

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 13<sup>th</sup> February 2019

The House met at 9.30 a.m.

*[The Deputy Speaker (Hon. Moses Cheboi) in the Chair]*

### PRAYERS

**Hon. Deputy Speaker:** Order, Hon. Members. I think we have quorum. Therefore, business will begin. Hon. Members, this is very interesting. I must congratulate you. On the first Wednesday of business, you have hit the quorum at the first go. So, let us proceed.

### NOTICES OF MOTION

#### CALENDAR OF ASSEMBLY'S REGULAR SESSIONS FOR 2019

**Hon. Deputy Speaker:** Under that particular Order, we have the Leader of the Majority Party, Hon. Duale.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, before I give Notice of Motion, I want to raise my concerns to the Office of the Clerk. This is the second day and the systems are not working. It is very shameful. There is a department of ICT and there is very robust staff in Parliament. They should have checked the machines. So, how do you take round this microphone today and it is only one? We raise our concerns this being the second day of the new Session. It is not acceptable and whoever is in charge of these systems must either shapeup or go home. Members have come here early in the morning serious to start our business. The Hon. Deputy Speaker and the staff are there. The person who brings water is ready. The Order Paper is ready, but there is somebody somewhere who is in charge of ICT; these gadgets, namely, the iPads and the microphone, *amelala sana huyo*.

**Hon. Deputy Speaker:** Your concerns are noted. I know you will be tempted to say more now that you have the more familiar microphone, especially after coming from the long recess. However, your concerns are genuine.

**Hon. Aden Duale** (Garissa Township, JP): I want you to give an order and not only listen to my concerns. From the Chair, you can give direction. I want the Speaker to give direction on that particular office.

**Hon. Deputy Speaker:** That will be sorted out, Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Thank you, Hon. Deputy Speaker. I beg to move:

THAT, pursuant to the provisions of Standing Order No.28, this House approves the Calendar of the National Assembly...

**Hon. Deputy Speaker:** On this one, you will be giving notice, Leader of the Majority Party. You are giving a notice. Proceed.

**Hon. Aden Duale** (Garissa Township, JP): I am just doing that.

**Hon. Deputy Speaker:** Okay, proceed.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, pursuant to the provisions of Standing Order No.28, this House approves the Calendar of the National Assembly in its regular sessions for the Third Session of 2019.

**Hon. Deputy Speaker:** Next on that particular Order is Hon. Mohamed Ali Mohamed. Proceed, but come to the Table because we have an issue with our systems as has been raised by the Leader of the Majority Party.

KUFUTILIWA MBALI KWA GHARAMA ZA MATIBABU ZA WAGONJWA  
WANAOFARIKI KATIKA HOSPITALI ZA UMMA ZA RUFAA

**Hon. Mohamed Ali** (Nyali, Independent): Mhe.Naibu Spika, naomba kutoa azimio la Hoja ifuatayo:

KWAMBA, tukitambua kuwa Ibara ya 43 ya Katiba imebainisha kila mtu ana haki ya kupata kiwango bora zaidi cha afya kinachojumuisha haki ya kupata matunzo ya kiafya na kutonyimwa matibabu ya dharura; aidha ikifahamika kwamba gharama za matunzo ya kitabibu katika taasisi za kiafya za kibinafsi zingali ghali mno, hivyo kuwalazimu Wakenya wengi kupendelea kusaka huduma hizo kwa hospitali za umma; tukizingatia kwamba licha ya bei nafuu ya matibabu katika hospitali za umma ikilinganishwa na hospitali za kibinafsi, bado Wakenya wengi hawamudu, hivyo basi kutumbukia kwenye madeni, ufukara na dhiki wanaposhindwa kulipa malimbikizi ya gharama za matibabu yao na ya wapendwa wao; Bunge hili linahimiza Serikali ya Kitaifa kufutilia mbali gharama zote za matibabu za wagonjwa wote wanaofariki wakipokea matibabu katika hospitali za umma za rufaa.

Asante, Mhe. Naibu Spika.

**Hon. Deputy Speaker:** Asante sana, Mheshimiwa Ali. I can see Hon. Nyikal is finding it difficult to follow your contribution. That was just Kiswahili, Hon. Nyikal.

*(Loud consultations)*

What is your point of order, Hon. Omboko Milemba? Happy New Year!

**Hon. Omboko Milemba** (Emuhaya, ANC): Hon. Deputy Speaker, I want to raise a point of order. Is it in order for this House, which has had respect since 1963, to be treated like a *baraza* where we move microphones from one corner to another, sharing the same microphone with the clerks? I beg that you give an order to suspend the sitting for 30 minutes within which the system should be back.

**Hon. Deputy Speaker:** Your concerns have been overtaken by events. The system is now working. I do not know whether it is because you raised it or it is by coincidence. It is now working, Hon. Members. Your concerns are extremely genuine. We would not want a situation whereby on the first day of a session, we are unable to properly transact business because of lack of gadgets.

Let us go to the next Order.

### ORDINARY QUESTIONS

**Hon. Deputy Speaker:** Hon. Members, in that particular Order, we will start with Questions. Let us start with the Member for Laikipia County, Hon. Catherine Waruguru.

*Question No.001/2019*

#### WILDLIFE ATTACKS IN LAIKIPIA COUNTY

**Hon. (Ms.) Catherine Waruguru** (Laikipia CWR, JP): Thank you, Hon. Deputy Speaker. I rise to ask Question No.001/2019:

(a) Is the Cabinet Secretary aware of the recent wildlife attacks in Nyakumu, Muramati, Mukima, Daiga and Ontilili areas in Segera Ward, Laikipia County and equally, Ol Moran Ward in Laikipia?

**Hon. Deputy Speaker:** You should be very specific to the Question which is on the Order Paper. I can see you have added another place. We will not be able to send that to the relevant Ministry.

**Hon. (Ms.) Catherine Waruguru** (Laikipia CWR, JP): Thank you, Hon. Deputy Speaker. Allow me to clarify. I would like to ask Question No.001/2019 to the Cabinet Secretary for Tourism and Wildlife:

(a) Is the Cabinet Secretary aware of the recent wildlife attacks in Nyakumu, Muramati, Mukima, Daiga and Ontilili areas in Segera Ward, Laikipia County?

(b) Could the Cabinet Secretary explain the criteria used to identify genuine claims for compensation resulting from loss or damage caused by wildlife?

(c) Could the Cabinet Secretary provide a detailed list of cases of human-wildlife conflict in Laikipia County since 1988 to date, a list of all compensations made, and the amounts awarded and paid out?

**Hon. Deputy Speaker:** That Question will be replied to before the Departmental Committee on Environment and Natural Resources.

Let us go to the next one by Hon. Florence Mutua, Member for Busia County. I am informed that there is a procedural letter. She asks that this Question be deferred because she is elsewhere on official duty. I, therefore, proceed to defer that particular Question.

*Question No.002/2019*

#### SHORTAGE OF TEACHERS IN PUBLIC SCHOOLS

*(Question deferred)*

Let us move to the next one by the Member for Meru County. It is very interesting because, today, we only have Questions from the county Members. They are very active at the beginning of the Session. Let us have Hon. Bishop Kawira Mwangaza.

*Question No.003/2019*

## HUMAN-WILDLIFE CONFLICT IN MERU COUNTY

**Hon. (Ms.) Kawira Mwangaza** (Meru CWR, Independent): Thank you, Hon. Deputy Speaker. My Question is directed to the Cabinet Secretary for Tourism and Wildlife:

(a) Is the Cabinet Secretary aware that the rampant human-wildlife conflict in Imenti, Tigania and Igembe areas of Meru County has led to huge losses and damages to crops thus affecting their main source of livelihood?

(b) Are there plans to expedite the payment process for the victims of human-wildlife conflict in Meru County?

(c) What measures is the Ministry putting in place to put to a stop the rampant occurrence of human-wildlife conflict considering that the installation of an electric fence around Mt. Kenya Forest has not fully achieved the intended purpose?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well. That will be replied to before the Departmental Committee on Environment and Natural Resources.

Let us go to the next one by the Independent Member from Sigowet/Soin, Hon. Koros.

*Question No.004/2019*

## COMPENSATION OF PUBLIC SERVANTS WORKING IN HARDSHIP AREAS

**Hon. Kipsengeret Koros** (Sigowet/Soin, Independent): Thank you very much, Hon. Deputy Speaker. My Question No.004/2019 goes to the Cabinet Secretary for Public Service, Youth and Gender Affairs:

(a) Could the Cabinet Secretary explain the criteria used to identify and consequently gazette hardship zones/areas, and provide a list of such areas in the Sigowet/Soin Constituency?

(b) Could the Cabinet Secretary clarify whether public servants working in hardship zones/areas in Sigowet/Soin, particularly teachers are paid hardship allowances as required?

**Hon. Deputy Speaker:** That will be replied to before the Departmental Committee on Labour and Social Welfare. Let us move to the next Order.

## PROCEDURAL MOTION

## LIMITATION OF DEBATE ON BILLS SPONSORED BY PARTIES OR COMMITTEES

**Hon. Deputy Speaker:** As the Leader of the Majority Party proceeds to move this particular Procedural Motion, I urge Members to be very keen because these are things that will affect you for the remainder of this Session.

Let us have the Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order No.97(4), this House orders that each speech in a debate on Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party be limited as follows: A maximum of forty five (45) minutes for the Mover, in moving and

fifteen (15) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10), minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

Hon. Deputy Speaker, this is a Procedural Motion. It is in keeping with the parliamentary practices and traditions at the beginning of every Session to guide the House on the manner in which debate will be carried out. I am, therefore, proposing that time be allocated as contained in the Motion. The next seven Motions that follow are not substantive Motions, but simply procedural proposals asking the House to set timelines on the time allocated to a Member or Members every time they are contributing to a business before the House. In this case, it is a Motion that is sponsored by the Minority Party, the Majority Party or a committee of the House. Each Member will contribute as specified in this Motion. Ordinarily, we do not expect any form of acrimony on the timelines as they are only meant for keeping in line with the parliamentary practices. I am sure when we began our Session in 2018 and after we were sworn in, this is exactly what we did. We set the rules of the game in every session early enough. If there is a Motion which is sponsored by the Minority Party, the Majority Party or a committee of the House, the guidelines that will be followed in terms of speaking precedents and the timelines are the ones that are stated in this Motion.

This is a Procedural Motion. We expect not to dwell so much on it. It is like football. You first set the rules of the game. After staying awake for a long time last night watching the match between Manchester United, which is my team, and Paris Saint-Germain (PSG), we lost. However, I am sure we have another opportunity in the return game. This is like football. We are setting the rules of the game, so that when we have a Motion similar to this, then we can say that on that particular day, we passed the Motion that set the rules.

I beg to move and ask Hon. John Mbadi, who is also a fan of Manchester United, to second this Motion.

**Hon. Deputy Speaker:** The Leader of the Minority Party. You will have to oscillate between the ordinary gadget and that one in the Dispatch Box.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Deputy Speaker. The Leader of the Majority Party knows how to break my heart. I was trying to forget the results of last night's match, but it appears he was reading what was in my mind. He wanted me to remember it. However, the team is coming up.

**Hon. Deputy Speaker:** Do not worry, the Leader of the Minority Party. Generally, you are an unlucky man. Proceed.

*(Laughter)*

**Hon. John Mbadi** (Suba South, ODM): No. I am usually very lucky, Hon. Deputy Speaker, and you know that.

I want to second the Procedural Motion and appreciate that this House is very big. We have 349 Members. Therefore, we need to restrict and limit the time that we spend on debating the Bills that are proposed by committees, the Leader of the Majority Party or the Leader of the

Minority Party. We are all aware that sometimes we are attacked unfairly that we have not been passing many Bills. However, one way of fast tracking and having the Bills debated by as many Members as possible is to limit the time that each Member will take in debating a Bill.

I have a quick piece of advice: One, Members need to prepare well before they come to debate Bills, so that within the 10 minutes, they are able to execute and prosecute their points. More importantly, Members should also identify their areas of strength and where they have competence so that they do not contribute to all the Bills and Motions, but rather contribute to those that they feel they have adequately prepared and have the competence to contribute to.

Finally, there was a suggestion and this is something that we adopted, the Leader of the Majority Party and the Leader of the Minority Party may propose two Members for each Bill who come first and feel seriously that they have an interest to contribute to a Bill. I am talking about two Members because we also do not want to limit the chair from exercising his or her discretion to give Members a chance to speak. If there are Members from both sides who feel that they need to contribute to a Bill, then they can approach the leadership of both sides and at least propose two names per Bill to contribute. Otherwise, I want to second this Procedural Motion. I expect the House to agree with us.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** The last point which you indicated is merely persuasive because you have not put it in this Procedural Motion. What is salient in this Procedural Motion is the 45 minutes that are supposed to be given to the Mover, 15 minutes for the Member who is replying, 15 minutes for the Leader of the Majority Party and the Leader of the Minority Party. Priority is given to the Leader of the Majority Party, the Leader of the Minority Party and the chair of the committee. I believe in the last Session we did not have the chair of the committee. This is a new one. These are the things that Members need to know as they debate this Motion.

*(Question proposed)*

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Put the Question.

**Hon. Deputy Speaker:** I would have completely stopped the Member for Endebess in this particular Motion. There is a difference between stopping and stopping the Member for Endebess because I know what he ordinarily does. I can see there is no major interest. I am tempted to give the opportunity to two Members. Let me give the opportunity to one Member on this side. That is Hon. Makali Mulu, who will contribute briefly. I will then come to this direction and give an opportunity to one Member and then we put the Question.

**Hon. Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Deputy Speaker. I like your proposal of giving two Members an opportunity to say something because we cannot just say yes and no. I support the Motion. I want to pick something from what Hon. Mbadi has said. There is the issue of encouraging Members to research on the Bills. If a Member takes time to research on a Bill, it is almost impossible to use 10 minutes to make a serious contribution. I like that proposal where the Members who have researched on a particular Motion or Bill can share with either the Leader of the Majority Party or the Leader of the Minority Party to be allowed more time, so that we make quality contribution. Otherwise, if we stick to 10 minutes, it will also discourage Members from doing serious research.

With those remarks, I support the Motion.

**Hon. Deputy Speaker:** Member for Endebess, you have made a request and I am giving you the opportunity to contribute.

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

I see no other Member on my right side showing interest. The Members I see on my request list are Hon. Osotsi and Hon. Sankok. I proceed to put the Question.

*(Question put and agreed to)*

### PROCEDURAL MOTION

#### LIMITATION OF DEBATE ON INDIVIDUAL MEMBERS' BILLS

**Hon. Deputy Speaker:** Again, let us have the Leader of the Majority Party. He has actually assigned the Deputy Whip of the Majority Party to move the Motion.

**Hon. (Ms.) Cecily Mbarire** (Nominated, JP): Hon. Deputy Speaker, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order No.97(4), this House orders that each speech in a debate on Bills not sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party be limited as follows: A maximum of three hours and thirty minutes, with not more than thirty (30) minutes for the Mover, in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

Hon. Deputy Speaker, the difference between this Motion and Order No.8 is that it proposes that Bills sponsored by private Members commonly referred to as Private Members' Bills should have a limit of three-and-a-hours. This will enable the House to fast track the Bills sponsored by Private Members. The Bills are quite many now. In most cases, they may not be as voluminous as those sponsored by parties or committees.

I beg to move and request that Hon. Sankok seconds the Motion.

**Hon. Deputy Speaker:** Is it by design? Proceed. These are Members from the same side of a coin.

**Hon. David Sankok** (Nominated, JP) Hon. Deputy Speaker, I beg to second.

This is a Procedural Motion. The Maasai wise men once said that the sun moves faster when lies are being discussed, but when truth prevails, time is always adequate or enough.

*(Hon. Deputy Speaker spoke off record)*

At times, we give excess time to a Mover of a Motion and limit Members' time to contribute. That may be very important especially considering that the Member who has moved a Motion has adequate information from the research they have done and they require more input from the Members.

The time allocated to the chairs of departmental committees is very important since, in our Constitution, we do not have Cabinet Secretaries as Members of Parliament. Therefore, the chairpersons of the relevant committees are extremely important in contributing to Motions.

Hon. Deputy Speaker, I beg to second.

*(Question proposed)*

**Hon. Deputy Speaker:** Again, I will give a chance to two Members to make their contribution. This time, I will start with Hon. Mutua Barasa, Member for Kimilili.

**Hon. Didmus Barasa** (Kimilili, JP): Thank you, Hon. Deputy Speaker. I rise to support the Motion.

Because we now have one Government, I wish the time given to the Leader of the Minority Party can be reduced to 10 minutes because the Government will be repeating itself. We should be fair and...

**Hon Aden Duale** (Garissa Township, JP): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order, Leader of the Majority Party?

**Hon Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, Hon. Barasa is out of order in the sense that in the Legislature, it is clearly stipulated in the Constitution and in the Standing Orders that there are two formations, namely, the Minority and the Majority. If there is a Government of national unity or if there is unity in the Judiciary or the Executive, it is not in the national Legislature. So, he is out of order. He is trying to demean the office of the Leader of the Minority Party. His 10 minutes and those of the Leader of the Majority Party are distinct.

**Hon. John Mbadi** (Suba South, ODM): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order, Leader of the Minority Party now that you have been mentioned? The Hon. Member for Kimilili says, probably, you will be saying the same thing.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Deputy Speaker, the Member for Kimilili is completely out of order. He should go back to his history or civic books to read what a government is. We have always had one Government. He says that we now have one Government as if we had two. The only time we were close to having more than one Government... actually we did not have a Government because there was the people's president and another president. We only have one Government and that is what we have had from Independence.

The Leader of the Minority Party in this House still remains the Leader of the Minority Party and the Leader of the Majority Party still remains the Leader of the Majority Party. We still have the majority side and the minority side. We may be cooperating and agreeing on matters of national importance, but we will be disagreeing on matters where we have to disagree. I know the Member for Kimilili has a problem. He has found himself in some team that used to be doing well, but finds itself not doing very well now namely, Team *Tanga Tanga* That is something he needs to mourn silently rather than making it a national debate.

**Hon. Deputy Speaker:** You were moving very well until you went out of order yourself. I see many Members are getting excited about that and I do not understand why.

**Hon. Silvanus Onyiego** (South Mugirango, KNC): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Who is this Member seated in front of the Member for Kimilili?



**Hon. Didmus Barasa** (Kimilili, JP): Hon. Deputy Speaker, I had not finished making my contribution.

**Hon. Deputy Speaker:** Let me give the Member a chance. He seems to have an issue.

**Hon. Silvanus Onyiego** (South Mugirango, KNC): Thank you, Hon. Deputy Speaker. I do not think the Leader of the Minority Party is in order to refer to people supporting a certain political angle as *Tanga Tanga* in the House. The Leader of the Minority Party is trying to divert attention from the real issue that has been raised by the Member for Kimilili in regard to the number of minutes the Leader of the Minority Party is supposed to speak.

Hon. Deputy Speaker, you do not need to be a rocket scientist to see what is happening in this House. Upon the matter being raised by Hon. Didmus...

**Hon. Deputy Speaker:** What is your point of order because you are already contributing to a certain...

**Hon. Silvanus Onyiego** (South Mugirango, KNC): I am coming to that. You need to allow me to speak. The point of order is about the reference made by the Leader of the Minority Party to a certain political angle as *Team Tanga Tanga*. He has even received defence by the Leader of the Majority Party. The fact that the Leader of the Majority Party is defending the Minority Leader clearly shows that that is a one-sided Government. The Minority and the Majority parties are one angle. The Minority Leader should be given three minutes.

**Hon. Deputy Speaker:** You have made your case. Allow me to rule. Both the Member for Kimilili and the Minority Leader are out of order. The Member for Kimilili, while proceeding should have proceeded in a procedural manner including trying to see if he can marshal his colleagues to modify this Procedural Motion, if he wished. Just making an allegation does not help. Still, we have both the Minority and Majority leadership in the House. For the Leader of the Minority Party, he might have had some point, but he changed his language from English to Kiswahili and, therefore, he is out of order.

Proceed!

**Hon. Didmus Barasa** (Kimilili, JP): Thank you, Hon. Deputy Speaker. I do not support this Motion unless the minutes accorded to the Leader of the Minority Party are reduced from ten to about five minutes.

**Hon. Deputy Speaker:** Well, you have a right to oppose. At the point at which we will be putting the Question, you can express yourself loudly and clearly. So, I will give opportunity to another Member, the Member for Tharaka, Hon. Gitonga Murugara.

**Hon. George Gitonga** (Tharaka, DP): Thank you, Hon. Deputy Speaker. I am on Motion No.12 and not this one.

*(Question put and agreed to)*

## PROCEDURAL MOTION

### LIMITATION OF DEBATE ON MOTIONS

**Hon. (Ms.) Cecily Mbarire** (Nominated, JP): Hon. Deputy Speaker, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order 97(4), this House orders that each speech in a debate on any Motion, including a Special Motion, be limited in the following manner: A maximum of three hours with not

more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

Hon. Deputy Speaker, this House is permitted by our rules of procedure to impose a limit in respect of debate on any particular Motion or Bill by allotting a limited period of time for such debate or by limiting the time during which Members may speak in such debate or by imposing such limitations. It is for this reason that I am proposing three hours for ordinary or special Motions with not more than 20 minutes for the Mover and 10 minutes for each of the other Member speaking except for the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of 15 minutes each and that 10 minutes before expiry of time, the Mover shall be called upon to reply.

I beg to move and request Hon. (Dr.) Pukose to second.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Deputy Speaker. I stand to second this Procedural Motion. This is basically Members' Motions which come on Wednesday morning. It also refers to special Motions which could be there. We are talking of the Motions taking three hours with the Mover being allotted 20 minutes and all the other Members 10 minutes except the Leader of the Majority Party and Leader of the Minority Party, who will be given 15 minutes.

In the last Session, most of the Members' time was not properly utilised because many Members still have a lot of Motions and Bills which are pending before this House. We are hoping that the House Business Committee (HBC) will give priority to Members' Motions and Bills so that we are can utilise our Wednesday mornings properly and prosecute the outstanding Bills and Motions.

With those few remarks, I second.

*(Question proposed)*

**Hon. Deputy Speaker:** Hon. Pukose, you will not be allowed at all to make a request to put the Question because you have contributed. So, you will not be allowed, but since I still do not see Members who are extremely interested... Member for Makueni.

**Hon. Daniel Maanzo** (Makueni, WDM-K): Thank you, Hon Deputy Speaker for giving me an opportunity to support the limitation of debate on Motions. I would also like to indicate that under the Standing Orders, before debate on a Motion begins, depending on the interest of Members, a Member can move a reduction at that particular time despite us having passed this particular Motion so that as many Members as possible can contribute to Motions with a lot of public interest. I, therefore, want to agree with the timings and the timelines given in this Motion.

I beg to support. Thank you.

**Hon. Deputy Speaker:** Hon. Metito.

**Hon. Katoo ole Metito** (Kajiado South, JP): Thank you, Hon. Deputy Speaker. I support this Motion. I want to share what I have observed since the 11<sup>th</sup> Parliament in relation to Motions under Standing Order 40(3). Private Members Motions are usually debated on Wednesday morning. Those who were in this House before the 11<sup>th</sup> Parliament will agree with me that

Motions which were brought by private Members were used to influence policy direction in the Government.

Since the 11<sup>th</sup> and 12<sup>th</sup> Parliaments, I do not think those Motions really make great impact. We no longer have the position of official reply to those Motions. If you look at them, they have always been urging Government. Therefore, there has not been any commitment that such Motions will be implemented. Even the Committee on Implementation has been finding it very difficult to follow up on the implementation of those Motions.

Therefore, I suggest that the House really utilises the time allocation of Wednesday mornings. Through the Procedure and House Rules Committee which always reviews the rules of the House - and I know it is sessional and its term has ended and it is due for reconstitution - I suggest that it looks into that and allocates Wednesday mornings to debating Committee Reports. The way I have observed during the 11<sup>th</sup> and 12<sup>th</sup> Parliaments, Wednesday mornings that are set aside for discussing Private Member's Motions do not influence policy formulation in Government. Maybe, the Motions are very difficult to implement because we just like "urging" the Government without coming to concrete suggestions. That time could be set aside for debating Committee Reports. That will remove the backlog of Committee Reports that are lying in the Office of the Clerk; especially the reports of Public Accounts Committee (PAC), Public Investments Committee (PIC) and other committees. I would agree if it is a Private Member's Bill and not a Private Member's Motion. In the new dispensation of the presidential system, where persons to give official replies to such Motions are not here to commit to the implementation or otherwise of those Motions, I do not think we are utilising the time of the House in that sense.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well.

*(Question put and agreed to)*

## PROCEDURAL MOTION

### LIMITATION OF DEBATE ON REPORTS OF COMMITTEES

**Hon. Deputy Speaker:** That will be by the Whip of the Majority Party himself. Proceed.

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Deputy Speaker. I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order 97(4), this House orders that each speech in debate on Reports of Committees, including a Report of a Joint Committee of the Houses of Parliament or any other report submitted to the House for which limitation of time has not been specified, be limited as follows:

A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

As I move this, allow me to welcome Members back to the Third Session and also wish them a very successful Session. As the Whip of the Majority Party, I am happy to be the one moving this Motion. It is because of the experience we have had in past Sessions.

*(Loud consultations)*

I hope Members will give me some attention. We have experienced that some committees bring reports to this Floor yet some of their Members are not present during their debate. I urge members of committees to be at the forefront of debating their reports that are brought to the Floor of the House. That is so that they may help Parliament and the Committee of the whole House to understand what is in those Reports.

I also request you to allow me to caution chairs of committees now that we have started this Session. Chairs have used parliamentary leadership as a shield to frustrate members of committees many times. I announce here that if there are any members of a committee who fail to take action on their chairmen, I will, as the Whip of the Majority Party, allow it to pass. We have had cases where chairmen run to the offices of leadership for protection whenever there is a problem in their committees. I want to make it very clear that the leadership of the Majority Party will not be ready to protect errant chairmen; those who are not compliant with their committee membership.

**Hon. Kathuri Murungi** (South Imenti, Independent): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order, Hon. Member for Imenti South? What is it?

**Hon. Kathuri Murungi** (South Imenti, Independent): Thank you, Hon. Deputy Speaker. The Whip of the Majority Party has read the riot act to the chairs of committees. I know you chair the Liaison Committee. I think you are the right person to make that declaration. I also know that the chairs are very competent. Nobody runs to the offices of leaders to seek protection. If there is any chair who has done that, is competent and goes to seek protection, let the Whip of the Majority Party name him and then we will see what to do. Otherwise, because you are the Chair of the Liaison Committee and you are well versed to know how competent the chairs of committees are, and how they do their work, you are the one to declare whether chairs are competent or not.

**Hon. Deputy Speaker:** Seated here, I do not enjoy that position of being the Chair of the Liaison Committee. So, I will not make that comment here but in the next hour or so, when I will be chairing that Committee I will be able to say anything that I would have wanted to say on that. Of course, it will not be okay for you, the Whip of the Majority Party, to generalise because you might be worsening the situation you are trying to control. So, maybe, you should just move very relevantly to this Motion and wind up. You see, we do not want to take too much time on this. It is fairly straightforward. You will have an opportunity to discuss anything with chairs of committees. We can ask and request you to come to the Liaison Committee when we are meeting and you will express your concerns there. So, please, just move the Motion.

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Deputy Speaker. I was actually moving the Motion. I thought that the Chairman of the Special Funds Accounts Committee (SFAC) would come in after the Motion has been moved and seconded.

It was unfortunate that he came in while I was on the Floor moving a Motion. Hon. Muturi is not a leader of any side of the House and, therefore, he may not have been approached

by any chair to decide. For his information, he needs to know that most of the chairs come from the majority side. Being in the leadership of the majority side, we are bound to receive quite a number of complaints from Members who feel that their chairs are not performing. Therefore, to conclude, I want to request that the committees be more proactive so that we have...

**Hon. (Dr.) Robert Pukose** (Endebess, JP): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is out of order, Hon. Pukose?

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

**Hon. Benjamin Washiali** (Mumias East, JP): I am still moving. I have not moved. You do not raise a point of order when I am moving.

**Hon. Deputy Speaker:** What is out of order in his moving? I want you to be very specific.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Hon. Deputy Speaker, my point of order is on the relevance. He is raising issues about the chairs. What is the relevance of chairs of committees in the Motion that he is moving?

**Hon. Deputy Speaker:** I actually agree with you. The Majority Whip, please move the Motion. We sometimes take too long on something which is fairly straightforward.

**Hon. Benjamin Washiali** (Mumias East, JP): Hon. Deputy Speaker, this is a procedural Motion which talks to debates of committee reports.

**Hon. Deputy Speaker:** Majority Whip, we cannot have 10 minutes on matters which are straightforward and which Members have understood. If you have issues that you want to raise, raise them relevantly elsewhere. You are free to attend the Liaison Committee meeting which is going to sit in the next 30 minutes. You can raise your issues there.

**Hon. Benjamin Washiali** (Mumias East, JP): Hon. Deputy Speaker, I beg to move and request Hon. ole Kenta, the Member for Narok North and the Chair of the Committee on Implementation, to second.

**Hon. Richard ole Kenta** (Narok North, ODM): Thank you, Hon. Deputy Speaker. I am honoured to second the Motion. I wish to make two comments. One, I think that the time provided is sufficient. We come to this Parliament with facts and we do not wish to waste too much time on repetitions and unnecessary things that do not make sense. There is something that Hon. Katoo has said, and which I support. As a Chairman of the Committee on Implementation, we have had problems with implementing the decisions of this House, especially when it comes to the issue of "urging". Urging is just pleading or requesting. The Executive has taken advantage of this framing in the decisions of this House. This is something that we need to look into so that we do not act in vain. So, I second.

*(Question proposed)*

*(Question put and agreed)*

**Hon. David ole Sankok** (Nominated, JP): On a point of information, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Who do you want to inform?

*(Hon. David ole Sankok spoke off record)*

**Hon. Deputy Speaker:** Rejected!

*(Hon. David ole Sankok spoke off record)*

**Hon. Deputy Speaker:** I know it is not working and as you can see, there is somebody who is managing. From where I sit, whatever I am having is not working and I am not complaining because it is being worked on. Wherever you are, Hon. Sankok, it is being worked on.

Before we move to the next Order, let me introduce pupils from Kinderworld Academy, Lang'ata Constituency, Nairobi County. This is a group that consists of 59 pupils, four teachers and two drivers. Feel welcome in the National Assembly.

*(Applause)*

Let us hear from the Chair of the Departmental Committee on Lands, Hon. Rachael Nyamai.

**Hon. (Ms). Rachael Nyamai** (Kitui South, JP): Hon. Deputy Speaker, it is just that I have tried to touch the gadget which is in front of me, and I felt like there is a minor shock. This can be very dangerous for the Members who are seated here. I thought this is a matter that I should bring to your attention. We might get electrocuted and you know it is very expensive to conduct elections in this country. I, therefore, request that this matter be checked.

**Hon. Deputy Speaker:** It is so ordered and I can see that there is an ICT expert who is moving around sorting out the problem. It is noted.

## PROCEDURAL MOTION

### LIMITATION OF DEBATE ON SESSIONAL PAPERS

**Hon. Benjamin Washiali** (Mumias East, JP): Hon. Deputy Speaker, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order 97(4), this House orders that each speech in a debate on any Sessional Paper shall be limited as follows:

A maximum of two-and-a-half hours with not more than twenty (20) minutes for the Mover in moving and five (5) minutes for each other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committees, in that order.

Sessional papers are generally government policies. The most popular one is Sessional Paper No. 10 of 1965 that was talking about African Socialism. This will come out when Government plans. I remember that during the leadership of retired President Mwai Kibaki, he brought a sessional paper that was talking about Vision 2030. Therefore, this is generally about Government policies. I am sure whenever Government policies come on the Floor of the House; we will have to debate them the way we have proposed in this Motion.

I beg to move and request Hon. Gitonga Murugara, my friend from Tharaka, to second.

**Hon. Deputy Speaker:** Proceed, Hon. Murugara.

**Hon. George Gitonga** (Tharaka, DP): Thank you, Hon. Deputy Speaker. I rise to second the Procedural Motion. Before I do so, I wish to comment that the National Assembly is back in session. We are re-energised and we have come to serve the citizens of the country in the way we are mandated to do by the law.

Sessional papers are very important; the Government communicates its policies and plans through them. As it has been said, we had the first one, the 1965 Sessional Paper on African Socialism. We have had many others and we still expect more sessional papers, even on the Big Four Agenda of the Government. It is, therefore, important that when sessional papers come to the House, they are debated and endorsed such that the Government is able to carry on with its policies and plans. The times allocated are reasonable. This is the reason I second that we do adopt what we have set up.

**Hon. Deputy Speaker:** That is one of the most relevant contributions this morning.

**Hon. George Gitonga** (Tharaka, DP): Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** It is on the issues that are raised here like timing and what has been proposed.

*(Question proposed)*

**Hon. Members:** Put the question.

*(Question put and agreed to)*

**Hon. Deputy Speaker:** Next Order! The Deputy Whip of the Minority Party.

**Hon. (Ms.) Cecily Mbarire** (Nominated, JP): Hon. Deputy Speaker, I am Deputy Whip of the Majority Party.

**Hon. Deputy Speaker:** I said majority. And by the way, even if I were to say minority, we would go back to the doctrines of equity which treats as done that which ought to have been done. So, it is Deputy Whip of the Majority Party.

Proceed.

## PROCEDURAL MOTION

### LIMITATION OF DEBATE ON PRESIDENT'S ADDRESS

**Hon. (Ms.) Cecily Mbarire** (Nominated, JP): Thank you, Hon. Deputy Speaker. I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order 97(4) and in furtherance to the provisions of Standing Order 24(6), this House orders that debate on the Motion on the Address by the President be limited to no more than thirty (30) minutes for the Mover in moving and replying, twenty (20) minutes for the Leader of the Minority Party, and five (5) minutes for any other Member speaking.

Hon. Deputy Speaker, I beg to move and kindly request Hon. Maoka Maore to second.

**Hon. Deputy Speaker:** The Member for Igembe North.

**Hon. Maoka Maore** (Igembe North, JP): Hon. Deputy Speaker, I second.

**Hon. Deputy Speaker:** Yes, that is now better.

*(Question proposed)*

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

*(Question put and agreed to)*

**Hon. Deputy Speaker:** Next Order.

### PROCEDURAL MOTION

#### LIMITATION OF DEBATE ON REPORTS OF CONSTITUTIONAL COMMISSIONS AND INDEPENDENT OFFICES

**Hon. Deputy Speaker:** The Whip of the Majority Party.

**Hon. Benjamin Washiali** (Mumias East, JP): Hon. Deputy Speaker, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order 97(4), this House orders that each speech in debate on Reports of Constitutional Commissions and Independent Offices be limited as follows:

A maximum of four hours with not more than thirty (30) minutes for the Mover in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Chairperson of the relevant Committee, the Leader of the Majority Party and the Leader of the Minority Party, in that order.

*[The Deputy Speaker  
(Hon. Moses Cheboi) left the Chair]*

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

Hon. Temporary Deputy Speaker, this is a Procedural Motion. Reports of constitutional commissions and independent offices have never been given priority in this House before. I request that as we start our Session this time, there should be an aspect of giving such reports adequate debating time. We have independent offices like the Controller of Budget, Ethics and Anti-corruption Commission (EACC), Commission on Administrative Justice and many others. For the first time, we are going to give the reports adequate time so that we can debate them exhaustively so that the public can get to understand what is in the reports. It will also accord the public an opportunity to judge us.

I beg to move and request Hon. Maoka Maore to second.



**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Maoka Maore.  
**Hon. Maoka Maore** (Igembe North, JP): Hon. Temporary Deputy Speaker, I beg to second.

*(Question proposed)*

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

*(Question put and agreed to)*

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

### PROCEDURAL MOTION

#### LIMITATION OF DEBATE ON THE ANNUAL ESTIMATES AND COMMITTEE OF SUPPLY

**Hon. (Ms.) Cecily Mbarire** (Nominated, JP): Hon. Temporary Deputy Speaker, I beg to move the following Procedural Motion:

THAT, pursuant to the provisions of Standing Order 97(4), this House orders that each speech in a debate on the Report of the Budget & Appropriations Committee on Budget Estimates contemplated under Standing Orders 239 and 240 be limited as follows:

(i) General Supply Debate: A maximum of three (3) sitting days with thirty (30) minutes for the Mover in moving and fifteen minutes (15) in replying; a maximum of ten (10) minutes for each of the Chairpersons of the Departmental Committees and a maximum of five (5) minutes for any other Member speaking, except the Hon. Leader of the Majority Party and the Hon. Leader of the Minority Party, who shall be limited to a maximum of ten minutes (10) each; and that priority in speaking be accorded to the Hon. Leader of the Majority Party, the Leader of the Hon. Minority Party and the respective Chairpersons of the Departmental Committees in the order that they appear in the Second Schedule to the Standing Orders; and,

(ii) Committee of Supply: A maximum of six (6) sitting days for the consideration of the proposed allocations to the respective Votes/Programs in the order specified in the Schedule submitted by the Budget and Appropriations Committee.

Hon. Temporary Deputy Speaker, Members are aware that we started this process last year and would like to introduce it again for this Third Session. This will allow Members time to consider the Report of the Budget and Appropriations Committee on budget estimates in general supply and in the Committee of Supply.

I beg to move and request to be seconded by Hon. Martha Wangari, MP for Gilgil Constituency.

**Hon. (Ms.) Martha Wangari** (Gilgil, JP): Thank you, Hon. Temporary Deputy Speaker. This is a straightforward Motion. As usual, it always gives the maximum, but one can take less

time. The limitation on the debate for three days is important so that we can dispose of the issues that are in the Budget and Appropriations Committee (BAC).

With those few remarks, I second.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members on the gangways, it is understood that it is a new Session and that you want to greet many other Members. However, the Hon. Temporary Deputy Speaker is on his feet.

*(Question proposed)*

Very well! Is it the mood of the House that I put the Question?

**Hon. Members:** Yes!

*(Question put and agreed to)*

Next Order

## **BILL**

*First Reading*

THE LAW OF CONTRACT (AMENDMENT) BILL

*(Order for First Reading read - Read the First Time and ordered to be referred to the relevant Departmental Committee)*

## **ADJOURNMENT**

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, the time being 10:59 a.m., this House stands adjourned until this afternoon at 2:30 p.m.

The House rose at 11.00 a.m.