

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 5<sup>th</sup> December 2018

The House met at 2.30 p.m.

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

PRAYERS

PAPERS LAID

**Hon. Speaker:** Leader of the Majority Party.

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

Annual Performance Report of the year 2017/2018 from the Ministry of Defence.

Report of the Auditor-General on the Financial Statements in respect of the following constituencies for the year ended 30<sup>th</sup> June 2017 and the certificates therein: Shinyalu, Rangwe, Ndhiwa, Kitutu Chache, Teso North, West Mugirango, North Mugirango, Vihiga, Pokot South and Ugenya.

Financial Statements of the Medical Practitioners and Dentists Board for the years ending 30<sup>th</sup> June 2013, 2014, 2015 and 2016.

Report of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2017 and the certificate therein: Agro Chemical and Food Company Limited and Lake Basin Development Authority.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Members, before we go to the other Papers, allow me to recognise a delegation which is seated in the Speaker's Gallery comprising of parliamentary staff from the Parliament of Namibia who have been in the country since 3<sup>rd</sup> December 2018. The delegation is on a benchmarking visit on operations of various departments of our Parliament. Let us welcome them to observe the proceedings of the National Assembly and wish them well.

*(Applause)*

Chairperson, Departmental Committee on Energy.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Reports of the Departmental Committee on Energy on:

The participation in the 42<sup>nd</sup> International Geothermal Association Annual Meeting held in Reno, Nevada, USA from 12<sup>th</sup> to 18<sup>th</sup> October 2018.

Study Visit to Russia and People's Republic of China on matters regarding nuclear energy from 11<sup>th</sup> to 26<sup>th</sup> May 2018.

Study Visit to the Karabiga Coal plant in Turkey from 13<sup>th</sup> to 20<sup>th</sup> August 2018.

The Iceland Geothermal Conference held in Reykjavik, Iceland from 23<sup>rd</sup> to 29<sup>th</sup> April 2018.

Thank you, Hon. Speaker.

**Hon. Speaker:** Chairperson, Departmental Committee on Transport, Public Works and Housing. I approved that Report. In the meantime, can we get the Chairperson, Member or Vice Chair, Departmental Committee on Environment and Natural Resources?

**Hon. Charles Ong'ondo** (Kasipul, ODM): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Reports on the Departmental Committee on Environment and Natural Resources on:

Delegation to the Sixth Annual East African Waste Management Conference held in Kampala, Uganda from 30<sup>th</sup> to 31<sup>st</sup> August 2018;

Fourteenth Annual General Meeting on the Inter-governmental Forum on Mining, Minerals, Metals and Sustainable Development on Modern Mining and Law Policy in Geneva, Switzerland.

Thank you.

**Hon. Speaker:** The next one is the Chairperson, Departmental Committee on Communication, Information and Innovation.

**Hon. William Kisang** (Marakwet West, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Reports of the Departmental Committee on Communication, Information and Innovation on:

Consideration of Public Petition regarding failure by the Government to regulate activities of the *Citizen Newspaper*;

Report on the International Broadcasting Conference held in RAI Amsterdam, Netherlands, from 13<sup>th</sup> to 28<sup>th</sup> September 2018.

Meeting with Amazon Web services and related IT companies held in Washington, USA from 4<sup>th</sup> to 8<sup>th</sup> September 2018.

Thank you, Hon. Speaker.

**Hon. Speaker:** Chairperson Departmental Committee on National Cohesion and Equal Opportunity.

**Hon. Maina Kamanda** (Nominated, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House today, Wednesday, 5<sup>th</sup> December 2018:

Report on the Select Committee on National Cohesion and Equal Opportunity on a benchmarking visit to the United Kingdom from 20<sup>th</sup> to 28<sup>th</sup> October 2018.

Thank you.

**Hon. Speaker:** Chairperson of the Departmental Committee on Trade, Industry and Cooperatives.

**Hon. Cornelly Serem** (Aldai, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House today, Wednesday, 5<sup>th</sup> December 2018:

Reports of the Departmental Committee on Trade, Industry and Cooperatives on:

- (i) Consideration of Public Petition regarding establishment of a select committee to investigate the alleged misappropriation of assets and loses of coffee proceeds belonging to the New Kieni Coffee Farmers Society.

- (ii) The Commonwealth Heads of Government meeting held in London from 12<sup>th</sup> to 22<sup>nd</sup> April 2018.
- (iii) The 140<sup>th</sup> International Trademark Association meeting held in Seattle Washington, USA, from 19<sup>th</sup> to 25<sup>th</sup> May 2018.
- (iv) The Trade Development Forum held in Kampala, Uganda, from 28<sup>th</sup> February to 1<sup>st</sup> March 2018.
- (v) Inaugural of Kenya Airways direct flight to New York from 27<sup>th</sup> October to 6<sup>th</sup> November 2018.

Thank you, Hon. Speaker.

**Hon. Speaker:** Next, the Chairperson of the Budget and Appropriations Committee.

**Hon. Kimani Ichungw'ah** (Kikuyu, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House, today, 5<sup>th</sup> December 2018:

Report of the Budget and Appropriations Committee on consideration of the County Allocation of Revenue (Amendment) Bill, Senate Bill No.29 of 2018.

Thank you.

**Hon. Speaker:** For the second time, let us have the Chairperson of the Departmental Committee on Transport, Public Works and Housing.

**Hon. David Pkosing** (Pokot South, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House today, Wednesday, 5<sup>th</sup> December 2018:

The Report of the Departmental Committee on Transport, Public Works and Housing on the Ratification of the Bilateral Air Service Agreement between Kenya and Jordan, Kenya and Jamaica, Kenya and Bahamas and the Potocol Amending Air Service Agreement between Kenya and Turkey.

Thank you, Hon. Speaker.

**Hon. Speaker:** Next Order.

## QUESTIONS BY PRIVATE NOTICE

*Question No.294/2018*

### ATTACK ON EACC OFFICERS AT KABETE POLICE STATION

**Hon. Speaker:** We start with Questions by Private Notice. Members must slot in their cards. Hon. Yusuf.

**Hon. Yusuf Hassan** (Kamukunji, JP): Hon. Speaker, I would like to ask the Cabinet Secretary Ministry for Interior and Co-ordination of National Government:

Is he aware that on 28<sup>th</sup> November 2018 at Kabete Police Station, Ethics and Anti-Corruption Commission (EACC) officials were attacked by police officers leading to escape of two suspects P.C. Julius Oguma, Service No.79715 and P.C. Charles Macharia, Service No.95924 both from the Directorate of Criminal Investigation?

What actions has the Ministry taken to apprehend the above suspects and bring them to court or surrender them to the EACC?

What steps has the Ministry taken to ensure such acts are not tolerated and that the appropriate action is taken and measures put in place to protect the EACC officials from such acts?

Thank you.

**Hon. Speaker:** Your Question is directed to the Departmental Committee on Administration and National Security to prioritise.

The next Question by Private Notice was to be by the Member for Mathare Constituency, Hon. Anthony Oluoch. He has written to request the Question to be stood down. The request has been acceded to. So, it will not be asked.

*(Question by Hon. Antony Oluoch stood down)*

We go to a Question by the Member for Mwatate, Hon. Mwandime.

### ORDINARY QUESTIONS

*Question No.186/2018*

#### WATER PROJECTS IN MWATATE CONSTITUENCY

**Hon. Andrew Mwadime** (Mwatate, ODM): I would like to ask the Cabinet Secretary for Water and Sanitation the following Question:

- a) Could the Cabinet Secretary provide a list and details of water projects, including cost of each project in Mwatate Constituency?
- b) What is the status of funds set aside for water projects in Mwatate Constituency in the Financial Years 2013/2014, 2014/2015, 2015/2016 and 2016/2017?
- c) Could the Cabinet Secretary consider providing water for irrigation to the people of Mwatate Constituency?

Thank you, Hon. Speaker.

**Hon. Speaker:** That Question is referred to the Departmental Committee on Environment and Natural Resources.

Next Question is by the Member for Kisumu West Constituency, Hon. John Olago Aluoch. He is not present.

The next Question is by the Member for Banissa Constituency, Hon. Kulow Maalim Hassan.

*Question No.269/2018*

#### CLOSING OF BANISSA WATER DAM DUE TO POLLUTION

**Hon. Kulow Maalim** (Banissa, EFP): Hon. Speaker, I would like to ask the Cabinet Secretary for Water and Sanitation the following Question:

- a) Is the Cabinet Secretary aware that Banissa Water Dam has been closed owing to the invasion of blue-green blooms which are toxic and dangerous to human lives?
- b) Could the Cabinet Secretary explain the steps taken by the Ministry to effectively treat and mitigate the disease burden caused by the said pollution?
- c) Could the Cabinet Secretary explain why exploration for underground water and availability of aquifers has not been conducted in Banissa, and when will this exercise be done?

Thank you.

**Hon. Speaker:** The Question is referred to the Departmental Committee on Environment and Natural Resources.

Member for Nyatike Constituency, Hon. Tom Mboya Odege.

*Question No.270/2018*

## HARASSMENT OF KENYANS BY TANZANIAN AUTHORITIES

**Hon. Tom Odege** (Nyatike, ODM): Thank you, Hon. Speaker. I rise to ask the Cabinet Secretary for Foreign Affairs:

- a) Is the Cabinet Secretary aware that Kenyans were arrested in Lake Victoria on the night of 5<sup>th</sup> November 2018 under unclear circumstances by Tanzanian authorities and are currently being detained in Musoma, Tanzania?
- b) What steps has the Ministry taken to end the continued harassment, arrest and detention of Kenyans?
- c) What is the status of the findings of the Joint Border Survey Committee set up by the governments of Kenya and Uganda on boundaries of the two countries around Migingo Island?

**Hon. Speaker:** Very well. Question to be replied before the Departmental Committee on Defence and Foreign Relations. We will go back to the Question by the Member for Kisumu West Constituency, Hon. John Olago Aluoch, who had written to request for deferment. The request has been acceded to and the Question is generally deferred. This is the guidance.

*Question No.250/2018*

## INCIDENTS OF ARMED ROBBERIES IN KISUMU WEST CONSTITUENCY

*(Question deferred)*

As we will all appreciate, Questions are sessional just like petitions. They are not like Bills. I know you know what is due to happen tomorrow. The end of the Session comes to an end tomorrow, at the rise of the House. Therefore, all Questions that would not have been responded to, all petitions that will not have been reported on, will suffer the normal fate but may be revived even if it is on the first day. Remember the House Business Committee (HBC) will have to sit on the first day the House resumes from recess. So, when we talk about the first day, the earliest should be 13<sup>th</sup> of February. If it is a petition which by tomorrow will not have been reported on, they will suffer the fate that happens normally but maybe revived as soon as the House resumes for the Third Session.

I can see that there is an intervention by the Member for Funyula.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Speaker. I wish to seek further clarification on the guidance you have provided. The Member for Nambale and I, had a pending Question that the Departmental Committee on Agriculture and Livestock was supposed to verify. It was supposed to verify that I had been given a wrong answer by the Ministry. Unfortunately, the visit has been postponed due to some circumstances well explained by the department. I wanted to find out what will befall that particular case in view of the guidance you have given.

**Hon. Speaker:** Make sure that by the end of the day today or possibly tomorrow, you visit Table Office so that the Question will be activated. Since the Committee is already seized of the matter, even when you revive it, you will read it for the purpose of the Committee organising itself to visit, if that was what was pending. That is the route to go. It is just like when Bills have

not reached a particular stage due to amendments that were effected in the Standing Orders; they have a life span of two sessions. As you may recall, in the previous dispensations, even Bills had a lifespan of one session, a session being one year. What is the issue Hon. Maore?

**Hon. Maoka Maore** (Igembe North, JP): I just wanted to make a statement.

**Hon. Speaker:** Statement or intervention? I can see an intervention from Hon. Kioni. Is there something you want to say or it was just general?

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Hon. Speaker, you have clarified what I wanted clarified when you were responding to Members' issues. I had two petitions one on hardship area and the other one was the gazettelement of Ndaragwa Township as a forest. The petitions were being processed by the Committee. So, I will do as you have directed.

**Hon. Speaker:** I think I have seen letters written by the two Chairpersons regarding some petition one of which has your name. They suffer the same fate but may be revived immediately the House comes back on 12<sup>th</sup> February. If they continue now, the Committee will get into the trouble of the 60 days. It is better that the petitions be revived. Members who had raised those petitions or read them out, should be advised to do so immediately the House resumes so that the Committee can be seized of the matter afresh.

With great sympathy, the Chairperson of the Departmental Committee on Transport, Housing and Public Works, I will allow you to give notice.

## NOTICE OF MOTION

### RATIFICATION OF BILATERAL AIR SERVICE AGREEMENT

**Hon. David Pkosing** (Pokot South, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Committee on Transport, Public Works and Housing on the Ratification of Bilateral Air Service Agreement between Kenya and Jordan, Kenya and Jamaica, Kenya and Bahamas, and the Protocol amending Air Service Agreement between Kenya and Turkey, laid on the Table of the House on Wednesday 5<sup>th</sup> December, 2018 and pursuant to provisions of Section 8 of Treaty Making and Ratification Act, 2012 approves the ratification of the Bilateral Air Service Agreement between Kenya and Jordan, Kenya and Jamaica, Kenya and Bahamas and the Protocol amending Air Service Agreement between Kenya and Turkey.

**Hon. Speaker:** Next Order.

## MOTION

### RATIFICATION OF THE EAST AFRICAN PROTOCOL ON INFORMATION AND COMMUNICATION TECHNOLOGY NETWORKS

THAT, this House adopts the Report of the Committee on Regional Integration on the East African Community Protocol on Information and Communication Technology Networks, laid on the Table of the House on Tuesday, 27<sup>th</sup> November 2018, and pursuant to the provisions of section 8 of the Treaty Making and Ratification Act, 2012, approves the ratification of the East African Community Protocol on Information and Communication Technology Networks.

*(Hon. (Ms.) Naisula Lesuuda on 5.12.2018)*

*(Debate concluded on 5.12.2018 – Morning Sitting)*

**Hon. Speaker:** Hon. Members, I hope everybody is in possession of the Supplementary Order Paper. I hope sufficient copies have been circulated. Debate on this Motion was concluded and what remained was for the Question to be put which I hereby do.

*(Question put and agreed to)*

**Hon. Maoka Maore** (Igembe North, JP): On a point of order, Hon. Speaker, Sir.

**Hon. Speaker:** No, that was the point at which you were supposed to raise your point of order, but you said you did not have anything to raise. Well, it is a statement which might be of interest to all the Members. The Hon. Member had approached me and that is why I was raising the issue because we had Questions and Statements as Order No. 7. You have not put your card.

## STATEMENT

### STATUS OF DISBURSEMENT OF NG-CDF FUNDS

**Hon. Maoka Maore** (Igembe North, JP): Maybe it has been deleted by the computer while I have been away.

Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order 44(2)(c) I rise to issue a statement with regard to the status of disbursement of funds by the National Government Constituencies Development Fund (NG-CDF) Board during the Financial Year 2018/2019 and the state of projects at the constituencies around the country.

The two issues have been a matter of great concern to the Committee and many Members of this House. In our last two meetings, the Committee deliberated on the two matters in consultation with the NG-CDF Board and the Chief Executive Officer. The update on the status of the disbursement of funds during this financial year is arising from the brief by the Acting CEO on 29<sup>th</sup> November 2018.

Members noted the following: The National Treasury had only released Kshs6 billion for this financial year; as of today 5<sup>th</sup> December, only 170 constituencies had submitted their proposals for the projects to be funded; on 7<sup>th</sup> December, on Friday and Saturday, the board will convene to allocate and distribute funds to the constituencies that will have complied with project proposals.

On the resolution of incomplete projects, Hon. Members will recall the directive that you should complete the ongoing projects before embarking on new ones. According to the board's report on the incomplete projects sent to the Committee before December, Members noted that the outstanding balances required for completion of those projects countrywide was totaling to Kshs7,707, 881. After deliberations, the Committee resolved to allocate funds to those stalled projects but spread the allocation within a period of three years on the remaining term of the 12<sup>th</sup> Parliament. That resolution would also be communicated to the NG-CDF managers who are bothering many Members here and the same would be recorded in their minutes.

If Members would check, there are inaccuracies when it comes to that figure.

In conclusion, as a Committee we have been having a problem with the Cabinet Secretary, National Treasury, the one in charge of our National Government Development Constituencies Fund Board. The problem is arising because we require a fully constituted National Government Development Constituencies Fund Board to execute its mandate, but it has not happened. I have personally intervened and talked to the Cabinet Secretary about it. We have even called him to the Committee and every time he has promised to constitute the board, but he does not. If Members would testify what they have been going through, it is difficult to raise a quorum in the NG-CDF Board because the members are not enough. Anytime you want to raise a matter getting a quorum becomes difficult. The four members who are there are seconded from the ministries. In order to have the board constituted, the Cabinet Secretary needs to act. I have brought this matter to this House so that it can be treated as urgent. Members will recall that it is over Kshs35 billion that goes to the NG-CDF. So, it is a serious matter and the Government must ensure that it is administered efficiently. So, I take it that we will get the attention that we deserve. Thank you.

**Hon. Speaker:** Would it be in the interest of the National Treasury not to release funds to the board so that Members continue suffering? Why should this be so? The Hon. Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Thank you, Hon. Speaker. The critical matter is the composition of the board. I spoke to the Cabinet Secretary, National Treasury, earlier but I will do it again this afternoon. By next week we will have a board. I am sure once the board is constituted then the project proposal submitted by Members will be approved and then the next bit will be how to disburse the money.

**Hon. Speaker:** Very well, I see the Hon. Member for Suba North you have intervention.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Speaker. I thank the Committee for giving that statement. However, given that in some of the constituencies we have inherited many incomplete projects, is there a way we could request a special fund from the national Government just to have the projects completed? This is because some are dating more than 10 years and we are expected to complete them within this time span. I do not think that is possible. But in keeping with what the President was suggesting, if we could negotiate with the relevant ministry so that in the next Budget reallocation can be done, there can be a special fund dedicated to completion of projects. Thank you.

**Hon. Maoka Maore** (Igembe North, JP): Hon. Speaker, I wish to table the list of each constituency and how much is pending. Hon. Members will be surprised with what is there. I also agree with the sentiments of the Member for Suba North that when you go through this list, a lot of things are imaginary. Many are not implementable and that is why we need the board to give you a list of those projects specifically to every constituency before you can start considering them. Let me table the list.

*(Hon. Maoka Maore laid the list on the Table)*

**Hon. Speaker:** Very well. Member for Markwet East.

**Hon. Kangogo Bowen** (Marakwet East, JP): Thank you, Hon. Speaker. I thank the Chair of NG-CDF for the statement he has given. Some of us had even considered seeking adjournment of the House to discuss the issue of disbursement of the NG-CDF. The issue of the board is very important because that is where all the decision-making is done. We are anticipating going for recess probably this or next week and you have heard the Ministry of

Education has given a guideline that schools should be opened on 3<sup>rd</sup> January 2019. So, we are likely to come back after January and you know in our constituencies, we have so many orphans and children who are sponsored through NG-CDF, we are worried that they are going to go back to school without fees. So, we ask the Chair to pick up that issue so that bursaries can be disbursed earlier before projects so that our children can go back to school.

Thank you, Hon. Speaker.

**Hon. Speaker:** Member for Kiminini.

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD-K): Thank you, Hon. Speaker. I want to raise what Hon. Owen has just said. It is true we have seen this year- round things are moving very fast. Form ones have already been selected. Very soon when we get back, we will have challenges particularly with the orphans who have done very well and are admitted to national schools since they are given priority in terms of reporting.

I am requesting our good Chair, though he has come back looking different... I can see he has a different hairstyle. Hon. Maoka Maore, while you were away, we missed you. Kindly, move with speed and even summon the Cabinet Secretary to explain why he has not brought the names of NG-CDF board members. I understand there is no way NG-CDF can move without board members.

This is something which is very critical. With the help of the Leader of the Majority Party who conducts Government business here, I do not think it should be a big problem. So that before we proceed on recess this matter is handled tomorrow.

Thank you, Hon. Speaker.

**Hon. Speaker:** I think the biggest problem is failure to constitute the board. As the Chair of the Committee has indicated, even if the CEO calls for a meeting and some of those public functionaries are not available because maybe they involved in other duties, it becomes difficult for the board to transact business, which could include making decisions on disbursements. So, until the board is fully constituted, the Hon. Members might continue suffering.

The board needs to be fully constituted to make some of those decisions. Indeed, even the issue raised by Hon. Millie Odhiambo would be best addressed when there is a full board because it would be much faster. I am sure the Select Committee will push the matter when there is a full board. However, when the board is just four Government functionaries, who I think most of them are at the level of Principal Secretaries or thereabout, those are officers who obviously find themselves engaged in various other activities involving their ministries.

This is actually killing the purpose for which the NG-CDF was established. The board is key in making various decisions. Many of which will address the issues you are commenting on. Hon. Members, let us take the undertaking given by the Leader of the Majority Party, Hon. Duale, that he will get in touch with the Cabinet Secretary so as to give the names of the board members.

You know, Hon. Serem does not know that among other things, when I sit here, I keep counting Members because of the business that is there, most of which you concluded. You know, I am aware that there are some colleagues who have difficulties sitting here beyond 3.30 p.m. Maybe Hon. Serem you have a burning point. I will give you one minute. Also, the Member for Kibwezi West has a point.

**Hon. Cornelly Serem** (Aldai, JP): Thank you, Hon. Speaker. As an observation, the CEO of NG-CDF who is an active individual has been in acting capacity for the last six years. As we discuss about the board members anybody who sits in any institution aspires to be a CEO

one day. It is very unfair that we have CEO who has been on acting capacity for the last six years.

**Hon. Speaker:** Again, let there be a full board and I am sure this issue will be addressed. Member for Kibwezi East.

**Hon. (Ms.) Jessica Mbalu** (Kibwezi East, WDM-K): Thank you, Hon. Speaker. I also want to talk about the issue that has been addressed by the Member. It should be noted by the House that the CEO has been on an acting capacity for more than seven years. This is very unfair because he has done so well. We look forward to the Leader of the Majority looking into this so that we can have a sitting board and the current CEO, Mr. Mbuno, approved to assume the position.

**Hon. Speaker:** Well, I may not express any opinion on the later part. I will leave it to the board and all those who are involved in appointments and confirmations. Hon. Nyikal, you sit here up to 7.00 p.m. so you know there are some Members...Hon. Nyikal one minute.

**Hon. (Dr.) Nyikal** (Seme, ODM): Thank you, Hon. Speaker. I seek a very simple clarification. Projects which are incomplete are of two types. There are those which are not under the NG-CDF like dispensaries and health centres which had already been started. There are those like schools which are still under the NG-CDF. We were advised that those which are under counties like dispensaries and health centres should be completed by counties but many of them are still incomplete and are still with us. Are they also being addressed under NG-CDF? That is the only clarification I need.

**Hon. Speaker:** Obviously, I may not be the one to respond to that. You can see, Hon. Babu Owino is pretending to be answering a call and is taking off. I have seen the Member for Moiben come in and registering, standing up for 15 seconds and then taking off. Those Members who like doing their legislative work out there, we want to see your faces more frequently in the Chamber. What is out of order, Member for Tiaty?

**Hon. Kassait Kamket** (Tiaty, KANU): On a point of order, Hon. Speaker. I just wanted to raise something concerning NG-CDF. There are people called Fund Account Managers. I am aware that in every constituency there should be one Fund Account Manager. Tiaty Constituency's Fund Account Manager is missing. I think the gentleman who was there got another job. I believe other constituencies are facing the same problem.

**Hon. Speaker:** Just raise that one later. It is not for plenary. Hon. Members, some issues are just peculiar to your constituency. Why not raise it with the Chair of the Committee?

**Hon. Kassait Kamket** (Tiaty, KANU): Hon. Speaker, you know all politics is local. It may look small to you, but it is not to me. However, I stand guided.

**Hon. Speaker:** Please just raise it with the Chair of the Committee.  
Next Order!

## MOTIONS

### REPORT ON KENYATTA UNIVERSITY TEACHING AND REFERRAL HOSPITAL PROJECT

THAT, this House adopts the Report of the Departmental Committee on Health on Kenyatta University Teaching and Referral Hospital Project, laid on the Table of the House on Wednesday, 17<sup>th</sup> October 2018.

*(Hon. (Dr.) James Nyikal on 4.12.2018)*

*(Debate concluded on 4.12.2018)*

**Hon. Speaker:** Order Members, including Members dashing to the ablution block. Hon. Members, debate on this Motion was concluded and what remained is putting of the Question which I hereby do.

*(Question put and agreed to)*

Next Order!

PROVISION OF FREE, SECURE, RISK-FREE AND HIGH QUALITY  
WI-FI SERVICES IN EVERY CONSTITUENCY

THAT, aware that the universal access to Information and Communication Technologies (ICT) is a critical international obligation provided for under the International Telecommunication Union (ITU), the Sustainable Development Goals (SDGs) among other international obligations; noting that technological innovations associated with the transition to the Next-Generation Networks are already transforming the way universal access is being extended to rural and remote areas in both developed and developing countries and to a large extent, this transformation is being fueled by emerging networking technologies; cognizant that global statistics indicate that 49 per cent of the population does not have access to internet connection and that the digital divide requires tangible and consistent collective action to close the gap; further cognizant that internet is one of the most powerful and an invaluable tool in the world today for among other uses communication, information, and access to various services; appreciating that realization of appropriate public private partnerships are essential in stimulating broadband investments, adoption and infrastructural roll-out to open up rural areas and disadvantaged parts of Kenya; this House resolves that the Government through incentive driven public private partnerships provides free, secure, risk-free and high quality Wi-Fi services in every constituency.

*(Hon. Godfrey Osotsi on 5.12.2018)*

*(Debate concluded on 5.12.2018 – Morning Sitting)*

**Hon Speaker:** Hon. Members, debate on this Motion was concluded this morning and what remains is for the Question to be put, which I do.

*(Question put and agreed to)*

Next Order!

CONSIDERATION OF REPORT AND THIRD READING

## THE GOVERNMENT CONTRACTS BILL

*(Hon. Member dashed to the Chamber)*

**Hon. Speaker:** Do not run. This is not grazing land. Hon. Members, again, debate on this Bill was concluded and what remains are a few other steps necessary in legislation.

*(Question put and agreed to)*

Let us have the Mover.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I beg to move that the Government Contracts Bill (National Assembly Bill No.9 of 2018) be now read a Third Time. I also request the Chair of the Departmental Committee on Finance and National Planning, Hon. Limo, to second.

**Hon. Joseph Limo** (Kipkelion East, JP): Hon. Speaker, I second.

*(Hon. Simba Arati consulted Hon. John Mbadi)*

**Hon. Speaker:** Member for Dagoretti North, we hear the Member for Suba South saying that you are pledging your loyalty. You can do that later.

*(Question proposed)*

**Hon. Members:** Put the Question.

**Hon. Speaker:** Hon. Members, I have confirmed, courtesy of the effort by the Leader of the Majority Party in whipping Members that we have the requisite quorum for us to complete the process of enacting this law. I, therefore, put the Question.

*(Question put and agreed to)*

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

**Hon. Speaker:** Next Order!

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

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

## IN THE COMMITTEE

*(The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu) took the Chair)*

THE CAPITAL MARKETS (AMENDMENT) BILL

*(Several Hon. Members walked out of the Chamber)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Order, Hon. Members! The Members who are walking out of the Chamber, please do so quietly. Hon. Members, we are now in the Committee of the whole House to consider the Capital Markets (Amendment) Bill (National Assembly Bill No.19 of 2018).

*Clause 3*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): There is an amendment by Hon. Joseph Limo.

**Hon. Joseph Limo** (Kipkelion East, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 3 of the Bill be amended by deleting paragraph (b).

What we are proposing here is to delete this particular clause because it is already covered in the Act. Hence it is a repetition. So, there was no need of that.

*(Question of the amendment proposed)*

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

*(Clause 3 as amended agreed to)*

*(Clause 4 agreed to)*

*Clause 5*

**Hon. Joseph Limo** (Kipkelion East, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 5 of the Bill be amended in paragraph (a) by inserting the following new subsections immediately after subsection (2A) —

(2B) The Cabinet Secretary shall make regulations to give effect to the provisions of subsection (2A).

(2C) A person who —

- (a) colludes with an officer of the Authority for the purpose of collecting the reward under subsection (2A);
- (b) while working at the Authority aids another person to get and provide information under subsection (2A);
- (c) provides false information under subsection (2A);

commits an offence and shall on conviction be liable to a fine not exceeding five million shillings or to imprisonment for a term not exceeding five years.

The first amendment in (2B) gives the Cabinet Secretary room to make regulations to give effect to subsection (2A.)

The second amendment which is (2C) creates an offence for persons working for the Authority who may collude in order to benefit from the reward system. This particular amendment is creating a reward for those who give information leading to recovery of investors' money. Therefore, this amendment that we are introducing will create an offence for employees of the Authority who collude so that they get a reward or benefit of the reward.

*(Question of the amendment proposed)*

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

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Chairlady, I thank the Chairman for this amendment. The first one is just a procedure that for every law that we make, the Cabinet Secretary must table the regulations to effect it.

There is a new development in the Capital Markets Authority called the rewards system. This is just to protect investors. In a situation where there is insider information whereby a staff of the Authority uses that system to benefit himself or herself, there is a penalty. Previously, the Bill only introduced the reward system. The Committee has gone further and said that that reward system cannot be used by the staff of the Authority.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Very well. Let us have Dr. Makali Mulu, Kitui Central.

**Hon. Makali Mulu** (Kitui Central, WDM – K): Thank you, Hon. Temporary Deputy Chairlady. I also support this amendment. It is a good amendment in that it ensures that the issue of insider information is not taken advantage of and people benefit.

*(A cat meowed in the Chamber)*

Even as I...

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Hon. Makali, just continue.

**Hon. Makali Mulu** (Kitui Central, WDM – K): I support the amendment. It is a good one.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Before I propose the Question, let us have Hon. Millie Odhiambo.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Deputy Chairlady, I am worried that there is a stranger in the House.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Which stranger? Can you point out that stranger?

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): That is what is worrying me, Hon. Temporary Deputy Chairlady.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Where is the stranger?

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Deputy Chairlady, we are just hearing sounds of a cat but we cannot see it. That is more worrisome than

when you see the cat. It could be a spirit. That means the House should be evacuated with immediate effect. It is even more worrisome that it is a black cat. There is a black cat over there.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): The black cat is the one that Hon. Millie Odhiambo is referring to as a stranger.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Deputy Chairlady, we need spiritual leaders to cleanse this House.

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

**Hon. Aden Duale** (Garissa Township, JP): This is a House of the people. Anybody, including wild animals and pets, can play an oversight role. This cat represents a section of the people of Kenya. We should continue. I am sure that somebody might say that the House did not sit this afternoon when the cameras were dark. You do not need to chase the cat. In fact, we need to feed it. This cat was also here yesterday. We need to feed it. Do not play around with a black cat. I am sure the guys from the Coast will tell us more.

*(Laughter)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Very well. It is important for us to notice that the stranger in the House is not a human being. It is just a cat. Cats are not Members of Parliament. Leader of the Majority Party, cats may represent other cats but not in the House. The ones who are officially recognised in the House are the elected Members. However, I direct that unless the cat is harmful, the Serjeant-at-Arms should ensure that Millie does not see a stranger in the House.

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

*(Clause 5 as amended agreed to)*

*(Clause 6 agreed to)*

*Clause 7*

**Hon. Joseph Limo** (Kipkelion East, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 7 of the Bill be amended by deleting subparagraph (vii).

This particular amendment is just to delete subparagraph (vii) because it is similar to subparagraph (iii). It was a repetition. We are just cleaning up the Bill.

*(Question of the amendment proposed)*

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

*(Clause 7 as amended agreed to)*

*(Clauses 8, 9, 10 and 11 agreed to)*

*Clause 2*

**Hon. Joseph Limo** (Kipkelion East, JP): Hon. Temporary Deputy Chairlady, we have since considered this amendment and seen that it is not necessary. The Bill is okay. I drop this amendment.

*(Proposed amendment by Hon. Joseph Limo dropped)*

*(Clause 2 agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Hon. Members, we are through with the amendments to the Capital Markets (Amendment) Bill (National Assembly Bill No.19 of 2018). We are moving to the Committee of the whole House on the SACCO Societies (Amendment) Bill (National Assembly No.18 of 2018).

#### THE SACCO SOCIETIES (AMENDMENT) BILL

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): We have an amendment by the Chair of the Departmental Committee on Trade, Industry and Co-operatives. Move your amendment in Clause 3. Hon. Oundo Ojiambo, Member for Funyula, will move the amendment.

*Clause 3*

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Hon. Temporary Deputy Chairlady, on behalf of the Departmental Committee on Trade, Industry and Co-operatives, I beg to move:

THAT, Clause 3 of the Bill be amended by inserting the following new paragraph immediately after paragraph (a)—

“(aa) does not meet the requirements of Chapter Six of the Constitution.”

The justification is simply to align this particular Bill to the constitutional requirements and Chapter Six of the Constitution, 2010.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): I see no interest to speak to this, Hon. Members. Hon. Maanzo Kitonga.

**Hon. Daniel Maanzo** (Makueni, WDM – K): Thank you, Hon. Temporary Deputy Chairlady. People who are elected in the country or any person handling matters on behalf of the public has to comply with the Constitution, especially Chapter Six on good behaviour. Those

people who are elected in co-operative societies such as SACCOs should be relied on because they are trusted with people's monies which they keep. That is the reason the Committee came up with that amendment to make sure that this Act and the people who deal with SACCOs are properly within the Constitution and can be trusted to protect the monies entrusted to them.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Leader of the Majority Party, do you want to speak to this?

**Hon. Aden Duale** (Garissa Township, JP): It is good that this provision is in this amendment. The best person to speak on co-operatives and SACCOs in this House is Hon. Maanzo. He needs to declare his interest. There is a lot of corruption which is going on in SACCOs and co-operatives like the Mwalimu Co-operative Society and Harambee SACCO Co-operative. They hold millions and billions of shillings that belong to Kenyans, but still they do not follow due diligence. It is good to subject them to Chapter Six of the Constitution on integrity. As we move forward, we need to look at the co-operative movement. Why is it collapsing? It is collapsing because few people put money in their pockets. The House must be cognisant of that.

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

*(Clause 3 as amended agreed to)*

*Clause 4*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): We have a proposed amendment by the Chairperson, Departmental Committee on Trade, Industry and Co-operatives.

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

THAT, Clause 4 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) in subsection (3) by deleting the expression “2003, (No. 12 of 2003)” and substituting therefor the expression “2015, (No. 34 of 2015).”

The amendment is minor. It is just to correct a referencing error that was contained in the published Bill. Thank you.

*(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 3 as amended agreed to)*

*(Clause 5 agreed to)*

*Clause 6*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): There is a proposed amendment. Hon. Oundo, move your amendment.

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

THAT, Clause 6 of the Bill be amended—

(a) by deleting paragraph (b); and

(b) in paragraph (c) by deleting the expression “(d)” appearing in the proposed new subsection (8).

After consideration and cross reference to the principal Act and the amendment, we propose to withdraw amendment (a) because Clause 27(5) of the principal Act already provides for reference to the Cabinet Secretary. Therefore, to change to a tribunal will also require amending Clause 5 which was not part of the amendments. Thank you.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): It is on record that Hon Oundo in the capacity of the Chair has withdrawn the amendment in Clause 6(a). Have you moved the amendment in Clause 6 (b)?

*(Proposed amendment in Clause 6(a) withdrawn)*

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Yes. The amendment in Clause 6(b), is about doing away with a clerical error. The Act has Clause 62 and yet there is no Section 62(d) in the principal Act.

Thank you.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): The first one is the Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Chairlady, I am a happy man because I wanted to oppose that amendment. It is good because the Committee Members have withdrawn it. This Bill comes from the National Treasury. It is part of the Bills that came with the Budget of the Financial Year 2018/2019. Because of the volume of the resources that SACCOs and co-operatives hold, which is close to the amount of money that the pension funds hold in our country, the National Treasury felt that they must regulate the daily operations of SACCOs. I was very uncomfortable with reverting to the tribunal which is established under the Co-operative Act, Cap.490 to retain those powers. For the first time, the Professor has seen the light.

I support the withdrawal of the amendment.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Member for Makueni.

**Hon. Daniel Maanzo** (Makueni, WDM – K): Hon. Temporary Deputy Chairlady, first, I must declare my interest to Hon. Duale. He always challenges me. I am a member of the co-operative movement.

If you look at the Bill in Clause 27(7), it says that the tribunal may reverse the decision of the Authority. First, it is the Commissioner who hears the case if a SACCO's licence has been

revoked. Secondly, it is the Cabinet Secretary who hears the case. The reasons have been given there what the Cabinet Secretary must use. If the Cabinet Secretary is unable to resolve their issues, they are taken to tribunal which is like a court. After that, it can still go to the High Court and then to the Supreme Court. This is a good amendment to make sure that there is flow in the old Act.

I thank you, Hon. Duale.

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

*(Clause 6 as amended agreed to)*

#### Clause 7

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): We have a proposed amendment by the Chair of the Committee.

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

THAT, Clause 7 of the Bill be amended in the proposed amendment to Section 45 by deleting the expression “Cap. 486” and substituting therefor the expression “(No.17 of 2015).”

The purpose of the amendment is to provide the correct citation for the Companies Act. The principal Act was based on citation of an old Act, but since its enactment in 2015, it was felt it is necessary to get the correct citation of the Companies Act, No.17 of 2015.

*(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 7 as amended agreed to)*

#### Clause 8

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Hon. Members, we have an amendment to the clause by Hon. Oundo Ojiambo.

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

THAT, clause 8 of the Bill be amended in paragraph (a) by deleting the words “the Authority may consider fit” and substituting therefor the words “as may be prescribed through regulations”.

The justification for the amendment is to take away the discretion of determining financial penalties to be imposed on a SACCO Society, any officer, director, committee members, employee or agent of the society and provide that financial penalties shall be

prescribed through regulations. This is a neater way of doing things so that we remove the discretion of any member of the executive to impose penalties that probably might not be in conformity with the principal Act. We propose that the regulations come through the Statutory Instruments Act and be considered by the Committee on Delegated Legislation and approved by this House.

Thank you.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Hon. Millie Odhiambo.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Deputy Chairlady. As an adherent to the rule of law, it is a neater way to go and I support it. We must regulate our SACCOs. They are one of the organisations that are highly misused. We cannot under-regulate. People fundraise and get a lot of money in the name of youth and women, but the monies end up getting misused. I hope the regulations will be brought so that we look at them so that there is sanity in the sector.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Hon. Maanzo Kitonga, Member for Makueni.

**Hon. Daniel Maanzo** (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Chairlady. The amendment proposes to delete the words, “the authority may consider fit.” There are regulations under this Act to be made under the Statutory Instruments Act. The regulations will prescribe the procedure of dealing with a matter instead of the Authority being the final decision maker. There is going to be a process. The amendment makes it better.

As other Members have stated, regulation of SACCOs is extremely important because there are millions of shillings belonging to people. Therefore, Sacco Societies Regulatory Authority (SASRA) is very important and must come up with regulations which we will approve as a House to make sure they are within the law and can be used to ensure the sector is well regulated.

Thank you.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Member for Aldai, Hon. Cornelly Serem.

**Hon. Cornelly Serem** (Aldai, JP): Hon. Temporary Deputy Chairlady, I hope that after all this is done, we will have sanity in the co-operative movement in the country. If we look at a few years back, Kenyans lost a lot of money in these organisations that term themselves as SACCOs. I hope at the end of this we will have a situation whereby all SACCOs will be in order and realise that they are answerable to an authority. All SACCOs must be part of SASRA.

Thank you.

*(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 8 as amended agreed to)*

*(Clause 9 agreed to)*

*(Clause 2 agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Hon. Members, that brings us to the end of Committee of the whole House on the Sacco Societies (Amendment) Bill, National Assembly Bill No.18 of 2018.

We move to the next Bill, the Assumption of Office of the County Governor Bill, Senate Bill No.1 of 2018.

THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL

*(Clauses 3 and 4 agreed to)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): We have an amendment by the Chairperson of the Departmental Committee on Administration and National Security.

*Clause 5*

**Hon. Makali Mulu** (Kitui Central, WDM-K): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 5 of the Bill be amended in sub-clause 2 by inserting the following new paragraph immediately after paragraph (f)-

“(fa) a representative of the Ministry responsible for matters related to devolution;

This clause discusses the committee members. This amendment is therefore including a representative of the Ministry responsible for matters related to devolution as part of that committee which ensures smooth assumption of office. The justification of this is that the Ministry which will be linking the counties and the national Government should have a representative. It is important because it is the Ministry which should provide technical assistance to the counties.

I beg to move.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Hon. Millie.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Deputy Chairlady. This is one of the clauses that in the past I would have opposed because of the nature of devolution as we had intended. Unfortunately, a lot of our counties are struggling. Most of the governors have failed and we are disappointed. Because of that, they are slowly making us to almost move back to a centralized system and I am hoping that is temporary

because they are supposed to be 47 governments plus one. Instead, most of them are not able to operate on their own. I would reluctantly support. I am hoping it is for the short term

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Very well, Hon. Nyikal Wambura, Member for Seme.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Hon. Temporary Deputy Chairlady, I rise to support this. In devolution, we have had a problem with the relations between the county and the national Government. There has been no clear understanding. Each seems to be working on their own despite the interrelations structures that are in place. Therefore, it is important to include this so that there is smooth transition.

I support.

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

*(Clause 5 as amended agreed to)*

#### Clause 6

**Hon. Makali Mulu** (Kitui Central, WDM-K): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 6 of the Bill be amended in sub clause (1) by deleting the words “to be at the service of the Governor elect” appearing in paragraph (c) and substituting therefor the words “for the Governor-elect”

The justification is that paragraph (c) talks about the person being at the service of the governor. This is therefore a cleaning exercise where whoever works, works for the office and not individual. I beg to move.

*(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 6 as amended agreed to)*

*(Clauses 7, 8, 9, 10, 11, 12, 13, 14, and 15 agreed to)*

#### Clause 16

**Hon. Makali Mulu** (Kitui Central, WDM-K): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended in Clause 16 by-

(a) renumbering the proposed clause as sub-clause (1);

(b) inserting the following new paragraph immediately after paragraph (b) —

“(c) to swearing of a speaker of a county assembly who assumes office under Article 182(5) of the Constitution”

(c) inserting the following new sub clause after the proposed clause—

“(2) Upon nullification of an election of a county governor and a receipt of the notification by a relevant speaker, the speaker of a county assembly shall assume office as a governor within seven days and an election shall be held pursuant to Article 182(5) of the Constitution.”

Under the current law, there is a provision for the speaker to assume office if the governor and the deputy are not able. This amendment will then make sure that when the speaker assumes office, we have a good framework to take care of that. Under Part (c), when the speaker assumes office, there is a clear provision on what happens in terms of timelines and when the by-elections should be conducted.

I beg to move.

*(Question of the amendment proposed)*

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): I rise to support that proposed amendment. When the original law was being passed, many of us did not anticipate that we could have governors whose elections would be nullified. However, the Committee should have gone further because we are seeing cut throat competition even in cases where governors’ slots have not been nullified like in my county which is no longer working because people are trying to ascend to the speakership because of an amendment like this, where people think they will come in and loot. That is the war that is going on in Homa Bay County. Nothing is going on because people want to come in and loot within that period. I wish the Committee would have gone further and stated the role of the acting governor so that it ceases to be a lucrative thing that people want to kill each other over. Otherwise, to that extent I support but I am encouraging the Committee to bring further amendments so that you tie the hands of people who come in. It is not a looting spree so that we can let Homa Bay County work. We are tired of theatrics.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Very well, the Committee is here and it is taking note. Hon. Nyikal Wambura, Member for Seme.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Hon. Temporary Deputy Chairlady, I rise to support this. As we implement the Constitution, we find that there are gaps particularly in the transition areas of the governor’s office. This amendment addresses a gap that was not visualized before. I therefore support.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Member for Teso North, Hon. Kuanya.

**Hon. Oku Kaunya** (Teso North, ANC): Thank you very much, Hon. Temporary Deputy Chairlady. Part of the gap that we were trying to fill as Members of this Committee was the question of the speaker assuming office. But in the Act, there is a provision that in the event the speaker is acting, he will only do so for 90 days. Within that period there will be an election.

Initially, we had the question of governors. When a governor ceases or dies in office, automatically the deputy governor takes over. In the absence of deputy governor, this is where this gap was to be filled. There was no provision for that as this Bill was focusing on the assumption of office. The procedure and ceremonies for taking over and handing over were not there. So, I think the proposal by Hon. Millie will be taken care of in the Act and we have taken note.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Let us have this Hon. Member.

**Hon. Nimrod Mbai** (Kitui East, JP): Thank you. This clause and amendments are very important but need some clarity, in the sense that if the speaker assumes the office of the governor, is he also going to continue serving in the assembly as a speaker? What will be his role within those 90 days? Will he have executive powers just like a governor? So, it requires more clarity because you are a speaker and acting as a governor. The assembly will be in session, will the same speaker be conducting sessions as a speaker? It is a matter of clarity to be contained in this Bill and not assumption. This is something that needs to be clarified. I support but with further amendments.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Let us have the Hon. Member for Nyando and then we will give the Hon. Leader of the Majority Party.

**Hon. Jared Okelo** (Nyando, ODM): Thank you. We have a very progressive Constitution and that is what has informed the further amendment that we are coming up with as regards the vacancies as they will occur within the office of the governor. There was a misconception at the very beginning that senators were going to be more powerful than any person in this country. That is why those who would have otherwise initially gone for the position of governor chose to be senators only to realise that they have no powers and there was a mass exodus when they then chose to go and run to become governors. A 90-day period has been decided by the Committee as the transition period for the office of the governor. But how I wish that we would propose further amendments because the traverse that we have is giving an opportunity during a short period of time to an individual and all eyes are trained towards the resources going to these counties. How I wish that we would draw something like a committee of five drawn from the Executive, and a few from the assembly so that we have a quasi-body that will then take care of the resources of the county during that period.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well, Member you are at liberty to have brought those amendments to the house and so, these are just wishes. You know the right procedure to have done that. Lastly, let us have the Hon. Leader of the Majority Party

**Hon. Aden Duale** (Garissa Township, JP): For clarity the Hon. Member for Nyando, what you are saying on the Floor this afternoon is your duty. You have the right to go and bring an amendment. Even right now as we speak you can even do a further amendment. You can consult with the Chair but the gist of the matter... It is the Constitution that provides for the speaker as an acting counting governor where a vacancy arises. It is in the Constitution. But there is another law that is coming to the House, the County Governments (Amendment Bill) where we need to put the position of the Deputy Speaker which was not foreseen when that Act was being made.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, with that debate... Hon. Makali, you want to clarify.

**Hon. Makali Mulu** (Kitui Central, WDM-K): I think it is important that we provide clarification. There is a lot of what I call parallel arrangement between the national Government and the county governments in terms of governance structure. Just as it would be when the Hon. Speaker of this House is expected to assume the presidency, it is the same arrangement and this is just to give members confidence that that is already taken care of.

*(Question, that the words to be inserted*

*be inserted, put and agreed to)*

*(Clause 16 as amended agreed to)*

*(Clauses 17, 18, 19 and 20 agreed to)*

*Clause 21*

**Hon. Makali Mulu** (Kitui Central, WDM-K): Hon. Temporary Deputy Speaker, I beg to move:

THAT, the Bill be amended in clause 21 by inserting the word “committee” immediately after the word “governor”

This is basically to make it clear where the funding for this committee which oversees assumption of office will come from, which is the county government resources.

*(Question of the amendment proposed)*

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

*(Clause 21 as amended agreed to)*

*(Clause 22 agreed to)*

*Clause 23*

**Hon. Makali Mulu** (Kitui Central, WDM-K): Hon. Temporary Deputy Speaker, I beg to move:

THAT, the Bill be amended in Clause 23 by inserting the following new subsection immediately after the proposed new subsection (1B)—

“(1C) Where a vacancy arises as contemplated under section (1A), the speaker of a county assembly shall act as a governor and an election shall be held pursuant to Article 182(5) of the Constitution.”

This is where we have been very specific in terms of when the Hon. Speaker assumes the office of the governor then elections will be conducted within 90 days. We are making it clear that when the Speaker assumes office, he will only be acting for 90 days and elections will be conducted.

*(Question of the amendment proposed)*

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

*(Clause 21 as amended agreed to)*

*(Clause 24 agreed to)*

*(First Schedule agreed to)*

*(Second Schedule agreed to)*

*Clause 2*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Hon. Members, we have an amendment by the Committee through the Chair. Hon. Makali Mulu, move the amendment to clause 2.

**Hon. Makali Mulu** (Kitui Central, WDM-K): We do not have an amendment to clause 2 but clause 1.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): It is clause 2 and not clause 1.

**Hon. Makali Mulu** (Kitui Central, WDM-K): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended in Clause 2 by inserting the defining of the word “county public officer” in its proper sequence—

“county public officer” has the meaning assigned to it under the County Governments Act.

We also need to amend the Order Paper because it reads clause 2 and not clause 1. The justification is that, the word ‘county public officer’ has been used in the Bill many times. So, we just want to ensure we have the right definition and meaning of this term. It will have the same meaning as used in the County Government Act.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Hon. Members, I confirm that the amendment is on clause 2 and what is appearing on the Order Paper is supposed to be this clause as per the Act.

*(Question 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)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Hon. Members, that is the end of the amendments to the Assumption of Office of County Governor Bill (Senate Bill No.1 of 2018). Therefore, I call the Mover of the Capital Markets (Amendment) Bill.

THE CAPITAL MARKETS (AMENDMENT) BILL

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Chairlady, I beg to move that the Committee do report to the House its consideration of the Capital Markets (Amendment) Bill (National Assembly Bill No.19 of 2018) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Next for reporting, the Mover to move reporting on the Sacco Societies (Amendment) Bill (National Assembly Bill No.18 of 2018).

#### THE SACCO SOCIETIES (AMENDMENT) BILL

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Hon. Temporary Deputy Chairlady, I beg to move that the Committee do report to the House its consideration of the Sacco Societies (Amendment) Bill (National Assembly Bill No.18 of 2018) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

#### THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Next Bill for reporting is the Assumption of Office of the County Governor Bill (Senate Bill No.1 of 2018). The Mover to move reporting. Hon. Makali Mulu.

**Hon. Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Chairlady. I beg to move that the Committee do report to the House its consideration of the Assumption of Office of the County Governor Bill (Senate Bill No.1 of 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]*

### REPORTS

## THE CAPITAL MARKETS (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): We shall start with the Capital Markets (Amendment) Bill.

**Hon. (Ms.) Jessica Mbalu** (Kibwezi East, WDM-K): Hon. Temporary Deputy Speaker, I beg to report that the Committee of the whole House has considered the Capital Markets (Amendment) Bill (National Assembly Bill No.19 of 2018) and approved the same with amendments.

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

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, I beg to move that the House do agree with the Committee in the said Report. I also request the Member for Mwea, Hon. Kabinga to second the Motion for agreement with the Report of the Committee of the whole House.

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

**Hon. Josphat Kabinga** (Mwea, JP): Hon. Temporary Deputy Speaker, I second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members for good reasons, we will move to the next Bill which is the Sacco Societies (Amendment) Bill.

## THE SACCO SOCIETIES (AMENDMENT) BILL

**Hon. (Ms.) Jessica Mbalu** (Kibwezi East, WDM-K): Hon. Temporary Deputy Speaker, I beg to report that the Committee of the whole House has considered the Sacco Societies (Amendment) Bill (National Assembly Bill No.18 of 2018) and approved the same with amendments.

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

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ANC): Hon. Temporary Deputy Speaker. I beg to move that the House do agree with the Committee in the said Report. I also request, Hon. (Dr.) Nyikal to second the Motion for agreement with the Report of the Committee of the whole House.

**Hon. (Dr.) James Nyikal** (Seme, ODM): I second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, for good reasons, I will direct that we move to the next Bill, the Assumption of Office of the County Governor Bill.

## THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL

**Hon. (Ms.) Jessica Mbalu** (Kibwezi East, WDM-K): Hon. Temporary Deputy Speaker, I beg to report that the Committee of the whole House has considered the Assumption of Office of the County Governor Bill (Senate Bill No. 1 of 2018) and approved the same with amendments.

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

**Hon. Makali Mulu** (Kitui Central, WDM-K): Hon. Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report. I also request Hon. Kaunya to second the Motion for agreement with the Report of the Committee of the whole House.

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

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

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Leader of the Majority Party, you have a comment on this.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, I really want to go on record that this Bill, as per Article 112 of the Constitution, will go for mediation. This is a Bill from the Senate and Article 112 of the Constitution says that if the House passes a Bill and amends it, it will have to go for mediation. So, we have amended the Bill that came from the Senate. I am sure when we come back in February, we will be in a position to form a mediation committee.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): That is true. It is a provision of Article 112 of our Constitution. So, it will be dealt with in accordance with that Article. I direct that we move on to the next business in the Order Paper.

## BILL

### *Second Reading*

#### THE NATIONAL YOUTH SERVICE BILL

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, I beg to move that the National Youth Service Bill 2018 be now read a Second Time.

This a very important Bill and I really thank the Chair and the Members of the Departmental Committee on Labour and Social Welfare for doing a very vigorous public participation so that we start the Second Reading of this Bill. It is very important. If we enact this Bill, a lot of the messes that the young people in NYS go through will be a thing of the past. This Bill seeks to establish what will be known as the National Youth Service (NYS). It provides the functions, discipline, organisation and administration of NYS.

Part I of the Bill just deals with preliminary provisions. Let me go to Part II which provides for the establishment of the NYS as a body corporate. This Service, being a corporate body, will be capable of suing or being sued. It has to have that acquiring, holding and disposing of all movable and non-movable properties. If you look at Clause 7 of the Bill, there is proper and systematic analysis of the functions of the Service. What the men and women there will do is well documented in Clause 7. Number one, they will undertake a paramilitary training of the members.

I had the single opportunity to join NYS before I joined the university. I used to be a marksman. You know I am tall. The year does not matter. I was in the last cohort as a right marker. So, I can talk for NYS. You know Mzee Moi wanted to teach us some discipline but he realised later, when he disbanded that process, that he was training us to become military

combats. We were becoming combats. You know what happened was that Mwandawiro started doing guard of honour at the University of Nairobi.

One of the functions of NYS is to undertake paramilitary training. Because of that training, I was very much impressed and I commend the Kenya Defence Forces (KDF). In their nationwide recruitment, the first question they were asking to new recruits is: "Who among you is from NYS?" That tells you that the young men and women in NYS should be given the first priority when we are employing police officers, military officers and officers from other service institutions.

Number two, they will instill, in the members of the Service, a tradition of patriotism. They must be taught about loyalty, integrity, duty and service to their nation. The other function is to provide vocational training and professional and personal development programmes. They learn a lot when they are in NYS. Of course, they are also taught to undertake certain business enterprises and commercial activities as the council that will be formed may undertake. Clause 8 of the Bill contains the powers of the Service. What powers does the NYS enjoy? Of course, some of the powers include that they can partner with the public and the private sector in financing, construction, development, operation and maintenance of infrastructure within our country. They have the equipment, the knowhow and the young people in NYS. They must be given the first opportunity to partner with even the Government and the private sector in the construction, development, operation and maintenance of our infrastructure.

The other powers they enjoy under this Bill is that they can enter into partnership arrangements with either the public, which is the Government, or the private bodies as it deems fit for the institution, with regard to the establishment, implementation, monitoring and financing of training and employment programmes for the young people in our country. So, the whole of Clause 8 talks about the powers that this Service enjoys.

Clause 9 establishes a very unique entity within the NYS. It establishes the council of the Service. This is the council that will give the policy direction and the oversight direction. In this council, there will be a non-executive chairperson. As we sit today, NYS starts with the Director-General and ends with the Director-General and, maybe, the Principal Secretary in the Ministry of Public Service and Youth. However, now there is a corporate entity, a council that will be held accountable for all the commissions and omissions that will happen in NYS. So, there will be a non-executive chairperson who will be appointed by the President. Of course, the PS at that time for matters relating to youth will be a member. The PS for Finance will be there. The PS for matters to do with interior will be there. Other members are the Attorney-General, the Chief of the Defence Forces or a representative and five other members to be appointed by the Cabinet Secretary (CS), two of whom shall be youth, one from either gender. So, the youth will be represented. The KDF will be represented. The Ministry of Interior will be represented because of the paramilitary nature and, of course, the Director-General of the Service will be an *ex-officio* member.

Clause 10 provides the manner in which the office of the Chairperson or the members of the council shall become vacant and how they are appointed.

Clause 11 empowers the council to establish various committees, sub-committees and audit committees that will deal with the day-to-day activities of the Service.

Clause 12 provides for the functions of the council which include, as I said earlier, formulation of policy, control, oversight and supervision of the Service, monitoring implementation of the policies, receiving and considering the budget estimates of the Service and formulating policy for recruitment into the Service.

Part III of the Bill deals with the disciplinary provisions. Clause 33 sets out prohibited acts under the Act. Clause 34 talks about penalties for disciplinary offences which include extra drills, parades, reduction of salary. Clauses 33 and 34 deal with internal disciplinary mechanisms. Clause 36 of Part III requires that losses or damage to property to be made good by recovery from the salary of the respective member.

Part IV of the Bill deals with general offences for persons who are not members of the Service. Those offences include assault and obstruction of an activity being undertaken by members of the Service in their performance of their duties.

Part V deals with limitation of rights and fundamental freedoms for members of the Service who will be in active service. Clause 46 of the Bill requires that limitations set out in the Bill comply with Article 24 of the Constitution.

Part VI sets out the financial provisions of the Service. All the monies of the Service will be appropriated by Parliament for the purpose of the Service. Other monies or assets that may accrue to the Service in the performance of its functions or the exercise of its powers under this Act or any other written law also constitute the funds of the Service. Funds also consists of any donation to the Service.

Part VII contains miscellaneous provisions. Clause 55 empowers the council to designate specific uniforms for the members of the Service.

Clause 64 empowers the Cabinet Secretary in consultation with the council to make regulations. That is a function of the CS.

Part VIII contains repeals, savings and transitional provisions. Upon enactment of this law, the existing laws governing the Service become redundant. There must be savings for the staff and assets moving to the new Service.

Why is this Bill important? When I joined NYS many years back on my way to the university, it was very prestigious. After 2013, NYS became another animal. I remember, and Hon. Nyikal and the Members who were in the 11<sup>th</sup> Parliament will agree with me, that in the 2014/2015 Budget, it was shocking to learn that the National Treasury had allocated over Kshs26 billion to the NYS. That was more than what we allocate to the National Intelligence Service (NIS). We asked ourselves what was going on at the NYS. Little did we know that some very beautiful ladies and some not very handsome men... Hon. Jessica was on her feet. You should wait. Some very crafty old men and women were supplying air. In fact, apart from the theft that went on, some people in the National Treasury should tell us more about what happened.

In our country, people follow the budgetary allocation. I remember even asking the Executive outside the Chamber what was going on. The budget of the NYS used to be between Kshs4 billion and Kshs4.5 billion in the 10<sup>th</sup> Parliament. All of a sudden, and Hon. Kioni was with me, it went up to Kshs26 billion. Those young men and women climb the hills and mountains of Gilgil. I remember I climbed those mountains. I used to climb Mt. Kioko very early in the morning. When they come back, there are no pieces of loaves and tea for them because of some beautiful ladies from Naivasha - the Ngiritas and many others.

The other thing that shocked me again happened in 2016 when the then Director-General (DG) was sacked. Rugut was sacked. There was another young man who used to work with Hon. Mwai Kibaki. He was a very serious private sector player. Githinji went home. One morning, I saw an old man who retired at the age of 60 being sworn in as the new DG. I was in State House. I asked what was going on. This is the NYS. This guy had retired! He was a very competent Principal Secretary in charge of performance contracting and public service. He was 60 years

old. How do you bring him back to the NYS? The DG must be a young and energetic man. I have nothing against the current lady who is there. She was sent there to fix the problem.

We stipulated that the DG of the Kenya Coast Guard must be a member of the disciplined forces. He is a brigadier. We need to put it in this law that the DG of the NYS must be somebody from the Defence Forces - a disciplined officer. You cannot put Hon. Duale in charge of the NYS. I cannot even run. I can only walk. Walking is only good for me when I am herding my camels.

This Bill is important. Tomorrow, before we go on recess, let us finish with it. There are cohorts in some of our constituencies. We will make sure that they are in every constituency. They were very good. We have over 1,000 young men and women in our constituencies who were cleaning roads, clearing bushes and saving a lot of money in their SACCOs. Come February next year, we need to have cohorts in our constituencies.

Secondly, now that the new batch has graduated, NYS cannot recruit any more unless this piece of legislation is passed. I thank the Committee and the Chair, Hon. Ali Wario, who will speak on behalf of the stakeholders. He has done it in the shortest time possible. He engaged with the stakeholders and prepared a report which was tabled in the House this morning. I am sure he now has an opportunity to tell us about it. For the Members who are here, NYS needs to be transformed. Every penny we send to NYS must be overseen by this Council.

I want to join the President and everybody else who says that those who took NYS money must be held accountable, return the money and face the full force of law.

I beg to move and ask Hon. Wario, the Chair of the Departmental Committee on Labour and Social Welfare, to second.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Before Hon. Wario takes on, the Leader of the Majority Party has said that those young men would run up to Kioko Hill, come back and find that there is no piece of bread for them to eat. We read in the newspapers that there was procurement of a whole cow for each one of them every day. It was not available. Hon. Wario, proceed.

**Hon. Ali Wario** (Bura, JP): Mhe. Naibu Spika wa Muda, kwanza kabisa, nimesimama kuunga Mswada huu mkono. Pia, nachukua fursa hii kushukuru Kiongozi wa Wengi Bungeni kwa kuleta Mswada huu ambao ni muhimu kwa taifa na watu wa Kenya kwa jumla. Sheria iliyo mbele yetu ina vifungu 64, sehemu nane na ratiba ama *schedule* nne.

Lengo na maudhui ya sheria hii ni nini? Ni kwa sababu tunataka kufuta Kifungu 208 yaani National Youth Service (NYS) Act tuibadilishe ili tulete sheria ambayo inaambatana na Katiba 2010 na inaweza tatua matatizo yanayokumba taasisi ama shirika la NYS. Historia ya taasisi ya NYS inasikitisha. Watu wachache wameshirikiana kuwa wafisadi na kudhulumu vijana ambao tumewatuma wasome. Wameenda kuiba pesa. Hii ni hali ambayo imeleta huzuni na kueleweka vibaya kwa NYS katika taifa la Kenya na wananchi kwa jumla. Hali hii imeadhiri utendakazi, hadhi na jina la NYS. Tutafanya nini kama Bunge na taifa ili hadhi, heshima na jina la NYS lirudi pale lilipokuwa zamani?

Mwizi ni nani? Ni nani ameiba pesa za umma? Je, ni watoto 15,000 tuliowatuma kujifunza? La, sio wao. Mara hii, hatua imechukuliwa kwa waliohusika kuiba pesa za umma. Nashukuru kwa sababu wako mahakamani. Kwa hivyo, hakustahili kuuwawa kwa taasisi ya NYS kwa sababu ya makosa ya watu wachache. Wale watoto ambao wanaenda kupata mafunzo hawana hatia. Wanafanya juhudi na wajibu wa kujenga taifa la Kenya. Hawastahili kubeba mzigo wa wale walioenda kuiba pesa za NYS. Katika hii sheria, lengo kubwa ni kubadilisha muundo ili mara hii kuwe na baraza. Alivyosema Kiongozi wa Wengi Bungeni ni ukweli kwa

sababu NYS ilikuwa inaanza na Director-General na inaisha na yeye pia. Tunaleta baraza leo ambalo litaangalia hali ya utendakazi wa NYS. Kama kuna ufisadi, baraza lile litakuwa la kwanza kupiga parapanda na kuita Wakenya na kuwajulisha ya kwamba hali haiko sawa huko. Kwa hivyo, tumesema tubadilishe muundo wa NYS.

Pili, kwa furaha kubwa, nafurahi na kumpongeza Rais kwa kuleta mabadiliko katika uongozi wa NYS. Moja, ameleta Principal Secretary Owino ambaye ametoka mashinani. Alikuwa kama ofisa wa tarafa. Amepanda mpaka mahali ako leo. Ni mtu ana ujuzi na imani kuona kwamba shirika la NYS linaenda mbali. Bwana Matilda Sakwa ambaye ni Director-General wa NYS ni mtu amesimamia taasisi ya umma kwa muda mrefu. Kwa hivyo, tukibadilisha viongozi wa taasisi hii na tuwe na sheria mpya, kwa hakika, lengo la kuwa na taasisi ya NYS inayotoa mafunzo kwa watoto wetu tutaifikia karibuni.

Vijana 15,000 walimaliza masomo katika NYS juzi. Kwa sababu ya ufisadi katika NYS, Kamati ya Bajeti imepunguza zaidi ya Ksh.6milioni ya shirika hiyo. Wale watoto wanaoenda pale kusoma wanataka chakula, matibabu na rasilimali. Pesa ile imetolewa imepelekwa kwa barabara. Hii si haki wala si sawa. Kwa mujibu wa Kifungu 118 cha Katiba 2010 na Kifungu 127 cha Kanuni za Bunge, tulialika Wakenya kwa jumla. Walikuja wananchi wa tabaka na taasisi mbalimbali, ikiwemo Kenya Law Reforms na wizara, wakatoa rai zao ambazo tumeweka katika Ripoti. Mtasoma ili ituwezesha kurekebisha sheria iliyo mbele yetu kwa manufaa ya taasisi, vijana na taifa la Kenya kwa jumla.

Kabla sijasahau, ningependa kuchukua fursa hii kushukuru Kamati ya Kazi na Maslahi ya Jamii. Wamechukua muda mrefu kupitia Vipengele 64, moja baada ya nyingine. Tulizungumza mpaka saa zingine tukachoka tukijadili ili kuweza kuafikiana na kutoa sheria kwa taifa la Kenya. Naomba Waheshimiwa Wabunge kwamba NYS sio wezi, wezi ni watu ambao wameenda pale na wameshirikiana na viongozi wa hiyo taasisi ili kudhulumu watoto wetu. Ni haki tubadilishe sheria ili vijana wapate mafunzo pale ili wahudumie taifa la Kenya. Ombi langu kwa Waheshimiwa Wabunge ni wapitishie hii sheria ili tuweze kuhudumia Wakenya.

Kwa hayo machache, Mhe. Spika wa Muda, naunga mkono sheria hii. Asante.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): On top of my list is Hon Murugara Gitonga, Member for Tharaka.

**Hon. George Gitonga** (Tharaka, DP): Thank you, Hon. Temporary Deputy Speaker. I rise to support the National Youth Service Bill, 2018. I have several reasons for this. First and foremost, the issue of youths in our country is an issue that goes deep into the core of the hearts of most of the Members of Parliament, including me. It is an issue that is dear because we must take care of our youths who are the future of our country. This is the generation that will propagate our nation for another century or centuries.

The NYS Bill seeks to repeal the old Act, Cap.208 of the Laws of Kenya which was enacted soon after we got Independence. It is the one that established the NYS, through renowned figures of those days, including General China Waruhiu Itote as the Chairman.

We also had the legendary Principal of Starehe Boys Centre, Geoffrey Griffiths. He was also a founder of the National Youth Service, among other prominent men.

It is also important to share memories regarding the NYS. In 1988, I entered through the gate of Gilgil NYS Training College and enrolled as a recruit as requirement before joining the University of Nairobi. I settled in a barrack called Cameroon. I remember those days with

nostalgia. However, the NYS of those days is not the one we have today. We have gone wayward and started doing things that are untoward towards the development of our youth. We must emphasise that by enacting this law, we must also contain the vice that has almost killed the NYS in the country. It is good to remember that when we were passing the Budget Estimates for this financial year, there were mooted attempts to ensure that we do not allocate any money to the NYS – which was a clear suggestion that it should be wound up. We did not agree with that and reservedly spared money for the NYS. As a result, we still have it going, but we must castigate the acts of corruption which have almost killed one of the best institutions in the country – the only institution that has the interests of the youth at heart, both those who have gone to school and those who are not very well educated. They all find a place in the NYS.

The Bill as brought to the House is well drafted. Unless we propose amendments after we have considered the Report from the Departmental Committee on Labour and Social Welfare, this is a good law.

First and foremost, the NYS now becomes a legal entity of its own, separate and distinct from the Government in terms of what it can do and what it cannot do. It gives NYS more accountability because when it does anything wrong, we do not have to go after the Government but after the entity itself. It is important to note that once we remove the service from Government, it takes a position similar to a reserve for the disciplined forces. It is a reserve in that if there is need for replenishment of personnel in the Kenya Police Service, the Prisons Service, the Forest Service, the Coastal Guard Service and other services, we can get servicemen and servicewomen from the NYS to serve in those services. I believe this is a very good provision that we must uphold.

It is also important to note that there is a provision in Clause 6(4) that we can have branches of the NYS established elsewhere in the Republic of Kenya. This excites me in that I am thinking of a branch of NYS established either in my constituency of Tharaka or in the two sub-counties of Tharaka to serve young men from the grassroots. It is very important to the cohorts that we have talked about on a very good venture that was introduced. Again, it went awry. I believe there were people who were interested not in the welfare of the youth but on the money that was allocated to the service. Cohorts have not been paid. We have been following up with the Ministry of Public Service and Youth Affairs. We have been promised that the cohorts who have not been paid will be paid before this year ends. We look forward to that happening. It is important that we remind the Ministry that that promise has been made. The cohorts are young people in constituencies who are supposed to have benefited from the monies that were allocated to the NYS as a result of the work they did but have not been paid for almost one year. We call upon Government to put in place measures to ensure the cohorts are paid forthwith and more measures, especially when we pass this Bill, are put in place to ensure that we have more cohorts recruited in the constituencies to serve the country.

The idea of NYS is one of the best ideas that came up in our country if only we can be more committed in the fight against corruption and against wrongdoing. This is a service that will kick out unemployment from our country. Once NYS recruits go through paramilitary training, they should exit the service as either self-sustaining citizens or as people who are a labour force that is useful for the country. Unemployment will possibly become a thing of the past.

As I conclude, I urge the service council that is being established to oversee the activity and conduct of the service. This is going to be a group of not less than nine or 10 people. Surely, there is no way anything can go wrong in the service where about 10 overseers are sitting paying

keen interest in what is happening, whether it is the Director General, the chairman, Principal Secretaries and the other persons nominated. It is going to be their responsibility to ensure that our youth are taken care of, are properly trained and job opportunities, including the technical courses that are offered, are given to them so that endemic unemployment in our country starts easing and we have a better society.

With those remarks, I support the Bill and urge the House to pass it so that it can be implemented.

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

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you Hon. Temporary Deputy Speaker for giving me an opportunity to speak to this Bill. I wish to support it. In supporting it, I want to declare my personal interest. There is a Bill that came before the House when I was absent and I was told to declare my interest. Unfortunately, I was not there. But I will speak to it tomorrow. I declare my interest in every Bill that comes to this House because by training I am a lawyer. As a lawyer, I have an interest in every single law that comes to the House. Law and a lawyer are self-explanatory.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Odhiambo, you have interest in every legislation that comes here. That is your primary role. I do not understand.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Deputy Speaker, I was challenged when the Children Bill was brought here. I was told to declare my interest. Other than the fact that I have worked in the children's sector all my life, I also want to declare permanent interest so that I do not have to declare it in every piece of legislation that comes here. By training, I am a lawyer. So, I must have interest in law. It goes without saying.

I also have interest in this Bill because I am also a graduate of the NYS Training College. I was a recruit in the F-Company in Naivasha. I went there reluctantly, but I am happy. In the hindsight, that is one of the best things that happened in my life. Recently, I watched a video by a US Navy Admiral at a commencement speech he was giving at Texas University. It is a very good speech and it has gone viral.

He was speaking about his experiences. I could not help but think that as he was picking lessons that he learnt in training, most of the things that I have learnt later in life, the thick skin that I have, the ability to endure a lot was in the NYS. We learnt to sleep while on our feet. I am not exaggerating. We would literally fall asleep while standing. We learnt to get water where there is none. We learnt to eat *ugali* with a bone. We learnt very many things and we were hardened at the NYS. I was laughing when Hon. Duale and my colleague Hon. Murugara were talking about the issue of Mt. Kioko. Fortunately for us as the women, we did not go to Mt. Kioko but we saw it at a distance. I remember we had a terrible person at their camp. I think we joined them for about a month or so. He was called General Kofa. He would tell you that '*nafunga macho na nikifungua nikute umezunguka*'. He would close and open his eyes and say '*nimefungua na nimefungua, bado uko hapa?*' You then had to climb the hill. We were hardened. So it is one of the things that I am thankful to God for. I have learnt many lessons that I would have never learnt in any school or any class. I can never exchange it with anything in the world. However, one of the things I did not like about that experience at the NYS is that it was compulsory. It is nice when people go voluntarily so that it is not a compulsory thing. Every human being has a tendency to resist anything that is being forced upon them. So, when it is made voluntary like this one it is very good.

One of the things I liked and my colleague has talked about is that the first lesson was when you want to change the world, learn to make your bed. In the NYS, we used to make our

beds at 4.00 a.m. Once you made your bed, you would make a string and look at everything and it would be on a line. If it was not on the line, you would be punished. Because I am not very good with figures, I was always punished every morning. I learnt that the first thing you do when you want to change the world is to make your bed. You have to start small and you have to move against resistance. A few times when people see me going against the grain, I learnt it at NYS. So, as long as I believe in something, so long as it matters to me, I will say it whether you like it or not because I learnt to make my bed at NYS.

I like the two-thirds gender principle that is incorporated in Clause 4 with the infusion of human rights principle. I also want to say that I like the fact that under Clause 7 it provides some of the roles which include service to the nation and I know that while in NYS, we did a lot of service even though the way the training was structured was not very good. We would be made to plant flowers in the morning, by evening we would uproot them, the next morning we would plant them again. Our services could have been better used to plant maize and such things. Of course, in the more formal system people now do more serious things.

The only thing that I have seen that is of concern to me, that is not included there, in terms of training is the issue of general information. When I am travelling anywhere in the country and I see a lot of NYS staff being used all over, I always spot a difference. Since some of us are prominent, when I move anywhere in this country, the Kenya National Police will know me and call me *Mheshimiwa* Millie. The NYS are clueless. I am not saying they must know me but it tells you that there is problem with their general information if they do not know national leaders. They are not only clueless about leaders; they are clueless about a whole lot of things. That tells you that there is something wrong with their training. One of the primary things that we were taught in the NYS is general information. We had Permanent Secretaries, Ministers and different categories of people like the Chief Justice who came to speak to us yet we were from very different backgrounds. That is something that they need to change. I also like the fact that they are going to be used in humanitarian missions. My only challenge is that, under the Bill we are providing that we use them in insurrections. In a situation where they do not have the police or the military training because they have paramilitary training which I also went through, I do not think they are fairly equipped to deal with such cases or to be dispatched for war. I do not have military training to talk but at least I have paramilitary training and I know I am not equipped for war, neither am I equipped to deal with police issues. I know times may have passed, but I know what training we went through. It does not equip you to do the kind of things that we are saying they can do here. What we can provide here is, either you enhance the training for them or for them to move to the next level, they need more enhanced training. Otherwise they will be unleashed on the public and they will be doing terrible things because they do not have the requisite training.

I hope the Committee chair is here. I hope they would include the Principle Secretary for gender. There is always a presumption that youths are only men and not women.

I have been given a warning light yet I had a lot to say. I think I will bring some by way of amendment. In Clause 9 (5) they are saying that the members of the council must have at least 10 years' experience. This is not the national old age council. This is the National Youth Council. I know that they have made provisions for the youths to be three years. But this is for the youths, so the number of years should be much less.

Hon. Temporary Deputy Speaker, I do not have time, so I will bring amendments because my time has run out.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very good contributions, Hon. Odhiambo. It is really desirable that when discussions like this are going on, the chairs or Members of the committee should be in the House. I see the Chair is here. He is setting a good example. I have seen situations where some of the chairs do not sit through. Comments like the ones the Members are making should be taken into consideration so that when the Bill goes to the Committee of the whole House, they can inform the amendment that will be brought for the making of the law. Hon. Millie, it will be advisable that you have a discussion with Hon. Wario so that some of the ideas that you have and you may not have been able to expound on at this level, can find their way into the amendments that may be proposed by the Member himself.

I will give this opportunity to Hon. Jeremiah Kioni, Member for Ndaragwa.

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Thank you, Hon. Temporary Deputy Speaker for this opportunity. I realise that we have very little time to contribute to this very important aspect of our country. I want to tell those who came to the NYS like Millie, Duale, and Wario in 1988, we were there as the pioneers. We are the ones who started that programme and we resisted to a point where we wanted to riot because we thought we were being punished by the then President Daniel Moi. To date I think it was meant to punish us, I am not quite happy even now, but I have nothing to do with that now because it is water under the bridge. This is a very important thing.

Hon. Temporary Deputy Speaker, this is a very important thing. We now have a corporate body, so we expect a better management structure and the *Mwongozo* principles to be adhered to. I would be very happy to know what those who started it on 1<sup>st</sup> September 1963 had in mind because that was quite early. I do not know where they had borrowed this from or where the idea had come from and that would be very important history. During the Tenth Parliament we went to Brazil and we came across a similar organisation and we have that report. The Clerk we were with is Wanjohi. That time, we had problems with *Mungiki* and we went there to benchmark for similar groups.

It is important to have this unit and to see the kind of statute Bill that we have for it. Unlike other Bills, you can go through this and see that it is really well crafted. It has gone through some very good drafters. A lot of minds have been put into it and I cannot see some hurry like we have seen in other Bills that have come for our consideration. My colleagues have mentioned one of the things that young people want to hear and that is that this National Youth Service will be a stepping stone to joining the military. They should not just be asked whether they were members of the NYS for them to be considered but they should be given a priority and set apart from others because then you will profile the NYS as a better institution as opposed to where we are coming from. It will be a place of choice so that it is not a place where you go because you have nowhere else to go. But if you have some added advantage that is clearly demonstrated to the public, we will profile this NYS programme better because it will be very useful to our young people.

After the training, the fact that the young people can access some technical training is a very useful thing. We need to make it not something that is a by the way but one that should be availed to all of them so that they leave the college with some training. For those who cannot continue with the forces they can leave the training with some technical training which they can use for a living

I have noticed a big change. Now, you find them in public offices manning gates and public places that we go and there is change. It is a great improvement and I am sure even the

way they are doing things will improve the way private guard security firms will be doing their work. The NYS has brought in some professionalism. I agree with Hon. Millie that they also need to know personalities since it helps in the management of work, which is quite lacking with them.

The NYS helps bring discipline. When we had these cohorts, and I must thank the Government because my constituency benefited, though at the tail end of the programme, it brings discipline in a constituency. You can see the other young people wanting to join. When these people have a disciplined way of doing things it changes the culture that is creeping in our country. It is for that reason that the Budget and Appropriations Committee and ourselves going forward should not look for ways of punishing them by denying them funds. We should fund them.

Those who steal from them must be punished. That is why we need to ensure that those who have not been paid including the ones from Ndaragwa Constituency are paid because it is not good to find these young people always asking for their little money from Government including from the ladies who cook for them. Even at that level we still had some aspects of corruption. Those in charge of the cohorts seek for favours for them to fill in the register. So, corruption must be sorted out.

This is a very well-crafted Bill but it is before us so that we can look for areas where we can improve and one of those areas is Section 9(5) which says a member of the council shall serve on part time basis. This is a very good improvement and something that we need to borrow. I was a bit worried when we had the Salaries and Remuneration Commission here. We increased the number of commissioners and even gave them permanent salary on a monthly basis. The spirit of the Constitution is for all these people serving in similar capacities and in this council, to serve on part time basis and may be reduced to three. I would ask my colleagues as we go on to be very careful with the constitutional commissions. When we give them permanent employment, each one of them gets some members of staff, cars and an office. The establishment is so expensive and I wish the media would focus there instead of focusing on MPs. They should see the amount of money that is being used by these commissions that were intended to be part time and to have a maximum of three going forward. So, I agree that this is a good provision. They will be there for a term of six years, namely, a term of three renewable, but there is Section 9(7) which talks of stopping the members of staff and council from inside trading, which is a very important provision. Although this is implied in the Constitution, it is important that it has been imported to this Act.

There is Section 10(c), which I do not think is a very good thing. It is the kind of provision that is being used by commissioners like Swazuri, who are facing some court issues and are fighting to continue working in offices. Section 10(c) seems to give such a blanket opportunity that a person can continue serving as a chairman or can be removed only when convicted of a criminal offence and sentenced. You are allowing a criminal in the making to continue managing the affairs of Kenyans. If you are talking about setting good examples to Kenyans even if the Constitution does not allow you to be removed...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele) Hon. Kioni, I am sure you must be hearing Hon. Murugara laughing next to you. I am sure he will give you very good advice on that.

Proceed.

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Thank you, I am hoping that the Chairman will look for ways, even if it is implied in the Constitution not to allow this. It is not good practice to

start importing that kind of a provision. It is not good when our young people read these kinds of things that you can steal or we are investigating you and you are still sitting in those offices. It is not a good thing.

Section 11 says that the council members from time to time can establish sub-committees. We need to know under what circumstances the council will establish committees because it is another loophole where public funds will be misused.

Thank you and I support this good piece of legislation.

**The Hon. Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Kioni, you must be alive to the provisions of Article 49 of the Constitution, going through to 50, 51 and those are provisions which cannot be amended. So, as much as we might want to say many things about people who steal our things, it is our duty to take them to court and prove our cases and jail them in accordance with the law and there is no other way.

Just making accusations and saying that people should face what the law provides as sentences without evidence, then that cannot be. The presumption of the law is that when you charge a person in court, you are ready to proceed with that case on that day you charged that person. You cannot take Hon. Kioni to court today and say you are now going to look for evidence to prove the charges you have brought against him. I think this is something we must deal with. I am sure my brother, Hon. Gitonga will be able to... Hon. Wang.

**Hon. (Ms.) Gladys Wang** (Homa Bay CWR, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to contribute to this very important Bill. As a Member of the Departmental Committee on Labour and Social Welfare, we had a chance to go through this Bill. We have agonised since the beginning of the year when we reduced the budgetary allocation to the NYS as a Committee. This was because of the wanton wastage which was going on there. It could not have continued that way.

What we realised after the reduction is that some of the money that we took away belonged to the young people. Just like Members have said, their cohorts and women from their constituencies who were cooks have not received payment up to-date. The urgency for this Bill is because we need to sort out what was happening at the NYS. So, we can quickly proceed to first of all appropriate money and move to make payments to the cohorts who have not been paid.

At the same time, we also need to work on a formula of having fairness in distribution of cohorts in NYS programmes. One of the issues which affected the cohort system when it came up was that it was used as a political tool. In fact, I had the privilege to serve in the Departmental Committee on Labour and Social Welfare in the last Parliament and I can remember the Cabinet Secretary then being asked about the cohorts, the constituencies they were from and how they were chosen. She replied that when the President asked for cohorts to be brought, that is what she did. Especially towards election, the cohorts were used as a political tool.

One of the issues this Bill seeks to sort out is having cohorts from any constituency whether Luanda or Homa Bay Town, whether you support the Government of the day or not. What we want to deal with here is systems and structures within the NYS, so that it is no longer a tool for politics and a place where people go to get money in sacks and bags like we saw with Kabura and some of the cases that have remained unsolved to-date. Something else we have seen with the NYS scandals, and it is very disheartening, is that some of the money which was stolen was supposed to buy food for the young people there.

Today, when you go to the ground and ask people to join the NYS, the motivation is very low. Some Members, have contributed stating that the NYS should be the first point of call for our disciplined forces. This is one of the amendments which the Committee is considering

making. Right now, the youth who joined the NYS have undergone paramilitary training, have graduated and are neither here nor there.

When the KDF wants to recruit, they go back to the villages and ask the youth to run during interview. What if we had a fair balanced system of our youth who join the NYS, that after going through paramilitary training, most of the numbers needed by the KDF, the Kenya Police, the Kenya Forest Service, the Kenya Coast Guard Services and the Kenya Prisons Service are got first hand from the NYS? That is one of the key issues that we are looking at.

We are also looking at the council and we hope with its creation, there will be close monitoring of the functioning of the NYS. One of the key things provided in this Bill as well is the commercialisation of the NYS. If you look at Clause 8 of the Bill, it says that the NYS is allowed to receive funds and invest any surplus or profit for performance of its functions.

We are looking at the commercialisation of the NYS. The council has a very daunting task to see that none of the resources from this commercialisation go to waste. We look forward to seeing the NYS in the next five or 10 years well financed, so that our youth who join the NYS can finance themselves and their stay there. They should fund themselves. One of the issues that was discovered was that the NYS has large tracks of land which is just lying fallow and maybe will even be grabbed.

A key issue is to look at how these farms can be tilled and money raised from them. There is labour available from our young people to enable them to grow their own food. You saw how air was supplied in the pretext of beans, maize and rice; foods that can be grown by the young people so that they can feed themselves. The council has a very daunting task to see how the money they raise enables them to reduce the amount of funds the Exchequer gives the NYS every year. In future, we should not fund them from the Exchequer and we should put this money into other use.

One of the issues raised by one Member, which I know the Chair will finally reply to, is the issue of deploying our NYS recruits to the KDF to take part in war. This is one of the issues that were raised by the Committee. Somebody who has gone through paramilitary training is taken to Somalia, for example, to fight. One of the key issues that need to be clear is that when we take the NYS recruits, they should go through some training in weaponry before they head out. Also, when they go, it should not be for full blown war. They should not be sent to the front line. They should help with logistics of the services needed there.

Therefore, these are some of the issues which need to be clarified. The number of young people who join the NYS is a critical issue. If you recruit so many young people like we did with the last couple of cohorts who joined, it creates a problem. For example, they took 21,000 youths. Every year, 23,000 join and are all taken through paramilitary training. Some of them are unable to proceed and finish their vocational training while many of them are unable to proceed and go back to the villages.

These people can do taekwondo, round kicks and terrorise people in the villages. One of the issues that we have discussed is that they should take in numbers which can be properly absorbed, trained and graduate as useful citizens. Not people who will go out there and become disillusioned and worse than before they joined the NYS. We also had an opportunity to discuss the young people who we take to various places at some point. For example, Parliament took in NYS recruits to man our gates and help with security. This is a very good opportunity for the young people because they are paid a salary. You find them at airports, at the Kenyatta International Conference Centre (KICC), banks and other organisations. The NYS has become a point of call for labour not just internally, but even the labour we take outside the country. For

example, we take labour to the Middle East and other places. This is a good point of call for skilled labour even for export. We discussed about the modalities of selection of the young people who are given the opportunities. It must be in such a way that is fair and regionally balanced.

For, example when Parliament asked for NYS youths, we said that we wanted one youth from every county. That way, we got the face of the nation. These are some of the areas through which corruption comes in. What if when there are opportunities for young people to go to the Middle East, only those who know someone can go? There must always be observation of regional balance, discipline and merit in giving our youth opportunities. This Bill is sorting out the problem that has been in the NYS and decentralising how it works.

There is no need to procure beans to be eaten in Lambwe Valley, the base in Homa Bay, all the way from Nairobi. It must be decentralised. People of Lambwe must be able to supply beans there so that they can also see the benefits of the NYS.

Hon. Temporary Deputy Speaker, I see time has gone, but I urge Members to support this Bill. We need to have NYS on its feet for it to become an institution that benefits our youth in this country. Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very good contribution, Hon. Wanga. That was well spoken. The Committee now, being in charge of that aspect of our nation, must act as our gatekeepers, so that what is taught to our young people in this NYS programme and other programmes does not expose them to corruption and all manner of things that we want to stamp out of our society. We need to retain and recover the dignity of every Kenyan.

We shall have contribution from Hon. Duale Dahir, Member for Dadaab.

**Hon. Mohamed Duale** (Daadab, KANU): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this Bill. From the outset, I support the Bill as it is presented. Of course, we are going to have amendments. In this nation of ours, we have had NYS from Independence and over those many years, we had it transform into various forms. I want to say that over that period of time, we have had very huge investments in the NYS. Even though what happened last year was a very bad thing, it is only reasonable to think about how to prevent such things from occurring and make use of the many facilities and infrastructure which has already been set up.

I was in the NYS cohort of the mid 1980s before I joined university. Everybody has spoken how, initially, we were worried, but when we went through the course, we came out very happy people. The training was wonderful and great. In this country, one of the biggest problems that we have is what we are going to do with our youth, even though the NYS is taken as the last option. As has been stated, even if you are in the NYS, there is no guarantee that you will be taken into the disciplined forces. Of course, that has created it into some kind of last resort measure. If you miss anything else, that is the only time you go to the NYS.

In this Bill, we need to think innovatively how to make the NYS a better institution and to encourage as many youths as possible, even those with high qualification, to join. Over the years, we have been creating universities and converting mid-level colleges into universities and the result is that we have ended up generating many graduates who cannot get jobs. Even the trainings that we provide at the NYS after their initial recruitment should be as diverse and as complete as possible. We should not train them for formal jobs only. Rather, they should do many things on their own. Currently, the way it is, when people join the NYS, they look forward

to formal employment in the forces and in Government bodies. It is better to train them in skills that will make them self-employed.

The process of youth recruitment into the NYS is balanced regionally and I do not think it is good for the forces to go out there and look for other people. The best thing to be done, as has been said by one of the speakers, is to allow the forces to take as many NYS graduates as possible instead of going out there to recruit people who have not been in the NYS. It should be a condition that for one to join the army, the police, prison service or the Kenya Wildlife Service (KWS), one should have gone through the NYS training. That way, it will give many people some hope that they can get positions in the forces. Those who do not manage to join can use their skills in carpentry, plumbing, mechanics, welding and others in self-employment or elsewhere. In this country, we are lacking mid-level skills among the youths that will make them earn a reasonable living.

After this Bill is passed, the NYS should be allocated enough resources. In the future, it should generate its own resources from the many pieces of land it owns. For example, the NYS can grow food for itself. I remember in Garissa County, we had an NYS camp in Balambala Constituency, where Hon. Abdi Shurie is the Member, and I think it is still there, and the rice which was grown there used to be supplied to Garissa and Nairobi NYS training centres. There are many other NYS camps in the country. Indeed, as somebody else said, NYS has a lot of land and they can produce their own food. While it is true the theft that happened last time was massive, a system of oversight was still there. I am not sure if having a council will solve the problem. Perhaps, they will have more details. Instead of having a Director-General, we will have a council in place that will be doing regular reviews.

One of the biggest problems in this country is theft. We have a lot of rules, but theft still occurs. Public funds are stolen left, right and centre. It is so terrible. If any Member of this House goes to a bank to withdraw, say, Kshs1 million, I am sure he or she will be subjected to a hassle in terms of filling forms. If you take money to the bank, you will be asked so many questions like where it is from. In fact, I was surprised last time when I heard that people were carrying money in bags, sacks and pick-ups. It makes us wonder whether there is any enforcement of the law. Why do banks have different standards for different people? This scandal happened in banks and yet we know banks have anti-fraud departments. So, we have to ensure that oversight over expenditure is done.

Last time, the NYS was allocated funds to the tune of Kshs26 billion. Obviously, that was a red flag. I am sure somebody somewhere was behind the mindset of how to steal the money. It was very unfortunate to learn, when an estimation of the meat to be consumed was done, that every trainee was to get a cow per day. That is amazing. I find it very strange that nobody noticed it until payments were made. It must have been a very secretive system. Perhaps, the creation of a council with a proper management structure where the Director-General will be reporting on a regular basis, will help to reduce such massive loss of funds.

Of course, the other issue was about the cohorts who were being recruited. In this country, politics is very dynamic. Today, we have the Jubilee Party forming the Government. Next time it could be the National Super Alliance (NASA) or any other party. We should have institutional arrangements that will make sure that things are set up for everybody's benefit. Nobody should allocate resources selectively. This is because some of us never had those cohorts in our places. When they finally came that is when the scandal happened. So, we never benefited from that.

With the creation of a council, there will be no selective use of resources by people in power to engage in mischief or use it for their own ends.

With those many remarks, I want to stop there. I urge every Member to support this Bill. We should also come up with proper amendments to make the institution work better for Kenyans.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us have Hon. Oduol Adhiambo.

**Hon. (Prof.) Jacqueline Oduol** (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker.

From the outset, I support this Bill. I congratulate the drafters and the Committee. Looking at the process of legislation, I remember what struck me when joining the 12<sup>th</sup> Parliament was that law-making is about considering the conduct of society. It looks at that conduct in the past. It seeks to look at a particular problem in the present. Most importantly, it seeks to speak to the future by laying down rules or what we would determine as the desirable conduct of the society.

As I support this Bill, I am particularly challenged. I heard the Mover, Hon. Duale, talk about the tradition of patriotism. Looking through and listening to what the Members have contributed, it is clear that the Bill as drafted has potential. We need to take note that when we think of the tradition of patriotism and see the way in which it becomes a vehicle through which our youth will develop the sense of national ethos, they will, in a way, begin to take seriously the values of integrity, hard work and character-building.

We must acknowledge that we are at a point in time in our country where the NYS scandal is still more or less a defining brand when we talk about the NYS. As indicated in the Bill, it is very important that we begin the journey of creating a tradition of patriotism by remembering that a value is a belief that guides one's choices and actions. Core values are beliefs that a given group of people, in this case, Kenyans, hold highest and which guide firm actions and not just flimsy statements or rhetoric, which are seen to unite the citizens and define what we see as our country. It is for this reason that I hope that one of the core actions that we need to take seriously is to bring to book those that we are aware did not do justice to the resources that were available for the NYS.

In terms of the programmes and the target group, if we define the group as young people and more or less leave it open as voluntary, we might want to do some benchmarking with what happens in other countries which would also help us to see what our end-game is. We might be leaning more towards how graduates could be incorporated into the disciplined forces. However, listening to the experience of those who had gone through the earlier programme and bringing to book my experience in teaching and linking with young people, it is important that we do not see the endgame or output only in terms of the disciplined forces of paramilitary training. We need to see how investing in this would bring in different skills, areas of work and ways in which they can contribute to society very clearly and how this can create a defined moral character, sense of integrity and most importantly, pride to be Kenyans.

At some point, I took leave of absence to run for political office in Alego-Usonga in 2007. One of my students was quite categorical in letting me know that I did not need to go through the gruelling process of trying to campaign and giving incentives to the people. All I needed was to get a big tender, make a lot of money and live very comfortably. I did what I could to try and get the student to understand that choice is something that comes from one's sense of what is right and wrong. Each person must lead themselves because we need to ensure

that you do not avoid taking responsibility for your choices because of what is happening around you.

It struck me that one thing that our education system was not doing was getting our young people to develop a very clear sense of self-worth, self-respect and self-dignity, but most importantly, the sense that what they do matters. The choice you make matters. It does not require an army of people to make a change. It just requires someone who has a very clear sense of the fact that nobody is just born at a particular time in a given country by accident.

I am a strong believer that when we find ourselves in any particular context, especially where we have a voice such as those of us in the 12<sup>th</sup> Parliament, we must make a change. I told my students that if they find themselves in the classroom or in the programme in the National Youth Service, they need to see that they have been presented with an opportunity to make a mark and be someone that after you are gone - because at some point we will not all be around - you will be remembered for the problems that you solved. You will have created a sense of hope. You will be someone who could stand for what is right. You will be someone that when people look at, they will have a sense of what is right and what is wrong.

I am encouraged that the Bill will look into issues that relate to financial matters, especially sources of funding. I am also encouraged that the Bill in Clause 4(f) will ensure that we do not stick to the usual understanding. When we talk about the youth, we tend to think of elections, rowdy groups and demonstrations. Therefore, we only think of the male gender. Usually when we talk of the youth, we do not really think of the females. Most of the time, you will find people talking about young girls. I am quite pleased that in this Bill, we are recognising that when dealing with the youth, we have two genders.

I support the Bill. I feel it is very timely. I am, however, a little concerned by the kind of open-endedness as to who the target group is. It is not clear to me whether it is high school graduates, university students or those who have finished Standard Eight.

We should open up, so that we can give a lot of vocational training, personal leadership skills, and most importantly a sense of moral character and national ethos.

With those remarks, I support the Bill.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Thank you, Professor. That was a very good delivery. I have enjoyed your contribution. We shall have Hon. Noor Sophia, Member for Ijara.

*(Hon. Omar Mohamed spoke off-record)*

Member for Mandera East, your name is not on the screen. Approach the Clerks-at-the-Table. You have been in the Chamber. I remember we had the same problem in the morning. I cannot see your card on the screen. Member for Ijara, proceed.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this very important Bill. I support this Bill. My constituency was affected by the recruitment of the youth before the elections. There were 1,800 youths who were recruited from my constituency. We have mothers who were cooking in my constituency, but they have not been paid to date. We need a proper system, structure and functioning of the NYS. Because of that, I feel it is very important for me to come on board to support these very important services.

The people who started the NYS had a very good dream and vision for this country, particularly for the youth. They had goals of empowering our youth. They felt it was proper to

have an institution that empowers our youth. Unfortunately, in one way or the other, we had a problem along the way. The ideals that our forefathers had were chained along the way. We are returning back that glory in a structured way, so that we can have a functioning, disciplined and designed establishment. We want to establish an organisation that will deal with issues strategically. It will have water tight programmes, structures and systems that will not abuse the glory that we have as a nation.

The proposals in the Bill have provided adequate safeguards, pursuant to the Public Finance and Management (PFM) Act, to ensure that the NYS does not lose any public funds as I had alluded to earlier. The proposals also provide that the NYS shall cooperate with other discipline forces like the KDF, the National Police Service and other public authorities during emergencies and disasters. Cooperating with other discipline forces during disasters and emergencies is very important. When we have any problem, disasters or emergencies, we always see our NYS there. The Bill shall create a very structured way of engaging with the NYS because we will have a law that will guide and safeguard the engagement between the KDF and the NYS during disasters. What will be their role? How will they come on board? What will they do? How will they engage with the public?

The proposals in the Bill also create power of authority. The NYS will have partnership with private and public institutions. The sector will be more proactive in development. We can see our youth who have gone through training and done a lot of things. However, we are missing the link where they can come on board and organise a group that can work for this nation to do development work and partner with public and private institutions. They will be given contracts where they can use their skills to work on the ground. This is pursuant to the provisions in the Public Private Partnership Act. It is important that we create such kind of law, which will give that power where they will do useful work for the nation.

The proposals in the Bill give the NYS power to enter into agreement to invest. Where will they invest? They usually have surplus which is sometimes misused. They will invest the surplus produce. This is power that will be given to them through the proposed law. They will perform functions that will increase visible benefits and investments for the NYS. What I also like about this Bill is that it will create watertight structures that will safeguard and protect the resources of the NYS.

In the composition of the board members, there is an appointee who is a youth. This is recognised in the Bill. On the other hand, this is a double-edged proposal. It says that the youth must have experience of 10 years. When a youth leaves an institution of learning, he goes out to look for work. When you give that kind of condition and say that the youth will be represented in the board, that clause locks out the youth from being represented in the board. I would like to request the Committee, through the Chair who is seated behind me, to look at that clause properly, so that the youths are represented in the board without the requirement of 10 years of experience because it locks them out.

In conclusion, I would like to thank the Departmental Committee on Labour and Social Welfare. They went through public participation and got the opinions of the citizens. Many people welcome this Bill because it is important. It will give a structured way of engaging the NYS for both public and private institutions. The council will oversee the NYS. Many of our youths are engaged before elections. My dear sister, Hon. Gladys Wanga, said that the NYS is sometimes used as a campaign tool. This will change. It will give us an opportunity to get services. If Hon. Sophia will not be in the Government tomorrow, she will get services because she is a Kenyan.

I would like to ask the Chair and his Committee to fast track the payment of the youth who were not paid for the work they did. Some women cooked in many constituencies including in Ijara Constituency and whenever I go to my constituency, I get nightmares because all the youths come to ask me whether I lied to them. They tell me that they thought I am a mother who does not lie. They ask me what is happening to their money. That is one of the reasons that forced me to contribute to this.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Abdullaih Bashir, Member for Mandera North.

**Hon. Maj (Rtd) Bashir S. Abdullaih** (Mandera North, JP): Thank you Hon. Temporary Deputy Speaker for giving me this opportunity. I know probably the systems are not working properly. That is a challenge to the concerned department to ensure that all Members are visible in the system. Nevertheless, this Bill is timely. It has come at a time when there are a lot of issues and problems with the NYS. From Independence to the presidency of Mwai Kibaki, we used to have military officers serving as commandants of the NYS. During those times, we never heard or witnessed problems with the NYS because it was maintained as a disciplined service and force simply because at that time, whoever who was in charge - and they were called commandants - were ex-military officers. They ran the system properly with professionalism and there were no issues.

Where did the rain start beating the NYS? It all started when there was restructuring, which in the first place, was not anchored in law. So, we started bringing in technocrats or “professionals” and a lot of money trickled into the NYS. Because the persons running it were not disciplined and did not come from the disciplined services, they started misbehaving and becoming indisciplined with the huge amounts of money. About Kshs26 billion was allocated to the NYS at that time. What changed? The recruits were still there and the NYS camps were still there. No new camps were constructed even with those billions. But in the name of restructuring, we said we were going to take the NYS to the next level. It never took off!

So, what was the problem with the NYS? It was not the institution, but the persons that were mandated to run it. We were wrong by not hiring commandants in the name of ex-military officers and brought in technocrats who failed. So, this Bill is trying to sanitise that restructuring which happened without being anchored anywhere in law. We are now saying that it is time to professionalise the service.

It is very important that, at least, the Bill talks about a council. In the military, where I come from, we have the Defence Council, which is well structured. There is command and control. We are trying to borrow from the military where we have the Defence Council. Having a council in the NYS will also put some measures in place to ensure that funds that are allocated to the NYS are accounted for.

As a Member of the Departmental Committee on Defence and Foreign Relations, we visited Mandera. Shockingly, we were told of wastage of equipment worth millions of shillings belonging to the NYS. They were engaged at the border construction, but they abandoned their equipment and left. As I speak, the equipment is still lying there which is worth millions of shillings. Why? There is no structure or command and control. We gave the position of Director-General to people who have no clue how to run a service. The NYS is a service. The Chairman of the Committee is here listening. In the council, five members need to be appointed from outside, two being youth. I urge that among the three to be appointed from outside, it is good to have an ex-military officer because previously, there used to be a commandant of the rank of a Major. It is important to do the same. Even though we have the NG-CDF projects under the

NYS, this is an active service personnel. So, it is good to have an ex-military officer sitting on the board to advise them on day to day basis on how a service is run.

The issue of the NYS graduates being absorbed into the military is a good thing. But if a directive is taken that NYS graduates should automatically be absorbed into the military, what will happen? We might have a situation where only certain sections of Kenyans will join the NYS in the hope that they will be taken directly to the defence forces. As a former military officer and having done recruitment in the field, it is important to say that we should give priority to NYS graduates who show up in the respective districts, sub-counties and constituencies, but not to say that we go to Gilgil and directly absorb the graduates to the military. Military recruitment uses a quota system. It balances communities and regions. So, it needs to be taken into consideration that if you appear in the field, the NYS graduates should be considered, but not wholesale by going to Gilgil and taking all of them. There are certain communities who see the NYS as nothing and will never join it. That means we are going to deny them the opportunity to join the disciplined forces. That is something that needs to be looked into. Even though the President has said that the NYS graduates will be given priority, they should be given priority at the constituency or sub-county levels.

There is a lot of land and equipment that belongs to the NYS. There are also projects that are run by them. For example, we have the Balambala Rice Scheme, which was doing well in the days before restructuring of the NYS took place. But what has happened? There is a huge track of land with equipment and personnel manning the place, but there is nothing productive taking place. Why? Because there is no command and control. We gave the running of the institution to persons who have never gone through the NYS training and who do not know the training the recruits undergo. One of the qualifications of the Director-General of the NYS should be someone who has undergone NYS or paramilitary training so that he understands how to run the institution as a force. If you hire a civilian, nothing will work.

I support the Bill. When we discuss amendments, these are some of the things that should be factored in. But I am happy that the restructuring that was done and was not covered in law is now being covered in this Bill and it should be taken into consideration.

Lastly, there is the Youth Enterprise Development Fund and we have the NYS. Why can we not have the YEDF restructured under the NYS through this Bill? Both are about the youth. We have the NYS and the YEDF administered by different bodies yet we are saying that the NYS should be a corporate body. Functions of the YEDF should be transferred to the NYS because it will have a council. Funds will not be stolen. If that happens, the youth of this country will know that their money is safe and they can get it. It will help the graduates of the service who want to do businesses to apply for loans just next door.

The cohort issue has been talked about by my colleagues and it is very important. However, there are a number of youths who have not been paid simply because their money was stolen. It was used to pay for the air that was supplied, unfortunately. So, once this restructuring is done, we want the youths in the constituencies to be paid their money.

I support the Bill. It is the best way to go.

The next issue that we should hear about the NYS should not be about embezzlement or theft. It should be about youths having been empowered, using their skills to empower themselves and their families.

Thank you very much.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Sophia, Member for Ijara, I also enjoyed your contribution and the fact that Sophia is my mother's name. So, I have a lot of respect for it.

We shall have contributions from Hon. Oundo Ojiambo, Member for Funyula.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to make my contribution in respect to the National Youth Service Bill 2018. To say that this Bill is timely is to underestimate the challenge the NYS has gone through in the last few years. I want to draw the attention of the House and the general public to the fact that the NYS was truly NYS during the days when it was under the commandship of Dr. Geoffrey William Griffin, the founder and the Director of Starehe Boys Centre and School. I look back with nostalgia to when he would go to the NYS in the morning and come back to school in the afternoon in green uniform. We would marvel at it and feel safe that we had somebody who has a disciplined background and could take care of us; the boys from disadvantaged families who got the opportunity to go to the Starehe Boys Centre. One thing I regret in my life is that prior to 1990s, it was compulsory for all those who were to join university to go through the NYS for about three months. Unfortunately, through structural changes brought by World Bank and other multi donors, that programme was scrapped and I missed it when I was eligible to join university two years after it had been scrapped. I felt so sad, but when we went to the university, luckily enough, we had some who had gone through the programme and gave us wonderful stories. They trained us to do combats during riots and for that, I am greatly indebted to their training.

Looking at the Bill, it is basically more or less a standard Bill to establish a Government service in respect of various functions as set out in the NYS Bill. I hope it will manage to pluck or minimise the looting that has been witnessed as NYS 1 and NYS 2. The looting was craftily designed to loot the service to its bare minimum, so that people could raise funds for what we know. Many times, the scandal happened either just before or after elections. We know exactly why that happened. We hope and pray that the revamped and re-energized NYS will not fall prey to manipulation by politicians, more so those serving in the Government. This will ensure that we do not have another scandal at the NYS. I take comfort with the statements attributed to the new Director-General and she has made it very clear that she will run a professional service. I hope she will live by her word and we will not have NYS 3 scandal.

The Bill is fairly progressive. It contains very progressive provisions, but I have concerns about one or two things. The first one is the issue of appointment of the chair of the council. It seems to give the appointing authority; the President of the Republic of Kenya, unfettered powers to appoint a chair without consideration of qualifications and any process of vetting. Probably, I assume that is the military way of doing things. I would have imagined that we would make proposals or amendments during the Committee of the whole House to put qualifications for the Director-General under Clause 9(8) that provides for general qualifications of members to be appointed to the service.

Reading through the Bill, one gets an impression that you are intending to establish a paramilitary group that can be used for various services such as to support the KDF, the Kenya Police Service and all other formations. We are apprehensive that with this kind of military training, if they are not strongly anchored in law, the recruits will be misused for purposes of undertaking crimes against humanity. We saw this during demonstrations last year when the presidential elections were disputed. We would want to have comfort that there will be a

structured way of deploying the servicemen in any form to quell civil disobedience and probably seek a requirement that such deployments must have the blessings of Parliament to avoid misuse.

I like the provision that the NYS can engage in commercial activities. However, we all know that governments are not designed to provide commercial activities, neither are they designed to be investors. Government is never designed to compete with the private sector in business. I am apprehensive that we are creating another situation where there is going to be a financial scandal or it is going to distort the market and the business environments. As parliamentarians, we need to look at that particular provision with a bit of care to avoid giving the service or the council a blanket cheque to establish any commercial ventures without checks and balances that are necessary to provide a system where we can scrutinise and make sure that it is for the common good of the society. It should not merely be meant for the purposes of enriching a few people.

I am also apprehensive where the Bill ousts some provisions in the Bill of Rights. These are some of the freedoms that are accorded to an ordinary individual. Reading through, the provisions stated limit the freedom associated with servicemen and we are literally creating a military group. It would have been much easier to state categorically that we are creating a military group, a third or fourth arm of the armed forces instead of trying to conceal behind creating a service yet we are actually creating a law that creates a military group. Most of the things hosted here are akin to what is in the armed forces. For example, they are not allowed to picket. They are not allowed to present public petitions or demand their dues when they are not paid as has been the case in the past. While I support the Bill, because it is important to engage our youths, we need to be very categorical about which category of youths we are targeting. Are they Form Four leavers? It seems like we are creating a reservist group, either for the KDF or the Kenya National Police Service. If that is the case, all the recruits from the NYS, under the new constitutional dispensation, should have a minimum qualification that can allow them to transit to the next level. Training youths to such high skills of military combat and you do not engage them will be creating a security disaster in this environment.

Lastly, I am happy there is an age limit to the requirement of the youth or a minimum experience. If you just pluck a youth of 18 years to sit with distinguished members in the council, he will turn out to be a spanner boy, an errand boy or merely to fill up quorum and become a flower girl.

With those few remarks, I support the enactment of the Bill. Thank you, Hon. Temporary Deputy Speaker.

**The Hon. Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Manje, Member for Kajiado North.

**Hon. Joseph Manje** (Kajiado North, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to support the National Youth Service Bill, 2018. From inception, this institution was started in 1964 and the main idea was to train young people on national matters. It was creating nationhood. By so doing, the youth offered voluntary services and were used in disaster management. They offered a pool the job market. Over time, it changed. Today, it is characterised as a poorly managed organisation. It has spoilt its image. The image is dented and a lot of funds are lost in the organisation. This has created erosion of public trust on the organization. The Bill is timely and will rectify this.

The NYS had very good motto, namely, “True to self and country”, during the days it functioned to the core. The problem came in with the restructuring of the NYS in 2013 which was done to cater for the social aspect and try to solve the issue of unemployment that we have

experienced in the country. When it was done, the NYS was allocated a lot of funds that was not properly managed and procurement of goods and services was not properly safeguarded. It moved from the decentralised procurement to the central one where corruption and misuse of public funds was witnessed.

So, this Bill will mitigate that by introducing a council to run the organisation. I see a weakness in this because when you recruit people and have them work part time, sometimes the concentration drags. You might find that the director will still be running the organisation. When the council will be part time, they will rely on being informed what is happening in the organisation and sometimes, we lack that concentration. It becomes a bit sketchy for the council.

I wish a few members of the council would work on fulltime basis so that they can understand the organization, which is very big. I like the proposal that the chairman should be non-executive. There has always been a problem where you put an executive chairman and CEO. Both of them will be pulling on different directions and making financial decisions that affect the organization. In future, the CEO should be in charge of resources throughout. You saw what happened when the Judicial Service Commission (JSC) was established and there was a pull between the chairman and the CEO. So, that is something that needs to be checked. Another area that must be checked is to take cognisance of the fact that the NYS is a command service. There was a problem of appointing people who do not understand about service command. In a service command, a command is given and respected. So, you have to give a command that is appropriate and protocol is very important. So, climbing the stages should be established, so that your junior does not overtake you when it comes to giving commands. That is very important. We should not forget the good role the NYS is playing in terms of establishing cohorts to work in our constituencies. They clean up the environment. That should continue. The Huduma Kitchen should continue and we should pay them.

I support the Bill.

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

**Hon. (Ms.) Beatrice Nyaga** (Tharaka-Nithi CWR, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to support this wonderful Bill. This Bill has come at the right time. I am sure it is going to revive the NYS to regain its glory of being an institution of integrity and discipline. You have heard that it has produced very high personalities of this country. The Government has been investing a lot of funds in this institution, so that it can manage its core mandate. However, of late, it has become an institution that people do not want to be associated with. Even business partners are running away from it because they are afraid. They do not know what may happen tomorrow after a few greedy Kenyans, who wanted to get rich overnight, went there and carried money in bags and looted the institution.

This Bill will revive the institution and create jobs for our youth. My colleagues have said that women cooked in the cohorts in the villages and have not been paid to date. They borrowed money for the exercise, but they have not been paid. In Tharaka Nithi County, about 500 youths have not been paid. This Bill should support the NYS systems so that it can get back to its feet. Our youth should be supported to build a future and participate in the growth of the economy of this country. I know the Director-General, Madam Matilda Sakwa, who has been a District Officer (DO), a District Commissioner (DC) and a Regional Commissioner. I am sure she will be effective, but in future, we need to have someone who knows exactly how the institution is supposed to be run.

Due to time, I support the Bill. Thank you.

**The Hon. Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well, let us have Hon. Bunyasi followed by Hon. Muhammed Sheikh, then the Mover.

**Hon. Sakwa Bunyasi** (Nambale, ANC): Thank you, Hon. Temporary Deputy Speaker. I will not go into the details of the provisions in the various clauses of the Bill. I just want to touch on what I think are important public policy questions that might remain unanswered or overlooked.

First, the NYS, in whatever structure, has always been very useful. On the benefit side, it has been one service in which people get in without paying bribes. Normally, the recruitment is very professional. People get out there, do some exercises and they are selected unlike in other services. The military, police and the prisons in Nambale have a price tag of between Kshs250,000 and Kshs300,000 to be recruited. So, clearly, the NYS has stood out as distinct because it conducts a professional selection. In that regard, I like the recommendation that in recruiting the uniformed services, you can give high consideration to those who are already in the NYS because they will not have gone through the buying process.

We have ended up with an armed force of the rich and people who have discharged their assets to join the armed forces. That is a bad way of building a security force for a country. So, I support that provision in this law.

I see a very beautiful law that has been set up to give a new structure to the NYS. The biggest gift to Kenyans would not have been a new law. I do not think it is timely, in my regard, and it is almost irrelevant. I think what would have been a good gift to the people of Kenya are convictions of the NYS 1 scandal and the progress report of the NYS 2 scandal, so that we can know that the looters are being taken care of going forward. However, the looters are still at large. We do not even know whether under our eyes, looting is still going on at the NYS.

After the NYS 1, despite the real scandalous acts that took place like carrying Kshs80 million or Kshs60 million in cash, we know that Kshs1 million is about a kilogramme and a half, so, they must have used wheelbarrows, pick-ups or other means of carrying that money. Who thought we would have NYS 2? What is there to stop NYS 3? That is where the problem lay. It is not in providing for a new Bill.

I have read through the Bill and it does not, in any way, tell us what was weak in the legal framework of the previous NYS Act at all. There might have been organisational weaknesses in terms of the fact that, for example, it was serving purely partisan interests. You could not get the NYS service men with their equipment to come to your constituency if you did not belong to the ruling party. That was a big decision that required to be made.

I know there were some exceptions because they had to pledge loyalty. Even though they did not end up joining that side, we need to have a service that is patriotic to the nation and not to individuals. I do not see any improvement, in fact, in making the service go under the purview of the Cabinet Secretary. It ought to be an independent service like Griffiths did in the old day. It ought to recruit all our youth across the country, graduates of primary school, high school or university because this is an inculcation of values as has been cited here.

All these are beautiful things, but to regain confidence in the NYS, we need to get convictions for the NYS 1 and 2. This problem did not occur because of lack of money. In fact, if there was no increased budgetary allocation, maybe we would not have heard about NYS 1 and 2. The allocation was increased to Kshs26 billion. For those who might have forgotten, at that time, this was about what the entire parliamentary system set up - the third arm of the Government - was receiving. This was a huge allocation. It was a virtue preserve of a few people essentially to tap into and get money.

I support the Bill as it is. It is of no consequence in terms of the ability to professionalise the NYS going forward. That is a matter of faith. If we are unable, in the process of doing that, to take firm action against the perpetrators of crime as has happened, that is going to be a measure of confidence. Going forward, that should not be repeated.

Hon. Temporary Deputy Speaker, in the interest of saving time for others who also want to speak, I want to thank the Committee for the hard work in getting a new framework. Hopefully, the recruitment and operation of the NYS will be loyal to the Constitution and not necessarily to sitting governments, so that they can serve the nation equally across the Republic of Kenya.

With those few remarks, I submit and support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Thank you, Hon. Bunyasi. Let us have Hon. Mohammed.

**Hon. Mohamed Mohamud** (Wajir South, JP): Thank you, Hon. Temporary Deputy Speaker. I support the Bill because it is very important, timely and contributes to the welfare of our national youth. It will also take care of very important safeguards for the NYS.

Youth are the future leaders of our nation. Given they are the future leaders, we must safeguard all their interests. Equipping our youth with the best skills is very important. That is why the precursor of the NYS has begun. That is the reason we are trying to ensure that we have safeguarded all the interests of the NYS. I remember, as my predecessors have said, there used to be a pre-university admission requirement of NYS training. Those were the heydays. This was before the World Bank came to influence with the structural adjustment programmes of the 1980s. This affected various other sectors like health, where I worked in the 1980s.

The NYS should be taken back to the good heydays. That can only be done if the restructuring is considered, approved and implemented through a proper legal framework. I support the Bill for that reason. Command and control will safeguard the NYS systems. It will also provide a way forward on how to deal with corruption which may occur in future.

Of late, the NYS has been on headlines for the wrong reasons. This is what we want to correct and make it get to headlines for the good reasons. We need to support the Bill. I also want to urge the Budget and Appropriations Committee that slashed off about Kshs6 billion from the NYS budget to return it and forward it to the NYS during the next budget. This should be considered in the Supplementary Budget to support the NYS, so that our future leaders can get the training they require. Obviously, the NYS continues to remain the flagship of our national youth development, which we were all involved in the 1980s.

Therefore, I wish to support the Bill. However, before I sit down, I want to say that whenever I go back to my constituency, like Hon. Sofia of Ijara has said, the youth ask a lot of questions. They have not been paid for the work they did last year. We want someone to be held accountable for this. We want answers for this, so we can explain to the youths. I hope the Chair of the concerned Committee is listening to me because we want this to be followed up. Why have the youths who worked hard last year not received their dues?

I support the Bill as long as it safeguards the national interests of our youths.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Chair of the Committee, you must have heard the contributions of Hon. Mohamed and Hon. Bunyasi. I think you will do a lot of good service to this nation if you were to bring a report on the people who squandered the funds of the youth in the NYS 1 and 2, so that they can be dwelt with and people can know them properly through this House.

Mover to reply.

**Hon. Aden Duale** (Garissa Township, JP): Thank you, Hon. Temporary Deputy Speaker. First, I want to thank the Chair, Members of the Committee and all the other Members who have contributed to this very important Bill. I am sure the Chair of the Departmental Committee on Labour and Social Welfare, Hon. Wario, is taking notes of all the deliberations. However, if he has missed anything, he can use the HANSARD to get the verbatim report of every Member who has spoken this afternoon.

Secondly, I have heard the concerns of the Member for Wajir South. I think this is not a matter for the Chair. Please, when he goes back to his constituencies, he should get the records. I think there are many youths who have not been paid. We should file a Question, so that the relevant Cabinet Secretary can come before the House and answer. You know the youth were duped, as I said earlier, when I was moving the Bill. I joined the NYS many years ago before I joined university.

From 2013, 2014, 2015 and 2016, we realised a budget growing from Kshs4 billion to Kshs26 billion. That, in itself, the Auditor-General should have raised a flag. The Public Accounts Committee (PAC) and the Budget and Appropriations Committee should have raised a flag. In Government departments, budgets do not grow from Kshs4.5 billion to Kshs26 billion.

However, I think we have learnt lessons. Corruption took place. The men and women who stole the money are in court. More are to be arrested. At the end of the day, this institution will be like a parastatal. All its audited accounts will come to the Public Investments Committee (PIC). A council will be formed that will include men and women, and at the end of the day, it will make sure that this institution grows.

This is a very important Bill, not only to the House and the country, but also to the future recruits, I beg to reply.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, that is the close of that debate. I thank Members who have made very enlightened, good and fundamental contributions to the Bill. Obviously, for good reasons, we will not call it a Question. That is the last business on our Order Paper.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, the time being 6.51 p.m., this House stands adjourned until Thursday, 6<sup>th</sup> December 2018 at 9.30 a.m.

The House rose at 6.51 p.m.