

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 6<sup>th</sup> December 2018

The House met at 9.30 a.m.

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

PRAYERS

QUORUM

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, I order that the Quorum Bell be rung.

*(Quorum Bell was rung)*

Hon. Members, Order! I can now confirm that this House is properly constituted.

PAPERS LAID

**Hon. Emanuel Wangwe** (Navakholo, JP): Hon. Temporary Deputy Speaker, I beg to lay the following Papers on the Table of the House:

Report of the Joint Committee of the Departmental Committee on Agriculture and Livestock and the Departmental Committee of Trade, Industry and Cooperatives, on the Study visit to India on Bt Cotton from 16<sup>th</sup> to 23<sup>rd</sup> September 2018.

Thank you, Hon. Deputy Speaker.

QUESTIONS BY PRIVATE NOTICE

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): The first Question will go to Hon. Jacqueline Oduol.

*Question No.164/2018*

POLICY ON SAFETY OF CHILDREN IN NEED

**Hon. (Prof.) Jacqueline Oduol** (Nominated, ODM): Hon. Temporary Deputy Speaker, my Question goes to the Cabinet Secretary for Labour and Social Protection.

a) What action is the Cabinet Secretary taking to ensure that children in need of care and protection are placed in “family based” care such as foster homes, adoption guardianship or

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kinship care as opposed to children's homes which have been mushrooming, in some cases, for reasons that are not in the best interest of children?

b) Could the Cabinet Secretary provide a list of all duly registered children's homes in the country indicating their location in terms of constituencies and counties, and whether they are administered by Kenyan nationals or foreigners?

c) What policy direction exists in the National Council for Children Services to safeguard children and ensure they are not stolen, trafficked or abused by duty bearers and care givers in hospitals, homes, schools, families and religious institutions?

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. Your Question will be replied before the Departmental Committee on Labour and Social Welfare. Next Question is by the Member for Tigania West Constituency, Hon. Mutunga.

*Question No.295/2018*

#### INSECURITY IN TIGANIA WEST CONSTITUENCY

**Hon. John Mutunga** (Tigania West, JP): Hon. Temporary Deputy Speaker, I would like to ask the Cabinet Secretary for Interior and Coordination of National Government the following Question:

- (a) Is the Cabinet Secretary aware that National Police Reservists – Joel Miriti and Simon Mworira from Kandebene and Mumui locations respectively were killed on 7<sup>th</sup> November 2018 and a civilian, Stephen Kailemia from Loobua location was killed on 28<sup>th</sup> November 2018, while one, Jacob Thiane from Loobua Location is nursing gunshot wounds at the Meru General Hospital, following a spate of insecurity in Tigania West Constituency?
- (b) Is the Cabinet Secretary further aware that National Police Reservists are ill-equipped and poorly facilitated to effectively perform their duties?
- (c) What measures is the Ministry taking to ensure that security is enhanced in Tigania West Constituency and that the National Police Reservists and other security agencies in Tigania are well facilitated with vehicles and equipment?
- (d) Is there any mechanism in place to compensate the National Police Reservists who lose their lives in the line of duty?

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Your Question will be replied to before the Departmental Committee on Administration and National Security. The next Question is by Hon. Francis Masara, Suna West.

#### ORDINARY QUESTIONS

*Question No.246/2018*

#### SENSITIZATION OF SAFETY PROCEDURES DURING MINING

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Masara is absent and, therefore, his Question is stood down.

*(Question dropped)*

Next Question is by Hon. Beatrice Nkatha, Member of Parliament for Tharaka Nithi.

*Question No.272/2018*

DELAYED PAYMENT OF MONEY UNDER THE NYS YOUTH PROGRAMME

**Hon. (Ms.) Beatrice Nyaga** (Tharaka-Nithi CWR, JP): Hon. Temporary Deputy Speaker, I would like to ask the Cabinet Secretary for Public Service, Youth and Gender Affairs the following Question:

- (a) Is the Cabinet Secretary aware that over 500 persons who were engaged under the National Youth Service Youth Programme to offer various services in Tharaka Sub-county are yet to be paid their dues totaling over Kshs27,284,000?
- (b) When does the Ministry plan to pay the above monies and what measures are in place to ensure that such delays in payments are avoided?

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. Your Question will be replied to before the Departmental Committee on Labour and Social Welfare. Next Question by Hon. Benjamin Gathiru Mwangi, Member of Parliament for Embakasi Central Constituency.

*Question No.279/2018*

LOW TEACHER-PUPIL RATIO IN EMBAKASI CENTRAL CONSTITUENCY

**Hon. Benjamin Mwangi** (Embakasi Central, JP): Hon. Temporary Deputy Speaker, I would like to ask the Cabinet Secretary for Education the following Question:

- (a) Is the Cabinet Secretary aware that most primary schools in Embakasi Constituency have a teacher-pupil ratio of 1:100 and lack basic facilities such as desks?
- (b) What measures is the Ministry putting in place to adhere to the recommended teacher-pupil ratio of 1:40 and ensure schools are equipped with necessary facilities?

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very Well. Your Question will be replied to before the Departmental Committee on Education and Research. Next Question is by Hon. Bishop Kawira Mwangaza, Member of Parliament for Meru County.

*Question No.283/2018*

COMPLAINTS AGAINST KENYA POWER COMPANY IN MERU

**Hon. (Ms.) Kawira Mwangaza** (Meru CWR, Independent): Hon. Temporary Deputy Speaker, I would like to ask the Cabinet Secretary for Energy the following Question:

- (a) Is the Cabinet Secretary aware of numerous complaints against Kenya Power in Meru County relating to among others, low and loose hanging power lines, frequent power outages, defective and broken down transformers, exaggerated inflated power bills, and delays in addressing reported incidents?
- (b) What measures is the Ministry taking to ensure that complaints are addressed urgently and further assure the residents of their safety with regard to defective transformers?

- (c) Could the Cabinet Secretary consider compensating customers for the power surges and intermittent outages for losses incurred?

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very Well. Your Question will be replied to before the Departmental Committee on Energy. Next Question is by the Member for Rongo Constituency, Hon. Paul Abuor.

*Question No.284/2018*

KILLING OF FREDRICK ONYANGO OMONDI BY POLICE

**Hon. Paul Abuor** (Rongo, ODM): Hon. Temporary Deputy Speaker, I would like to ask the Cabinet Secretary for Interior and Coordination of National Government the following Question:

- (a) Is the Cabinet Secretary aware that on 30<sup>th</sup> November, 2018, one, Fredrick Onyango Omondi, of identification number 36392805, an unarmed youth was allegedly shot and killed by police officer in Rongo Town?
- (b) What action has the ministry taken against the said police officer and when will his family be compensated for the loss of his life?
- (c) Could the Cabinet Secretary consider transferring police officers in Kamagambo Police Station in Rongo who have overstayed at the station, and further ensure that police officers stop the continued harassment and soliciting of bribes from residents of Rongo Constituency?

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very Well. Your Question will be replied to before the Departmental Committee on Administration and National Security. The last Question on the Order Paper is by Hon. Elisha Odhiambo, the Member of Parliament for Gem Constituency.

*Question No.286/2018*

INSECURITY IN GEM CONSTITUENCY

**Hon. Elisha Odhiambo** (Gem, ODM): Hon. Temporary Deputy Speaker, I would like to ask the Cabinet Secretary for Interior and Coordination of National Government the following Question:

- (a) Is the Cabinet Secretary aware that residents of Gem Constituency are living in fear due to high levels of insecurity?
- (b) Is the Cabinet Secretary further aware that several persons have lost their lives in Wagai Market Centre and Yala Town while others have lost property of unknown value in Got Regea, Sirembe, Gongo and Oseno areas due to insecurity?
- (c) Could the Cabinet Secretary consider increasing the number of police officers in Yala Police Station in addition to providing them with vehicles and other equipment to curb insecurity in the constituency?

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Your Question will be replied to before the Departmental Committee on Administration and National Security. Next Order!

**REPORTS AND THIRD READINGS****REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON  
THE CAPITAL MARKETS (AMENDMENT) BILL**

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): The Committee of the whole House considered this Bill up to reporting. Clerks-at-the-Table, please confirm whether the House is properly constituted. Hon. Members, we are putting the Question for adoption.

*(Question proposed)*

*(Question put and agreed to)*

The Mover to move Third Reading.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, I beg to move that the Capital Markets (Amendment) Bill (National Assembly Bill No.19 of 2018) be now read a Third Time. I also request, Hon. Chris Wamalwa to second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Wamalwa, to second.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): Thank you, Hon. Temporary Deputy Speaker. I rise to second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): I confirm that the House is properly constituted.

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and passed)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Next Order!

**REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON  
THE SACCO SOCIETIES (AMENDMENT) BILL**

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, I move to put the Question on this.

*(Question proposed)*

*(Question put and agreed to)*

The Mover to move Third Reading.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, I beg to move that the Sacco Societies (Amendment) Bill (National Assembly Bill No.18 of 2018) be now read a Third Time. I also request, Hon. Chris Wamalwa to second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Wamalwa, to second.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): Thank you, Hon. Temporary Deputy Speaker. I rise to second.

*(Question proposed)*

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and passed)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Next Order!

REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON  
THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): The two Members can just walk in. I am in a good mood today. Order, Hon. Simba Arati!

*(Question proposed)*

*(Question put and agreed to)*

The Mover to move Third Reading.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, I beg to move that the Assumption of Office of County Governor Bill (Senate Bill No.1 of 2018) be now read a Third Time. I also request the Vice-Chair of the Departmental Committee on Energy, Hon. Pukose to second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Vice-Chair of the Departmental Committee on Energy to second.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Temporary Deputy Speaker. I second the Third Reading of the Senate Bill No.1 of 2018.

*(Question proposed)*

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and passed)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Next Order!

## BILLS

*Second Readings*

## THE NATIONAL YOUTH SERVICE BILL

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, I am guided that the House is properly constituted, so, I move to put the Question.

*(Question proposed)*

*(Question put and agreed to)*

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

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Next Order!

## THE COUNTY ALLOCATION OF REVENUE (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Let us have the Chairperson, Budget and Appropriations Committee to move the Second Reading.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Thank you, Hon. Temporary Deputy Speaker. I beg to move that the County Allocation of Revenue (Amendment) Bill (Senate Bill No.29 of 2018) be now read a Second Time.

The County Allocation of Revenue (Amendment) Bill, 2018 follows the amendments we did last month to the Division of Revenue Act, 2018 which was assented to on 5<sup>th</sup> October 2018. The purpose of this amendment was the inclusion of the Kshs3.7 billion additional conditional allocations to counties for the Financial Year 2018/19. This was from three development partners namely; the Government of Sweden, European Union (EU) and the World Bank. The County Allocation of Revenue (Amendment) Bill (Senate Bill No. 29 of 2018) proposes to amend the County Allocation of Revenue Act, 2018 with the aim of introducing three more conditional allocations for county governments for the Financial Year 2018/2019 financing by loans and grants from donors.

Hon. Temporary Deputy Speaker and Hon. Members, you recall that at the time we did the Division of Revenue Bill, agreements for these grants had not been finalised between the National Treasury and the respective donors. Following the conclusion of those agreements, we moved an amendment Bill to the Division of Revenue Bill that brought this Kshs3.739 billion. That is what has necessitated our Senate to now do this amendment Bill to the County Allocation of Revenue Bill of 2018, which we had done earlier in the year. I do not need to belabour much but just to point out that the following financial recommendations are proposed by this amendment Bill:

That, this this House approves the amendment of the County Allocation of Revenue Act, 2018 to enable the disbursement of Kshs3,739,453,368 for the following three additional conditional grants to county governments for the Financial Year 2018/2019:

- (a) A figure of Kshs1,005,453,368 for the Agriculture Sector Development Programme II (ASDP II)
- (b) Kshs880 million for the European Union (EU) Water Tower Protection and Climate Change Mitigation and Adaptation Programme.

- (c) Kshs1.854 billion for the IDO World Bank Credit for the Kenya Urban Support Project (KUSP Urban Intuitional Grants UIG) plus balances carried forward from the Financial Year 2017/2018.

The Committee, therefore, recommends that the House passes this County Allocation of Revenue (Amendment) Bill (Senate Bill No. 29 of 2018). From the Report that we tabled yesterday, Hon. Members will note some of the recommendations by the Committee. One is that the National Treasury and development partners develop a framework to ensure early engagement in signing of contractual agreements for conditional loans and grants to county governments with a view to aligning it to Kenya's budget process timelines. What we are saying is that since the National Treasury and also our development partners are aware of the budget preparations cycle, the National Treasury develops a framework where we do not have to keep going back to amendments either to the Division of Revenue Bill or even to the County Allocation of Revenue Bill because of delayed signing and conclusion of agreements. So, they need to engage and conclude all these agreements for grants and other budgetary support way before the budget process is concluded to avoid us repeating some of these things often.

Secondly, we have recommended that a framework for assessing the performance of conditional allocations for loans and grants for effective oversight be developed by the National Treasury in consultation with the implementing Ministries, Departments and Agencies (MDAs). Definitely, our Senate has a huge role to ensure that, indeed, they perform their duties in line with their constitutional mandate to oversee county governments and ensure that they offer meaningful oversight on the implementation of projects from these grants. This is donor money. A bit of this money, as you will note from the Bill, is a credit component. So, it is money that we are borrowing that we will pay back, as much as it has a grant component.

We have also recommended that where Government is borrowing and there is a credit component, then the credit component should not be used for studies and such things. Such money should go towards real development work. It should be used to implement development projects. Therefore, we challenge our Senate because a lot of this money is going to waste in our counties and yet the Senate has a responsibility to oversee how this money is utilised in our respective counties. At least part of the Urban Support Programme is going to all the 47 counties except Nairobi and Mombasa counties. Therefore, the money will be used to roll out development projects and it will be important for our Senators, in their respective counties, to oversee how the money is utilised. It should ensure that it goes to meaningful use as opposed to getting misused at the county level.

I do not want to belabour anything more than that since this is a small Bill. Hopefully, it will pass without any amendments. I beg that we do support it.

I request the Leader of the Majority Party to second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Let us have the Leader of the Majority Party for seconding.

**Hon. Aden Duale** (Garissa Township, JP): Thank you, Hon. Temporary Deputy Speaker. The County Allocation of Revenue (Amendment) Bill, which is from the Senate, seeks to amend the County Allocation of Revenue Act, 2018 which this House passed. This Bill seeks to incorporate the recent amendment that we made, as a House, to the Division of Revenue Act 2018 as approved by the House in August 2018. As we look into incorporating and aligning this amendment into the County Allocation of Revenue Act 2018, there are concerns of not adhering to the budgetary process, in view of the amendments coming six months late after the end of the budget process. So, there are concerns in terms of implementation.

Hon. Members, this law is about implementation of the approved budget in terms of programmes and project delivery as well as overall absorption capacity. It is a concern. As we pass it here, there is a serious concern that donor funding and everything else are coming six months after we passed the Budget for the Financial Year 2018/2019. It is also important to note that the proposed amendment, which is in line with the amended Division of Revenue Act 2018 increases the total conditional allocation to county governments from Kshs33.24 billion to Kshs36.9 billion meaning that there is an overall increase in allocation to counties towards implementing key programmes and projects. So, we are giving more money to counties, to the tune of Kshs36 billion extra in the form of conditional grants. So, devolution is working. It is getting more resources. More and more money is being sent to programmes and projects in the counties. We hope that the people of Kenya in the 45 counties will get value for this money.

However, and on account of the Report of the Auditor-General, there are serious accountability concerns around the utilisation of the county expenditure and public expenditure in general. If you look at the Auditor-General's report from the counties, which has been tabled in the Senate, there are serious accountability concerns on the utilisation of the county expenditure. There are serious risks emerging in the sense that there are a lot of resources which are being lost at the county level.

Hon. Temporary Deputy Speaker, you are the Vice-Chairperson of the Public Accounts Committee (PAC). Indeed, most of the indicators of the public expenditure and financial accountability point to a very weak fiscal governance structure at the county level. The fiscal structure at the Treasury and the finance departments at the county level look very weak in terms of governance.

There is need for enhanced oversight, including having a robust monitoring and evaluation framework to safeguard county resources. The House can go further, through the Budget and Appropriations Committee and the Departmental Committee on Finance and Planning, to table amendments to the Public Finance Management (PFM) Act and put safeguards in place in order to reduce the pilferage and wastage of public funds that take place at the county level. We must at all times have a framework to safeguard county resources. That will help us to promote value for money for the benefit and welfare of the people of Kenya.

As I conclude, those resources which we are sending to counties should be utilised to create capacity in the asset base and must be guarded against being employed for non-productive, non-priority recurrent activities. There is a lot of investment of the county government resources in non-priority and non-productive recurrent expenditure. We have turned the counties into homes for expenditure. Very few development projects are taking place. Capacity building workshops are needed which will be critical in creating programme-based budgets in the budget-making process.

In view of the foregoing, it is time that we audit and review the public finance management process and ensure that the budget cycle, including the public participation and other best practices, are well-integrated for an effective policy design and implementation of the financial systems in our country. This is donor-funded and donors are very critical in funding our development projects. They are partners. How those resources are used at the county level will encourage and motivate the said donors and more donors, both multilateral and bilateral, to pump more money into our counties.

For our governors, the ball is in your court. The money is there. Upon assent of this law, please, make sure you properly utilise the taxes by Kenyans and the donor-resources which

belong to taxpayers from their countries. All the monies that counties and the national Government receive must be used prudently.

I beg to second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): The two Members who are consulting, please, resume your seats.

*(Question proposed)*

The first request is by the Member for Kiminini, Hon. Chris Wamalwa.

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD – K): Thank you, Hon. Temporary Deputy Speaker. I rise to support this County Allocation of Revenue (Amendment) Bill.

This is coming as a result of the amendment of the Division of Revenue Bill that we passed. The Division of Revenue Bill gives a provision for the vertical sharing of the national revenue between the national Government and the counties. This Bill helps in the horizontal sharing of revenue. As we were told earlier by the Chair, it came as a result of the amendment to the Division of Revenue Bill which gave a provision for three extra conditional grants. They were tailored towards the agriculture sector, water sector and urban planning. As my colleagues have clearly put it, it is now time for the Senate to do a proper follow-up in terms of monitoring and evaluation to ensure that those grants go to the specific conditions that they were given for.

Recently, Nairobi almost came to a stand-still when the Governor gave a directive without proper consultation with the stakeholders. The city was in chaos. Those funds will not go to Nairobi and Mombasa. They will go to the other 45 counties. It is important that the governor's plan for their respective towns in a proper manner. It is said that failing to plan is planning to fail. Going to our respective counties and urban areas, you find that the planning was done in a very pathetic manner.

Looking at the Big Four Agenda by the Jubilee Government which includes the issue of food security, I am happy to note that one of conditional grants is going towards agriculture. Agriculture is the backbone of the economy of this country. The Maputo Declaration of which Kenya is a signatory talks about 10 per cent of the revenue going towards agriculture. Currently, Kenya has never achieved the 10 per cent of the Maputo Declaration. Those grants will add value as far as the issue of agriculture is concerned.

I speak on behalf of the people from the North Rift who feed this country. The other day, I saw an Hon. Member on national television asking why it is that national food security prioritises buying maize as opposed to buying *waru* or rice for that matter. The staple food in this country is maize. When you go to North Eastern, *warias* are taking *ugali*. When you go to Luo Nyanza, they are taking *ugali*. Even in *Ukambani*, they no longer take *muthokoi*. *Muthokoi* is made up of cereals in any case. You cannot compare maize to potatoes from wherever they come from. The national food security...

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Chris Wamalwa, *muthokoi* is also made from maize.

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD – K): Absolutely. I am trying to emphasise so that that Hon. Member knows why priority is given to maize which is the staple food as opposed to potatoes. In any case, you cannot store potatoes in strategic food reserves. It is common sense. As the great farmers of Trans Nzoia, Uasin Gishu and Bungoma cry because of the cartels in maize, it is something serious. Once Europeans stay in Kenya, their staple food

becomes *ugali*. *Ugali* is the main staple food across the country. That is why when it comes to strategic food reserves, maize is given priority.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Chris Wamalwa, I know you speak a lot but you should also learn how to listen. There is an intervention by Hon. Kimani Ichung'wah, Member for Kikuyu.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Temporary Deputy Speaker, I am sorry to interrupt Hon. Chris Wamalwa when he is contributing to this Bill because it is very important for the counties.

Is Hon. Chris Wamalwa in order? He has gone completely off-tangent on the matter before the House.

Secondly, is he in order to mislead the nation that you cannot have potatoes in the strategic grain reserves in a day and age where, Hon. Chris Wamalwa, being a learned person, knows that you can dry potatoes, install coolers and store potatoes as part of our strategic grain reserves? I am sure he is from Trans Nzoia so he may have a very strong point on maize but my colleague who is seated behind me, Members of Parliament for Mwea and Ahero in Nyanza there is rice.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): You are on a point of order. Are you arguing?

**Hon. Kimani Ichung'wah** (Kikuyu, JP): My point of order was on relevance. Second is whether Chris Wamalwa is in order to mislead the House that issues to do with food security are only about maize.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Chris Wamalwa, I am sure that is in line with his argument. When the Mover moved the Bill, you got an opportunity to contribute. Be relevant please. Let us not dwell on that. I know it is about rice, potatoes and maize. Do you have an important issue?

**Hon. Josphat Kabinga** (Mwea, JP): Yes.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Is it a matter that can enrich what Hon. Wamalwa has said?

**Hon. Josphat Kabinga** (Mwea, JP): This goes to my senior, Hon. Chris, who is my mentor. Something happened in this country. Legal Notice No. 15 was passed in 2015 to implement the Strategic Food Reserve Trust Fund.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Wachira Kabinga, you are sound in your argument but it is the wrong timing. You could have risen on a point of order or a point to inform Hon. Chris Wamalwa. If he accepts your information, you inform him. When you get your time to contribute, you will explain about the legal notice. I cannot give you an opportunity to contribute now unless something is out of order. I am sure you will get your time to contribute. This is a House of debate. Thank you.

Hon. Chris Wamalwa.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): Thank you, Hon. Temporary Deputy Speaker. One of the conditional grants is in agriculture. You must understand where I am coming from. Maize is agriculture and this is as per the conditional grant. I have broken it down. I am trying to cascade downwards. I did not mention anywhere that potatoes or rice should not be under strategic food reserve.

**Hon. Makali Mulu** (Kitui Central, WDM – K): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Let us hear the senior Member for Kitui Central. He rarely rises on a point of order.

**Hon. Makali Mulu** (Kitui Central, WDM – K): I rise on a point of order in terms of misinformation. Hon. Chris is a well-schooled person. When he says agriculture is equal to maize, I get concerned. It is important. Is he in order to mislead Kenyans that agriculture is equal to maize?

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Chris Wamalwa, there is an issue about your English. He does not understand what you mean. That is a point of argument.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD – K): Hon. Temporary Deputy Speaker, I did not say the word “equal” but “cascade”. “Cascade” is different from “equal”. I am requesting Hon. Makali Mulu to be a good listener. I did not say agriculture is equal to maize. I started by saying the conditional grant here is agriculture. We are breaking it down.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Given where Hon. Chris comes from, when he says “equal” please move on. Let us carry on.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD – K): Some of the Standing Orders the Members are raising are immaterial. They are wasting time. It must be of significance. You cannot say I said the word “equal”. I said “cascading”. In simple English in the Oxford Dictionary, when you cascade, you break down from the apex. You are cascading down. That is what it means. My brother is an economist and I know English is difficult at times to some economists. So, he should listen to me.

I was breaking agriculture down. I said it includes maize, rice and potatoes. In terms of stability in this country, the percentage of consumption of *ugali* is higher than other foods. We are talking about the share of the pocket. When you talk about the share of the pocket, you break down household foods. We have *ugali*, rice and *githeri*. When you break down the percentage share of the pocket, you find that *ugali* constitutes a higher percentage. That is why I was trying to contextualise what the other Hon. Member mentioned. You cannot compare *ugali* and potatoes because in terms of stability, the share of the pocket of the consumption of *ugali* has a higher percentage. It goes without saying that to have food security in this country, we must focus on where the share of the pocket is higher. That is why I was qualifying maize. The Government must put more investments in production of maize. That is why we are talking about things like subsidised fertiliser which is becoming very critical as we move on.

We discussed that we should prioritise other types of foods. We did not say it shall be 100 per cent maize. I want to put it correctly. We are calling upon our Senators to act because agriculture is a devolved function. Our governors must prioritise matters of agriculture right now. Member for Meru, Hon. (Bishop) Mwangaza, has a very good Motion of trying to sensitise the youth so that they can go into agriculture. We know very well that when students finish university, they look for other jobs. They do not want to go into agriculture. If we can have good incentives, they can go into agriculture. When we get more investments in agriculture sector, it will provide employment because the stability of this country and contribution to our economy is agricultural-based. As we appreciate these grants, we are looking at the issue of monitoring and devolution. This is where our Senators come in. We are calling upon them to act because their core mandate as per the Constitution is to handle matters to do with the counties. This is where they should focus on. We appreciate the grants because they are contributing towards the Big Four Agenda of the Jubilee Government. We are fully supporting it in NASA because of the

handshake. We know that food security plays a very critical role as far as security of any country is concerned.

There is the issue of division of revenue. We have been having a lot of differences. We should amend that particular section of the Constitution, so that we can avoid wastage of time when the Bill goes to the Senate and there is mediation sometimes. When it delays, it follows without saying that it delays the County Allocation of Revenue Bill. We debated the Government Contracts Bill which we finalised. It is on the way to State House for purposes of assent. It is a very important Bill. When we were discussing it, there was an issue of the provision of the funds and procurement. In line with the Public Finance and Management (PFM) Act, there is a regulation which says that for you to procure there must be a provision for that particular funding. For those of us who sit in the oversight committees, you agree with me and we agreed very well yesterday, although we were defeated. I am sure you remember. We will re-visit that matter because whatever we discussed is already provided for in the Public Procurement Act and PFM Act. We cannot duplicate this as we move on. I am calling upon Hon Members to support this particular amendment that has come, so that we can move with speed. The counties are working because more money is being devolved to the counties.

I thank you, Hon. Temporary Deputy Speaker. I support the Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well spoken. Let us hear the Member for Mwea.

**Hon. Josphat Kabinga** (Mwea, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill. I want to let my brother, Hon. Wamalwa, know that with the challenges we have with maize production in this country, many people are now turning to rice. We are researching on how to make porridge and *ugali* from rice. We are moving on.

I want to support this Bill. We know very well that devolution is working and we are devolving more resources to our counties. I want to commend our national Government for providing the necessary environment that has enabled many development partners to invest heavily in this country. The distribution of resources by development partners is assumed to be independent, in the sense that development partners decide where to put their money. Having worked with a development partner, I know that there is some influence in the distribution of those resources, even at the development partner level. It is therefore important that even as we pass these Bills and approve the revenue allocation to our counties, it is always good... I urge the Budget and Appropriations Committee to ensure that we compare or look at what we are allocating from our national kitty *vis-a-vis* what is coming from the development partners.

I have gone through this Report and I am surprised that in climate-smart agriculture, my county is missing in that allocation yet my county is agriculturally rich. I expected that there would be some allocation. I also notice that in urban development, whereas some counties were allocated under Kshs50 million, we have other counties getting over Kshs1 billion. If I go to the Kenya Urban Roads Authority, I may find that the same counties have a greater share. They have a greater share when it comes to development partners and our development kitty. This will cause great disparity in the long-run. I have always argued that we need to re-look at resource allocation in our country because I have noticed that some of the counties that benefit more from development partners are the same counties that get the Equalisation Fund. They are classified as Arid and Semi-Arid Lands (ASALs) therefore they get all these resources converging to them at the expense of other counties.

I have further argued in the past that even the way we allocate the National Government Constituencies Development Fund (NG-CDF) to constituencies that have less than three wards

when in Mwea Constituency I have eight wards is still not fair. I hope that as we look at resource allocation Bills in this country, we need to re-look at what we are doing. We need to look at how resources are allocated to ensure that in future we do not create another problem as we have always had. We have talked about marginalised counties but we are now coming up with a neo-marginalisation caused by our ways and methods of allocation of resources in the country.

As I support this Bill, I urge the Senate and the Budget and Appropriations Committee to take more interest and understand how some resources from development partners and from our kitty are merged so that we do not cause disparity.

As I conclude, I urge our Budget and Appropriations Committee to take interest and know how some of these projects are implemented out there. This is a lot of money that has been allocated. Part of it is a grant and another part is in form of loans. This country is going to pay the money. It is not free. If we are going to do so, there must be a very serious mechanism of ensuring that the money going to counties whether from development partners or from our kitty at the national Government level is followed up by a serious monitoring and evaluation programme so that we are able to advise our development partners to put in the dollar where it will have a positive effect in our country.

Hon. Temporary Deputy Speaker, with those remarks, I beg to support and urge that we re-look at resource allocation in this country. Until recently and as my brother has just said, we have been allocating money from the strategic reserve only for maize. It took me time to discover Legal Notice No.15 of 2015 that included other farm commodities. That is when I started engaging the Ministry that we need to extend that particular allocation to the other commodities. It has taken more than three years since 2015 and we have not benefited from it. Our farmers have been suffering. We hope all these things will be corrected so that in future, I do not continue crying as a Member of Parliament representing over 200,000 people, eight wards compared to other constituencies that have under 50,000 people and probably three or less wards.

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

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Hon. Temporary Deputy Speaker, thank you for this opportunity you have given me so that I can make my comments on the County Allocation of Revenue (Amendment) Bill, Senate Bill No.29 of 2018.

At the outset, let me record my support for the Bill. Let me also go on record that the best that ever happened to this country is devolution. We fought for it for many years to enable us get resources to the ground where people are and understand the challenges and difficulties affecting our people. As much as we have pumped a lot of funds and resources into devolution, there is a growing feeling that quite a number of the resources do not have a multiplier effect expected from this kind of resources. It is therefore a call to the country as a whole that we must now train our eyes, ears and all our efforts towards the utilisation of these funds at county level. We have many cases of misuse or underuse of resources devolved to the county governments.

I echo what my colleagues have said about monitoring and evaluation. I urge the Senate and county assemblies that the fate of Kenyans is on devolution and it depends on how effectively we use resources. I urge the Senate and county assemblies not to belittle or shun their oversight roles. They need to continuously put the county governments and governors and executive members at their levels under serious scrutiny so that we allow resources to reach where they ought to. We should not have cases where most resources are plundered at the executive level and do not go to the ground where they are supposed to be. We have had many reports from the Auditor-General that have given a very negative assessment on utilisation of funds. In this country, many people believe that it is only a few counties that have effectively

used devolved resources. It is commonly mentioned Makueni, and the rest are known to have plundered resources. In my county of Busia, we have many challenges. We hope these additional funds will assist us solve the chronic water problems, the poor state of our medical facilities and low intervention by the county government in respect to agriculture. People of Busia do not have anything else other than agriculture. I urge the Senate and my Senator and the MCAs in Busia County Assembly to sit down and re-look at how things can move and work properly.

With those few remarks, I beg to support. Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Next on my request list is the Member for Kitui Central, Dr. Makali Mulu.

**Hon. Makali Mulu** (Kitui Central, WDM-K) Thank you, Hon. Temporary Deputy Speaker. Let me also state clearly that I support the amendment to the County Allocation of Revenue Act.

It has been said many times that the reason we are doing this is because our development partners have provided additional funds to the tune of Kshs3.74 billion to be used by county governments. What that implies is that we have to change the colour now that we have changed the Division of Revenue Act.

These resources are in form of grants. As a country it is important that we appreciate this kind of support. We are all talking about public debt which is becoming unmanageable. The advantage of grants is that they are more of friend donations which will not be paid but will assist our people in terms of agriculture and infrastructural development in municipalities.

Generally, this is a good amendment Bill and we need to support it. However, I have made a number of observations. One of the key observations that was stated is that there is a disconnect between the budget cycle and the point that we are signing these agreements. As a House, we need to urge Treasury which provides leadership in signing these agreements with our development partners, to ensure that since they also oversee the budget cycle timelines, they should ensure that the two processes are harmonized, so that any time they sign agreements with the development partners, the timing is right and they do not have to amend it every year. While we appreciate what we are doing now, it is important that in future, Treasury harmonizes that process so that when we pass the County Allocation of Revenue (Amendment) it will move on.

The other important point for Members to note is the issue of grants which are going to the county governments. The agriculture sector's grant is supposed to be overseen in terms of implementation by the crop department at the ministry headquarters. While we are saying it is good that Senators and county assemblies oversee the use of these resources, while we are saying that we need a monitoring and evaluation framework to monitor this, I think there is a bit of a gray area. While it is very clear that money that goes to counties through the County Allocation of Revenue Act is directed to counties straight from the Exchequer, it is easier for the Senate and the county assemblies to monitor. But where resources go through departments in the Ministry headquarters, there is a gray area. I do not think there is a continuous line between the Senate and the ministries, departments and agencies in the Nairobi set up. So long as there is no continuous line where departments in Nairobi could easily account for resources which have gone to the Senate that is an area we need to think through as Kenyans. It then means that Senate automatically may not have direct oversight over such resources. Then they are at the mercy of departments in terms of release and use of the money. That is where the issue of the accountability comes in. I have heard the Leader of the Majority Party and the Chairperson of the Budget and Appropriations Committee talk about accountability, but I want to remind Kenyans that even as we talk about accountability at the county level, let us remember that the

county only gets about Kshs300billion out of a budget of Kshs3.07trillion. The rest of the money is in Nairobi. So, accountability must be mainstreamed. It is hurting when one department or one parastatal misuses or misdirects resources of about Kshs7 billion. Very few counties are getting about Kshs7 billion. Most of them are getting less than Kshs7 million. Even as we talk about accountability at the county level which I support fully, time has come where we need to think about what we want as Kenyans. I strongly believe that this country has enough resources to meet our needs. It is only that there are issues of misdirection, misapplication and corruption. When you look at the Report by Public Accounts Committee, it is just attesting to the same issue of misapplication of resources.

Hon. Temporary Deputy Speaker, you are the Deputy Chairperson of Public Accounts Committee, you know what I am talking about. As we blame the county governments, it is like pointing one finger to the county governments while the other four are pointing at us, the national level. It is therefore important that the National Assembly and the county assemblies come up with innovative ways of overseeing the departments and the county governments. Unless you do that, we will keep on releasing resources year in, year out, and I do not think we will get value for money. As I support this because it is important, the issue here is, we have a huge budget. I have said this very many times. The issue is not how big our budget is, the issue is how we are able to implement the budget we put in place. Even if we have a Kshs10 trillion Budget, and we do not implement it, it is as good as zero. We would not change anybody's life. So, the challenge that Kenyans need to take up and the challenge of implementers who are MDAs and the county governments is, make sure that we make use of the money that we have allocated to the most productive sectors so that we can change the lives of Kenyans. Unless we do that, this will become a talk show. We will keep talking. Personally, I hate the idea of talking and there is no implementation.

So, I want to support this as we move forward and say it is time as Kenyans, we said enough is enough and we started implementing projects as budgeted and we started demanding for accountability. We should all support our President who seems to be going in the right direction but we are seeing signs of people derailing him. I get concerned when I see parastatals becoming centers of corruption. It is annoying to look at the print media. Very early in the morning you look at the newspaper and you wonder what you are doing in this country. The first three or four pages of a newspaper are all about scandals. You then wonder if there is nothing good in this country to be reported on. It really concerns me. Time has come when as a House we will appropriate resources to the counties and Government departments but we will demand accountability. People who are implementing projects had better do their work the way it should be done.

With those few remarks, I support.

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

**Hon. Qalicha Wario** (Moyale, JP): Thank you, Hon. Temporary Deputy Speaker. Let me say that I support the County Allocation of Revenue (Amendment) Bill because it supports the Big Four Agenda, which will enable creation of employment and affordable housing. Devolution is key in Kenya at the moment particularly in areas that have been dragging behind in the past. Livestock is part of agriculture. Counties such as Marsabit, Wajir and the rest, were previously not getting enough resources. Remember livestock contributes about 12 per cent of Gross Domestic Product of this country.

The Maputo declaration indicates that about 10 per cent of any national budget should go to agriculture. Even after this declaration has been ratified, it has not been gazetted at the county

level. We are still seeing cases where counties in arid areas are getting allocations of less than 10 per cent of our budget to livestock which is the mainstay of pastoralists. This Bill considers monitoring and evaluation. I am, therefore, requesting the Senators, who are supposed to play an oversight role, to take their time and ensure that this additional grant to the counties is utilised in a manner that is going to assist our people to live a better life, have access to water and roads. They should ensure that the loopholes that most counties use to reallocate resources once they are released from the national Government or from the development partners are sealed.

This will assist the marginalised areas to develop the livestock and water sectors, so that these counties can have food security.

So, with those few remarks, I support the Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well, Hon. Member representing the people of Moyale. Next is the Member for Tigania West.

**Hon. John Mutunga** (Tigania West, JP): Thank you, Hon. Temporary Deputy Speaker. I sought an intervention when they were counter-accusing each other and I thought it would have helped because I come from an agricultural background and I would have informed the discussions. Thank you for the opportunity to contribute to the adoption of this Bill. We used to have strategic grain reserves in this country instead of strategic food reserves. We realised in 2015 that we needed to include other foods and not just maize, wheat and rice. So, the country changed to strategic food reserves. These days, we even keep milk and the country is moving towards more diversification other than promotion of production of maize even in areas where it does not do well.

It is a point in time when we should look at other crops. Potatoes are a very important crop in this country. It is the most consumed crop, but may not have had a lot of recognition because we do not make much noise about potatoes. The funding we are talking about today comes in to sort out some of the issues. I want to speak to the Agricultural Sector Development Program (ASDP) II. The ASDP II comes in after the ASDP I, which was basically organising agricultural extension and value chains. The ASDP II has a lot more.

Without passing this amendment, the Kshs3.73 billion will not be availed to the development of this country through the three programs that we are discussing today. Some of them are not necessarily in agriculture and I can see we are talking about agriculture a lot.

Agriculture is majorly devolved as many of the speakers have said. That means that most of this money will be spent at the counties. The money for the ASDP will go to do specific things within the counties. It is equally divided across the counties. They have set up systems and procedures for utilisation of this money being a bilateral arrangement between the Kenyan Government and the Swedish Government. There have been intensive discussions before we came up with this program. The program is named ASDP, which comes in to implement the agricultural sector development strategy. This is the strategy that has called for reorganisation of agriculture for commercialisation and manufacturing.

The National Treasury has been involved all the way in the design and the development of this program with the mother ministry. So, during the design and development, there is that serious consultation. I want to alleviate the fears of most Members who have spoken about the misappropriation of the funds. There are very few chances of misappropriating this Fund because it is very well designed and discussed in terms of putting it to specific activities in different counties. So, realising these activities and having a clear monitoring and evaluation program, to basically check what is coming out of the implementation and whether it is in line with what is

required, will assist. So, discussions happen at the design, implementation and the audit stage and post implementation of the program.

Hon. Temporary Deputy Speaker, most of this money is grants. Even though there is cost on the Kenyan Government, there is counterpart funding. The ASDP II money comes purely as a grant to reorganise the agricultural sector so that it can be in line with the Big Four Agenda for purposes of increasing productivity in various areas, aggregating the products and bringing transformation in manufacturing, even if it is primary transformation, which is part of the Big Four Agenda. So, it is necessary for this money to be released to the counties. Unfortunately, when passing the County Allocation Bill, the discussions around these provisions had not been finalised. Discussions go all the way to the negotiations. There is also the signing of the agreements. So, those ones were not yet completed.

May I briefly elaborate what this Fund is doing. It is basically identifying the core endemic areas in this country which are the core potential areas for various products to be produced in line with diversification because our reliance on maize is catastrophic. We cannot say that we love to eat maize in order to have food on the table. We have to look for cassava, which has been identified as a source of Vitamin B17, which is counter carcinogenic. It kills cancer cells. So, it is important for Kenyans to know that if you eat a little bit of cassava, you are less likely to have cancer than you would if you eat other foods. So, we are bringing on diversification and promoting production of various products. That is what this program is doing.

The program identifies what is supposed to be done, where and tries to interpret the value chain stages that the particular product can go through and support the interpretation of the specific stage or segment details such that if it is at the point of inputs or before production, we look at where we can get materials for planting. Are we doing some research to produce this material? If we are doing research, where shall we do it and how will it permeate across the country so that it can be utilised appropriately?

When it comes to production, we have to check which areas have the most potential in terms of endemism. Which areas are most suited for production of specific crops and livestock products? Aggregation has missing in this country and the only form of management of agricultural products is through the National Cereals and Produce Board (NCPB), which was established as a green management system. We need to look at how to manage aggregation of potatoes, onions, oranges, bananas and others.

Some parts of this country produce a lot of bananas and that is a serious food crop that we can promote for strategic food reserve. All the food that we produce can be dried and kept for many years. Even milk can be kept as powder. This program goes further to interpret how we can do processing and change the form in terms of adding value. Shall reduce the amount of water, increase grinding if it is, for example, maize flour or shall we do transformation that leads to extraction? In this case, it pre-supposes various types of industries to be established in various parts of this country.

So, the Big Four Agenda can easily fit in terms of food and nutrition security within the arrangement of this program. It can be supported in terms of transformation where we are looking at setting up various manufacturing plants which will benefit from the different products that can come as raw materials. That is one of the things that we have not done as a country. We cannot clearly and confidently declare the quantities that we produce in various areas of this country. Therefore, we cannot even promote establishments of industries in various parts of the country because we do not know what amount of potatoes is produced in Meru or what amounts of bananas is produced in Kisii. We only know that we produce bananas. I would call upon the

ministry to become specific in data acquisition, verification and management, so that we can be data-based in terms of planning. Through this, we can, for example, know that we are producing so many tonnes of green grams in Ukambani and therefore, we can set up a factory to manufacture something from them. That is how we can industrialise this country.

Other countries had various forms of agrarian reforms. I hope the American Society of Matrix Biology (ASMB) can lead towards agrarian reforms.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): You have a minute.

**Hon. John Mutunga** (Tigania West, JP): We have other forms of efforts like what we call the Alliance for a Green Revolution in Africa (AGRA). When it comes to a revolution you have to be extremely thorough and mobilise adequately. I do not think this is happening. So, we are calling upon other efforts to do this.

Hon. Temporary Deputy Speaker, I support but I would like to briefly add that we had Maputo Declaration which ended in 2013 and was not met. However, it transformed to Malabo Declaration and we are also doing extremely poor in it. The more money we put in agriculture, the more we are focused to grow the development in this country.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): The Chairperson, Departmental Committee on Lands and the Member for Kitui South.

**Hon. (Ms.) Racheal Nyamai** (Kitui South, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support this amendment. It is looking at inclusion of more funds from various development partners supporting our country. These countries have been very useful in pulling together with our country.

I see lots of money being pushed towards agriculture and climate change among others. This is in recognition of the President and Deputy President's Jubilee agenda. I want to appreciate that other countries are looking at this positively and giving us funds. I would like to start with the agriculture sector which seems to have been given a very good chunk of this money. As we focus on other crops that exist in other parts of the country, I would like to bring the debate of *ndengu* which is a good crop in the semi-arid areas of Kitui, Makueni...

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): You said the debate for what?

**Hon. (Ms.) Racheal Nyamai** (Kitui South, JP): I would like to relate this to the fact that we have a crop that seems not to have been recognised as a strategic grain in the country. I know that many proposals have been brought up...

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): I heard you say *ndengu*. Is there an English word for it?

**Hon. (Ms.) Racheal Nyamai** (Kitui South, JP): It is called green grams. I would like to call it another common name because people are referring to their crops in their mother tongue, *ndakithi*.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Member, *ndakithi* is also its name? Anyway, carry on.

**Hon. (Ms.) Racheal Nyamai** (Kitui South, JP): Thank you, Hon. Temporary Deputy Speaker. I know this matter about *ndengu* also affects Kibwezi. I know a lot has been said, the President and Deputy President have spoken. The other day Raila Odinga was speaking about inclusion of *ndengu* as a strategic grain of this country. It will be good to go beyond the statements and see Kshs300 or 500 million going to farmers whose *ndengu* is rotting in the stores today.

There are many discussions about maize. That National Cereals and Produce Board (NCPD) is not doing its job very well. Who is talking about the *ndengu* in Kitui? I want to ask the Budget and Appropriations Committee as they discuss other things to kindly speak on this matter. This is a debate that needs to be pulled up. I know that MPs move from various Government Departments with letters stating what we need.

I would like to give an example of Kitui, Machakos and Makueni and the fact that these counties are semi-arid. However, when you look at the budgetary allocation for water in these counties, it is still minimal. I looked at the water budget and saw they were focusing on Umma Dam in Kitui. The fact is that there are 40 wards in Kitui. My constituency of Kitui South has six wards with massive land coverage with over 200 primary schools. I do not think there is an MP in this House who has over 200 primary schools, 70 secondary schools and a very high population.

There is no hope of this constituency being divided into two. Also, looking at the sharing formula for our constituencies, we are getting an equal share in all constituencies. Whether you have two, three or eight wards like me, with more than 200 primary schools and 70 secondary schools, we get equal share of money. Therefore, I think it is important for the National Treasury, when sharing funds especially, grants to also consult with ministries. There is disconnect between the National Treasury, Government Ministries and Departments. They need to look at the issues the MPs raise and see which ones can be handled through these grants and loans.

I would like to appreciate that for once Kitui County has a loan of Kshs18 billion for Kitui-Kibwezi Road which has touched the lives of people in many counties. Hon. Dr. Makali has left but he brought a very important matter about monitoring and evaluation. There is no way we can monitor and evaluate without starting with a proper framework linked to the funds given. I appreciate that this time round monitoring and evaluation has been taken seriously in all the projects.

However, it is extremely important to get a framework with very good outputs and deliverables which need to be followed. I would also like to look at the issue of misconduct. We know a lot of money is going to our counties. I will boldly say that many counties are not giving back what they are receiving from the national Government, when you look at the funds they are receiving and the output. Therefore, it is extremely important for the Senate to know that we are relying on them and our MCAs.

They need to know the role they have been given is not to be nice to the governors. They are there to ensure that the funds received from the national Government through grants and loans trickle down to their wards. Therefore, every MCA must be responsible. Members must respond to questions raised by the common *mwananchi* who sent them to the National Assembly, Senate and county assemblies. They must be answerable because funds are trickling down to the counties. But the question is: Are the services also trickling down to the common *mwananchi*, who is supposed to receive these donations and funds from the national Government?

The sharing formula looks very nice at a glance and also the statements given look very good. However, when you go deeper into how much money is going to every county, there are counties which are highly favoured. You find they are getting a very good share of the national cake and when it comes to grants, they also get a higher share. Also, the loans which the whole country is paying, they also get higher amounts. I would like to ask the Budget and Appropriations Committee to also look at this. The 14 counties which have been identified as

special should also benefit from the grants and loans. Therefore, the same counties should not keep getting more and more.

It is important to note that devolution is the best thing that happened to this country. We are seeing things we never saw before. However, let the development on the ground be commensurate to the amount of money from the national Government. Funds going to our counties are not meant for specific wards where leaders come from. They should be distributed to all areas within the counties without favouritism. I am speaking generally and not only about my county of Kitui but all other counties in the country.

Hon. Temporary Deputy Speaker, I appreciate for the opportunity you have given me. Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): You have spoken with a lot of passion. Hon. Members, when she referred to *ndengu* she meant green grams. Let us have the Member for Mwatate, Hon. Mwadime Andrew.

**Hon. Andrew Mwadime** (Mwatate, ODM): Asante sana, Mhe. Naibu Spika wa Muda kwa fursa hii. Mwanzo kabisa, nasimama kuunga mkono marekebisha haya. Kilimo ni miongoni mwa sekta ambazo ziko rohoni mwa majimbo yote ya Kenya. Ugatuzi ni kitu ambacho Wakenya walipigania na tumeona maendeleo ya ugatuzi. Ingawaje kuna madoadao hapa na pale kwa sababu ya rushwa, ugatuzi bado umewasaidia Wakenya wengi isipokuwa mfumo wa ugavi wa huu mgao ambao tunatumia sasa hivi kidogo uko na dosari. Nikiangalia, kuna majimbo kutoka tangu tupate Uhuru mwaka wa 1963 ambayo bado hayana maji na ukiangalia katika majimbo mengine, wana maji yakutosha yakunywa na yakufanya unyunyizaji mashambani mwao. Wengine hata yakunywa ni matatizo. Mfano ni kule kwangu Mwatate ambako maji ya kunywa ni tatizo. Maji mengi ambayo yanachimbwa kwa visima, kwa sababu ya madini, hayako masafi kwa wananchi kuyatumia. Ugavi uko na tatizo katika majimbo yetu. Naomba Seneti ijaribu kuangalia na kubadilisha mfumo wa ugavi. Tukisema eti mahali kuna idadi kubwa ya watu ndio hela zinaelekea nyingi... Kuna majimbo ambayo yana watu kidogo lakini ni makubwa na barabara ni zilezile. Sasa ukiwapatia hela kidogo, utaona kwamba majimbo mengine yanaendelea zaidi kuliko mengine.

Sasa hivi nilikuwa na angalia rununu yangu. Ukiniruhusu nitadokeza kuhusu niliyoona katika *WhatsApp*. Mmoja amesema: “Usifananishe maendeleo ya Taita Taveta na Kaunti ya Kitui. Usitofautishe maendeleo ya Taita Taveta na Kaunti ya Kwale.” Lakini ukiangalia ugavi wa Kwale na ule wa Kitui ni mkubwa kuliko ule wa Taita Taveta. Kwa hivyo, huwezi kufananisha maendeleo ya majimbo haya na majimbo mengine ambayo yanapata hela kidogo, haswa Taita Taveta maana jimbo ni kubwa na linataka hela nyingi. Mfumo ungetengenezwa ikawa kwamba kama ni dawa, mahali kuna watu wengi basi Seneti ingetengeneza kwamba jimbo ambalo lina watu wengi lipelekewe pesa nyingi za dawa lakini kama jimbo ni kubwa, kwa mfano, katika upande wa barabara na lipewe hela nyingi kuliko majimbo mengine, hapo ndipo kuna tatizo. Ukweli ni kwamba kuna maendeleo maana tumepiga hatua mpaka sasa hivi. Kila jimbo Kenya liko na kilimo. Kwa hivyo, kuboresha kilimo ni sawa na kuboresha maisha ya Wakenya.

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

*[The Temporary Deputy Speaker  
(Hon. Christopher Omulele) took the Chair]*

Sasa hivi utakuta kwamba majimbo ambayo yanapata hela nyingi za barabara bado hela nyingi zinazidi kupelekwa kwao na zile zinapata mgao mdogo ndio zinazidi kuumia. Mhe. Naibu Spika wa Muda, naunga mkono marekebisho haya lakini Seneti ijaribu kufikira njia mwafaka ambayo inaweza kusaidia majimbo yote ya Kenya yawe sawa.

Nashukuru kwa kunipa fursa hii.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Atandi.

**Hon. Samuel Atandi** (Alego-Usonga, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute on this Bill. I want to make a few remarks and say that I support the County Allocation of Revenue (Amendment) Bill 2018. There are certain things that we need to observe when we are allocating donor resources to counties because we are aware counties lack capacity to implement some of these projects. Going through this Bill, you find that we are allocating about Kshs37 billion to counties and these are funds either borrowed or donated by donors. We have a problem with our debt position right now as a country. I am worried that we are still giving counties a lot of resources from donors when we are not even certain that they have capacity to implement these programmes. If you look at the last page on this Bill, you will find that we are giving about Kshs11 billion as credit to counties from the World Bank Kenya Urban Support Project. This project appears humongous, but I think we need to understand what it is all about because these resources are too much. A county like Uasin Gishu is receiving Kshs360 million for the Kenya Urban Support Project and so are many others. We really have to be sure that counties have the capacity to implement donor projects.

**Hon. Sakwa Bunyasi** (Nambale, ANC): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Atandi, just hold your horses. Hon. Bunyasi, what is out of order?

**Hon. Sakwa Bunyasi** (Nambale, ANC): Hon. Temporary Deputy Speaker, is the Member in order to allude that there is more than Kshs30 billion being given? This is only Kshs3.7 billion in total. I do not know where he is getting these large figures that he is talking about.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Atandi, did you speak to Kshs37 billion or Kshs3.7 billion?

**Hon. Samuel Atandi** (Alego-Usonga, ODM): Hon. Temporary Deputy Speaker, I said that the total loans and grants that are being dispensed in this financial year is Kshs36 billion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): In this particular one.

**Hon. Samuel Atandi** (Alego-Usonga, ODM): Yes.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): It is only Kshs3.7 billion.

**Hon. Samuel Atandi** (Alego-Usonga, ODM): Hon. Temporary Deputy Speaker, if you look at the total grants and loans in the last column, column (n)...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Just proceed. I think the Mover had spoken to it.

**Hon. Samuel Atandi** (Alego-Usonga, ODM): So, Hon. Temporary Deputy Speaker, my point is that we need to ensure capacity of counties to implement donor funds that we are allocating to them. That is one. Two, we know that donor funds have been abused in the past. Even in national Government, we have had resources donated by donors being abused. I caution counties that we need to ensure that these resources are used for the purpose for which they have

been given. Lastly, we need to ensure that counties provide to citizens budget estimates and implementation documents that will ensure that citizens are able to monitor these projects. This is because if these projects are going to be conducted without proper public awareness to know that these particular projects are going on, then we will not achieve the purpose for which these monies are being allocated.

Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to support this Bill.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us have the Mover.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, the Member for Kikuyu has disappeared. He is supposed to reply but I will help him.

*(Hon. Shakeel Shabbir interjected)*

Hon. Shakeel, you cannot just walk in. You are not in a market in your constituency. First of all, you need to know what is going on in the House and get Order Paper.

This is a very important Bill. I thank Hon. (Prof.) Oduol, Hon. Walukhe, Hon. Aden and the Member for Laisamis who agreed with me that we need to move to the next Order because today is the last day and the National Youth Service Bill is very critical. So, the County Allocation of Revenue (Amendment) Bill is just amending County Allocation of Revenue Act which we passed in August to make sure that the donor-funded projects in terms of the conditional allocations are factored in so that counties can access this money.

With those many remarks, I beg to reply.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, for obvious reasons, I will not put this matter to Question. I will direct that we move to the next Order. Before that Order is read out, I see from your Order Paper that there are two Bills set out for consideration at the Committee of the whole House. One of them is the one that we have just completed.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The County Allocation of Revenue (Amendment) Bill (Senate Bill No.29 of 2018) is not ripe for consideration at the Committee of the whole House Stage. I, therefore, direct that it be taken out of today's Order Paper so that we deal with the National Youth Service Bill (National Assembly Bill No.26 of 2018).

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*[The Temporary Deputy Speaker (Hon. Christopher Omulele) left the Chair]*

### IN THE COMMITTEE

*[The Temporary Deputy Chairman (Hon. Christopher Omulele) took the Chair]*

### THE NATIONAL YOUTH SERVICE BILL

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Members, we are now in the Committee of the whole House to consider the National Youth Service Bill (National Assembly No.26 of 2018).

*(Clauses 3, 4, 5 and 6 agreed to)*

*Clause 7*

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Oundo has a proposed amendment to this.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Temporary Deputy Chairman. I intended to move amendments to Clause 7 but after consulting the Chair of the Committee and the Leader of the Majority Party, I drop my amendments to Clause 7.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Very well, the proposed amendments to Clause 7 by Hon. Ojiambo Oundo stand dropped.

*(Proposed amendment by Hon. (Dr.)  
Wilberforce Oundo dropped)*

There is a proposed amendment to Clause 7(1)(d) by the Chair of the Committee.

**Hon. Ali Wario** (Bura, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 7 of the Bill be amended in sub-clause (1)(d) by inserting the words “pursuant to the provisions of the Fourth Schedule of the Constitution” immediately after the words “commercial activities”.

The justification is that counties are coming up with their own services. Since this Bill does not concern the counties, there is need to define the extent of operation of the Service to only cover the national Government as per the functions defined in the Fourth Schedule of the Constitution. Where it is necessary that the Service engages counties, there has to be consultation and a memorandum entered into.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Clause 7 as amended agreed to)*

*(Clause 8 agreed to)*

*Clause 9*

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 9 of the Bill be amended in sub-clause (8) by deleting the expression “9(2)(g)” and substituting therefor the expression “9(2)(a) and (g)”.

The justification is to require that the person appointed as Chair meets the qualification contemplated under Clause 9 (2). Instead of it stating “9 (2) (g)”, we are substituting the expression to read “9 (2) (a) and (g)”.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 9 as amended agreed to)*

#### *Clause 10*

**Hon. Ali Wario** (Bura, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 10 of the Bill be amended in paragraph (e) by deleting the word “Commission” and substituting therefor the word “Council”.

The justification for this is that we used the word “commission” instead of the word “council”.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out, put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted, put and agreed to)*

*(Clause 10 as amended agreed to)*

#### *Clause 11*

**Hon. Ali Wario** (Bura, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 11 of the Bill be amended in sub-clause (2) by deleting the words “with the approval of the Cabinet Secretary” appearing immediately after the words “the Council may”.

The justification for this is that the Council should not consult the Cabinet Secretary on everything including co-opting a member of the Committee. This is a very simple thing. They do not need to consult the Cabinet Secretary on who and why to co-opt.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Clause 11 as amended agreed to)*

*Clause 12*

**Hon. Ali Wario** (Bura, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 12 of the Bill be amended by inserting the following new paragraph immediately after paragraph (k)—

“(ka) in consultation with the disciplined services, develop criteria for the absorption of the trained members of the Service in the disciplined services and in other government institutions.

The justification for this is that there is a presidential directive that NYS graduates be absorbed in the military and disciplined forces. As soon as they are done with the training, they should be given opportunity or priority to be absorbed in the disciplined forces.

*(Question of the amendment proposed)*

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Chairman, this is a very good amendment. When recruiting for the disciplined forces or any other Government institution, priority should be given to the youth who have graduated from or are serving in the NYS.

This will help the country to mop up youth from all the constituencies. We will give them an incentive to join NYS so that they can give us the numbers we require.

I beg to support the amendment.

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): There is a further amendment which is proposed in Clause 12 (3) by Hon. Ojiambo Oundo.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 12 of the Bill be amended in subclause (3) by deleting paragraph (c) and substituting therefor the following new paragraph—

(c) may be withdrawn at any time by the Council, provided that such withdrawal shall not affect any decision made by the Director-General during the period which the Council had delegated power to the Director-General;

The reason is simple and straightforward. Once the Director-General has been given the delegated authority to make decisions, he or she will make decisions that will affect third parties. The provision under the Bill states that the Council might withdraw that delegated power. The decisions made during the subsistence of the delegated power can be withdrawn or varied by the Council. My point of concern was: What happens to those third parties who have been conferred benefits, positions and promotions during the period of the delegated power and they have made decisions and commitments based on that? What happens if they are withdrawn? I had a discussion with the Chair and he seems to be a bit uncomfortable. I want to leave it to the House to give direction on the position, so that we are able to contextualise this matter. We should not punish innocent people who believe the Director-General had the powers and authority to make

those decisions which were legally delegated to him or her with relevant regulations and guidelines.

Thank you, Hon. Temporary Deputy Speaker.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Chair, do you have something to say to that amendment?

**Hon. Ali Wario** (Bura, JP): Hon. Temporary Deputy Chairman, I am opposing this amendment for one simple reason. Initially, NYS started and ended with the Director-General. We have brought on board an institution which oversees the running of this particular institution. His amendment intends to give more powers to the Director-General than the overseeing body which is the council. I am appealing to my brother to withdraw that amendment. I have a problem with it as the Chair of the Committee.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Chairman, this Bill is before this House because of the reforms in the NYS. We want to have an independent council. That is why we denied the Cabinet Secretary the opportunity to be referred to in one way or the other. I oppose this amendment. We do not want to cause more conflict between the council and the Director-General.

*(Question, that the words to be left out be left out,  
put and negatived)*

*(Clause 12 as amended agreed to)*

*(Clauses 13, 14 and 15 agreed to)*

*Clause 16*

**Hon. Ali Wario** (Bura, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 16 of the Bill be amended—

(a) in sub-clause (2) by—

(i) inserting the words “at a senior rank in the Service or in any other” immediately after the words “has served” appearing in paragraph (b); and

(ii) deleting paragraph (d).

(b) in sub-clause (3) by inserting the words “Kenya Coast Guard Service” immediately after the word “Kenya Wildlife Service”.

The justification for this amendment is to encourage the NYS officers. The Director-General can be appointed from within the ranks of NYS instead of always bringing somebody from outside. That is the import of that amendment.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Chairman, this is a very good amendment. The mess which is in NYS took place when we brought the Director-Generals from outside like Mr. Githinji, Mr. Rugut and the current one who is currently in court. We want to motivate and create an environment whereby somebody who is senior in rank in NYS to one day aspire to be the Director-General. This amendment fits and I support it.

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Clause 16 as amended agreed to)*

*(Clauses 17 and 18 agreed to)*

*Clause 19*

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): I see a proposed amendment by Hon. Ojiambo.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 19 of the Bill be amended by deleting the word “five” and substituting therefor the word “six”.

The reason is that five years looks tied to an elective calendar. We want to give the Director-General some bit of independence. Secondly, most constitutional commissions provide a term of six years. I wanted to harmonise this term with the ones of the constitutional commissions. I spoke to the Chair and he has no issues with the amendment. I seek the support of the House to amend Clause 19 as indicated in the Order Paper.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out,  
put and agreed to)*

*(Question, that the word to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 19 as amended agreed to)*

*(Clauses 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30,  
31, 32, 33, 34 and 35 agreed to)*

*Clause 36*

**Hon. Ali Wario** (Bura, JP): Hon. Temporary Deputy Chairman, I beg to move: THAT, Clause 36 of the Bill be amended in sub-clause (1) by inserting the word, “equipment” immediately after the words “any article”.

The justification for this amendment is that the NYS has a number of equipment and properties. We gave guidelines on what happens when you destroy these properties. There is a penalty of either payment or punishment in order to protect those properties.

*(Question of the amendment proposed)*

*(Question, that the word to be inserted be inserted, put and agreed to)*

*(Clause 36 as amended agreed to)*

*(Clauses 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67 and 68 agreed to)*

*(First Schedule agreed to)*

*Second Schedule*

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Oku.

**Hon. Oku Kaunya** (Teso North, ANC): Hon. Temporary Deputy Chairman, I proposed an amendment. I had discussed with the Chair of the Committee and we concurred with regard to the ranking structure. It is quite heavy. The amendment I propose to move is to reduce the ranking.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Oku, just hold your horses a little bit.

Let us have the Chair of the Committee.

**Hon. Ali Wario** (Bura, JP): Hon. Temporary Deputy Chairman, we consulted and agreed on the First Schedule not the Second Schedule. What he is saying is true. In the military, there are 17 ranks, but in the National Youth Service, they have given us 21. We want to reduce that with regard to the subordinate officers.

**Hon Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Chairman give us time to consult. We have discussed that amendment and we are in agreement. Give the Chair of the Committee and the Member proposing the amendment time to consult to firm up the amendment.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Once you agree on it, we can then do the approval so that we move together.

*(Hon. Aden Duale, Hon. Ali Wario and Hon. Oku Kaunya consulted the Committee Clerks)*

Hon. Members, thank you for that consultation. It is part of law-making and the process is give-and-take. This is the real thing now.

Hon. Members, I would like to apprise the House that we had approved the First Schedule to be part of the Bill. We had called out the Second Schedule and what was pending was putting the Question as to whether it should be part of the Bill.

*(Second Schedule as amended agreed to)*

*(Third Schedule agreed to)*

*(Fourth Schedule agreed to)*

## *Clause 2*

**Hon. Ali Wario** (Bura, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, clause 2 of the Bill be amended in the definition of the term “disciplined service” by inserting the words “Kenya Coast Guard Service” immediately after the words “Kenya Wildlife Service”.

The justification for this is, we have passed the Act for Coast Guards. We only wanted to recognise coast guards as part of the disciplined forces.

*(Questions of the amendment proposed)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Clause 2 as amended agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**Hon. Aden Duale** (Garissa Township, JP): Hon. Chairman, I beg to move that the Committee doth report to the House its consideration of the National Youth Services Bill and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[The Temporary Deputy Speaker  
(Hon. Christopher Omulele) in the Chair]*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Member, hold on a little we re-organise the bit on recommittal. Hon. Chair, consult with the Table.

Chairperson, go ahead.

## REPORT

### THE NATIONAL YOUTH SERVICES BILL

**Hon. Ali Wario** (Bura, JP): Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the National Youth Services Bill and approved the same with amendments.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, I beg to move that the motion for agreement with the Report of the Committee of the whole House be amended by inserting the words subject to recommittal of the First Schedule and I request Hon. Oku Kaunya, the former state administrator to second.

**Hon. Oku Kaunya** (Teso North, ANC): Thank you, Hon. Temporary Deputy Speaker. I second the recommittal.

*(Question proposed)*

*(Question put and agreed to)*

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*[The Temporary Deputy Speaker  
(Hon. Christopher Omulele) left the Chair]*

## IN THE COMMITTEE

*(The Temporary Deputy Chairman  
(Hon. Christopher Omulele) took the Chair]*

### THE NATIONAL YOUTH SERVICES BILL

*Re-committal of First Schedule*

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Members, we are in the Committee of the whole House to consider the recommittal of the First Schedule.

*First Schedule*

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the First Schedule be amended by deleting the following items:

- i. Senior Sergeant Major
- ii. Sergeant Major
- iii. Under the column “officers”, we delete

- a. Senior Serviceman 1
- b. Senior Serviceman 2
- c. Serviceman

I beg to move and ask Hon. Oku to second.

**Hon. Oku Kaunya** (Teso North, ANC): Thank you, Hon. Temporary Deputy Chairman. I second this. The import of this is that the ranking structure was too heavy. For disciplined forces, the question of command and control is very important and it should be sharp. For example, we have 17 rankings in the military, when you go to this particular ranking initially, we had 21.

So, we have done away with some of the ranks like the Senior Sergeant Major and Sergeant Major in some of the units. In the National Police Service, we now have 14 ranks. The idea is to reduce the rankings. Thank you.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(First Schedule as amended agreed to)*

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): I call upon the Mover to move reporting.

**Hon. Aden Duale** (Garissa Township, JP): The Hon. Temporary Deputy Chairman, I beg to move that the Committee do report to the House its consideration of the National Youth Service Bill, National Assembly Bill No.26 /2018, and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[The Temporary Deputy Speaker  
(Hon. Christopher Omulele) in the Chair]*

## REPORT AND THIRD READING

### THE NATIONAL YOUTH SERVICES BILL

**Hon. Oku Kaunya** (Teso North, ANC): Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the National Youth Services Bill, National Assembly Bill No. 26/2018 and approved the same without amendments. Thank you.

**Hon. Aden Duale** (Garissa Township, JP): The Hon. Temporary Deputy Speaker, I beg to move that the House does agree with the Committee in the said Report. I also request Hon. Sankok, Member No.001, to second the Motion for the agreement with the report of the Committee of the whole House as a Member of the Departmental Committee on Labour and Social Welfare.

**Hon. David ole Sankok** (Nominated, JP) seconded

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): I see no interest from Members to debate on this. I will, therefore, direct that the Question be put at an appropriate time that this matter will be set down on the Order Paper in the afternoon.

**Hon. Samuel Moroto:** Hon. Temporary Deputy Speaker, I support. The Leader of the Majority Party does not know that I have been in the national Government. Hon. Kaunya and I wore uniforms and rose through ranks. We are disciplined officers. Discipline is not an act, but a habit. So, the organisational structure and command is in order.

I fully support. Thank you.

*(Putting of the Question deferred)*

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Very well. Hon. Members, I direct that we move on to the next business on the Order Paper.  
Next Order.

## MOTION

### REPORT ON VETTING OF NOMINEES FOR APPOINTMENT AS VICE-CHAIRPERSON AND MEMBERS OF PSC

**Hon. Paul Koinange** (Kiambaa, JP): Hon. Temporary Deputy Speaker, I beg to move:

THAT, taking into consideration the findings of the Departmental Committee on Administration and National Security in their Report on the Vetting of the Nominees for appointment as Vice-Chairperson and Members of the Public Service Commission, laid on the Table of the House on Tuesday, December 4, 2018, and pursuant to the provisions of Article 233(2) of the Constitution and Sections 3 and 5 of Public Appointments (Parliamentary Approval) Act, 2011 this House approves the appointment of the following to the Public Service Commission:

- |                                 |   |                  |
|---------------------------------|---|------------------|
| (i) Ms. Charity Seleina Kisotu  | - | Vice-Chairperson |
| (ii) Dr. Joyce K. Nyabuti       | - | Member           |
| (iii) Dr. Mary C. Mwiandi       | - | Member           |
| (iv) Dr. Reuben K. Chirchir     | - | Member           |
| (v) Amb. Patrick Simiyu Wamoto  | - | Member           |
| (vi) Amb. Salma A. Ahmed        | - | Member           |
| (vii) Mr. Andrew N. Muriuki     | - | Member           |
| (viii) Ms. Joan Odhiambo Otieno | - | Member.          |

Hon. Temporary Deputy Speaker, the Committee, having considered the Curriculum Vitae of the nominees and having heard their oral submission during the vetting exercise at the sitting held on Wednesday, 28<sup>th</sup> November 2018, the following observations were made:

- (i) The nominees met the qualification requirements of the Public Service Commission Act No.10 of 2017.
- (ii) The Committee did not receive any memoranda regarding any of the nominees.

- (iii) The nomination comprised of five persons of female gender and three male genders and, therefore, that meets the constitutional requirements of gender equity. None of the nominees has at any time, within the proceeding five years vied, held office or stood as a MP, Members of a County Assembly (MCA) or a Member of a governing body of a political party.

Hon. Temporary Deputy Speaker, the Committee took cognisance of Article 250(4) of the Constitution on composition and appointment of commissions and independent offices which provides the national values under Article 10 and the principle, the composition of commissions and offices, taken as a whole, shall reflect regional and ethnic diversity of the people of Kenya.

The Committee noted that the chairperson of the PSC is already appointed and in office. It noted that unless the law prescribes otherwise, in future, the appointing authorities should submit to the House a complete list of nominees to be vetted for appointment to a commission.

Hon. Temporary Deputy Speaker, the Committee noted that composition of the Commission of the nominees were to be approved by the National Assembly looked at alone, would not reflect regional and ethnic diversity of the people of Kenya.

However, the Committee noted that provision of Article 250(4) of the Constitution requires that the composition and appointment of commissions and independent offices be considered as a whole in determining whether the same reflects regional and ethnic diversity of the people of Kenya.

The Committee, therefore, observed and noted that in future vetting exercises, parliamentary committees should be furnished with the schedule confirming the members of all Chapter 15 commissions and independent offices to enable Parliament to ensure that nominations subject to vetting reflect regional and ethnic diversity of the people of Kenya.

The Committee observed that there was no person living with disability or a youth in the list of nominees presented for vetting to National Assembly. It would, therefore, be prudent to consider these two groups in future appointments. The Public Service Commission (PSC) is one of the most important commissions in our Republic. It has literary all civil servants in our country. As commissioners, the nominees we are about to prove will be bestowed with a duty to serve our nation. They will need to put the country first. It does not matter from which community or county one comes from. What matters most is the integrity and patriotism that each of the individual nominees will exhibit as a commissioner. This is the team that must come up with policies to eradicate corruption, nepotism, impunity among other evils that bedevil our nation. This is the team that we expect to come up with policies that ensure that our civil servants become dynamic and respond to Kenyans.

We expect this team of commissioners to reward performing civil servants and punish errant civil servants without fear or favour. This is the team that will ensure that civil servants become enablers to Kenya's legitimate business enterprises and not killers of Kenya's dreams and aspirations.

In conclusion, having considered the suitability of the nominees pursuant to Article 250(2)(b) of the Constitution and Section 8(2) of the Public Appointments (Parliamentary Approval) Act, No.33 of 2011 and the Public Service Commission Act the Committee recommends the National Assembly approves the nomination of the following persons for appointment as Vice-Chairperson and Members to the Public Service Commission:

- |                                |   |                   |
|--------------------------------|---|-------------------|
| (i) Ms. Charity Seleina Kisotu | - | Vice-Chairperson. |
| (ii) Dr. Joyce K. Nyabuti      | - | Member.           |
| (iii) Dr. Mary C. Mwiandi      | - | Member.           |

- |                                 |   |         |
|---------------------------------|---|---------|
| (iv) Dr. Reuben K. Chirchir     | - | Member. |
| (v) Amb. Patrick Simiyu Wamoto  | - | Member. |
| (vi) Amb. Salma A. Ahmed        | - | Member. |
| (vii) Mr. Andrew N. Muriuki     | - | Member. |
| (viii) Ms. Joan Odhiambo Otieno | - | Member. |

Hon. Temporary Deputy Speaker, I beg to move and call upon Hon. Edward Kaunya to second.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Oku Kaunya.

**Hon. Oku Kaunya** (Teso North, ANC): Thank you, Hon. Temporary Deputy Speaker for this opportunity. I second.

In the vetting exercise we did as the Departmental Committee of Administration and National Security, we found all the nominees were quite qualified in line with the Constitution and the Public Service Commission Act, No.10.

In terms of experience, all of them had good grounding public service experience in various institutions. As the Chair has pointed out, in future when vetting public officers, we should ensure that the list of all those appointees to the various commissions in Chapter 15 and other independent offices in the Constitution is based on the provisions of Article 250(4). This provision requires that a vetting exercise of this kind should consider in totality the appointments in all commissions.

Therefore, it is important in future, when we have the full list, to look at regional and ethnic balance properly.

However, as it stands, looking at the qualifications in terms of the requirements of the Constitution, the Act and experience; the Members listed met the requirements and we recommend this House to approve their appointments accordingly.

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

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. ole Sankok.

**Hon. David ole Sankok** (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. On the outset, the Committee has done a marvelous job and I support the Report. I have interacted with some of these nominees in the past and they are men and women of integrity. I am sure they will spearhead the changes required in the public service, especially in employment, regional balancing and ensure the two-third gender threshold is maintained in the appointive positions.

This is because, unlike in the elective positions, in the appointive positions, everybody tables their own qualification and curriculum vitae and people are given those jobs based on merit. I can see the list of the nominees has gender balance and there are women of integrity, like Ms. Charity Seleina Kisotu, Dr. Joyce and Dr. Mary. I have no doubt in my mind that they will spearhead changes required in the Public Service Commission, which all public servants go through.

I also support this Motion because of the regional balance that is here. In this Commission, I can see South Rift, Nyanza, Northern Kenya and North Rift represented. That is what the drafters of our Constitution had in mind when they said that we should consider regional balance.

I would like to advise the Committee and also the Head of State, in future to consider Article 54 of our Constitution which demands that, in all these commissions or appointive positions there should also be consideration of persons with disabilities. I can authoritatively say, without fear of contradiction that as a country, we have tried to implement that.

Two or three months ago, we had vetting of nominees of two commissions. One is the Commission on Administrative Justice and we had somebody who is deaf. We also had vetting of National Gender and Equality Commission nominees and there was representation of persons with disability by the name Dr. Chomba, who is visually impaired. As a person with disability and a representative of the six million persons with disabilities in this country, I am worried because this is the engine that will spearhead employment in our country and yet Article 54(2) of our Constitution specifically says that 5 per cent of all employment should be of persons with disabilities. This is a very key Commission for us, as persons with disabilities, to be represented in.

Since all these Kenyans are qualified and are Kenyans of integrity, I support this Motion and ask the Head of State, in the name of the Almighty God, to consider us in the appointment of the chairperson. We have so many persons with disabilities who are more than qualified and this Commission will be very well constituted, if in the appointment of the chairperson, we have a person living with disability. Of course, now that I am here, I will not qualify. So, I am not defending myself, but I am 100 per cent sure that there are persons with disabilities outside there who are very much qualified.

I really commend the Committee. I once sat in this vetting exercise. They were very thorough. I can only compare their way of vetting to the way that Cabinet Secretaries are being vetted in Ghana. I once participated in vetting of Cabinet Secretaries in Ghana and it was an interactive session. When they were vetting, it was a thorough job and it was an interactive session which touched every part of their constitution, on issues of integrity and qualifications. Sometimes curriculum vitae are not enough. You may be so much qualified but then you are a thief. You may lack integrity. They did a thorough job. I must congratulate them and urge this House to support this Report of the nominees of PSC. Thank you very much.

I beg to support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Sankok, that was a very good contribution. Disability can never be inability. I agree with you. However, again we know that those who do the thieving hardly put it on their curriculum vitae or wear it on their sleeves. So, it is a difficult job that our Committee has to do when they are doing this vetting.

Hon. Members, allow me to recognise, in the Speaker's Gallery, the presence of the cricket committee team from India who are visiting our country. They are led by their Chair, Mr. Vikram Kaul. Feel welcome to observe the proceedings of the National Assembly of Kenya and enjoy Kenya too.

Hon. Members, we shall proceed. The next Member on my board here is Hon. Arbelle, Member for Laisamis.

**Hon. Marselino Arbelle** (Laisamis, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to the Motion on the vetting of the nominees as Vice Chairperson and members of the PSC. I have personally gone through the list of the nominees and checked their curriculum vitae. Actually, I have found out that the nominees' curriculum vitae are very excellent. Their academic performance is beyond expectation. As a Committee, we actually approved that they are up to the task. I believe that the nominees will take up the task

and transform the public service so that it becomes an institution where integrity is upheld and they will be able to do away with the corruption which has become a menace in this country.

Equally, it is only unfortunate that as a Committee we noted that the list of the nominees did not meet the threshold of regional balance and ethnic diversity. We actually recommended them just because the names were presented to us by the President of the Republic of Kenya and we said that, at least, for today, we approve this list but next time, we have to put our foot down to ensure that regional balance is considered.

On the same note, I have also taken much concern that there was no consideration for people with disabilities including the youth. That is why when Hon. Sankok made an attempt to walk out of the Chamber, I actually ordered him to remain behind because what I was going to say about people with disabilities was going to support them. He is here to check and be hawk eyed when we vet people so that he ensures that he shoots down a list of nominees where people with disabilities are not included, including the youth. However, because he has supported the Motion, then for today, at least I will really acknowledge and salute him, but next time he should ensure that the Constitution has been adhered to the letter. People with disabilities and youth must be included. We must have the face of Kenya so that marginalised communities also have representation in the list.

Hon. Temporary Deputy Speaker, having said that, I support the list.

Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us have Hon. Odege. Hon. Members, you do not need to lift up your hands. The list is right here.

**Hon. Tom Odege** (Nyatike, ODM): Thank you very much, Hon. Temporary Deputy Speaker.

Before I support the Report, I am a bit worried after listening to a Member of the Committee. We have a list of names without any indication of the regions they come from. We are now hearing it from a Member of the Committee that regions are not balanced. My good friend, Hon. Sankok, judged the proposed members to the Commission by name and said that there was regional balance. A Member of the Committee says that regions are not balanced.

Looking at the names in the Report, there is no indication of a person with disabilities or a youth. The challenge in the country today is unemployment of the youth. The leading employer in this country is the Public Service Commission. If we have a Commission with no youth representative, the youth of this country are doomed. We will not reject the Report but next time, it is important for us to ensure that this lead Government employment agency has youth representation.

Eighty per cent of the people on this list - and I know some of them - are retirees. They have educated their kids, employed their kids and raised their families. They do not feel the pain of the youth. We need to go an extra mile and allow the youth to sit in most of those commissions so that they can defend their own interests. If this trend continues, the youth will continue crying while the retirees continue benefiting.

I recommend that next time we need a very clear indication in the Report. If the first person is a youth, let it be indicated that he or she is a youth and where they come from so that we can see the regional balancing in the Report.

I support the Report.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well. Let us have Hon. Wachira Kabinga.

**Hon. Josphat Kabinga** (Mwea, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to also support this list of nominees.

I would like to thank and congratulate the nominating authority for ensuring that this time there was a serious attempt to ensure regional balance and he looked at marginalised areas. We could not have everybody represented in this list but having participated in the exercise that vetted the list of nominees, I can confirm that the Committee was very serious in looking through the list that was presented before it. As our Chairman said, we were particularly interested in ensuring that we complied with Article 250 (4) of the Constitution.

We even went further to also look up the names of the actual applicants on the internet. We were satisfied that the final list that was presented truly reflected what one would want to see in a public service commission. We not only looked at the regions but we also went deeper to ensure that we considered those counties that have traditionally been left out in some of those appointments. We were quite encouraged to see counties like Narok, Tharaka Nithi out of the larger Meru and Kirinyaga out of the larger Central region. This was very encouraging.

We also looked at the diverse experience that those nominees possessed in the public service and the private sector. There were also nominees from the universities. We were particularly impressed by the nominee from Kirinyaga who has a lot of experience in procurement at the university. There was also Mary who came from the University of Nairobi. We expect that we will have a vibrant PSC that will reflect what Kenyans would want to see.

Kenyans today want to see people nominated because of their abilities. They want to see people who will get in there and work for Kenya not for some certain sections of the country. For this reason, we are heading towards what we want to see. People are no longer worried about who is appointed. They are worried about that person's experience and ability to deliver the services. That is what we looked for.

We were encouraged by the composition of the nominees, their experiences and knowledge. We are very hopeful that this team will move in and make a lot of changes in the public service. We listened to some of them. They have very nice ideas. We pray and hope that when they get to their offices, they will carry those ideas with them. They had ideas on automation and reengineering the public service in this country. If they implement what they promised us during the vetting exercise, we have no doubt that there will be a lot of changes in this country. People will no longer be worried about who is getting appointed through the PSC because they showed a lot of dedication.

As I said, we only needed a certain number of commissioners. Not everybody could be represented. In total, having looked at other commissions and having gone by Article 250(4) of the Constitution, we are certain that Kenya is heading to a situation where all communities will, in one way or another, be represented in all the commissions. If we do so, we will no longer have the feeling that some people are left out.

I truly and fully support this list of nominees and hope that they will be appointed. I also pray that these nominees will do what they promised to do during the vetting exercise.

Let me confirm that as a Committee, we took time. We did not just go there to sit and look at names. We sat late into the night to ensure that we considered all the things that people would expect. For that reason, I hope that as my colleagues have just said, future appointments will look at the youth and people with disabilities. From the list of applicants that we saw, unfortunately, we did not come across qualified youth or people with disabilities. They were left out. We encourage that in future, our youth and people with disabilities should apply for those jobs so that when they come to Parliament, they are represented.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us have Hon. Bady Twalib, Member for Jomvu.

**Hon. Bady Twalib** (Jomvu, ODM): Asante sana, Naibu Spika wa Muda kwa kunipatia fursa hii kuchangia Hoja hii ambayo inaangazia walioteuliwa kwenye Tume hii. Kuna jambo ambalo limenifurahisha zaidi kutoka kwa mwanakamati ambaye amezungumza sasa hivi. Amesema waliangazia hawa wote ambao waliomba kazi hii na wakawaona ni watu wa tajriba kubwa. Hakika wanaweza kufanya kazi nzuri ili kutoa mchango mkubwa katika Serikali yetu ya Kenya.

Nimeiona kazi ambayo dada Charity alishiriki wakati wa nyuma. Tuliona akifanya kazi kwa njia nzuri. Vile, Balozi Salma alikuwa akifanya kazi kama balozi. Tumeiona kazi yake. Alitoa mchango mkubwa sana katika nchi hii ya Kenya. Kwa hivyo, naunga mkono Hoja hii na kupongeza Kamati hii. Tutapitisha wale ambao wamefanyiwa *vetting* ili waanze kazi na kutoa mchango katika Serikali yetu ya Kenya.

Asante sana, Mhe. Spika wa Muda kwa kunipatia fursa hii ili nichangie katika mambo haya. Narudia kusema kuwa ni lazima Kamati iangalie vigezo fulani ambavyo vimetajwa. Waheshimiwa wenzangu wanaweze kuangalia hali ya vijana na walemavu.

Pia, nasihi vijana na walemavu watume maombi wakati nafasi kama hizi zinapotangazwa. Sharti maombi yao yaambatane na zile kanuni ambazo zitahitajika.

Kwa hayo machache, nashukuru kwa kunipatia fursa hii. Naunga mkono hawa ambao wamewekwa hapa wachaguliwe.

Asante, Mhe. Spika wa Muda.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Onyiego Osoro, Member for South Mugirango.

**Hon. Silvanus Onyiego** (South Mugirango, KNC): Thank you, Hon. Temporary Deputy Speaker. I rise to support the Report by the good Committee on the vetting of nominees for appointment of our good people to the Public Service Commission. I would like to commend the work that this Committee is doing. This is the second time I have seen their report. We saw a Report on the vetting of nominees for appointments of Members of the Independent Policing Oversight Authority (IPOA) last time and it was at its best. They have not disappointed us today.

These nominees meet the threshold that is required. They meet the regional balance. I do not understand when a Member says the nominees do not meet the regional balance because we are only talking about eight positions. How then do you want to have people from all regions in this country? It is not practical. If we had two nominees from one ethnic community, we would be complaining. All these people who have been nominated are from different regions. We cannot manage to get all the 42 tribes within the eight positions that were vacant. It is not practical. So, this is completely good.

If you look at the gender balance, we have men and women. This is where we should be talking about the two-thirds gender principle but not in Parliament. This is where the two-thirds gender principle discussion should be brought. The Commission meets that. We have women here who are capable and learned. There are doctors in the list of nominees. The only Dr. who is a male in the list of the nominees here is Dr. Reuben. The rest are female. Clearly, women are competing where it matters most. Education is the equaliser. The Committee did its best to vet these nominees well. They meet the required threshold.

There is the issue of young people. I am a young man, but we need to look at the positions that befit young people. The PSC is an institution of national interest. You cannot get a

fresh graduate to sit in a Commission of this magnitude. You will mess up. There are some places which you can have young people. Some of these positions need experience of, say, two, three, four or five years. This experience can be acquired from different fields. I believe that Dr. Mary and Dr. Reuben have worked in different places.

As I said, education is the best equaliser. If a young man is well educated, he cannot miss an opportunity somewhere to progress and get to the level where he becomes an employer. Without some little experience in one's field, one might not get a job of higher magnitude. Some Members of Parliament complained about this. This Commission requires people with great experience.

As I wind up, I will touch on what Hon. Sankok talked about - persons living with disabilities.

*(Several Members raised their hands)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): I can see Members raising their hands, but I do not see their cards on the intervention where they can raise points of order.

**Hon. Members:** We do not have our cards.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): You cannot contribute without your cards. You know the Speaker's decision on this. If you do not have your cards, it is too bad, Hon. Members. The only way to attract the Speaker's attention is through slotting in your card.

Proceed, Hon. Onyiego.

**Hon. Silvanus Onyiego** (South Mugirango, KNC): Thank you, Hon. Temporary Deputy Speaker. It is good you defend us very well.

I was talking about what Hon. Sankok talked about and that is, persons living with disabilities. I believe that much of these processes were done according to the law. Advertisements were placed. As I said, some jobs require education and experience. It is not about physical capability and your looks. Some jobs require you to be learned and have some experience. We appreciate the contributions made by the persons who are living with disabilities like the sharpest Hon. Sankok.

However, that cannot be the only requirement for you to be appointed or placed in a certain area. You need something extra. You need education and experience. That is the direction we should take. We should stop looking for people from our tribe in the list of nominees. We need to look at the curriculum vitae. We should stop, for instance, looking at a list of nominees and then asking whether there is a young man or not. We need to start looking at the nominees from the point of education and experience. That way, we will help this country go to greater heights.

In conclusion, I commend the Committee and fully support the Report of the Committee.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Osoro, you have now become a crusader of women's rights. However, you have said that they should prepare for these positions by going to school to compete competitively in all the fields.

*(Hon. Charles Njagua raised his hand)*

Member for Starehe, as much as you are raising your hand, I cannot see your card here. You do not have your card today.

*(Hon. Charles Njagua spoke off-record)*

When you will remember to wear one with pockets, then you will come with your card and I will give you an opportunity to contribute. You have also just walked in. Let me give this opportunity to Hon. Lodepe Nakara.

**Hon. Lodepe Nakara** (Turkana Central, ODM): Thank you so much, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute. I want to bring an element that *Mheshimiwa* Osoro has mentioned. He has said that there are some positions that the youth cannot hold because of lack of experience. How can we pass the baton of leadership to another generation, if we do not give our youth the opportunities to gain experience? You get experience after you have been given an assignment to do!

Recycling senior members is the problem we have in this country. They have experience and education. By recycling them from one commission to another and from ambassadorial position to a commission will not grant our youth time and opportunities to gain experience. Though we support the list, we should remember that the youth need to be given an opportunity no matter how big the position may be. They can gain experience so that in future they take over.

We have affirmative action which favours the marginalised, minorities and the little educated. If we go by educational qualifications in this country, there are some areas we will not recruit people from because of lack of academic qualifications. We need to balance. So, it is good when my brother says that all these people have excelled in academia, but we should have affirmative action.

**Hon. Bady Twalib** (Jomvu, ODM): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Lodepe hold on for just one second. There is agitation from Hon. Bady Twalib seated behind you. He seems to have a burning point of order. What is out of order, Hon. Twalib?

**Hon. Bady Twalib** (Jomvu, ODM): Mhe. Spika wa Muda, mimi na Mhe. Njagua tunaenda kuchukua shahada zetu kesho kule Mount Kenya University. Nakuomba kwa unyenyekevu umpatia ruhusa kwa sababu tunaitwa tukachukue vyeti vyetu.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Bady, you are out of order.

*(Laughter)*

To pick your certificate from wherever you may be graduating from is entirely within your choice. But we wish you well as you go to graduate.

Hon. Lodepe, proceed.

**Hon. Lodepe Nakara** (Turkana Central, ODM): Thank you, Hon. Temporary Deputy Speaker. Affirmative action cares for everybody. You may be having a diploma or a degree certificate with experience and other factors that can make you a leader or can make you contribute to an assignment you have been given.

I support the list but let us give a signal to our youth...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Lodepe, it is now time for us to adjourn. You will have a balance of seven minutes when we resume with this debate in the afternoon.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, the time being 1.02 p.m. the House stands adjourned until today, Thursday, 6<sup>th</sup> December 2018 at 2.30 p.m.

The House rose at 1.02 p.m.