved and seconded. The Leader of the Majority Party, Hon. Duale, owns this Bill. If you could guide, we need direction on whether we are still going to deal with it or it will be expunged from the records.

Hon. Speaker: Leader of the Majority Party, what is your response?

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, number one, Hon. Maanzo must declare his interest in a matter of this nature. I want to say this Bill is before the House properly. He purports to speak for the Cabinet Secretary and the Principal Secretary. This Bill came from the Cabinet. We have a Cabinet Memo which came through the Attorney-General. I have just shared it with the Chair of the Committee. He wants to speak for the Cabinet Secretary and the Principal Secretary. The best he can do is to talk to both of them and then they write a letter to you and me affirming that position, so that we can deal with the appointing...

When a Government Bill is before the House, the Cabinet Secretary can only do what the Cabinet Secretary for Health did in the Health Laws (Amendments) Bill. She brought a letter requesting that we step down the radiation laws and a number of other Bills. That is a record that is available in the Clerk's Office and in my office. What Hon. Maanzo is saying about that Cabinet Secretary and Principal Secretary can be treated as rumours. If he feels that he has a problem with the Bill, it will go through a Committee of the whole House. Question of amendments will be put. Until the same Government writes to me on their reservations on that section, I stand by the Cabinet Memo and the letter from the Attorney-General that sent this Bill to the Leader of the Majority Party and the Clerk of the National Assembly.

Besides that, Hon. Maanzo has a very rich history with a rich Principal Secretary at a high level. He was the Secretary of Cooperatives. To be a Principal Secretary, you have to be vetted by the House. I have no record of Hon. Maanzo being vetted by this House, but he was the Secretary of Cooperatives. So, he has a lot of interest. He also talked about the cooperative movement and the SACCOs. I have no problem with it. This Bill is in the House properly, contrary to his rumours. He should table a letter from that Principal Secretary and Cabinet Secretary, which I will transmit to the appointing authority that chaired the Cabinet session that approved the Bill. The Government does not work on the basis of rumours but through official communication.

Hon. Speaker: Hon. Members, I just want to get the point by Hon. Maanzo. Were you saying that there is some story you got from a Principal Secretary or what was the issue? Sorry, there was an Hon. Member who was consulting me. I did not get that particular bit. What was the nature of your complaint?

Hon. Daniel Maanzo (Makueni, WDM-K): Hon. Speaker, when this Bill was read for the First Time, my Committee summoned the Cabinet Secretary and Principal Secretary in charge to appear before our Committee. We made a report. They appeared before the Committee together with the cooperative movement leadership. They said that they did not propose this sort of law through the Cabinet or any system from their Ministry. Therefore, it was strange to them. We made a report and Hon. Duale has it. Surprisingly, it is still on page 412; the Cooperative Societies Act Cap.490 is still on record. My understanding, when the Cabinet Secretary and the Principal Secretary appeared, was that it would be expunged from this Statute Law (Miscellaneous Amendments) Bill. As a Committee, we have a report which was tabled in this House. Hon. Duale should have taken notice of that report.

Hon. Speaker: Are you referring to the report of your Committee?

Hon. Daniel Maanzo (Makueni, WDM-K): Yes, Hon. Speaker.

Hon. Speaker: What does it recommend?

Hon. Daniel Maanzo (Makueni, WDM-K): With regard to the particular amendments appearing in the Statute Law (Miscellaneous Amendments) Bill, the Ministry said they did not come up with them and no one owned them. These are amendments on the Cooperative Society Act Cap.490 on social investor.

Hon. Speaker: Very well. I can give direction immediately. This is very simple. It is only that I had not heard what you were saying. I thought you were raising an issue of constitutionalism. The matter you are raising is one that you, as a Member, can deal with on the Floor of the House. You can persuade the rest of the Members to reject that particular provision in the Statute Law (Miscellaneous Amendments) Bill.

I am aware that there is, pending before this House, a stand-alone proposal to amend the SACCO Societies Act. It is coming to the Committee of the whole House. As it is now, since the Mover of the Bill said that the Bill is properly before the House – and I think it is – what is left for the House is for Hon. Maanzo to persuade the Members to reject the proposed amendments because the argument as to whether a Principal Secretary or Cabinet Secretary has said one thing or another is not constitutional. If it is in your Report that should be the more reason you should be telling every Member to get a copy of the Report, so that they can help you shoot down this proposal. However, at this point, there is nothing out of order. Debate on the Bill should continue. The Bill was moved and seconded. What remains for now is for debate to continue. This is the Second Reading.

Hon. Wamalwa, is it about contribution or a point of order?

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD–K): It is about the same thing, Hon. Speaker. While you were away last week, we debated the Health Laws (Amendments) Bill. We realised that Members come here with conflicts of interest. It happened to the pharmaceutical laws. As we debate this Bill, it is also good for the Members to show...

Hon. Speaker: Hon. Wamalwa, for your information, I was seized of the debate. I followed every aspect, including on the re-committal of clauses. I am fully aware. As you know, we are well connected these days. I know the action that you took as a House to deal with that particular aspect but you may proceed.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD–K): I want to thank you, Hon. Speaker. It is good to note that you are digital even if you are miles away. This House cannot veto the Committee's recommendations. It does not mean that when you have public participation and a Committee has given a recommendation that it is automatic for it to be passed. You should convince the entire House to go with you but it is not guaranteed. I expected Hon. Maanzo, who is a very good lawyer and a Member who is serving his second term, to know this.

I thank you.

Hon. Speaker: Maybe, he will begin moving around to try and persuade Members. Hon. Washiali, do you also want to weigh into this matter?

Hon. Benjamin Washiali (Mumias East, JP): I thank you, Hon. Speaker. I also want to add my voice. It is a tradition of this House that whenever we debate a Bill, it also compares with the Committee's opinion. This kind of Bill has involved quite a number of other Committees. Therefore, it may not have been necessarily that one Committee wrote a report that the House has to compare with. Therefore, we need to treat it the way we treat other Bills. Just like Hon. Wamalwa said, even if the Committee has a different opinion, the House can still decide otherwise. Therefore, if the Committee of my brother Hon. Maanzo had something else on the cooperative statute, it is important for other Members to look at it and either agree with the position of Hon. Maanzo's Committee or make a decision on whatever fate the Bill will have.

Thank you, Hon. Speaker.

Hon. Speaker: Absolutely. Hon. Nyikal, do you also want to weigh into this?

Hon. (Dr.) James Nyikal (Seme, ODM): Yes, Hon. Speaker. As much as it is clear that Hon. Maanzo has other ways of sorting this, I will also seek guidance in the same way. When we

were doing the Health Laws, we had the Cabinet Secretary and senior officials indicating that they were part of the Bill that did not originate from them. In our case, we insisted that that had to be explained. They did the right thing and approached Leader of the Majority Party and revised their view.

Our understanding, and we may be guided on this, is that a Government Bill coming through the Leader of the Majority Party the understanding, as he said, is that it has passed through the Cabinet. So, when a Cabinet Secretary says that he does not know where the amendment has come from, that becomes a concern. We may be guided on that.

Thank you, Hon. Speaker.

Hon. Speaker: Unfortunately, they do not appear before me to say that. If they did, I would exercise my authority appropriately. That is why I have reminded the Chairs of Committee that they have a duty. When a Cabinet Secretary appears before them and denies a Bill that is Government, is very serious. That is a matter that could lead to their removal from office. Bills that come through the Office of the Leader of the Majority Party pass through Cabinet and are looked at by the Office of the Attorney-General, for all who confirm that they have paid due attention to the provisions. They may not agree with the proposals in the Bill but they are bound by collective responsibility as a Cabinet Secretary. So, Chairs of Committees, again, are called upon to pull up their socks. That is a matter you should have alerted the Leader of the Majority Party immediately so that he appears before the Committee and hears the view of the Cabinet Secretary who is denying origination of a Government Bill. The Leader of the Majority Party will then take up the matter with those who deal with the Cabinet Secretary and others. That is a matter that can actually cause Cabinet Secretaries to lose their jobs.

Finally, let us have Hon. Mbarire. I see she also wants to say something on it.

Hon. (Ms.) Cecily Mbarire (Nominated, JP): Hon. Speaker, I want to add my voice to this conversation because we know that the cooperative movement has built and destroyed many of the people we represent here.

As somebody who comes from a region where the cooperative movement started, I get very worried when I hear Hon. Maanzo is saying that, indeed, a Cabinet Secretary of Government claimed not to be aware of particular amendments. Because the matter is already on the Floor of the House as it should have been and we now see that there might be some issue, I urge all Members who know what cooperative means to look into those amendments. We must focus on that particular amendment in the Statute Law (Miscellaneous Amendments) Bill to ensure that it will help the cooperative movement and not one that will destroy it. So, anybody who is seated here as a Member of Parliament should take note of what we have heard this afternoon and let us look at the amendments and ensure they are meant to help the cooperative movement and farmers we all represent here.

Thank you, Hon. Speaker.

Hon. Speaker: Those were all meant to be comments by way of points of order. We now go to the business which is debate on the Second Reading stage of the Bill. On top of the table of requests is the Member for Kimilili.

Hon. Didmus Barasa (Kimilili, JP): Asante sana, Mhe. Spika kwa kunipatia nafasi hii nichangie Mswada huu. Mojawapo ya njia za kuhakikisha kwamba Wakenya wanapata huduma bora katika sekta tofauti, ni kubadilisha sheria katika sehemu ambazo zinalenga kuboresha huduma kwa wananchi.

Hata hivyo, nimepitia Mswada na nangojea wakati ufaao ili nilete mapendekezo ya marekebisho zaidi kuboresha sheria hizi. Nawaomba Wabunge kwa sababu mreno wa Upinzani

wa kuangalia masuala haya wanaoketi upande wa kushoto wa Bunge wameungana na sisi kusonga mbele. Nawahimiza sote kama Wabunge tupitie sheria hizi ili wakati wa kuzipika zaidi, tuwape Wakenya sheria ambazo zinawanufaisha wote. Tumekuwa na mazoea hasa katika kurekebisha sheria hizi. Kuna marekebisho ya moja kwa moja na tunaweza kuwa na watu wanaoweza kutumia njia fiche kuhlalisha mipango yao kwa kugeuza hizi sheria.

Nimezipitia na nimeona ziko na dosari kidogo hasa sehemu inayosema kutakuwepo na mfuko maalum wa pesa. Ni lazima tujue mfuko huu rasmi wa pesa utaendeshwa vipi na isiwe ni njia ya kuvuja pesa ya wanachama.

Vile vile, inapendekeza kuwa kutakuwa na kamati maalum ya uegezaji ambayo wanachama wake ni lazima wawe na shahada ya digri. Vile vile, inapendekeza si lazima wawe wanachama wa chama wanachowakilisha. Naona hiyo ni dosari kidogo ambayo ni lazima tuiangalie na tuzungumze na wadadisi wa masuala ya uendeshaji shughuli ya vyama vya ushirika tuone kuwa marekebisho tutakayopendekeza yawe yanalenga kuboresha sheria hizi zaidi na wala sio zile ambazo zinaendesha shughuli za vyama vya ushirika tofauti tofauti.

Naunga mkono ijapokuwa nangoja wakati ufao nilete marekebisho ya kuboresha zaidi. Asante sana, Mhe. Spika.

Hon. Speaker: Members for Garissa Township. I thought you moved the Bill.

Hon Aden Duale (Garissa Township, JP): Thank you, Hon. Speaker. I did not have an opportunity to move this Bill last week so it is now my turn to contribute.

At the outset, the Statute Law (Miscellaneous Amendments) Bill was published in April 2018. Therefore, it has been around for close to now six months. It contains amendments to 15 different statutes and seeks to effect minor amendments to various Acts that do not warrant major amendments. I will look at the Report that was tabled by the Committee and if the Principal Secretary and the Cabinet Secretary have confirmed that, that is not their section and had attended a Cabinet meeting then they have questions to answer to their bosses.

In Parliament, under the leadership of the Hon. Speaker, we work with flow of written communication. We receive a Cabinet Memo before a Bill comes to the House and the Attorney-General also sends the Cabinet Memo and his letterhead. So, contrary to that, we need the Principal Secretary to follow that.

The Bill deals with a number of statutes. Let me start with the Betting, Lotteries and Gaming Act, Cap.131 which keeps coming back. In the Gaming, Lotteries and Gaming Act, the Bill proposed to amend it in order to revise the penalties which have been provided for in a number of sections of the Bill: Sections, 5(4), 8(3), 10(2), 11(4), 59(2) and 61 of that Act.

Where I come from, betting and lotteries are forbidden; they are *haram*. Let me speak for the other Kenyans. The Member for Kiharu is seated here. We must talk the truth. If there is one single thing that is destroying the people of Kenya, whether in the rural areas or in the urban centres, it is betting. It is a moral question. We need to balance between the tax we receive and the destruction it does to the society. Those of us who profess the Islamic religion do not want you to do *haram*. There is very little difference between the Old Testament and the Quran. Those are the holy books of almighty God. Please, Members of Parliament, people are not going to farms, people are not going to shops to run their business and children are not going to school. They are betting for 24 hours. They gamble. On a starting point, let us increase and put heavy penalties as this law is asking us to do.

This Bill is also seeking to reduce the amount of betting and lottery tax payable by these companies. We should not allow that. In fact, it is now 35 per cent. We should increase it to 50

per cent. We should increase it until the people who are making billions of shillings do not see the value of doing that business.

Two, this miscellaneous law is looking to amend the Dairy Industry Act, Cap. 336. This Dairy industry is very important in our national economy. This Bill proposes to amend the Act to enlarge the definition of “milk”. In the current definition in the Dairy Act, there are certain types of milk which are missing: milk from goat and camel. Milk from the most prestigious animal on earth is missing.

I want to speak as a camel farmer. There is nothing to declare, hon. Member for Kiharu. The way you have five or 10 acres of coffee bushes, I do camel farming. I am a proud owner of over 220 she-camels. They are in between Isiolo and Garissa counties. Whenever people of Kitui District see any Somali with a camel, they say the camels belong to Duale. When I attended the funeral of Hon. Kalonzo Musyoka’s father, the whole leadership of Kitui forgot about the funeral. They were talking about myself and my camels. Camel milk is being recognised here. It is now sold in the supermarkets, all hotels and all the Central Business District high-end restaurants. You will find camel meat and camel milk. I am sure there are people here from communities where goat milk is important. In the Dairy Industry Act, Cap. 336, we are amending the definition of “milk” to include goat and camel milk. Of course, there is an element of penalty under this Act as to allow for the regulation, the standardisation, the manner of installation and operation of milk dispensers.

Camel milk is medicinal. Many of you here might have different ailments. I do not want to go further. You need to come to me so that I give you camel milk. I am talking now.

(Hon. (Dr.) Robert Pukose spoke off record)

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, protect me from Hon. Pukose. I am only saying camel milk is medicinal. I am sure one of the people who should take camel milk is Hon. Millie Odhiambo.

Secondly, it is amending the National Hospital Insurance Fund Act, No.9 of 1988. We are trying to amend NHIF Act to do a number of minor things. One, is to change the name to “National Health Insurance Fund”. The other thing is to enable the Fund to receive contribution from the national Government, the county government and employees for the administration of employees’ benefits. It is expanding it so that members of the county government, members of the national Government and other Kenyans can access the Fund.

The other issue is the Energy Act No.12 of 2006. This Bill proposes to amend Section 67 of the Energy Act of 2006. It is very sad that this House has passed the Energy Bill. The Bill has been in the Senate for the last six months. We are amending the Energy Act of 2006. The Vice Chair of the Departmental Committee on Energy is sitting here. These are the times when we ask ourselves why must it go to the Senate and die there. It died there in the 11th Parliament. It is now going to die again because the moment they do not deal with it, and we go on the long recess and come back in February, that Bill will die. This is the issue we are facing. It is

amending Section 67 of the Energy Act of 2006 to give additional functions to Rural Electrification Authority (REA). One of the functions is to have collaboration with county governments and other agencies in facilitating supply of electricity in order to promote development of appropriate local capacity in manufacturing so that our county governments do not sit. If they want to put money and resources and partner with REA to make electricity accessible to as many people as possible in that county, then this law is opening that window.

Of course, there is the famous SACCO Societies Act No.14 of 2008 which Hon. Maanzo was talking about. Hon. Maanzo is a good friend of mine but he needs to declare interest in this matter. This Bill proposes to amend the SACCO Societies Act in order to create exceptions to the restricted investment that a SACCO society is permitted to make. The Bill seeks to provide for the establishment of what we call a special fund by SACCO societies. There is establishment of an investment committee to monitor and supervise a special fund and appointment of a special fund trustee who shall be responsible for receiving and investing in this special fund. It is protecting members' contribution. So, this amendment puts it in law how to streamline and protect Kenyans who invest their monies and their resources through SACCOs.

There is the issue of Macro and Small Enterprise Act No.55 of 2012, which we call the SME. The SME sector is the largest provider of employment to our people. That is the case in most countries, including Kenya. The SMEs are the major source of technology, innovations and new products. Today you will find innovations, technology and creativity in SMEs. What does this Bill want to do?

Hon. Speaker: There is a point of order from the Member for Aldai.

Hon. Cornelly Serem (Aldai, JP): Thank you, Hon. Speaker. It has taken a while for me to get this chance.

Is it fair that the Leader of the Majority Party can mislead the whole country and this House that camel milk is medicinal? Can he define whether it is antibacterial, antifungal or anything else that touches on health? This is because I am also a scientist. I have never come across anywhere that tells us that there are components in camel milk that treat any ailment in the sector of medicine. The colleague seated next to me, Dr. Pukose, has confirmed that. If the Leader of the Majority Party wants to convince this House, he does not have to use terminologies that may be convincing but not scientifically proven. So, he either withdraws those comments for us to support his amendments or we are not comfortable.

Hon. Speaker: Unfortunately, you did not claim to rise on a point of order. You asked whether it is fair. That is not a point of order. It is a point of argument. You are saying that you are a scientist. Because we are not in any laboratory and it is a statement, you are at liberty to disagree with him. This Bill is not even about the science in camel milk. I think there is no point of disorder. You will have an opportunity to make your point.

Hon. Pukose, do you still insist on giving us medicine?

Hon. (Dr.) Robert Pukose (Endebess, JP): Hon. Speaker, you know your eye had not caught us when we rose on a point of order. At that stage, it is true that the Leader of the Majority Party had stated that among the values of camel milk is that it is medicinal. He was advertising for people to come to him for advice on how it works. I think it is misleading. In all my six years undergraduate and five years postgraduate in medicine and as a medical doctor, camel milk is not one of the drugs for treatment of any ailment that is known to man. It is

important that the Leader of the Majority Party states very clearly. If he is a herbalist, that is not a field we are part of. He can advertise just like any other herbalist.

(Laughter)

To him as a herbalist, maybe camel milk can treat some ailments.

Hon. Speaker: Hon. Members, you want to keep arguing on camels. Member for Wajir West.

Hon. Ahmed Kolosh (Wajir West, ODM): Thank you, Hon. Speaker.

The Hon. Member who claims to be a medical doctor seems to have stopped studying science and medicine immediately he left university. There are new discoveries of medicine. Probably, this is one of the things Hon. Duale should educate you on – the value of camel milk.

Hon. Speaker: I told you we are not getting anywhere. We are getting into a very complicated approach.

(Hon. Jimmy Angwenyi lifted his hand)

Use your card, not your hand. Let me allow the Member for...

Hon. Jimmy Angwenyi (Kitutu Chache North, JP): Thank you Hon. Speaker. I just want to confirm what the Leader of the Majority Party said, that camel milk is medicinal. I am surprised, actually shocked, by a doctor of the calibre of Hon. Pukose.

Hon. Aden Duale (Garissa Township, JP): He is a gynaecologist.

Hon. Jimmy Angwenyi (Kitutu Chache North, JP): I have been told he is a gynaecologist.

(Laughter)

Camel milk was prescribed to me about two months ago. I am now okay. I can even fight you and everybody here and beat them all. It is medicinal. Dr. Pukose is one of the most renowned doctors in this country.

(Hon. Elisha Odhiambo spoke off record)

Hon. Speaker: Now, Member for Gem, what is your point of information? Who are you informing? Do you want to give information?

Hon. Elisha Odhiambo (Gem, ODM): I want to give the Hon. Pukose information that he does not have.

Hon. Speaker: Has he asked for it?

Hon. Elisha Odhiambo (Gem, ODM): I think it is important.

Hon. Speaker: He has accepted.

Hon. Elisha Odhiambo (Gem, ODM): The whole country is watching a doctor of his level of repute dismissing the benefits of camel milk. For record, camel milk has potassium and phosphorus which is useful in creating a balance in your body. That reduces high blood pressure. More importantly, for people who are growing older, it also rejuvenates you. It helps you perform other duties that are known.

(Laughter)

Thank you, Hon. Speaker.

Hon. Speaker: No wonder Hon. Angwenyi says he has been rejuvenated. Okay. For whatever worth, let us allow the Hon. Leader of the Majority Party to continue with his contribution. Now we know the elderly like Angwenyi have had some benefits from camel milk.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, when you provided these gadgets, they have internet. Even in five minutes, as I am talking, one can Google and check whether camel milk is medicinal. That is what the Hon. Member for Gem did. But, we have people behind here who are computer illiterate. The Member for Aldai cannot even know how to produce the Order Paper from this gadget. It is complicated for him to know the medicinal value of camels. The second one is a gynaecologist. We know gynaecologists are experts only in certain parts of the body. They cannot...

(Laughter)

Dr. Pukose is a good friend of mine.

If you allow me, you know how the Hon. Member for Aldai behaved at the time of the Sugar Report. He is a man with tantrums. I want the Clerk of the National Assembly to do induction course on how these gadgets are used. The essence of the internet here is for you, as Hon. Millie Odhiambo is talking, to check that item so that you do not raise points of order. They are here. Because we are many, we have a lot of handicaps. So, we can....

Let me go to the SME Act which is at number 55. I have the milk issue. I said the SME sector is the largest provider of employment.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): On a point of order.

Hon. Speaker: What is your point of order, Member for Suba North?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Speaker, I am very interested in what the Leader of the Majority Party is saying. In order to suggest that we can Google, there should be facilities. There are no gadgets on this side and he is talking about the medicinal value of camels. Some of us would be interested in knowing the medicinal value. Maybe we are about to get something that is very beneficial to the country and we do not know. What the Leader of the Majority Party is telling us to Google is not possible. The only thing in front of me is water. I cannot Google water. There is no gadget in front of me.

Hon. Speaker: Hon. Millie Odhiambo, the Parliamentary Service Commission is really pushing for these gadgets. It is because we think whoever was given the contract has failed the commission because it is not delivered. I was addressing this matter this morning. We cannot continue this way. The commission must determine these contracts and give them to somebody who can deliver. The casing is the only thing that is remaining. We cannot have this kind of thing happening. I agree with Hon. Millie Odhiambo, one should be able to Google. It is a matter that is going to be addressed. For the time being I will encourage the Member for Suba North to move to a place where there is an iPad. I am sure Hon. Millie Odhiambo is holding an iPhone. Please make use of it for the time being.

Hon. Aden Duale (Garissa Township, JP): Even a smart phone can do better. Thank you, Member for Gem. You know you replaced a very intelligent man. You are also intelligent. The people of Gem did not make a mistake.

The next one is on SMEs. Nobody is forcing anyone to drink camel milk. In fact, it is very expensive. Some people cannot even afford to buy it. It is not like goat milk. We are not forcing, it is out of choice. The SME sector is the largest provider of employment in most countries including Kenya. They are also the major source of technological innovation, creativity and production of new products. They are essentially very competitive and efficient in how they work. The Bill therefore seeks to amend the Micro and Small Enterprise Act to create a conducive environment for investors.

Hon. Speaker, please add me some more time because I had to talk to Hon. Pukose. I am told that he is now a surgeon and not a gynecologist. I need to correct it on the record. He is my friend. At least for Dr. Pukose I know. I do not know what the other scientist studied. He could be a herbalist. I need some more time because of the camel milk. I know the Bill was moved but I just need two more minutes. One is on the Technical and Vocational Education and Training Act No. 29 of 2013. This Bill proposes to amend TVET...

Hon. Speaker: You will get an extra two minutes.

Hon. Aden Duale (Garissa Township, JP): This Bill proposes to amend TVET so that we include the National Treasury Principal Secretary as a custodian of resources in our country. It is proposed that he becomes a member of the certification council.

Lastly, I just want to touch on the Public Procurement and Asset Disposal Act 2015 No. 33 of 2015. This Bill seeks to amend that Act to make provision in relation to the board and the process of procurement by public entities. This is where I saw the Member for Mathira writing a letter to you to amend the Act. If he is here, this is the best opportunity for him to debate and bring amendments in the Committee of the whole House. It is good to talk to the Members, that when you write a letter to the Speaker, you need to go further and look at the available pieces of legislation which exist in the House through our website, so that you can find a way to link it with whatever you want to do, so that you just do not say that you want to amend this and you do not go further. There are a number of pieces of legislation in the pipeline, please make time to look at them one by one. Those who want to amend the Public Procurement and Asset Disposal Act No. 33 of 2015, you have an opportunity. If you want to lock out certain players, please come and amend this further. This Bill has given you the infrastructure to ride on.

Thank you, Hon. Speaker. I support.

Hon. Speaker: Absolutely. That is why I have insisted here that you need to make laws here, not on television shows. There is no law made there. I am sure after that the law is no longer being made because whoever was making the law there made Kenyans to begin writing to me asking why I am sitting on the legislative proposal. They did not know that the avenue was there. I spoke about this just before we went for the short recess. This is the opportunity. I know he is not the only one. There are few others who have written proposals to amend the Public Procurement and Asset Disposal Act 2015. Instead of waiting to bring your standalone amendment which may take a longer time, this is the opportunity because through the Statute Law (Miscellaneous Amendments) Bill you have the chance to bring in whatever amendments as long as they are not completely different to offend the rules on public participation.

Member for Ndhiwa.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Speaker. I want to thank the Leader of the Majority Party for this Bill and I support it.

There are some areas that I am very interested in and I just want to emphasise. We did the qualification in the area of KEMSA and gave the president who should be appointed giving

emphasis to one with a degree. I think that would be of great help. We also said that the Council of Governors should be represented. That was proper.

In the area of betting I think this has brought a lot of problems especially in my constituency. The increment of taxation from 35 to over 50 per cent will be a deterrent from this game. I know we get money from it but what is needed for intervention for those who have been addicted is much more. On energy, I do support collaboration. Many times if it is a national programme and the county government and other players on the ground are not included, the programme is just installed and left. If we have this collaboration and cooperation, we will have the installations accessed but also sustainability maintained. On TVET, it is correct for the Principal Secretary, National Treasury to be a member.

Lastly, the debate that has been here for a long time was devoid of some facts. Broadening the definition of “milk” to include goat milk is not only good but it should be advocated and marketed by the Ministry of Trade and Industry, Agriculture and Irrigation as well as Livestock and Fisheries. Goat milk has the property of immunity which is so strong. It also prevents inflammation and is good for digestion. It is less allergenic meaning that most of us who react to bovine milk and some can be very fatal can consume it. Someone talked of special potassium which is essential for the prevention of blood clot.

For the camel milk this is a fact. It is not debatable that there is an element in the camel milk that prevents all autoimmune diseases. Camel milk has anti-aging elements. That is why the Leader of the Majority Party is very young. Those who claim to be scientists should have gotten that. Lastly on weight loss, we talk of HIV and AIDS. The most important milk is goat milk for immunity and prevention of weight loss. I support this and challenge the Ministry responsible to market it so that it can hit the markets without leaving it to the Leader of the Majority Party as an individual to do that. I think it is good for all Kenyans.

On National Hospital Insurance Fund (NHIF), initially we used to call it National Hospital Fund for insuring those who need biomedical intervention. We are now marketing health insurance so that we can improve public health. The change of that term is just correct.

Thank you, Hon. Speaker, I support.

Hon. Speaker: Hon. Members, I just wish to draw the attention of the House to the fact that this being a Statute Law (Miscellaneous Amendments) Bill, it was dealt with by nine Committees. Specifically, I know the Departmental Committee on Trade, Industry and Cooperatives among others considered four of the laws proposed to be amended. The Departmental Committee on Agriculture and Livestock has three Acts which are proposed to be amended namely; the Dairy Industry Act, Crop Act and Fisheries and Management Development Act. The Departmental Committee on Sports, Tourism and Culture looked at the Betting, Lotteries and Gaming Act; the Departmental Committee on Labour looked at the National Employment Authority Act; the Departmental Committee on Health looked at the National Hospital Insurance Fund Act; the Departmental Committee on Finance and Planning looked at the Statistics Act and Public Procurement and Disposal Act; the Departmental Committee on Energy had the Energy Act, Transport, Public Works and Housing Committee had Urban Areas and Cities Act and Committee on Education and Research had Technical and Vocational Education and Training Act.

Hon. Members, the reason, I am drawing the attention of the House to this is because if all these Committees have looked at this Bill, it is a shame that not even a single Chair of those

Committees is here. At least, I can see the Chair and Vice -Chair of the Departmental Committee on Energy. This speaks volume about leadership. If you know your Committee has considered this Bill, honestly, it is only fair to be present and lead debate. Tell the House about your engagement with the public, what views you got out there and other aspects proposed in the Bill seeking to amend existing laws.

But, for all the Chairs to be absent yet they were all here, it is like they have not looked at the Order Paper to know what is happening and just walked out. This speaks volumes about the leadership of the Committees and it is not a good showing. Those Committees are requested to pull up their socks with the exception of the Departmental Committee of Energy and the Departmental Committee on Trade, Industry and Cooperatives. For, the Departmental Committee on Health even though they do not appear to be present, with the presence of Hon. Nyikal, they are more than adequately represented. I know for a fact that with him here they are properly represented.

This does not show well when we are dealing with a law or Bill seeking to amend several Acts that various Committees considered. On the request list I can see Hon. ole Sankok nominee No.001, he is absent, not desiring to be present. Next is the Member for Gichugu, Hon. Gichimu Githinji, also you can see he placed his request and decided to be elsewhere. Member for Endebess.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Speaker. I was consulting with the Leader of the Majority Party on recent articles about the medicinal value of camel milk and I am now more knowledgeable. You know a wise man will always accept new information. In my field any new information is added value. So, I am in agreement with him.

I support the Statute Law (Miscellaneous Amendments) Bill. On issues of energy especially on the expanded role of REA this is very important. In the initial Act, the role of REA regarding its relationship with county governments and other agencies in terms of energy provision in the rural areas and supporting local industries was not very clear. Now, it goes further to explain it. However, we had done the same regarding reticulation of energy which is a role of the county governments as provided for under our Constitution. We did the same in the Energy Act which is still lying in the Senate. It is important that the Senate Committee on Energy fast tracks that Bill so that it becomes law and this will capture many areas.

I have also seen the proposed amendments to the National Hospital Insurance Fund (NHIF) where it will change its name to “National Health Insurance Fund”. I think this is a good improvement, because it will not be a question of NHIF covering only hospitals but health of Kenyans. This is in line with the Big Four Agenda by the President on provision of universal healthcare. Therefore, this is a very important amendment.

I have also seen the proposed amendments to the Betting, Lotteries and Gaming Act which intends to reduce taxation. I know issues of betting in this country are very emotive especially when they touch on the young people who do not know how to control themselves. However, we should think of it as business. Worldwide betting is done, look at Sports Pesa which sponsors the English Premier League. You will also find that it has made some people to

become instant millionaires and very rich. If you tell them not to bet, they will say they would not have become millionaires if it were not for betting.

I have a liberal mind and I think in as much as we want to regulate betting and gaming in this country we should also act responsibly and provide those who are carrying out the betting and gaming businesses a conducive environment to operate in because people have invested in these businesses, like any other business. For example, when you open a shop, you do not decide who should buy. Whoever wants to buy let him buy responsibly.

Similarly, it is like cigarette smoking which in this country we say is harmful, as well as drinking alcohol. However, we have made a law that you can only drink alcohol and smoke if you are over 18 years. We should think of making sure that these businesses operate within the law to become profitable. I hold a different opinion when it comes to betting that we should allow betting businesses to operate in a conducive environment. Also those who want to bet should be allowed to do so.

Hon. Speaker, with those few remarks, I support this Miscellaneous Amendment Bill.

Hon. Speaker: Member for Emuhaya.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker for giving me an opportunity and welcome back. I also want to contribute to the Statute Law (Miscellaneous Amendments) Bill (No.2) of 2018. It seeks to make amendments on several Acts within that Law. I want to specifically point out two or three areas only.

The first one is on the cooperative societies, on which earlier on there was argument on whether we should deal with it or not. I want to demonstrate to the House that the amendment being brought on the cooperative societies is not good for the cooperative societies. I appeal to Members that, like an earlier speaker said, because we are not in the business of looking at who is opposing or supporting the law in Government, we should look at these laws very objectively so that we give good laws to Kenyans.

This particular Cooperative Societies Act, Cap. 490 introduces a new phase or class of members within the cooperative movement called “social impact members.” I draw the attention of the House that these social impact members have been given a very easy way of being adopted within the cooperative movement. The proposed law goes ahead to say that a cooperative society’s annual general meeting (AGM) may pass a law by an ordinary resolution. It, therefore, gives very easy leeway for all the cooperatives to create social impact members. If you read the law – and I would want Members to read this law – you will see that the class of members called social impact members are of great influence within the cooperatives, which members have struggled with for a very long time to create, and have been maintaining them.

Hon. Speaker, this particular amendment seeks to create social impact members, who do not even pay membership fee. So, they are only brought on board as important members to influence the running of cooperatives but they are not paying membership fee. The law further says that these social impact members will be the only ones to lead in certain areas of operation within the cooperatives. In essence, the amendment is removing the democratic rights of the original or organic members of cooperatives to participate in the affairs of cooperative societies.

It is actually removing the rights of *bon fide* members to make decisions on issues that concern investment committees and on issues that concern special funds within the cooperatives. It also removes the voting rights from the organic or the original members to make any decisions on special funds trustees.

The cooperative movement began as cooperatives way back in 1908 and 1917 but later on, they also involved themselves in investment. They have already created investment units within themselves. They have created trustees within themselves but this law is bringing a new class of people, who have not been in existence before, to manage the investments of cooperative societies in Kenya even though they will not be members. If you look at this particular amendment, you will realise that it is creating a situation where we will have a new set of cooperative members who are not members by law but who will have been given roles to manage and drive cooperative societies in this country. It will disenfranchise the organic members of the cooperative movement. Therefore, to that extent, when we get to the Committee of the whole House, I will be urging Members that we reject the clause on social impact members.

The same applies to the institution of the SACCOs Act 2008. We dealt with this Bill last week and we amended it in its fullness. It was introduced by the Chair. I think it is still going through the ranks of law-making in the House but we did not see this amendment. Again, in this amendment, they introduce the same thing – the social impact members – who have been given excessive powers of being the only ones to deal with special funds. They are the only ones who will have powers to determine the composition of the investment committees. In fact, the amendment allows them to choose four people who will be in charge of investments.

I have dealt with SACCOs for a long time. I am a member of Mwalimu SACCO, which is the biggest not only in Kenya but in Africa. Mwalimu SACCO has an investment wing which is being run by the leadership of the society. Two basic characteristics define the cooperative movement in Kenya: Firstly, they are operated on democratic values. Secondly, it embraces equality of all members. For the first time in the history of the cooperative movement in Kenya, we are introducing a group of people called social impact members to go to Mwalimu SACCO – which we have managed all these years – and start managing its investments.

The Bill further proposes the type of people who will sit in investment committees of the SACCOs. It says that for one to sit in an investment committee, one must have a degree in economics, finance, law or an adequate field from a recognised university. We have lived with economists for a long time in this country. Even Adam Smith and Keynesian, who jointly crafted the Marshall, have not been able to run cooperative societies the way the members themselves have been able to run them. Why do cooperative societies now have to be managed by groups called social impact members?

The investments of cooperatives are enormous. Mwalimu SACCO alone has estates in this country. There are buildings in all towns owned by SACCOs. Why do we now have to succumb to this amendment? I urge the Members of this House to reject the particular amendment seeking to introduce social impact members in cooperative societies.

Lastly, there is the issue of the NHIF. It is very good. If you look at the way the memorandum has been introduced, it is very fine, pleasing and good for everybody. This is because, among other things, it now brings in membership from not only the national Government but also from the county governments. It also brings in grants to also support NHIF without necessarily talking about the name because for me the name is not bad. It is good for this country. The amendment on the name is good for me. Above all, it is very clearly stated in the memorandum that the amendment seeks to expand the NHIF to cover members who have no capacity to pay. That is a very good proposal, and it is welcome. However, it now brings out the original understanding of how this institution has been run over the years. There are several groups of workers represented within the NHIF by various labour organisations. The amendments seek to remove representatives of the Central Organization of Trade Unions (COTU0, the medics fraternity, the Kenya Union of Post Primary Education Teachers (KUPPET) and the Kenya National Union of Teachers (KNUT) and replace them with a group of five people only selected by the Cabinet Secretary. The five people will make a quorum for decisions within the Board of the NHIF. This means we shall have a situation where people will be taxed without representation. Workers' contribution to NHIF...

Hon. Speaker: Hon. Members, when you see the red light, it means you have 30 seconds remaining.

Member for Kiharu, you have the Floor.

Hon. Ndindi Nyoro (Kiharu, JP): Thank you very much, Hon. Speaker, for giving me a chance to contribute to the Statute Law (Miscellaneous Amendments) Bill, 2018.

I want to start with the proposed amendments to the Cooperative Societies Act. Having gone through them, I wish to depart from the many arguments that I have heard in this House, especially on the proposal to create special funds within SACCOs. Reading the intent of the same, I have seen that one of the roles of the said special fund is to provide start-up and early stage finance to an eligible person with respect to viable innovations and assessed by the investment committee. In our current finance set-up in Kenya, there is no way that an innovator or a person who comes up with a new idea can get funding. When you go to commercial banks, they need security. There is usually a paradox. Many people who have those kinds of innovations and ideas that need funding do not qualify for the normal commercial loans.

If you study the emergence of Silicon Valley as we now know it, it was a convergence of many factors. One was the policy for immigration which was being used in Stanford University. The most critical part was the availability of venture capital, especially in San Francisco where Stanford University is located. Therefore, the ingenuity of students going through Stanford and learning science, technology, mathematics and engineering would find funding from those venture capitalists who were then around San Francisco. There would never have been a company like *Facebook* without a person like Peter Thiel. He is not the founder but he is the person who came up with the fund and one of the initial and early investors in *Facebook*. There would never have been *Twitter* without the people who first funded it. There would never have been *Google* without Sun Microsystems which was one of the first investors in *Google*. An idea remains an idea unless it is commercialised. Currently, there are 39 companies among the

Fortune 500 who have headquarters in Silicon Valley. Without the initial funding and the seed capital, those companies would never have seen the light of day.

We also need to expand our capital markets to support the same amendment being proposed in the SACCO Societies Act so that we can have more venture capitalists and private equity funds who can provide the much-needed capital, especially for ideas. There are scanty sources for this kind of funding. This is a very critical amendment as far as I am concerned. Going back to Silicon Valley, there are people called the PayPal Mafia. Those are the people who founded PayPal. Some of them provided funding. You see a concurrence and many companies emerging from the same cabal because they had the money and were willing to invest in new ideas from *YouTube* to *Tesla Motors* to *SpaceX*. Those are now big behemoths and companies which would never have existed were it not for funding from those venture capitalists who were willing to take risks. That is why I support the amendment in the SACCO Societies Act because it provides that avenue of funding for many Kenyan youth who have bright ideas which can be commercialised and become big companies.

I have also seen the proposed amendment in so far as the Micro and Small Enterprises Act of 2012 is concerned. The intent of this amendment is to have a breakthrough and enhance the way small and medium enterprises conduct business in terms of capital and how they get finance. Micro and medium enterprises are the biggest employers in this country. Those are companies that are run by people who may not have a lot of opportunities to look for market by themselves. This amendment - and especially combining it with the amendment on the Crop Act, which is trying to add value to the agricultural produce that we get in this country - will go a long way in spurring the same sub-sector of small businesses, especially in so far as agribusiness is concerned. Our competitive advantage as a country is in farming. We should gear our investments towards manufacturing in terms of adding value to the produce that we get from our farms.

As a youth of this country, I have a lot of interest in the amendment proposed to gaming and lotteries. The Leader of the Majority Party put it very well that we need to balance between raising taxes and maintaining the moral fabric of our nation. Currently, most of our youth are engaged in this hope that you can keep on betting and engaging in lotteries and you do not need to work extra hard to create wealth because there is a supposed short-cut to getting rich. It is my feeling that we need to increase taxes on betting. Henry Ford used to say that if you earn money and you are not engaged in any kind of production that is more or less respectable graft. There is no way lotteries and gambling add any value to the economy of this country. There is nothing like production in lottery. Therefore, we need to look at the bigger picture and the greater cost of betting and lotteries so that we can come up with laws that put a stop or even a comma on the same.

Finally, the amendment to the public-private partnership (PPP), especially in so far as building infrastructure is concerned is also very timely. Currently, we have a law that guides PPP in this country. Ever since we made that law in this House, there has never been even a single deal in this country closed on the basis of PPP because there are a lot of bottlenecks in so far as implementing the same law is concerned. I support this amendment because most of our finances, especially when it comes to funding our infrastructure, are derived from taxes. I support PPP and this amendment based on the principle of taxation called the benefit principle. Instead of taxing my grandmother to build a railway, it is better to call upon the private sector to do the same infrastructural development and tax the users of that railway instead of taxing someone who may never have any benefit in so far as that infrastructure is concerned.

I support the amendment as proposed.

Hon. Speaker: Let us have Hon. Godfrey Osotsi.

Hon. Godfrey Osotsi (Nominated, ANC): Thank you, Hon. Speaker for the opportunity to contribute to this important Bill. I rise to support this Bill.

I have concerns, particularly on the SACCO Societies Act, as expressed by other Members. This Bill proposes to amend a number of legislations which this House has already dealt with. For example, it proposes to amend the Betting, Lotteries and Gaming Act by reducing the taxes from 35 per cent to 15 per cent. You are aware that this amendment has already been done under the Finance Act, 2018. The same applies to Urban Areas and Cities Act which, as you are aware, went through the Committee of the whole House last week. We also have the Kenya Medical Supplies Authority Act. Hon. Speaker, maybe in future, we need to look at the content of the Statute Law (Miscellaneous Amendments) Bill because we may have dealt with some of the laws in other amendments and that creates a scenario of cyclic legislation.

Let me go to the substance of various amendments starting with the SACCO Societies Act. This amendment, as expressed by other Members, seeks to introduce a special class of members called the social impact members. It is not clear who are they are. It borrows the definition from the Co-operative Act. This amendment must be very specific on who are these social impact members who are supposed to contribute towards the special fund. Most surprisingly, it talks about the creation of the investment committee that will determine the amount of contribution into the special fund. I want to believe this is a very important committee. However, the membership of this committee comprises people who are not members of the parent SACCO society. They are outsiders. This is a scenario where we have a SACCO and then you create an investment committee of people who may not have large interest or stakes in a co-operative society and they will come in and basically manage the special fund. It is unacceptable.

The proposed law also insists that the membership to this investment committee must hold degrees in areas like economics, finance, law and SACCO operations. It might be very difficult for some SACCOs, for example, *boda boda* SACCOs to finance these people who will sit in the investment committee. It will be an extra cost to some of the SACCOs. Who is going to fund the operation of this investment committee? It is the members. If it is the members then, I do not see the reason we need to have an investment committee while at the same time, the amendment also proposes special fund trustee who performs almost the same function as the investment committee. It is creating some duplication in terms of the functions of the investment committee and the special fund committee whose role is basically to manage the special fund. We need to look at this area keenly at the Committee of the whole House stage so that we do not overburden SACCOs with additional organs which could be very expensive to manage.

This Bill also proposes to amend the Betting, Lotteries and Gaming Act by reducing the taxes from 35 per cent to 15 per cent. I support this because if you do a simple computation, the betting companies were paying 35 per cent in terms of betting lotteries and gaming taxes. They were also paying corporation tax of 30 per cent. They were also paying a winning tax. You find that the betting companies were paying in excess of over 80 per cent tax. This, compared to other countries, is very high. Even as we are seeking to increase taxes on betting, we must be realistic that if you stop the youth from betting in the normal channels, you open up the channels for online betting. In essence, you are saying that the taxes that are generated from betting which go to the Government will now go to foreign companies because there are no taxes for online betting in this country.

This is one area that we need to look at keenly. As Members have said, there must be a balance between the social impact of betting and the revenue generated from this. The balance is there because in the Betting, Lotteries and Gaming Act, it provides very clearly that all monies arising from betting, lotteries and gaming shall be deposited in the National Sports Fund for the purpose of promoting sporting activities among the youths, so that these youths who are betting have an opportunity to engage in gainful sporting activities. I am concerned that the monies that have been generated from betting, lotteries and gaming have not been deposited in the National Sports Fund. This was confirmed by the Cabinet Secretary for the National Treasury when he appeared before the Committee on Implementation and said that the money was instead deposited in the National Consolidated Fund. This is unacceptable because this House cannot act in vain. It passed a legislation but then particular Ministries do not implement it. This is something that we must look at because we have youths who want to benefit from this particular Fund.

[The Speaker (Hon. Justin Muturi) left the Chair]

[The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu) took the Chair]

It also proposes the establishment of the directorate of Urban Development and Management under the Urban Areas and Cities Act. We have just passed the Urban Areas and Cities Bill and this issue did not arise. It is now coming under the Statute Law (Miscellaneous Amendments) Bill. These are some of the things that I call cyclic legislation which we need to look at. I still insist that this Bill should not pass in its current form on the matter of the SACCO Societies (Amendment) Bill because this is going to kill the SACCO movement in this country.

Thank you, Hon. Temporary Deputy Speaker. I reject.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You oppose. Member for Molo, Hon. Kimani Kuria.

Hon. Kuria Kimani (Molo, JP): I thank you, Hon. Temporary Deputy Speaker for this opportunity. I am looking at these several pieces of legislation and I find very rich contributions and clauses that will enrich the law in this country.

On the issue of betting, I hold a contrary view to what most of the Hon. Members have said. On this matter of betting, we have to agree that betting in this country is here to stay, whether it is in Kenya or any other part of the world. Are we taxing it to prevent it or raise revenue for this country? We must also remember that if we are only taxing it to punish betting companies and not abolish it all together, betting can be done online. This, therefore, means that for me to place a bet, I do not have to bet in a Kenyan company. Once we punish Sportpesa, Gaming Kenya and Betting Kenya and all the other companies, all they need to do is to incorporate these companies in Uganda or Tanzania and they will be paying their company taxes there and then the youths in this country will still bet in those companies. The vice that we will be trying to end will not necessarily end. In as much as we debate the issue about gaming, we should do this with sobriety and look at the options available. I repeat that even if we taxed them whatever amounts of money here, they would still incorporate in our neighbouring countries and our young men and women will continue to bet.

On the amendment to the SACCOs Act, there is a lot of conversation on the investment committee. SACCOs in the country have been a pillar of the economy. Our grandparents who

bought pieces of land in various parts of the country did so through cooperatives. I am of the opinion that the qualifications proposed for the people to sit in the investment committees will more or less kill them. The old men and women who hardly had any form of education were able to run the SACCOs so well that they performed very well. It is only starting from the year 2000 that we have had collapse of many SACCOs when we started introducing technocrats who talk much English but take very little action. The only thing they do in SACCO is to loot.

I am very excited at how the Statute Law (Miscellaneous Amendments) Bill clearly defines who a local contractor is. There has been a lot of debate about inclusion of Chinese contractors in this country. But the Bill now defines who exactly a local contractor is. It even says that whoever purports or attempts to incorporate or register themselves as local contractors when they are not will be punished. We are losing a lot of business, jobs and contracts to people from China, Japan and Asian countries that would have been done by our youth.

On Micro and Small Enterprises, if there is anything that is going to save our young people from unemployment, it is entrepreneurship in agribusiness. It is about the small jobs of selling second hand clothes in streets or wherever. But, this is one industry that everyone wants to cripple. None of the county governments has designated places for people to sell small items. Where they set for them to sell, are places where they cannot be accessed. So, why not amend the law so that we have our youth doing business in our cities in the evening or at night? We claim that we create markets for them but we allocate them places where they can hardly access people to buy the goods they sell.

Section 46 talks about TVETs. The Kenya Certificates of Secondary Examination (KCSE) is underway in the country. We have deployed all our security agents to man these examinations to a point we may call it militarisation of examination. We have over-emphasised the importance of getting good grades of “A”, “B” or “C” in the examination. It is for that reason you find increased cases of mental health. Young people are in depression because when they sit for KCSE, they know that if they do not score an “A” and to join university, their lives are more or less doomed. The TVETs address that by saying that even if one gets “D” grade, it does not mean that they cannot do anything. One can go to the TVETs and train in tailoring, masonry or carpentry and still be somebody important in the country.

There has been debate about qualifications Members of Parliament or Members of County Assemblies should have. If you study, you will find out that someone who is well educated is a better leader or legislator than one who is not. There is even research to support this. I am very impressed that we have put emphasis on TVETs. I hope we, as Members of Parliament, will put more of NG-CDF into not just giving bursaries to university students but also using the money to pay for our youth to go for tailoring or learn skills.

The Crops Act of 2016, talks about value addition of our agricultural products. Even when we talk about two of the Big Four Agenda: food security and manufacturing, we are looking at doing many big things when we can construct a cold store in Molo for storage of the potatoes that are in surplus production and make crisps and other value addition products from them. This piece of legislation, I hope, is going to be implemented to the letter so that we have

crisps made from potatoes and whatever other product that comes from our various areas is put into good use.

Three weeks ago, I did an analysis of the balance of trade between China and Kenya and realised how disadvantaged we are despite us claiming to have good foreign relations with China. Our balance of trade has gone down over the years. We have a chance to redeem this if we implement the Crops Act of 2013 by adding value to our products so that when they give us money in loans for infrastructure, we can as well export food to the big Chinese market. It is a multi-billion market for our food products.

The Statute Law (Miscellaneous Amendments) Bill also talks about our urban areas and centres. We revised it and said that areas that have a population of at least 80,000 people will be an urban town and will have infrastructure development for sewer, water and other services. I am looking forward to its implementation so that I can see my home town of Molo being made an urban centre.

On the issue of data collection in census and statistics, I am happy that we are proposing to make it criminal for anybody to provide false information when census will be done next year. Sharing of revenue is based on the population from the census. So, we are looking forward to collecting accurate data. I hope this time round, the collection of data during the census will be biometric so that we know who resides where and the kind of resources that should be allocated to those areas.

I have looked at Clause 20 that makes it now law that data and statistics should be collected and analysed on forestry and logging. As we speak, there is a ban on logging in the country. All the major towns or economies that were dependent on logging business are down on their knees. Elburgon in my constituency has now 5,000 youths at home because Timsales, one of the biggest companies that supply timber all over Kenya, has closed down. Almost 50 sawmills have closed down. That does not mean that logging is not happening. We have stopped logging in our forests but we are now harvesting even the smallest of trees in our households. If the intentions is to protect our forest cover, does it mean that it is only trees in the forest or does it include the ones in our homes? I hope that we will collect accurate data on our forests and lift the ban so that honest businessmen who have had gainful employment from the logging can continue to do so.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Members from Suba North, Hon. Odhiambo Akoth Millie.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I will again mention the same concern that I have had when we are dealing with Statute Law (Miscellaneous Amendments) Bills. If you look at the content of the Bills that are brought before us, they have very weighty issues contained in several pieces of legislation. This one has come after we have dealt with another miscellaneous and another omnibus legislation. In effect, in a period of two months we could easily have dealt with 100 pieces of legislation. Logically and intellectually, we are not doing the House and Kenya a

favour. We will be working in rushed manner and we will not be looking at the work before us properly and we will not give it the depth and information that is needed of us when we are legislating. Even the time that we have for commenting may not be sufficient for the number of Bills we have. I do not have the English word for what we are doing. We are supposed to be persuading each other but there is no time to persuade each other. When the other Members are speaking and busy trying to look at all the pieces of legislation, I may not be able to get it. Everybody is just going to the piece that they think concerns their constituents. Hon. Duale went straight to camel milk. I will go straight to fishing and another Member will go straight to something else. In effect, we are basically talking to ourselves.

Having said that, let me start – because I might run out of time – with the amendment to the Fisheries Management Bill. Going by the things that I have said, I have looked through it. The reason why we are not able to do justice to this Bill is that the annex of the parts of the Bill that we are supposed to be dealing with is not comprehensive. There are some parts that are included and some that are not included. Even when you make references, it becomes very difficult to make a logical reference.

I have more queries than answers. I sat through in the last Parliament when we were passing this new law. This is an Act which is very recent. I am even wondering why we are in such a hurry to amend it. The Executive is taking Parliament for granted. Once we have passed something, give it time. Let it be tested instead of bringing it back every six months. The only thing they are doing is trying to persuade us every two months. They need to do their work to persuade us so that once we pass a law, it can stay for a while. The Government has not changed; it is the same Jubilee Government. Even the policy on fishing has not changed. Whatever we passed for the Government should be the one that is available. We are now talking of redefining artisan of fisheries. Why are we changing the definition? What are we trying to cure by changing the definition? I can see that the amendment is trying to move it from commercial to non-commercial. I can see that part of the thing that is being done is removing aquaculture from the ambit of fishing so that we do not consider aquaculture as fishing. If it is not fishing, what is it? Is it keeping cows or camels? I do not understand. That is why I am saying I have more questions than answers.

I have also raised a lot of concern in the past about the focus of the blue economy, which seems to be more focused away from the internal waters than elsewhere. You always start from your point of strength, not weakness. If I wanted to focus on growing vegetables, I will not go to Suba North because that is not our strength. But if I want to deal with fisheries, I will go to Suba North and ask the people of Suba North about fisheries and how we can improve the sector. If the fisheries stocks dwindle, I will be investing in other things aquaculture within Suba North and its surrounding areas. I will be investing in cage-farming within Suba North. Where is cage-farming undertaken in this country? Why are we not bringing amendments related to that? I am not very happy with the direction that the fishing policy and mindset is taking within the Executive. I would want to urge my good friend, the Principal Secretary, who is very skilled in fisheries, that he needs to go back to the root of fishing in this country, which is Nyanza, and

give it due focus so that they do not bring amendments that are going to harm the people of Nyanza.

Recently, I was involved in a very big meeting. This was apparently the third security meeting between Ugandan and Kenyan authorities on fisheries and issues of the lake. They raised very many concerns about disparities between the laws of Uganda and Kenya. When there is a clash between the Ugandan authorities and the Kenyan fishermen, they tend to use the Ugandan law. What I had hoped to see, which we had actually agreed on, is amendments that seek to harmonise and bring the Ugandan laws closer to the Kenyan laws. That is not something that can only be done by the Kenyan side; it requires that the Kenyan and Ugandan sides are in harmony before we amend these laws. These haphazard amendments are not good for the Kenyans. I will hopefully have more time to look at them again in-depth because what we are doing here is causerie. Because of the time, I hope to look at them more in-depth.

I want to also comment briefly on the Statistics Act. Because of the nature of the presentation and time, it tends to raise more questions than answers. The First Schedule is talking about matters concerning statistics and more so information that may be collected, compiled, analysed, subtracted and published. Looking at the entire list of the things that are provided, I do not see issues of child-headed households, which are of a very big concern especially for me in my constituency – where we have children whose parents have died. Indeed, in my NG-CDF, I have the issue of persons with disabilities and child-headed households because there are households where children are the ones taking care of children. Why do we not take statistics of children heading households? That is a problem we have. Where are the statistics of single mothers? That is a very big issue in every county in this country.

I want to comment on the proposed amendments to the Cooperative Societies Act relating to introduction of special funds to support indigenous innovators. On this, I would be speaking especially to the issue of M-Pesa. Every time I travel out of the country – even recently when I was watching Cable News Network (CNN) – I notice two things that are celebrated about Kenya. It is the usual case of the prophet that was celebrated away from home: M-Pesa and NG-CDF. Other countries come to this country to celebrate the work that the NG-CDF is doing, but at home we are even taken to court because the NG-CDF purportedly goes against the principle of separation of powers yet the President is a super legislator. I would not say we have any separation of powers.

Having said that, we do not celebrate the real person who came up with M-Pesa. This amendment will acknowledge young innovators who are poor and who do not have the capital or resources they need to come up with such good ideas.

Honourable Temporary Deputy Speaker, since my time is up, I support with amendments.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Member for Seme.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this Bill. Before I do so, there is an issue that came

up earlier. Let me put science to the statements that people were making about the medicinal value of camel milk. It is part of the Dairy Industry Act.

The truth about camel milk is that it has got more protein, more iron, more fat, immunoglobulin that can protect you against bacteria, fungi and viruses. However, these have not been found to be of quantities that can be prescribed as medicine. It also has insulin. Again, this has not been found to be in quantities that can be prescribed as medicine. Therefore, where it has been tried, like in Food and Drug Administration (FDA) in America, it has not been classified as medicine and cannot be used as such. However, it is good food and its production and popularisation will be a good public health move. It was a very detailed and heated argument but that is the position now.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): There is no dispute about it. It was just a point. By you being a doctor and knowing where you are coming from, that is a good comment. Carry on but be relevant now.

Hon. (Dr.) James Nyikal (Seme, ODM): The miscellaneous amendment's principle is good. As Member for Suba North said, it is meant for minor corrections, errors and ambiguities. In the facts of law, it should be really minor changes of law. What we are seeing is that we are having very major changes that are being brought by miscellaneous amendments. We are changing structures of boards as it is being proposed for the National Hospital Insurance Fund (NHIF). We are changing modes of appointments of officers as put down in law. We are establishing directorates through miscellaneous amendments as being proposed in amendments to the Urban Areas and Cities Bill. If we do this with so many Bills, we do not give those serious issues adequate consideration. No wonder we are having very many of them coming back and forth, as somebody said "cyclic legislation".

In the current Bill, we should note that a lot of the Bills being discussed here have been discussed recently. The amendments being proposed have been discussed recently. The KEMSA has just been discussed; the NHIF has just been discussed in the Health Laws (Amendment) Bill; the Urban Areas and Cities Bill has just been discussed not long ago; the SACCO Societies Act has been discussed; the Betting, Lotteries and Gaming Act has just passed through this House. We should pass miscellaneous amendments for what it is meant, not these omnibus issues that bring a lot of complications.

My recommendation is that when we come to the Committee of the whole House over this Statute Law (Miscellaneous Amendments) (No.2) Bill, the Committees must guide us. Otherwise, there will be a lot of repetition or changes of what has already been discussed. We have just gone through all the five Bills I have just mentioned. There may be differences in what is being proposed but, it is important to look at that at the time of the Committee of the whole House.

I will go directly to some of the amendments proposed to the Acts. I think the NHIF Act has two elements. One is the proposal to change the National Hospital Insurance Fund to the National Health Insurance Fund; changing from the word "hospital" to "health". It is important if we look at the role we intend to put the NHIF to and the expansion of the contribution being proposed. It is being proposed that there will be contribution from the Government and county governments. More importantly, it will be from employers. That will almost double the income or revenue that will go to the NHIF. Therefore, it will really be possible to use this organisation to spearhead our universal health coverage. That is if we choose, as we should, to use health insurance as the basis of our universal health coverage and not tax. Unfortunately, we seem to be talking about a tax based universal health coverage in the pilot.

On the second part of the amendments proposed to the NHIF Act, I find that they are not favourable. We are removing from the membership the Office of the Director of Medical Services, FKE, COTU, KNUT and KUPPET. These are very important sections of the formal employment and service provision. I do not know how we can run the NHIF without those being members. What is being proposed is to have five members appointed by the Cabinet Secretary in a way that is not put clearly. If you look at the whole membership, you may reach a point where the Government has enough quorum in the institution to call a meeting of all Government officers and pass or change management or whatever they want to do without getting contribution from the stakeholders, as it should be.

I do not want to repeat what the Hon. Member for Suba North has said. Aquaculture must be part and parcel of fisheries. As it is, the fish stocks in the lake are really dwindling. What will really save this is if we get into aquaculture. That can support the fisheries when it is time for breeding and when the fish should be allowed to breed. It is extremely important.

On Technical and Vocational Education Training (TVET), it is important we start looking at mid-level technical training. If you live in rural areas and you want to just put up a house, getting a proper electrician or somebody to do your roof or just look at the water works and so on is impossible. They do not have people who can do that yet there are young people with good education that need the training.

When you come to the Cooperative Act, I do not think the issue of social impact is something that will work. Members have run cooperative societies. It has been a big movement. They have made remarkable contribution to the economy and now to bring a special group of members will demoralise the general membership. I do not think it will give as much impact as it is intended. However, I support the proposal of a special fund. The cooperative movement has been able to put money into the hands of small businesses and individuals who would never have been able to get credit from banks. As you know, banks to a large extent give money to those who have money. Banks do not necessarily give money to those who need it. Our people need money that is easy to access. Therefore, that special fund is something I will really support.

With those remarks, I support parts of this Bill but not others. As I said, it will be very important for the Committees to guide us at the Committee of the whole House stage. That is so that we do not go through the same issues and make repetitions on the Bills we have just discussed and passed, even if they have not been assented to.

With that, I thank you Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Member for Aldai.

Hon. Cornelly Serem (Aldai, JP): Thank you, Hon. Temporary Deputy Speaker.

As the Vice Chair of the Departmental Committee on Trade, Industry and Cooperatives, we have the Act that we were given responsibility to look into. It is fair for a Committee to give a fair assessment or observation to this House on a document it has gone through. We, as a Committee, looked at the law of this Act and felt that all the sections that touch on the SACCO Bill should be deleted. The reason is that there were no ownerships of these Acts. As Members, we subjected the same law to public participation. We invited the ministry, the Principal Secretary and the Cabinet Secretary and none of them owned up to the amendments on this Act. After that, we felt that it is not necessary to have them. We will bring our amendments deleting all the sections that are before the Floor of the House. It is good that Dr. Nyikal was here. On the issue of camel milk, just for clarification, I know you might have an issue, but it is fair that he

has given us his professional view. He said that camel milk is good milk but cannot be defined as medicinal.

On the issue of cooperatives, it is also necessary that we look at this law although we have our own reservations. Most of the SACCOs that are out there that were supervised or regulated collapsed. We have had quite a number in my county. I have heard an Hon. Member discuss Mwalimu SACCO. We had Teachers SACCO in my county that collapsed and members lost millions of shillings. About three years ago, we had Hekima SACCO. It was very successful and worked very well but rogue individuals that worked as officials went away with money. It is therefore necessary to have SACCOs regulated. The guys that run these institutions must be people of honour. At the same time, we have three other Bills and we feel that instead of doing the Statute Law (Miscellaneous Amendments) Bill, we should do standalone Bill to cover the irregular amendments. Otherwise, I support this Bill but will bring in amendments when we get to the Committee of the whole House stage, so that Members can know that despite the fact that the amendments before the House look good, no one owns them.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Thank you, Member for Aldai Constituency. Member for Gilgil, Hon. Wanjira Wangari.

Hon. (Ms.) Martha Wangari (Gilgil, JP): Thank you, Hon. Temporary Deputy Speaker. The reason you will hear the Chair of the Departmental Committee on Trade, Industry and Cooperatives say “finally”, it is because I tried to rise on a point of order earlier. I think the Vice Chair of the Committee on Trade, Industry and Cooperatives has already outlined a bit of it because when the concern was raised by Hon. Maanzo, it was unfortunately treated as a rumor and it was also treated as a personal attack by the Leader of the Majority Party. I sit in the Committee on Delegated Legislation and we had the same reservations. We had raised these issues; the Principal Secretary appeared before the Committee...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Wangari, please just note that a ruling was made by the Speaker and Hon. Maanzo was advised on how to approach the whole issue. I would really appreciate if you followed the advice. The matter was ruled by the substantive Speaker.

Hon. (Ms.) Martha Wangari (Gilgil, JP): Thank you, Hon. Temporary Deputy Speaker, I was not in any way trying to challenge the decision and the direction given by the Speaker, I was just taking up from what the Aldai Member of Parliament spoke about a few minutes ago in terms of the roles of the Committees in this House. We do not act on our own, every Committee sits on behalf of this House. It is a subset of this Parliament. So, when a Vice Chair now says the same thing, then it sends the question in terms of the ownership of this Bill. If the Committees sat with the Principal Secretary and the Cabinet Secretary and they felt that they do not own the amendments, then who owns them? That is a question we are all running away from and I think we need to address it. I also agree with Hon. Millie Odhiambo who talked of the Statute Law (Miscellaneous Amendments) Bill and omnibus amendments. We know it is not illegal to put them in one document but it is totally unfair for the Members of this House to go through 10 pieces of law and bring amendments. What you are seeing us do now is picking just one that we think touches on us and addressing it because in five minutes, you cannot go through everything.

Let me just address one that is very critical to me - the issue of Cooperative Societies Act. I definitely do not support any amendment that has come through this Bill, the way it is authored right now. The reason I say that is because if you look at page 412, this introduction of social

impact member is quite mischievous. In fact, what we should look at is how to deal with the mischief in terms of sneaking it through this omnibus kind of amendments. No. 4 says a resolution of the annual general meeting of a cooperative society shall be subject to the approval of the Cabinet Secretary. We are taking the self-regulation that was given to societies and cooperatives back to the Government. I do not agree. I think it is excess supervision, it is meddling and I think the introduction of the special impact member is actually a plot to overtake and take over the existing SACCOs.

Section 19 says that the social impact member shall only vote on resolution relating to the special fund, the investment committee, the special fund trustee and the matters accidental thereto. It may look like it is an easy thing when you say it is an exception, but these are the main issues in a SACCO. A member just comes in, he or she does not subscribe, does not pay any subscription but he or she is allowed to take serious issues and vote as opposed to the original members of a SACCO. No. 3 says the Members of the society, other than the social impact members, shall not be entitled to vote on matters for the social impact members. That is an exclusion club. That class is not defined. We do not even know how to introduce them into a SACCO. They come with their money. It does not make sense, not one bit and it should be reviewed.

If you look at page 429 on the social impact member, they say the special fund investment policy means the policy formulated by the investment committee to govern investments from the special fund. The special trustee means that the trustee is constituted under Section 47. The details may look like easy amendment but the devil is in the details. This will be a take-over of the SACCOs. Part II of the special funds says that there shall be paid into the special fund monies received from social impact members. Do we even question the source of these monies? As much as I appreciate the issue of supporting innovation for young people who do not have jobs, I totally think that we cannot close our eyes to the source of the money that is being put by this class that has been introduced. It seems to me that this will be a source of takeover, money laundering if it is not taken carefully. If it is not well thought out, people will come with money from nowhere. If you want to get an investor, I would rather we put money in Uwezo Fund, Youth Fund and Women Enterprise Fund for people to borrow or to access to make their innovations a reality. Even the private sector is there. If you watch the *KCB Lions' Dens* which is a programme on television, it looks for innovators who have ideas and do not have the capital. As an individual, I can look at a situation and think that this can make me money. I can make a deal and get 70 per cent. In term of source of funding, we cannot close our eyes to issues of the source of the money. That is very critical.

If you read the mother Act, the issue of investment is very elaborate in terms of how SACCOs can invest. I even own property owned by SACCOs. In terms of investment and the percentage of how much they can put so that the regulations of money laundering and cheating can be curbed are in the law. What this investment committee introduces is discrimination towards other members because they have introduced new requirements, such as the professional experience of six years and various degrees. This is not right.

If you look at Clause 47(2)(c) it states that a special fund trustee shall be appointed by the social impact members on such terms as social impact members shall deem necessary. Who gets such powers when you do not subscribe to anything? You just walk in, put in some money, get power to vote and decide on the issues you want voted on and you can now actually control the special fund! If there is any mischief, I think this is the mischief we are dealing with. So, I totally oppose unless all these clauses are expunged from the SACCOs and Cooperatives Acts.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well, Member for Gilgil. Let me give the Chair of the Departmental Committee on Trade, Industry and Cooperatives.

Hon. Kanini Kega (Kieni, JP): Thank you, Hon. Temporary Deputy Speaker. From the outset, I find myself in a very awkward position because as a Chair we brought a report to this House which was prepared by the Committee. We had made various recommendations, of course, deleting all these clauses. After this amendment was given to us we invited the Ministry...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Which amendment?

Hon. Kanini Kega (Kieni, JP): All the Acts; the SACCO Act and Cooperatives Act. We deleted all the clauses. We invited the owner of the Bill, that is the Ministry of Trade, Industry and Cooperatives who were surprised and shocked. They said they were not the owners of the amendments. We went further and invited the stakeholders and they were equally shocked that these kinds of amendments could come to the Floor of the House.

It then begged the question, who was the owner of these amendments? I went further and had a sitting with the Leader of the Majority Party together with the Cabinet Secretary for Trade and we agreed with him that since the Ministry did not own the amendments then we should come up with a report deleting all those clauses. That was a gentleman's agreement. However, today when I was talking with the Leader of the Majority Party he said we have to carry these amendments.

That is why I said, I find myself in a very awkward position. Secondly, we have three different Bills amending the SACCOs Act. We have asked ourselves why there is this onslaught on the SACCOs. Why all of a sudden is there interest in the SACCOs Act? After looking at some of the amendments being proposed in the Bill I will not call them miscellaneous, but mischievous. What they want to achieve from some of the proposed amendments is to create another class of members in SACCOs. The motto of the SACCOs is to have equality in the membership but what is being proposed here negates that spirit. We wrote a report and went further to share it with the Leader of the Majority Party.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Was it a Committee Report?

Hon. Kanini Kega (Kieni, JP): Yes.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Did you table it?

Hon. Kanini Kega (Kieni, JP): Yes, we tabled it. Of course, as a Committee in the Third Reading we will recommend that all those clauses be deleted. However, it begs the question, what is the work of the Committee? If the Committee has been given resources by this House to go out and talk to stakeholders and spend a lot of time on the matter, then why should we have it in place?

Secondly, if there is any amendment done on a law, it has to have an owner. You saw the other day we had a recommittal of the Health Laws (Amendment) Bill regarding the Kenya Medical Supplies Authority (KEMSA).

Hon. Ibrahim Ahmed (Wajir North, ODM): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Kanini Kega, Member for Kieni there is a point of order by Member for Wajir North.

Member for Wajir North, what is your point of order?

Hon. Ibrahim Ahmed (Wajir North, ODM): On a point of order, Hon. Temporary Deputy Speaker. Is it in order for us to debate these amendments when the Chair has disowned them? Will it be in order if this House stops debate on these amendments probably for further consultation? If necessary they should be reverted back to the Committee because it is working under delegated authority by this House.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): What is out of order, Hon. Member?

Hon. Ibrahim Ahmed (Wajir North, ODM): Is it in order for us to continue debate on these amendments when they have been disowned by the person this House expects to be the initiator?

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Member, there is nothing out of order. The Bill is rightly in the House. Such observations were raised before and a ruling was done. We cannot go back and I want the Chair to carry on. You are out of order because nothing is out of order.

Hon. Kanini Kega (Kieni, JP): Thank you, Hon. Temporary Deputy Speaker. As I was saying, we need to interrogate where some of these amendments are coming from because if the Executive said they do not own them, and the Chair and the Committee as well, then we should ask ourselves a fundamental question, who is seeking these amendments? These are fundamental changes in our Acts. I know the Statute Law (Miscellaneous Amendment) Bill has many Acts which it intends to amend but the one relating to the SACCOs Act and the Cooperatives Act, as the Chair, I want to clearly and categorically say that as a Committee we are deleting all of them and do not support them. However, going forward, Parliament is a House that makes laws.

Hon. Jared Okelo (Nyando, ODM): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Kanini Kega we have a point of order. Where is your card?

Hon. Jared Okelo (Nyando, ODM): I have misplaced it.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): We also made a ruling that every Member must have their card. We identify you using your card. Order, nominee 001!

Hon. Jared Okelo (Nyando, ODM): On a point of order, Hon. Temporary Deputy Speaker. I did not intend to interrupt my friend Kanini Kega rudely. I need more direction concerning this matter.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Are you seeking information?

Hon. Jared Okelo (Nyando, ODM): Direction from you, because when a Bill emanates from the Government, then you have the Cabinet Secretary midwife it as a conveyor belt.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): No! We did away with that matter. Hon. Member, we cannot keep on repeating the same discussion. These observations were ruled upon. Again, I ruled that we are going to debate this matter. This is not an amendment to a single Act. Hon. Maanzo raised this matter very well, it was debated and a ruling was made. Hon. Kanini Kega, please carry on.

Hon. Kanini Kega (Kieni, JP): As I conclude, moving forward, I think it is upon Members of Parliament to make a decision. I also hope other Committees were able to go through these amendments with a tooth comb like we did to avoid cases of amendments being sneaked in.

However, there could be some good things in this. Kenya has become a gambling country. It is a betting country. We now literally believe that we cannot achieve what we want to achieve in life unless we bet. Children are betting. We are now more focussed on getting more revenue from the betting companies as opposed to dissuading people from betting and, secondly, encouraging people to work hard. You do not work hard by betting. We cannot grow this country by betting. There is no investment in betting. Even the other day we amended the law to make sure we get a fair share in terms of taxes from those people who win.

Moving forward, as much as we are getting some revenue from the betting, we need to dissuade this craze that is in the country. People are not working any more. They just sit somewhere in an office or a house and bet with, say, Kshs20 or Kshs30. It has become so enticing that even school-going children are doing it. I was even shocked to see my own colleagues here in Parliament participate in betting. If it has gone to that level then definitely there is a problem.

I register my reservations about this Statue Law (Miscellaneous Amendments) Bill and at the opportune time during the Third Reading, definitely we will bring our Report as a Committee rejecting all these amendments that were brought forth and disowned by the Ministry. Thank you so much, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): At least Hon. Kanini Kega knows the procedures, being the Chair, on how to handle the matter as it was also ruled. I think that is the best way. So, Hon. Members, be advised.

Next is the Member for Rongai, Hon. Moi Kipruto.

Hon. Kipruto Moi (Rongai, KANU): Thank you, Hon. Temporary Deputy Speaker, for this opportunity. It is good you did not listen to these other Members. Otherwise, I would not be speaking today. I would like to comment on the amendment to the SACCO Societies Act. From the outset, I oppose it because I am a Member of the Departmental Committee on Trade, Industry and Cooperatives. The chairman, Hon. Kanini Kega, has spoken and we had done away with these amendments. These amendments aim to create a class of members that are referred to as social impact members. These members are not similar to the other ordinary members. These special members do not even subscribe to any shares in the mother SACCO. Social impact members shall, to the exclusion of other members, vote on issues that relate to a special fund. This fund is created by these special members. The investment committee which is also created by these members... They should not be called social impact members. They should be called special members because they are not similar to the ordinary members of the mother SACCO. They create an investment committee and this committee is run by them. It oversees the investments. They also vote on issues to do with special fund trustees who actually oversee everything that goes on in that social impact group. What this means is that you have created a special group or class within SACCOs creating disunity and discontent among ordinary members.

Also, to be amended is the SACCO Societies Act but we will not go so much into that because as I see, this thing has been shot down. As a Member of the Departmental Committee on Trade, Industry and Cooperatives, I know that we have not been able to ascertain, as the chairman of the committee has said, who the sponsor of these amendments is. The Ministry and various co-operative organisations are not aware. To make it worse, when it comes to a major legislation such as this, they call it miscellaneous but it is not miscellaneous. This is serious. No consultation was done. Co-operative organisations and the general public were not consulted. No public participation took place and in a report that has been tabled in this House, these

amendments were discussed and thrown out. So, we are extremely surprised that they have come back again through the back door. Therefore, this is a back door attempt I think by certain individuals to use the cooperative movement for even money laundering. This is because it will be possible to do that since the other ordinary members have no stake in the social impact group. So, money laundering will be possible and eventually it will destroy I think one of the largest cooperative movements in Africa. We will not accept this.

With those few comments, I totally oppose.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The honourable Member for Taveta Constituency, you have the Floor.

Hon. (Dr.) Naomi Shaban (Taveta, JP): Asante sana, Mhe. Naibu Spika wa Muda. Ningependa nami kuzungumzia suala hili la mabadiliko katika sheria zetu na wingi wa uwepo wa sheria hizi. Nawaunga mkono wenzangu waliotangulia hapo mbeleni kusema kuwa kama tunazungumzia masuala ya mabadiliko yoyote, tunahitaji mabadiliko haya yasiwe zaidi ya sheria tano ambazo ziko hapa nchini. Hii ni kwa sababu ikiwa sheria zimejazwa tele kitabu kizima, basi Wabunge hawana nafasi na fursa ya kuweza kuangalia sheria hizi vile inavyotakikana. Mwisho Wakenya wenyewe wanakimbilia kortini kwenda kupinga mabadaliko ambayo sisi tumeyatekeleza.

Ukweli ni kwamba suala linalozungumziwa hasa la kucheza michezo ya bahati nasibu na michezo ya kamari linawagusa Wakenya kwa ujumla. Hivyo basi ni sawa riba na ushuru unaotakikana kupatikana kwenye uchezaji huu wa michezo ya bahati nasibu na kamari hapa nchini uwe juu. Vilevile, Wakenya wanahitaji kupatiwa mafunzo maalum kuwa michezo hii isiwezekane kucheza na kila mtu hasa watoto wetu ambao wanatumia hata hela wanazopatiwa za mfukoni na hata kuchukua hela za wazazi nyumbahi kiholela ili kucheza michezo hii wakifikiria kuwa bahati yao iko kwenye bahati nasibu wakome. Suala hili linafaa kuangaliwa kwa undani zaidi na sio kwa haraka kwa sababu ni suala ambalo limezungumziwa kwa muda mrefu.

Vilevile, kuna suala la maziwa. Kumependekezwa kuwa maziwa ya mbuzi na ngamia yaongezwe kwenye sheria inayosimamia halmashauri ya masuala ya maziwa. Ni sawa maana afya ya wengi waliotelewa na kutumia maziwa haya ya mbuzi na ngamia imedumishwa. Hata wazee ambao wamekuwa wakitumia maziwa haya wameweza kuishi kwa muda mrefu kwa sababu miili yao inapata nguvu za kupigana na magonjwa. Hili ni jambo ambalo halijaangaliwa kinaganaga lakini ukweli ni kwamba kuna tofauti kubwa sana kati ya waliotelewa na maziwa haya na wale wengine. Kwa hivyo kugeuza sheria hii ili maziwa ya mbuzi na ya ngamia yaweze kuwekwa katika sheria hizi ni sawa kabisa.

Ningependa kuzungumzia suala la bima inayosimamia masuala ya afya hapa nchini ambayo hapo mwanzoni iliitwa bima ya kitaifa ya kusimamia masuala ya hospitali zetu. Hivi sasa Mswada huu unaweka pendekezo la kubadilisha sheria hii ili Wakenya wote waweze kuhusishwa kwenye bima hii ya afya.

Jambo ambalo ni muhimu, na sisi sote tunapaswa kuangazia, ni kuwa hatutaki bodi hizi ambazo zinasimamia masuala haya kuwa kubwa mno. Tunataka bodi za kiasi na ambazo hazitakuwa na utatanishi. Lakini juu ya hayo, kuna umuhimu wa kuangalia kuwa wale wahusika na washikadau wote wamehusishwa maanake wasipohusishwa, itakuwa ni makosa kwa uamuzi kufanywa na watu wachache ambao hawataweza kuzingatia masuala ambayo yanahusisha wafanyikazi na walimu. Hao ndio wafanyikazi ambao walio wengi hapa nchini. Bima ya afya ni muhimu na inashughulika masuala ya wafanyikazi wa Serikali na wale ambao wamestaafu kazini wanaweza kuhusishwa. Kuna manufaa makubwa sana ambayo yanapatikana. Serikali zetu za

ugatuzi kama Makueni na Kitui, zimwezesha watu tofauti tofauti ambao wasiojiweza. Kuna umuhimu wa kuhusisha serikali za ugatuzi kikamilifu ili bima ya afya iwafae Wakenya na wapate huduma safi kila mahali hapa nchini Kenya.

Vile vile, kuna suala la kawi na sheria zinazosimamia masuala ya kawi. Ukiangalia kwa undani, sheria hii ilikuja mwaka wa 2006 wakati ambapo tulikuwa bado hatujapata Katiba mpya. Kuna umuhimu wa serikali za ugatuzi pia zihusishwe maanake kawi haifanyi kazi hewani bali inafanya kazi kwenye maeneo ambapo serikali zetu za ugatuzi pia zipo.

Ukiangalia suala la kusimamia mimea hapa nchini, kuna umuhimu wa sheria hii ihusishe bidhaa zetu zinazotoka mashambani ziwe za maana na zimfaidi mkulima. Kahawa hupelekwa nje na ikirudishwa hapa, bei yake iko juu kwa sababu haikutengenezewa hapa nchini. Hivyo basi kuna umuhimu wa kuongeza faida kwa mkulima kwa sababu faida hii ikiongezwa kwa vyakula vinavyotoka kule mashambani, bila shaka mkulima atapata faida kubwa.

Halmashauri inayosimamia madawa hapa nchini inafanya kazi kwa ukaribu sana na serikali za ugatuzi. Hospitali na huduma za afya nyingi ziko chini ya serikali za ugatuzi. Sheria hii inapendekezwa ibadilishe sheria inayosimamia ugavi wa madawa hapa nchini kwenye halmashauri hii ili ifanye kazi kwa ukaribu sana na serikali za ugatuzi kwa sababu wana wafanyikazi wa kuhakikisha kuwa dawa zinazopeanwa kwa wananchi zitafaa afya ya mwananchi na hazijaletwa nchini kiholelaholela. Serikali za ugatuzi haziwezi kufanya kazi hiyo isipokuwa halmashauri hii. Pia, wakinunua dawa kwa wingi, inakuwa rahisi kwa mwananchi apate dawa na huduma zinazofaa.

Masuala ni mengi lakini nikimalizia, ningependa kuzungumza juu ya kuendeleza masuala ya kukuza na kulea samaki hapa nchini. Sheria hii imekuwa tangu mwaka wa 2016. Lakini vile vile, kuna umuhimu wa kamati zinazotengenezwa zihusishe kila mtu.

Nikimalizia, swala limezungumziwa hapa kuwa washikadau wote hawahusishwi katika masuala haya. Sheria zimeletwa hapa ambazo washikadau hawakuhusishwa. Katiba yetu imesema kinaga ubaga kwamba kuna umuhimu na ni lazima washikadau na umma wahusishwe katika sheria zote za nchini hapa. Itakuwaje sheria ziletwe hapa bila kuwahusisha washikadau wote? Nimesikia malalamishi kutoka kwa Wenyekiti na Wanakamati kwamba washikadau hawakuhusishwa na Wizara zinazohusika na masuala haya hazikuhusishwa. Kwa hivyo, kuna umuhimu wetu kufuata Katiba inavyosema na tusinge sheria zetu na kuleta utapeli katika sheria tunazojaribu kutengeneza nchini ile ziwafaidi wananchi wetu.

Naunga mkono Mswada huu lakini na mabadiliko.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Let us have the Member for Butula, Hon. Maero.

Hon. Joseph Oyula (Butula, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to the Statute Law (Miscellaneous Amendments) (No.2) Bill. I support most of the amendments that have been brought up.

I will start with the amendments that affect the National Hospital Insurance Fund which has been changed to the National Health Insurance Fund. I totally support that change as it is becoming more nationalistic than it was. I also support the idea whereby the Government, county governments and other employers will now contribute. I wish that the elderly people who are above 70 years were fully covered by the Government. This will be in addition to the current payment the Government gives to those elderly people.

I would like to comment a little on TVET. This is the right direction that will cover all the constituencies. This will encourage our youth - who are otherwise doing *boda boda* jobs - to go into TVET institutions for specialised courses. That too is in the right direction.

Betting is only supported because the Exchequer receives revenue from the winners and betting companies. However, betting will ruin a lot of our youth. People now move to areas where they can sit, bet and have forgotten to look for gainful employment. Since there is some taxation element which enables the Government to raise revenue, I support it with reservations.

This amendment Bill has brought out the Kenya National Bureau of Statistics (KNBS) Act very well. Initially, the Act was not fully covered. A lot of amendments have been brought in which now give the Act more powers to ensure that all statistical information gathered is under the control of KNBS.

Hon. Temporary Deputy Speaker, the Act also brings county governments in line with the national Government. It separates those items whose statistics will be produced both from the national Government and the county governments. That ensures that all the information is reported by KNBS. It prohibits any information brought in from individuals, which at times is not accurate yet you find people using it to generate certain reports. With the control of all the statistical records under the KNBS, the country will have accurate information which can be used internationally.

Hon. Temporary Deputy Speaker, I support those areas. I hope they will go through without any amendments. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Member for Matayos, Hon. Odanga.

Hon. Geoffrey Odanga (Matayos, ODM): Thank you, Hon. Temporary Deputy Speaker. I want to reiterate the fact that Parliament is a House of debate and order. We are allowing debate on issues as they come up in a way that will help this country move forward. Wherever there are cases outside there, if a judge of a lower court makes a certain judgement, it is still open to appeal. Even if at an earlier time, the Speaker of the National Assembly made a certain ruling and then new information comes up like the one that has come up from the Vice Chair and Chair of the Departmental Committee on Trade, Industry and Cooperatives, it is a matter that needs to be looked at afresh. I will not agitate for a case where the Committee said it made certain recommendations to omit certain clauses from the Bill only for those clauses to find their way back into the Bill. Even the Cabinet Secretary and the Principal Secretary responsible disowned the clauses but those clauses are still before the House for discussion. We need to understand, listen and discuss issues that had been ruled out, if there was no sufficient information.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Odanga, there is a point of order from the nominated Member, Hon. ole Sankok David.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker. The Speaker made a ruling on this matter. It is out of order for us to keep on repeating it while the Speaker has made a ruling. The Speaker is always right.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Sankok, you are also repeating what I said. Hon. Member, this is a House of debate. You can debate and say what you want to say as long as it is within the debate that will not mislead the House. If you were in the House, what the Hon. Member is speaking to was raised as a point of order by Hon. Maanzo and it was noted. So, carry on with your debate.

Hon. Geoffrey Odanga (Matayos, ODM): Thank you, Hon. Temporary Deputy Speaker. Having said that, I want to oppose the Statute Law (Miscellaneous Amendments) Bill because I believe that when one item does not fit the Bill, the whole business needs to be done afresh. We are here to debate for the people of Kenya and to represent them.

Quite a number of amendments may look good but given that one or two items do not really meet the requirements that we need, then we need to go back and look at everything afresh. For instance, there is the issue of NHIF. I even wonder why the title is changing to the “Hospital Insurance Fund”. Why are the members of the board who represent the very beneficiaries like COTU, KUPPET, KNUT and even the FKE being removed from this important board? It is as if we want to go back to the old order of things. It has not been like this for many years in Kenya. The workers are the people who make contributions and they benefit from this very important fund. There is no reason why the members of COTU and other unions, including the FKE, should be removed from the board. The five members to replace them will be solely appointed by the Cabinet Secretary. We cannot accept to go back to the days of such operations in this country.

Therefore, I oppose.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Odanga, you are doing the right thing. This is a House of debate. Members will take a vote on whether they support or oppose. Member for Gatanga is the next one on my request list.

Hon. Joseph Nduati (Gatanga, JP): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to the Statute Law (Miscellaneous Amendments) Bill. I am interested in the amendment to the Public Procurement and Asset Disposal Act. If you look at the Bill, most of these amendments are here. At the outset, I would like to oppose the Bill.

The definition of “procurement professional” is given on page 521. The Act says that a procurement professional means a person who has professional qualifications in procurement or supply chain management from a recognised institution, and he is a member of the Kenya Institute of Supplies Management which was established under the Supplies Practitioners Management Act, 2007 (No.20 of 2007). This procurement professional is somebody who has tried to find space over the years. If you look at the Budget which we passed in this Parliament, a lot of money goes towards infrastructure where a lot of money is provided for energy, water, roads and buildings. This Act has omitted defining professionals within the infrastructure sector. There are engineers who construct our roads, the electrical engineers who do our lights, the architects who design our buildings and the quantity surveyors and pharmacists. They also provide us service. It is high time this definition was done away with.

This procurement professional is supposed to be a member of the Kenya Institute of Supplies and Management which is an association. It is not like what happens for the doctors who are regulated by the Kenya Medical Practitioners and Dentists Board. Architects and quantity surveyors are regulated by the Architects and Quantity Surveyors Board. The engineers are regulated by the Engineers Registration Board. So, with these, you find that you can be a student at the Kenya Institute of Supplies Management and you call yourself a professional procurement officer. Having interacted with the public service, I can say that most of the times...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Member, you should wind up. We have Zero Hour Statement at 6.30 p.m.

Hon. Joseph Nduati (Gatanga, JP): You cannot give me three minutes?

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Wind up. This is a House of rules and procedures.

Hon. Joseph Nduati (Gatanga, JP): Will you give me additional time tomorrow?

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I am not going to give you more time. It is now 6.30 p.m. and we must go to the Zero Hour.

Hon. Joseph Nduati (Gatanga, JP): Will you give me more time to contribute tomorrow because the Bill has substantial amendments? Being in this sector, I want to make my contribution.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I am saying that it is 6.30 p.m. and we are moving to the Zero Hour.

Hon. Joseph Nduati (Gatanga, JP): What balance of time will I have tomorrow?

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You will have a balance of four minutes, Hon. Member for Gatanga.

Hon. Joseph Nduati (Gatanga, JP): Thank you very much, Hon. Temporary Deputy Speaker. But, you should also be giving monos like us time.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Are you are calling yourself a mono?

Hon. Joseph Nduati (Gatanga, JP): Yes. Others are allowed to contribute.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Yes, we will also consider the monos. I am sure other Members are happy. Monos are the first timers. Hon. Member, you will have four minutes tomorrow. So, get ready.

Hon. Joseph Nduati (Gatanga, JP): Thank you very much, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, it is 6.30 p.m. and we start the Zero Hour with a Statement from the Hon. Member for Lamu.

ZERO HOUR

BAN ON IMPORTATION OF FISH

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): Hon. Temporary Deputy Speaker, pursuant to Standing Order No.43, I wish to make a Statement regarding importation of fish into the country.

I wish to commend His Excellency President Uhuru Kenyatta for imposing a ban on importation of fish into the country.

The fishing sector plays an important role in the national economy and contributed approximately 0.54 per cent to the country's GDP in 2013. This figure could be higher if the Government were to put more focus into this neglected subsector.

The fishing sector promotes other industries such as net making, boat building, transport and economically supports about 80,000 people directly and 800,000 indirectly, yet it is the most short-changed in the government reforms.

In 2015, Lamu County, which I represent, produced an estimated 2,240 metric tonnes valued at Kshs420 million against a potential of 40,000 metric tonnes valued at Kshs7.5 billion. What could have been the impact of Kshs7.5 billion in the economy? With such numbers, you cannot rule out the contribution of this industry to the Big Four Agenda.

Therefore, the Government should take advantage of the available data on percentage of fish produced per region and build fish processing plants in strategic regions to ensure maximum returns to the fishers. Why would fish produced in Lake Victoria be processed in Thika? Why would fish from Kiunga in Lamu be sold at Kshs50 to the brokers who sell it at Ksh400 in Mombasa? What has the Government done about the water hyacinth in Lake Victoria?

Fishing is an art passed down from one generation another. We need to prioritise the safety of the fishers and guarantee their security as a measure of reviving the fishing industry.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, the Zero Hour is meant to facilitate Members to make the general statements of topical concern. I will give Members three minutes to make comments on the statement by hon. Member for Lamu.

Member for Seme.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker. This is an important Zero Hour. It is good that we have banned importation of fish from China. The most important issue that we should look at is why fish is coming from China. The reality of the issue is that there is a big market and our fish production has dropped both around the lake and at the Coast. This is because we have not seriously developed the fishing industry to compete.

If you look at Kisumu, for example, it is amazing that in the local Jubilee Market which supplies most of the fish in Kisumu, 70 per cent of the fish is now coming from China. When the ban was put in place, in fact, the local people were concerned because they will not find fish. The production in the lake dropped by 50 per cent between 2014 and 2015. Over the same period of time, the amount of money we have lost as a country through importation is about Kshs1 billion that has gone to China through the same process. The reason is that in this particular case, there is illegal fishing, overfishing, fishing in breeding areas, pollution, and the problem of hyacinth. So, whereas I support the ban, the most important approach to this would be to look at the fishing industry. In Lake Victoria, for example, we must develop aquaculture to the extent that when we need to protect the breeding areas and the fishermen have somewhere to get the fish. The aquaculture will do that. If we engage farmers to do pond farming, that will produce the fish that will result in releasing the pressure on Lake Victoria and the breeding areas. If you go to the Coast, you need heavy fishing gear and most of the sophisticated fishing and marine biology to support that. We must invest money in fishing both at the Coast and around Lake Victoria. Without that, the market forces will bring to us the Chinese fish.

This is an important contribution. I thank the Member for bringing this as a topical issue in this Zero Hour. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let us hear the Member for Matungulu, Hon. Mule Mutinda.

Hon. Stephen Mule (Matungulu, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I thank the honourable Member for Lamu for bringing up this issue of fish within our country. Sometimes, it becomes very difficult to understand this country where we have resources and yet we do not utilise them to benefit Kenyans. Instead our resources benefit other people. It is painful especially for the people who live in the Coast and the Nyanza areas because they have the potential to use their resources to earn a living and also produce and empower themselves economically. It is high time the Ministry of Agriculture and the Department of Fisheries came out with very clear directions on how they need to empower the local fish farmers.

It perturbs me and if we continue allowing everything to come from China, I am foreseeing a situation whereby even the laws will be coming from China. It is sad. I want to put it clearly that, as a House, we are going to stand with this matter. It is important for Members to understand that at Zero Hour, we need to come out as Members of Parliament and defend the country irrespective of the regions we come from.

We do not farm fish where I come from. But, I know very well that if fish is protected and farmed well in this country, we do not need to import; not only even from China but also Uganda. We do not need to. As a country, it is high time we woke up and protected our resources. The resources we have in this country are enormous. The people from the Coast should benefit from the resource they have been given by God, the same way people from Turkana are benefiting from the resource of oil when we have a full-blown exploration, pumping and selling of oil.

I want to put it very clearly that we, as Members of Parliament, are the voice of the people. We are the protector of the people. We are the people to give direction in some issues.

As I finish, I want to reiterate about the Statute Law (Miscellaneous Amendments) Bill. Ministries come and denounce these Bills in front of Committees. They leave out such important issues like fishing. We will support her and make sure the necessary legislation and investments are done in the right way.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Your time is over. You will still have time to debate the Statute Law (Miscellaneous Amendments) Bill because you did not speak to it. Hon. ole Sankok?

Hon. David ole Sankok (Nominated, JP): Thank you very much Hon. Temporary Deputy Speaker.

Let me start by congratulating the Member for Lamu for bringing such an important Statement to this House. We really need to support this Statement because it has come at the right time. We also thank the President for banning importation of fish from China. We need more stringent measures and more investments put into fish farming. It is very shameful that we import fish at this era and in a country that is blessed with many water masses which include Lake Victoria, Lake Naivasha, the Indian Ocean and so many water masses. We have a long coastline that we could invest in and get more fish. It is shameful we import fish from China. At this rate when we have imported so many materials – the Standard Gauge Railway (SGR), labour and now fish from China – we will very soon be importing even kids from China. That is if this is not taken care of.

We would like to urge the Government to move from a culture of so much social protection. It is making our citizens look like supplicants always seeking favours to invest in some of these economic activities that will economically empower our communities and youth.

It beats logic that we lose Kshs1 billion in a single year to buying fish from China while our harvesting of fish in Lake Victoria is reducing by 50 per cent in the same duration of time. This happens because of water hyacinth and the country not taking real measures in exploration of fish farming. We want the Government to invest more, especially in the coastline where we need more machinery. We have a very big chunk of the ocean that we can fish and meet our demands as a country. If we will not invest on that, the supply and demand curve will come in and find that our fishermen will be out of market. Let the Department of Fisheries put laws on inhibiting importation.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Thank you. Hon. Duale Dahir, Member for Dadaab Constituency.

Hon. Mohamed Duale (Dadaab, KANU): Thank you, Hon. Temporary Deputy Speaker for giving me chance to contribute to this very topical issue.

First of all, I want to take this opportunity to applaud His Excellency the President for banning importation of fish from China. The areas that do fishing are the coastal areas and the lake region. There are also many other places where fishing is done specifically in the water

masses inside the country that include lakes and rivers. This country has a great potential for commercial fishing. Commercial fishing can be encouraged even in the driest areas if we use the water masses and introduce fingerlings through the Ministry of Fishing.

We will therefore request the Government to support the fishermen who are already in this trade, particularly in the coastal region and the lake region because those fishermen are still using traditional method. They need heavy gear equipment, they need to have motorised boats and need to be assisted in marketing, storage and so on. There is also need to implement laws to protect unscrupulous fishermen who fish using nets which have small apertures where they can harvest the eggs of fishes and deplete even the ones which would have grown. There is also need to ensure that legislation which is already there is implemented to prevent contamination of water masses by sewage and chemicals so that we are safe.

As this country is becoming urbanised, we are increasingly getting lifestyle- related diseases. Many people who have hypertension, heart ailments, diabetes and so on are often advised to avoid red meat. The option they are being given is to use fish or chicken. Therefore, this country has a lot of market for fish and we have the capacity to produce. I therefore thank His Excellency the President for banning importation of fish.

Thank you very much, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. The Member for Turkana County, I understand the name the people of Turkana understand better is *Mama County*.

Hon. (Ms.) Joyce Emanikor (Turkana CWR, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support the statement given by Hon. Capt. Ruweida in relation to the ban on importation of fish by the President and we really want to congratulate the President for doing that.

We need to protect our fishermen and their interest. We also need to protect our farmers including the dairy farmers because we understand there is a lot of importation of eggs as well from China. We need to promote Kenyan local investment and ensure safety of the produce that we receive. We are sure that fish in Kenya is very safe. Kenya is not the first country to put a ban on imports. I know Ghana banned importation of tilapia just to protect a few tilapia farmers. This shows that the Government has the interest of its citizens at heart. There are so many foreign items on the shelves of our shops and supermarkets. Some of them are even labeled in Chinese and Arabic and we do not know what they contain. We even want to bring laws to ensure that the labelling of all the things that are imported are made clear, even if it means translating so that Kenyans understand what they are buying. I support this amendment.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The Member for Gichugu, Hon. Gichimu Githinji.

Hon. Gichimu Githinji (Gichugu, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support the statement by the Hon. Member for Lamu. It is a bit unfair for the Kenyan community, for other countries like China to take advantage of the good bilateral trade relationship to export goods we can produce locally. Other countries, for example, China are taking advantage of the good bilateral trade relationship with Kenya to export goods we can produce locally. This is unfortunate. In the same line, labour from outside this country finds its way here. We have experts coming yet the local community is crying about lack of job opportunities.

When fish is imported in Kenya it means that people who rely on this product for their livelihood suffer, especially Luo-Nyanza and other places like the Coast and Mt. Kenya region.

We have rivers and dams which can be well developed for people to do fish farming. This is a very lucrative business where I come from in Gichugu. People are developing dams and after using their money, resources, energy and time, they find very cheap fish coming from outside, which we do not know how it was reared.

This statement comes at the right time and we support our President for making this initiative. Even for other products which we produce locally, we will support the Government. We should ensure we do not get anything coming into this country including rice and other products which we produce locally. This will ensure we safeguard the interest of our people.

Thank you, Hon. Temporary Deputy Speaker. I rise to support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Member for Mwea, Hon. Wachira Kabinga.

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this very important topical issue. The issue of importation in our country needs to be addressed in a serious manner. We are importing fish and leaving our fish farmers without support and markets. In addition, we are consuming goods which sometimes we do not know where they are coming from.

As we congratulate the President on the ban of importation of fish, it is important that we get deeper into the issue and understand who in the first place authorised licences for importation of fish into this country. We need to understand what data informed the need to license this importation. This is because it looks like we are not regulating our imports and anybody can go out there and bring us anything for consumption.

I stand to support this ban because, I know for example, this country is importing a lot of rice, despite the rice we are producing in my area of Mwea. We produce more than 105,000 metric tonnes of rice. Before we consume that rice we receive a lot of imports, yet we do not know who is licensing them. They are not informed by any data and this rice comes from areas where it was preserved for many years. So, as a way of disposal, it finds its way into our country. We need to understand who is not doing his job, who is licensing and who is letting these goods get into our country. We cannot believe that of all other goods in this country we can have fish. I stand to seriously support this topical issue.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): There is an expression of interest to speak to this by the Member for Garissa Township, Hon. Duale.

(Hon. Peter Kaluma stood up in his place)

Hon. Kaluma, you are not Hon. Duale. No, you cannot speak.

(Hon. Peter Kaluma spoke off record)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): How did you get Hon. Duale's card?

(Hon. Peter Kaluma spoke off record)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You found it there. Then we cannot identify you as Hon. Duale. You even sat on his seat!

(Hon. Peter Kaluma spoke off record)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You are requesting to speak using Hon. Duale's card? How did it get to the request here?

Hon. Peter Kaluma (Homa Bay Town, ODM): I found it at the place I am sitting. I apologise. I want to speak as myself.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): When I called Hon. Duale, you rose. I cannot allow you to speak on Hon. Duale's account because the records will show it is Hon. Duale who was speaking. Can you use the Dispatch Box?

Hon. Peter Kaluma (Homa Bay Town, ODM): Thank you, Hon. Temporary Deputy Speaker for the judicious exercise of discretion.

I come from a constituency which is deeply associated with fish. We may be forgetting but we have the capacity as a country to be the nation exporting fish to other countries. People think we are only talking about fish from our lakes and internal water bodies, which are several, but we are forgetting that our exclusive economic zone in the country is over 200 nautical miles into the sea. I joined the team of Kenyans, as a lawyer on law of the sea, which delimited the maritime areas in Kenya with the Kenya Navy. I can tell you going deep into just 50 nautical miles we could not sustain ourselves there. There is nothing like China or any country that has a sea area which is bigger than Kenya. It is that we have not developed our capacity to exhaust the resource in fish stock and our exclusive economic zone. Even our territorial sea, which is 20 nautical miles into the waters alone is not enough.

So, I join my colleagues in thanking the President for putting a stop into this importation. I would request it not to be limited just to China but any nation whose fish is being imported to Kenya should be stopped. As we do that, may we think of how to better fish production in the country. We are giving a lot of money each year towards fish production but you would confirm with our records that while it is associated with a place like Nyanza province, there is nothing like aquaculture or fish ponds being done there. We are teaching people to produce and love fish in areas where we cannot produce to the level where it is commercially gainful.

I request His Excellency the President that this is a good step towards stabilising this industry. I believe if we stabilise the fishing industry, the contribution of this particular area to the GDP will be higher than what the Mover of this important Motion has placed before us today, if we can move firmly in that direction. Let us take this as a step towards maturing this sector. When you go to Luo Nyanza today, what you are told is that the Luo merely eat what in the local language is called *mgongo wazi*. The fish fillets are brought to Nairobi. The Luo, who has been associated with fish, lick boiled remains with skeleton frameworks like we are animals. We want a situation where if we are going to invest in aquaculture, we take those things to places like Nyanza. I know this was part of the economic marginalisation which went to some sections of this country. With the handshake and the peace in the country, which is being supported by all of us, we want to see development initiatives being taken to every corner of the country based on the potentials of every region. It is a Motion that we needed to talk more about. I note that time is up. I hope we can develop this debate beyond this Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. At least the records will now show that Hon. Kaluma contributed. You come from the fishing region. We will pray for you to be the Leader of the Majority Party one day so that you take Hon. Duale's seat.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, the time being 7.00 p.m., this House stands adjourned until Wednesday, 14th November 2018, at 9.30 a.m.

The House rose at 7.00 p.m.