

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 7<sup>th</sup> August 2019

The House met at 2.30 p.m.

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

### PRAYERS

**Hon. Deputy Speaker:** We are properly constituted, Hon. Members. Therefore, let us begin business.

### COMMUNICATION FROM THE CHAIR

#### DISORDERLY CONDUCT OF THE HON. MEMBER FOR KWALE COUNTY

**Hon. Deputy Speaker:** Hon. Members, my attention has been drawn to an incident that happened in today's Morning Sitting, where a Member walked into the Chamber with an infant. The report filed to me indicates that the Member concealed the baby and entered the Chamber through the emergency exit instead of the main entrance of the Chamber. The Report further indicates that the Member only revealed the baby once she got into the Chamber thus confirming that, that act was premeditated.

Hon. Members, I am informed that the Member, thereafter, claimed that the reason for her action is that there is no breastfeeding station for lactating mothers within the precincts of Parliament. Whereas the Member was ordered to withdraw from the Chamber for the remainder of the day, the action by the Member amounted to gross disorderly conduct in terms of Standing Order No.107A(1)(h). Further, the action of the Member of exposing the infant was, indeed, very insensitive, demeaning and undignified. Whereas such grossly disorderly conduct attracts an immediate punishment for withdrawal from the precincts of the Assembly for a minimum of five days and a maximum of 28 days, I choose to caution and reprimand the Member for Kwale County. In this regard, Hon. (Ms.) Hassan Zuleikha Juma is hereby severely reprimanded and warned to refrain from engaging in such conduct in future.

Hon. Members, may I now clarify that contrary to claims made by the Member, the Office of the Clerk has informed me that the Parliamentary Service Commission has, indeed, set aside a facility within the Parliamentary Square - specifically on the 4<sup>th</sup> Floor of the Red Cross Building - to cater for lactating mothers, both Members and staff of Parliament. Further, lactating mothers are allowed to bring along their nannies to watch over their babies at the facility while they undertake their official duties.

May I also remind Members to always use the main entrance to the Chamber because there is a requirement to bow when entering or leaving the Chamber. This House is accordingly informed.

Thank you.

**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, first, I want to thank you for that very good and guided Communication on the matter that happened this morning. It is a practice in all parliamentary jurisdictions that you can leave the House through the side doors but, when you are entering the Chamber, as per the Standing Orders, you must use the main entrance. It is because you have to bow.

I am sure the lady Members will agree with me that it is very un-African for an African woman to expose her child like what happened.

*(Hon. Vincent Tuwei spoke off record)*

**Hon. Deputy Speaker:** Hon. Member for Mosop, the Leader of the Majority Party is on a point of order. So, allow him to finalise.

**Hon. Aden Duale** (Garissa Township, JP): It is un-African for an African mother to expose her child in that situation. I hope the other lady Members in the House will not expose their children the way it happened this morning.

**Hon. Deputy Speaker:** I will give a chance to more Members because this is an extremely grave matter. We cannot afford to play politics or any other thing inside this Chamber. It is very expensive when the Parliamentary Service Commission provides facilities but, as Members, we do not use those facilities and attempt to play games in the Chamber.

What was it, the Member for Mosop?

**Hon. Vincent Tuwei** (Mosop, JP): Hon. Deputy Speaker, since I joined Parliament, I have always seen the Leader of the Majority Party entering the Chamber through that door and yet, he is telling us that we must bow. Is that in order?

**Hon. Deputy Speaker:** Hon. Member for Mosop, a few Members sometimes use the facilities that are behind the Speaker. Therefore, they are allowed to get in and out through this entrance and they actually bow here. So, the main issue of respecting the Chair is accommodated because there is a small ceremony that happens here. I notice that you hardly use this entrance yourself, meaning you prepare yourself early in the morning and, therefore, you do not need to. So, coming through here is not a major problem, particularly for the leadership, because there are also rooms here for consultations. So, we are able to use this entrance without a problem.

I am not going to give Hon. Kaluma a chance because he went ahead and commented about this issue immediately after it happened. I am not going to give him an opportunity. Let me give a chance to Hon. Wamalwa.

Let me tell you, Hon. Members that this is an extremely serious matter. Therefore, I am not going to take it lightly.

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD-K): Thank you, Hon. Deputy Speaker. First and foremost, I want to thank you for your objective ruling. Of course, any time you are on that Chair, we have a lot of confidence in you. I want to thank you for the Communication you have just given. What the Member for Kwale did today was very unfortunate. Zuleikha has been my very close friend. If you look at Article 53 of the Constitution about the rights of children, it is very clear that a child should not be mistreated. What happened today was mistreatment of the child. This Floor has different types of perfumes and some might be toxic to the baby. So, it was

not proper to expose the baby to this kind of environment. Issues to do with lactating or any other issue, unless there was another agenda she wanted to show... We also have children.

We know very well that this place is out of bounds for children since it is meant for Hon. Members only. That is what we know. My humble request to Hon. Members is we embrace respect and avoid sideshows because we are here to transact serious business. It was not proper for the Hon. Member to sneak the baby through another door. It is very inhuman.

I thank you for that ruling.

**Hon. Deputy Speaker:** Maybe, I will correct you even further, the Member for Kiminini. It is not only out of bounds for the babies, but it is also out of bounds for any other non-member, including your wives or husbands. This Chamber is for the 349 Members who are elected or nominated. Hon. Members, there are some things we cannot play around with. You demean the stature of this Assembly. I want to say this even before I give other few more Members a chance to contribute. If the Hon. Member had any issue, there are better channels of addressing those issues. She has not indicated that she has ever written to the Speaker or to the Clerk of the Assembly on any issue that she may have, which can be resolved. This is a very serious matter and we cannot afford to play to the gallery. We cannot accept this. It is unacceptable. For Kaluma who is seated next to Hon. Kajwang', he would know for sure – and I know he is a good lawyer – that you cannot go to equity with unclean hands. I am not going to allow you. If you insist Hon. Kaluma, I am going to exercise some powers.

Let us hear Hon. Kihara.

**Hon. (Ms.) Jayne Kihara** (Naivasha, JP): Hon. Deputy Speaker, thank you. As I feel the Hon. Member and sympathise with her, we have been working and we have been in places of work. Surely, we do not take babies there. So, it is very much out of order, especially when there has been a place provided for breastfeeding or nursing babies. I appreciate what has been done. The Communication from the Chair is that there is a place for this. I feel her. I am a mother but, at least, we should have some order of doing business.

**Hon. Deputy Speaker:** Hon. Kirima, you have the Floor.

**Hon. Moses Kirima** (Central Imeni, JP): Hon. Deputy Speaker, I rise to support the good ruling and the opinion that has been given by you because it is well reasoned.

*(Loud consultations)*

Hon. Deputy Speaker, I need to be protected since there is a lot of noise. The opinion given by the Chair is one of the best taking into account that in Kenya, we have what we call the Children Act that protects the rights of children not to be abused or misused in any form. In our African customs, when you have a baby, you cannot bring him or her to this crowd of over 400 Members of Parliament knowing that the baby's immunity is too low and he or she can be infected at any stage by any form of disease. We are not saying that we have diseases here, but a baby's immunity is too low and requires protection from fathers and mothers. As fathers, we are saying that the baby's right must be protected.

What my learned friend, Hon. Kaluma, wants to tell this Chamber is that the baby has no right at all to exist or to be protected. I remember in the 1993 when I had my first baby, the baby was seen by some people and he cried throughout the day. In some instances, the baby may come here and when he gets out, something unexpected happens to him.

I support the ruling. Thank you.

**Hon. Deputy Speaker:** Hon. Members, for the very new Members other than one or two, by tomorrow, you will have finished your second year in the Chamber. You know there is nothing much you can do with the Communication from the Speaker. It has been made and that is the position. The issue of a Member getting into the Chamber using exit doors is not something that anybody who is interested in good order of the House can challenge. Even if you are to challenge, you cannot challenge a Communication that has been made. So, let us not waste time on this one. This House has better things to do. That is the position and it will be severely punished if it ever happens again. For today, because it was the first one, I have decided to be a bit more cautious in dealing with Hon. Zuleikha. The punishment would have been more severe, but I have chosen the better route of giving her a warning. I am sure that knowing Hon. Zuleikha as a person who served here last Parliament – this is her second term– she probably would not want to tread that very dangerous route.

As we get to the next Order, let me recognise in the Speaker's Gallery, students from Queen of Angels Academy, Turbo Constituency, Uasin Gishu County, ably represented in the Assembly by Hon. Janet; Students from Bishop Oginda Okoth Secondary School from Uriri Constituency, Migori County; Sena Primary School from Mbita Constituency, Homa Bay County and Pentagon Academy from Suna West Constituency, Migori County.

In the Public Gallery, we have students from Eronge Adventist School, Borabu Constituency, Nyamira County. They are all welcome to observe the proceedings of the National Assembly.

Hon. Members, I have a Message from the Senate.

### MESSAGE

#### PASSAGE OF THE COUNTY GOVERNMENT RETIREMENT SCHEME BILL

**Hon. Deputy Speaker:** Hon. Members, pursuant to the provisions of Standing Order 41, I wish to report to the House that I have received a Message from the Senate regarding the passage of the County Government Retirement Scheme Bill (National Assembly Bill No.10 of 2018). The Message reads in part, and I quote:

The Senate on Wednesday, 17<sup>th</sup> July 2019 considered and passed the said Bill with amendments. The Senate now seeks the concurrence of the National Assembly on the said Bill in accordance with the provisions of Article 110(4) of the Constitution.

The County Government Retirement Scheme Bill (National Assembly Bill No.10 of 2018) seeks to provide for establishment of a County Government Retirement Scheme for employees in the service of county governments, to provide for retirement benefits for those employees and connected purposes.

I now direct the Clerk to circulate the Senate amendments to the Bill to all Members, in accordance with the requirements of Standing Order No.145. In this regard, the Senate amendments to the said Bill stand committed to the Departmental Committee on Finance and Planning for consideration.

Hon. Members, in furtherance of the provisions of Standing Orders No.146, the Committee is expected to submit its report to the House to guide Members when considering the

Senate amendments. I wish to remind the House that the National Assembly will only consider the amendments made by the Senate to the Bill, and not any other part of the Bill.

Next Order!

### PAPERS LAID

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Deputy Speaker. On behalf of the Leader of the Majority Party, I beg to lay the following Papers on the Table of the House today...

*(Hon. Charles Nguna consulted Hon. Simba Arati)*

**Hon. Deputy Speaker:** Order, Hon. Kajwang'. Who is out of order? Is it the Whip of the Majority Party? He has just started. What is it, Hon. T.J. Kajwang'?

**Hon. T.J. Kajwang'** (Ruaraka, ODM): Hon. Deputy Speaker, I have a lot of respect for the Whip of the Majority Party but I beg for your protection. I am sitting here between my friends, Hon. Atandi and Hon. Kaluma. There is a verbal exchange between Hon. Simba and another Hon. Member. I hear he is called CNN. This is causing a lot of anxiety where I am. It is on the infant's debate. Is there a way in which you can enhance my security through the Serjeant-at-Arms so that the gentlemen on my left and right may give me peace to follow the proceedings in a manner I am able to do justice to the House?

**Hon. Deputy Speaker:** I hear you, Hon. T.J. You know, you and yours truly have a long history. I am so sure there would be no infant involved, knowing you very well. In as far as your neighbour to your right, who, on many occasions, is referred to as the grandson of Akuku Danger and Atandi to the next, never mind that some people want to disapprove that. Their age allows issues infant. Now, I am going to try my level best to make sure that you are as comfortable as possible. Should you find yourself in a very bad situation, I can see there are very many other empty chairs a little further from them. So, I think you actually need some protection. You are protected. I will be very keen to see if there is any further exchange and I will take those very serious steps; as serious as the ones that were taken against a Member who came here with an infant.

Let us proceed the Whip of the Majority Party.

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Deputy Speaker. On behalf of the Leader of the Majority Party, I beg to lay the following Papers on the Table of the House:

Legal Notice No.65 of 2019 relating to the Public Service Commission Regulations and the Explanatory Memorandum from the Ministry of Public Service, Youth and Gender.

Bi-Annual Report for the Commission on Administrative Justice for the period July-December 2018.

Performance Audit Report on Monitoring of Mining Operations by the State Department of Mining for April 2019 from the Office of the Auditor-General.

The 2018/2019 Annual Report from the East African Community and Regional Development.

Report on Borderland Related Crimes and Security Threats in Kenya from the National Crime Research Centre.

Reports of the Auditor-General and Financial Statements in respect of the Kabarnet Hotel Limited for the year ended 30<sup>th</sup> June 2017 and 30<sup>th</sup> June 2018, and the certificates therein.

Reports of the Auditor-General and Financial Statements in respect of the following constituencies for the year ended 30<sup>th</sup> June 2018, and the certificates therein:

- (i) Khwisero.
- (ii) Butula.
- (iii) Nyatike.
- (iv) Ugunja.
- (v) Nandi Hills.
- (vi) Laikipia West.
- (vii) Lamu East.
- (viii) Mandera South.
- (ix) Matayos.
- (x) Banisa.
- (xi) Endebess.
- (xii) Wajir East.
- (xiii) Wajir North.
- (xiv) Wundayi.
- (xv) Lungalunga.
- (xvi) Ganze.
- (xvii) Magarini.
- (xviii) Voi.
- (xix) Muhoroni, and
- (xx) Mandera West.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** This other one is by the Leader of the Majority Party. Proceed.

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

Report of the Study Visit to the Parliament of the Federal Republic of Germany by the Committee on Procedure and House Rules.

**Hon. Deputy Speaker:** Very well. We go to the Chairperson of the Departmental Committee on Education and Research:

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

Report of the Departmental Committee on Education and Research on the Association of African Higher Education Financing Agencies (AAHEFA) Conference held in Lilongwe, Malawi, from 24<sup>th</sup> to 26<sup>th</sup> September 2018.

Report on the 9<sup>th</sup> Education International (EI) Africa Regional Conference held in Grand Bassam, Cote d'Ivoire, from 6<sup>th</sup> to 9<sup>th</sup> November, 2018.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well. Next will be the Chairman of the Constitutional Implementation Oversight Committee:

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Thank you, Hon. Deputy Speaker. I beg to lay the following Papers on the Table of the House:

Report of the Constitutional Implementation Oversight Committee on its consideration of the Independent Electoral and Boundaries Commission (Amendment) (No.2) Bill (National Assembly Bill No.30 of 2019).

Report on General Elections Observation in New Delhi, India from 8<sup>th</sup> to 15<sup>th</sup> May 2019.

Report on Benchmarking Visit to Malawi on the Implementation of a Paperless Census from 24<sup>th</sup> to 30<sup>th</sup> March 2019.

As I lay these Papers on the Table of the House, I wish to urge Members to look at the Report from Malawi on the paperless census that had already been undertaken in that country, knowing very well that we are about to undertake a similar exercise in Kenya in two weeks' time.

Thank you, Hon. Deputy Speaker.

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

### QUESTION BY PRIVATE NOTICE

**Hon. Deputy Speaker:** On this particular order, Hon. Members, we have one Question by Private Notice. We will start with that one before we go to the ordinary Questions. That Question is by the Member for Mwingi Central, Hon. Gideon Mulyungi, the Architect.

*Question No.033/2019*

#### PROVISION OF FOOD/DRINKING WATER DURING NATIONAL CENSUS

**Hon. Gideon Mulyungi** (Mwingi Central, (WDM-K): Hon. Deputy Speaker, I beg to ask the Cabinet Secretary for Planning and National Treasury the following Question by Private Notice.

Noting that in the next census exercise, a provision has been made to supply relief food and clean drinking water to identified counties during the national Census period:

(i) What criteria will be applied to identify the persons and the counties to benefit from the said supply, noting that most counties, including Kitui County, are experiencing drought due to the failure of short rains?

(ii) What is the cost and quantities of the relief food and water to be provided to the identified counties?

(iii) When will the process of distribution commence and when will it end?

Thank you.

**Hon. Deputy Speaker:** This one will be replied to before the Departmental Committee on Finance and National Planning.

### ORDINARY QUESTIONS

We will now move to the ordinary questions. To start us off, it will be Hon. Geoffrey Odanga, Member for Matayos. He seems to be absent. So, that Question is deferred to the next Sitting.

*Question No.355/2019*

## IMPLEMENTATION OF ADULT EDUCATION PROGRAMME

*(Question deferred)*

**Hon. Deputy Speaker:** Next is the Member for Lamu County, Hon. Capt. Ruweida Obo.

*Question No.370/2019*

## DRUG TRAFFICKING DESPITE MANY ROAD BLOCKS ON MALINDI-LAMU ROAD

**Hon. (Ms.) Ruweida Obo** (Lamu CWR, JP): Hon. Deputy Speaker, I beg to ask the Cabinet Secretary for Interior and Coordination of National Government the following Question:

(i) Could the Cabinet Secretary explain why there are several police road blocks along Malindi-Lamu Road which inconvenience road users?

(ii) Could the Cabinet Secretary explain why drug trafficking and insecurity are still rampant in Lamu County despite the presence of the said road blocks?

Thank you.

**Hon. Deputy Speaker:** Very well. That Question will be replied to before the Departmental Committee on Administration and National Security.

The next Question by Hon. Sabina Chege is deferred. She has made a reasonable request. We, therefore, defer it to the next reasonable opportunity.

*Question No.371/2019*

## CONSTRUCTION OF KANGEMA-KANYENYAINI-KIRIRI-KARURUMO ROAD

*(Question deferred)*

*Question No.372/2019*

## PROGRESS REPORT ON LAND ALLOCATIONS AT KARANDI TOWNSHIP

**Hon. (Ms.) Catherine Waruguru** (Laikipia CWR, JP): Hon. Deputy Speaker, I beg to ask the Cabinet Secretary for Lands and Physical Planning the following Question:

Could the Cabinet Secretary provide a progress report on the ongoing land allocations at Karandi Township, Marmanet Ward of Laikipia County and indicate:

(i) Whether the Ministry involved all stakeholders during the identification of beneficiaries and preparation of Part Development Plans (PDPs)?

(ii) Measures the Ministry is putting in place to ensure that the process is transparent and to ensure the rightful beneficiaries are identified?

(iii) Measures put in place to cushion the process from possibility of multiple allocations and other irregularities?

Thank you.

**Hon. Deputy Speaker:** Very well, that Question will be replied to before the Departmental Committee on Lands.

That marks the end of that particular order. We will move to the next Order.

**Hon. David Gikaria** (Nakuru Town East, JP): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order, Hon. Gikaria, Member for Nakuru Town East?

**Hon. David Gikaria** (Nakuru Town East, JP): Thank you, Hon. Deputy Speaker. I want to be guided. I made a request for an amendment to the Penal Code regarding some very colonial old laws on loitering and walking with immoral intentions. The police in Nakuru are harassing my constituents. I gave that request six months ago. Can the Clerk tell me what I am supposed to do? My intention is...

**Hon. Deputy Speaker:** Hon. Gikaria, are you saying that you want the Clerk to tell you something? As you know, for sure, the Clerk has no mouth in this Chamber. What is it that you want?

**Hon. David Gikaria** (Nakuru Town East, JP): I am sorry, Hon. Deputy Speaker. I proposed an amendment to the Penal Code to repeal those colonial provisions on loitering and moving around with immoral intentions. That is what the police are using to harass my people. Yesterday, 140 young people were arrested in one of the Muslim estates in my constituency for loitering. How can you be arrested at six in the evening for loitering? As it has been said, they are not only harassing my people... The amendment that I had proposed...

**Hon. Deputy Speaker:** You have made your point, Hon. Gikaria. As you know, when you give an indication that you want to amend a certain law, it takes a process. I have tried to inquire on its progress and I know it is still undergoing that process. In due course, it will come to the Floor of this House. So, exercise some patience. It is good to have a Member who is fighting, all the time for his constituents. The process is ongoing. The amendment will come to the floor of this House at some point.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Deputy Speaker, Hon. Kamket is harassing me. He is saying that the reason I am suffering is because I am in another wing.

*(Laughter)*

**Hon. Deputy Speaker:** In the Chamber, we have no wings. We only have legs. There will be no wings here. There are two sides of the Chamber, the one on the left of the Speaker and the one on the right of the Speaker. I have no information on any other thing whatsoever. Definitely, it is not the wings. There are no chicken here. Let us proceed.

**Hon. Simba Arati** (Dagoretti North, ODM): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order, Hon. Simba Arati, the Member for Dagoretti?

**Hon. Simba Arati** (Dagoretti North, ODM): Hon. Deputy Speaker, two months ago...

**Hon. Deputy Speaker:** I have to be very careful because many times you get away with serious comments. So, I have to be keen when you speak. Let me hear what you have to say.

**Hon. Simba Arati** (Dagoretti North, ODM): Hon. Deputy Speaker, I have two concerns. One, there is a write up I read in the morning saying that there are over 80 of our colleagues on *safari* in the United States of America (USA). I do not know if that is true. You are the only person who can confirm to us if over 90 MPs accompanied the Speaker to the USA. That is news doing rounds in the social media. It is said that we are forever travelling. As you can see, the House is full, and we are around 300 Members.

**Hon. Deputy Speaker:** Hon. Arati, what is your second concern?

**Hon. Simba Arati** (Dagoretti North, ODM): Hon. Deputy Speaker, on the second concern, please, allow me to sit down so that you can deal with the first concern first.

**Hon. Deputy Speaker:** Very well. The reason why I wanted you to go to your second concern is because you asked a question and answered yourself. It becomes a little difficult for me to confirm that because I have no information that there are 80 Members who accompanied the Speaker to the USA. That cannot be possible. Ordinarily, under any circumstances, there is a certain number of Members who can go out on a particular trip. You have confirmed that the House is fairly full. So, on that concern, I have no information to that effect. What is it the Leader of the Majority Party?

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, the matter that appeared in the headline of the *Daily Nation* is a grave one. It has imputed bad motive on us. It is not the first time that the *Daily Nation* is doing it. Parliament and, more so, the National Assembly, has a Communication Department. The people of Kenya have in their minds what is in the newspaper today. You must direct the Clerk that this matter must be cleared. We are told there are 85 Members in the USA, led by our Speaker. We must tell the country the number of Members there. Are they five or 10? Their names must be given.

Two, Parliament must make a formal complaint to the Media Council of Kenya (MCK). The Litigation Department of Parliament must sue the *Daily Nation*. We are leaders and we cannot always lose our credibility because of fake news. You have seen just because the Governor of Mombasa, in his usual way, was with a slay queen somewhere in Europe...The picture of a white woman in the *Daily Nation* sends a very bad message. That headline is not very good and we cannot allow it to be swept under the carpet. That is why you are representing the substantive Speaker. We want the Clerk's Office and Parliament to give the correct position. Write to the MCK a formal complaint. Tell our Litigation Department to demand an apology from the *Daily Nation*. It has never happened. I have never seen it. How do you send 85 Members to a conference? You need to give direction on the *Daily Nation* reporters who are in Parliament.

From where I sit, the matter that has been raised by Hon. Simba Arati is similar, in terms of gravity, to the case of a child who was brought to the Chamber this morning. You need to direct from the Chair that the PSC, through the Clerk, must ask our Litigation Department to ask for an apology within seven days. If they do not do apologise, they must be sued and whatever damage that shall be paid will be shared among these Members.

(Laughter)

That is because it is we... Or you give it to charity!

We have created in this House a Media Council that is supposed to regulate the media in this country. They are talking of air tickets. Parliament must state the cost of the air tickets and the number of Members there. We want the names to be given. Parliament must buy a page for clarification. If we do not do it, fake news will be written about us every day by these newspapers. For me, the way you gave a directive yesterday on the SGR transport issue, you must give a directive on this one. That is why we have a Communications Department. We have protocol officers. They cannot be earning salaries when fake news about Parliament is everywhere. It is about our Speaker who is leading the delegation. I can tell you there are not more than five Members who are with the Speaker. Every year, that legislative conference happens and parliaments around the world send delegations. I attended the 2013 one. There is

nothing wrong. So, you better listen to the Members. Let them raise their concerns and you give direction from that. It is not about social media. It is about the *Daily Nation*.

**Hon. Deputy Speaker:** Let us hear from Hon. Atandi Onunga.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Thank you, Hon. Deputy Speaker. I want to reiterate what my colleague, Hon. Duale, has just said. There is a campaign against Members of Parliament which is being spearheaded by people known as *Punguza Mizigo*. My reading is that the *Daily Nation* has been co-opted into this campaign and Parliament is under siege. Today, if you go anywhere in this country, you are not respected because of the campaign that the media is doing against Parliament. This is something that we must resist. I propose that, perhaps, we do not need the Media Centre in Parliament. The Media Centre survives on rumours. The journalists just eavesdrop on conversations about Members of Parliament. They do not have facts. So, my proposal to Members of this House is that it is high time we closed the Media Centre which is here. I am not fearful to say that the members of the media sitting there are just waiting to go for lunch. I see most of them eating with us in the dining area. They go and eat there and then they come up with fake stories about Members of Parliament.

Lastly, I wanted to say something about the debate in the morning because you realise I was at the heart of it.

**Hon. Deputy Speaker:** I am not going to allow you to open that one.

**Hon. Samuel Atandi** (Alego-Usonga, ODM): Hon. Deputy Speaker, my constituents are demonstrating because of what happened in the morning.

**Hon. Deputy Speaker:** They can as well do it, but I made a ruling. Hon. Kolosh, you have the Floor.

**Hon. Ahmed Kolosh** (Wajir West, JP): Thank you, Hon. Deputy Speaker. This issue is very serious that today, what our constituents are forwarding to us on WhatsApp is that we do nothing in this House apart from seeking travels, and monies and allowances. The apology Hon. Duale has talked about must be in the form of a headline in the *Daily Nation* just like what they have done today. They cannot get away with a small apology in a corner of the newspaper. They must apologise in the mode they have embarrassed us. This House must now stand up so that the fake news moving up and down should come to an end. Your ruling and directives today will set a very good precedent. It will, probably, reclaim the respect Members of Parliament will be given by members of the public. So, we request you to prevail upon Parliament and the PSC so that they can stand for the dignity and integrity of Members of Parliament.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Wanjala, you have the Floor.

**Hon. Raphael Wanjala** (Budalangi, ODM): Hon. Deputy Speaker, the issue being raised before this House touches on the integrity of Members of Parliament. A mistake was made when this Parliament set up the Media Centre. In Kenya, we believe in people with experience. This Parliament went and picked some people from media houses - that is Standard Media Group, Nation Media Group and others and brought them here. What they are doing here is to malign Members of Parliament through the media houses they come from.

(Applause)

Your recommendation and decision should be that we sack all the people who are working at the Media Centre because they have become rumour-mongers. All they are engaged in is gutter press everywhere against Members of Parliament. We have the Department of

Communications and Public Relations. In 2004, we sacked our Public Relations (PR) guy. It should happen here again. The PR guy is not taking care and protecting this Parliament on everything that is a lie. The media are saying we have a five-star hotel here. I have never seen it. When you go to the constituency, the public wants to come and enjoy meals in the five-star hotel. When they come here, they ask: “Hon. Wanjala, this is the Parliament you brought us to see?” So, the issue before you touches on honourable Members. We are not just any ordinary people. We are not!

*(Laughter)*

Hon. Deputy Speaker it is hard to make a name and we “eat” because of our names. Therefore, anybody who is spoiling our name should be crucified.

I thank you Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Wanjala, you had come up very well until towards the end of your discourse when you almost started preaching. Let us have Hon. (Dr.) Pukose. I will give a chance to two more Hon. Members to my right.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Hon. Deputy Speaker, the headline in the *Nation Newspaper* is very demeaning. All the Hon. Members in this House are fathers, mothers, wives and husbands, as put by an Hon. Member. We are respected Members within our constituencies and for some of us even beyond the borders in our neighbouring countries. We are not just mere persons in the streets to be demeaned by making remarks that 85 Hon. Members have gone to the US.

This issue that has been raised by Hon. Simba Arati is not a very simple matter, and for the first time, I agree with him. It is very important for us. The Nation Media Group in particular seems to have an agenda against this House. This is because the issue of salaries was reported by the Nation Media. Who discusses the salaries of the Nation Media editors and news reporters? We do not discuss their salaries. We demand to have the list of those who accompanied the Hon. Speaker because they are on official duty.

Therefore, it should not be used to demean this House. We want the reporter of the Nation Media who came up with that story to be held personally liable. That is because, within the precincts of Parliament, the Media Centre is closer to the Office of the Clerk and Office of the Hon. Speaker. They can verify this information. They can go and even get the list of who has gone without necessarily sensationally reporting as they are doing.

They even put an old lady called Dolly Parton and alleged that she is one of the guest speakers. That, to me, is demeaning at my level as a doctor, a surgeon in this country and as the MP for Endebess. So, we demand an apology and Nation Media must be held accountable.

**Hon. Deputy Speaker:** I am trying to see somebody to my right. Hon. Sophia Abdi Noor, you want to speak on this one or the next one? If it is the next one, we can keep it. Now we will go to Hon. Kioni.

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Thank you, Hon. Deputy Speaker. I echo the sentiments of my colleagues with some little bit of fear that you will be lenient on this judgement. Your statement on this one, I hope you are not lenient at all to the Nation Media and other media houses. The decision to house the Media Centre within Parliament was made when some of us were here, to improve the communication between Parliament and the citizenry.

It was to make it easy for them to access facts, records and communicate in good time. However, I must confess that I am as disappointed as others because ever since the media people came, they have made it easy to misinform the public about this House. In fact, that Media Centre has done nothing else other than demean the stature of this institution and the Hon. Members who come and contribute here.

This debate has been there before. We doubted the usefulness of a media house near us, but nothing was done. I hope we are not going to, again, go down the same way. This is because there is no personal respect between ourselves and the people reporting for media houses. All they do is move around, collect some rumours and malign people. They have no respect for even the person of your stature out there. They have no respect for it. They hold us like people of no consequence. It is really annoying. I think we also went beyond, that where you go do it; they are sitting next to you. It beats the purpose of being within this Parliament precinct because there should be some areas where you can talk to one another freely. However, you can no longer do that in this place.

This is like a market place. All manner of worse things happen within this boundary. The Nation Media does not need to do that. This morning, I was being interviewed by one of the vernacular stations and I must say that I respect them. It is not possible that we have sent 85 Hon. Members. I told them I did not have the facts, but even from the face of it, I think there are some facts that are not right. I must say they respected that position. Nation Media has decided to make this House look as bad as it can. I caution Hon. Members that, if you do not protect the integrity of this House and your own integrity, you will go down with this institution. You come here as a respected person and you go like a thug when you leave this place. It is not useful when media houses deliberately choose to give information that is completely wrong.

Hon. Deputy Speaker, we cannot put 85 Hon. Members in one plane, even for security reasons. We cannot do that. It is only a mad House that can do that in a banana republic and we are not there. These people need to be punished.

**Hon. Deputy Speaker:** Hon. Members, I hear your comments. This is, of course, an obviously very grave matter because some specific issues that were raised by the Nation Group are outrightly incorrect. Some Hon. Members have been mentioned as being in the US and some of them are easily traceable in the Chamber. I can see one of those who have been mentioned here.

This is a very serious issue. To the best of my knowledge, we definitely cannot send 85 Hon. Members. That is out of question and does not happen. I am going to consult more on this particular one and see the best way forward. You probably will be hearing of it tomorrow. So, we will have to look at the details. We have to ensure that we have our facts correct.

There are things that we probably will not do like kicking them out of the Media Centre. That is not a route that we want to take. That is because on one hand, we may have some rogue members of the Press, but on the other some of them have an extremely symbiotic relationship with the National Assembly and Parliament. So, we will have to balance between the two and balance with the fact that we also need Kenyans to get good communication from Parliament and the Chamber. So, I will consult further on this particular issue and will ensure that you are well informed tomorrow.

Next Order!

## BILL

*Second Reading*

## THE NATIONAL DROUGHT MANAGEMENT AUTHORITY (AMENDMENT) BILL

**Hon. Deputy Speaker:** Order, Hon. Simba Arati. You had two points and the first one was very heavy. We can afford to place the other one in the next Sitting. We can save that one for another time.

On the National Drought Management Authority (Amendment) Bill (National Assembly Bill No. 26 of 2019), we had finalised it. I, therefore, proceed to put the Question, having confirmed that we have the required Quorum.

*(Question put and agreed to)*

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

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

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

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

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker. I can see the Chair of the Departmental Committee on Finance and National Planning is busy consulting. Before we begin the next Order, if you look at (ii) The Salaries and Remuneration Commission (Amendment) Bill - and the Chair of the Departmental Committee on Finance and National Planning must speak to it - it is a very important Bill which this House must be guided on before we proceed.

The provisions of Article 109(3), 110 and the Fourth Schedule, Part 2 of the Constitution are very clear. I want to say that this Bill is illegally before the House. The Senate cannot originate a Bill concerning the Salaries and Remuneration Commission (SRC). It is not fair and I do not know how we reached this stage. Allow me to ask a question that emanates from the Salaries and Remuneration Commission (Amendment) Bill by the Senate. What does the Senate want to do in this Bill? They want to prescribe the period which a relevant nominating body shall consider applications received following the advertisements for SRC Commissioners.

I am asking how that provision affects the functions of county governments. It is a good question to ask because how will the selection panel dealing with the selection of the SRC Commissioners after advertisement affect the functions of county governments. The second thing they are trying to deal with in the Bill is that of the office of the chairperson or a member of the SRC becoming vacant, if a Member ceases to hold the office or upon being removed from office in terms of Article 250 of the Constitution. How does this provision affect the functions of county governments? How will a chairperson's removal within the reading of Article 250 of the Constitution affect county governments?

It is very clear in Article 109(3) that the Senate will deal with matters concerning counties. This is because if we agree to go this route, then we will be abusing the constitutional provisions. So, the Senate, in my opinion, is stretching the Constitution too far, and which if we do not address then the legislative mandate of this House will be in jeopardy. I am aware that before the Senators introduce any Bill, the Speaker of the Senate usually writes to the Speaker of

the National Assembly within the reading of Article 110(3), and indicates that the matter only concerns counties.

Hon. Deputy Speaker, I want you to tell us whether that letter is available. We want to know whether the Speaker of the Senate wrote to the Speaker of the National Assembly and reached a concurrence that this SRC (Amendment) Bill concerns counties. From where I sit, Article 93 of the Constitution is very clear. A Bill not concerning county governments can only originate and be considered in the National Assembly.

This Bill does not concern county governments and can only originate and be considered in this House. Kindly, Hon. Deputy Speaker, you need to guide us and the Chairperson of the Departmental Committee on Finance and National Planning on this issue. More importantly, apprise us on whether the Speaker of the Senate wrote to you about this Bill and what your response was because the law is very clear. Now that you are sitting on behalf of the substantive Speaker, you are the boss. So, tell us what your response was after consultation with the Speaker of the Senate so that we can see whether the Senate decided to flout Article 109(3) of the Constitution even after they have been advised on the Article by the Speaker.

*(Hon. Deputy Speaker consulted with the Clerks-at-the-Table)*

I want the Deputy Speaker to listen to me! So, the Clerk should wait a bit.

Why am I saying all this as I finish? Anything which is tainted with illegality cannot be legal at the end of this process. So, if this Bill is tainted with some illegality, even if we consider it, we will not make it legal. This is a principle that the Senate must always have in mind. I want to oppose and request that the matter be deferred until a joint resolution by the Speakers is made pursuant to the provisions of Article 110(3) of the Constitution as read together with our Standing Order No.121. Hon. Deputy Speaker, you should ask the Chair of the Departmental Committee on Finance and National Planning, who tabled a Report, to give his views.

**Hon. Deputy Speaker:** Let me hear the Chair, Departmental Committee on Finance and National Planning and, probably, I will give a chance to one other Member briefly and then we will get a way forward. What is your opinion, Hon Limo?

**Hon. Joseph Limo** (Kipkelion East, JP): Thank you, Hon. Deputy Speaker. As the Leader of the Majority Party has put it very clearly, we looked at the Bill before us and we are satisfied that it does not touch on the functions of county governments.

**Hon. Deputy Speaker:** Hon. Limo, if that is the case, then why did you let it go this far?

**Hon. Joseph Limo** (Kipkelion East, JP): I just want to say that I concur that this Bill does not concern counties and if we allow this House to consider it, we will open a trend where the Senate will be violating the Constitution without looking back. I support what the Leader of the Majority Party has said.

**Hon Deputy Speaker:** In that case, I do not need to waste the time of this House. It is that simple and I will step it down. I only want to ask the Chair of the Departmental Committee on Finance and National Planning, since this matter has gone on for some time, when did you make up your mind that it does not concern counties? This is because we should not have started the process at all. In future, should you have an issue... Actually, you are the one who should have raised it. But we will simply step it down and only deal with the Statistics (Amendment) Bill.

*(Bill stepped down)*

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

**Hon. Deputy Speaker:** What is your point of order, Hon. Makali? That is because this matter is already under the bridge! Is it on this particular one or you want to speak on the Statistics one?

**Hon. Makali Mulu** (Kitui Central, WDM-K): Hon. Deputy Speaker, I want to raise an issue on what you have said.

**Hon. Deputy Speaker:** On which one?

**Hon. Makali Mulu** (Kitui Central, WDM-K): On the issue of the SRC (Amendment) Bill. As you have readily put it, I think we need to learn from what has happened. I think our Legal Department and some other people have slept on their job. This should have been noticed when the Bill came to the House for First Reading.

**Hon. Deputy Speaker:** That makes a lot of sense though I have ruled on it and stepped it down. So, we will deal with the Statistics (Amendment) Bill. Had it been called out? Just a minute Hon. Members. Please take your seats. We have to follow the right formalities.

Next Order!

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

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

### IN THE COMMITTEE

*[The Temporary Deputy Speaker  
(Hon. (Ms.) Soipan Tuyu) took the Chair]*

#### THE STATISTICS (AMENDMENT) BILL

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): Order, Hon. Members. We are now in the Committee of the whole House to consider the Statistics (Amendment) Bill, (National Assembly Bill No.37 of 2019).

*(Clause 3 agreed to)*

*Clause 4*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): We have amendments on this one. Hon. Joseph Limo.

**Hon. Joseph Limo** (Kipkelion North, JP): Hon. Chairman...

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): Hon. Limo, is it the eyesight or conception of genders?

**Hon. Joseph Limo** (Kipkelion North, JP): You know your voice is so strong that it sounds like a man speaking.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Have you just said that the Chair looks like a man?

**Hon. Joseph Limo** (Kipkelion North, JP): No! But the voice is powerful. Anyway, I apologise. Let me say Madam Chair.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Go on.

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

THAT, Clause 4 of the Bill be amended in paragraph (c) by inserting the following new paragraphs immediately after the proposed new paragraph (g) —

(h) providing technical advice on statistics to other state entities;

(i) promoting coordination among producers, users and suppliers of official statistics by forming appropriate sector committees; and,

(j) designating statistics produced by national statistical system as official statistics on being satisfied that the necessary criteria have been followed.

The justification for this is that these additional functions of the Bureau have been taken from the Clause and have been assigned to the Director-General. The nature of the function is that they are more corporate than personal to the Director-General. It was initially giving the functions as if it is individualised to an individual. Now, this will make it look like it is the office itself.

*(Question of the amendment proposed)*

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

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): We also have Hon. Wilberforce Oundo with an amendment.

**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).

My justification for the deletion is that giving the Bureau the expanded mandate to undertake census within the 10 year-period in so-called ‘exceptional circumstances’ is a recipe for disaster and it is likely to be misused for political expediency by any strong political force to lead to misallocation of resources and for political end. Therefore, I cannot envisage any exceptional circumstances that can warrant a new census for a specific location or group of people, whether the Cabinet approves or whatever the circumstance is. We need to know what those exceptional circumstances are. I cannot envisage any exceptional circumstances. All that we can read in this is mischief clearly designed to alter revenue allocation considering that population is a critical element.

It also can typically be a process of voter importation, which is very rampant in this country towards an election. So, I ask my colleagues, if you agree with me, we delete that particular section because it is bound to be misused at any given time.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Leader of the Majority Party, you have the Floor.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Chairlady, I tend to oppose that for a simple reason. I want the House to listen to me. I think the spirit of that provision is that, for example, on the 24<sup>th</sup> August all the way to 31<sup>st</sup> August period of the census, an emergency or disaster can happen in any village or area. It is not about voter transportation. In fact, you are told if you are not counted on 24<sup>th</sup> August because of one reason or another, you will be counted on 25<sup>th</sup>, 26<sup>th</sup> and 27<sup>th</sup>. So, what happens if an earthquake takes place in an area, and God forbid? What happens if there is fire or a security conflict in an area? Those are the emergency circumstances. You do not need to define emergencies. So, it is not automatic, but a certain area in your constituency can have an emergency. Maybe, it rains and there are landslides and people cannot be reached. I think that is the spirit of what is in that clause. It is not that you want to cook. What do you cook?

I think when it says emergency, then nobody can use politics because you can only use politics if the place is safe and you must give a reason why you did not count those people. What happens if a small part of a village gets an emergency? I ask the Professor, who is my good friend, to just withdraw the amendment.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Hon. (Dr.) Makali Mulu.

**Hon. (Dr.) Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Chairlady. While listening to my friend in terms of what he is proposing to do, I think what is coming out clearly is that he has fears. I think there are some facts which we need to note. I do not think we need to agree with that amendment. One of the things is....

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Kindly use your microphone properly.

**Hon. (Dr.) Makali Mulu** (Kitui Central, WDM-K): Hon. Temporary Deputy Chairlady, this being a census, it means within a specific timeframe, everybody must be counted. So, it is not like you can do a census this year and then next year you think of another census. Census is normally done in an interval of 10 years. That is the international best practice. So, what is coming out here is that, in case at the time of counting people a significant part is left out, as the Leader of the Majority Party has said, they must be counted within a short timeframe so that we can have a picture of the whole country. Otherwise, a census is not a sample. Everybody must be counted. For me, I do not think the kind of fears he has are applicable to this clause.

On that note, I oppose the amendment.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): On this side, let us have Hon. Shamalla.

**Hon. (Ms.) Shamalla Jennifer** (Nominated, JP): Thank you, Hon. Temporary Deputy Chairlady. I rise to support the amendment by Hon. Wilberforce Oundo. I appreciate and understand the fears because population censuses have been manipulated in the past. If we want to tighten this particular clause, then I suggest that these exceptional circumstances.... Even if we were to have a fire and earthquake, the assumption is that they will not be over the entire country. It may be in a particular area or part of the country. Having said that, can we not then define what these exceptional circumstances are because they have not been provided for?

With those few remarks, I support that amendment.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): I will give an opportunity to two more Members. Let us hear Hon. Kolosh.

**Hon. Ahmed Kolosh** (Wajir West, ODM): Thank you, Hon. Temporary Deputy Chairlady. I want to go on record, and I want the House to listen to me. I want to support this amendment. If these exceptional circumstances are not listed in such a manner that they are natural calamities or disasters like earthquakes, this will be open to abuse by bureaucrats. As long as these exceptional circumstances have not been listed, it is important that we support this amendment, so that we do not give bureaucrats and people in offices reasons to manipulate data that they have collected.

Thank you, Hon. Temporary Deputy Chairlady.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Hon. Kisang, it is your chance.

**Hon. William Kisang** (Marakwet West, JP): Hon. Temporary Deputy Chairlady, I rise to oppose this amendment. If census took place about three months ago, it would have been very difficult to undertake it along Kerio Valley because there was a fight between the Marakwets and the Pokots. If census took place at that particular time, I am sure that most Marakwets would not have been counted. We need to give a rider. We need to list those special occasions. The Member can move a further amendment so that we can list those exceptional circumstances.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): The Leader of the Majority Party, have you contributed to this amendment?

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Chairlady, with your permission, just imagine what happened in Mombasa the other night where a whole village was under attack. Imagine that was the census night. There are places where there is cattle rustling.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): I can see that there is a lot of interest. So, I will give a bit more time. Member for Seme, please do not speak for too long. We are not debating.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Hon. Temporary Deputy Chairlady, I rise to support this amendment. We are expanding the period and the time of a census and not as proposed here which are exceptional times. This means that in the middle of the year, it can be declared that it is an exceptional time and we would have a census. If it is during a census and then there is a problem, then you can extend the period of that census.

I support this amendment.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Do you support or oppose, Hon. (Dr.) Nyikal?

**Hon. (Dr.) James Nyikal** (Seme, ODM): I support Hon. Oundo's amendment.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Yes, Hon. Kioni.

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Hon. Temporary Deputy Chairlady, I have heard what Hon. Kolosh has said. The way this amendment is provided for in the Bill makes sense or tries to take care of those eventualities. If they are not defined, then we will again have defeated the spirit of the Constitution. Why it is provided that it must be done within (*technical hitch*). That has been done by the Executive in the past. This provision in the Bill gives the Executive what was taken away from them by the Constitution. So, I support that amendment. It makes sure that the Executive is tied. We do not want somebody to go to State House and start manipulating data. If we are talking about amendment, because there was a fight at night, that is different and it is already taken care of by the way it is. This opens us to do or conduct a census somewhere in between the 10 years, which is not what the Constitution says.

I support the amendment.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Yes, Hon. Gogo.

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

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Whom do you want to inform, Hon. Makali? Let us have Hon. Gogo.

**Hon. (Dr.) Lilian Gogo** (Rangwe, ODM): Thank you very much, Hon. Temporary Deputy Chairlady. I rise to support this amendment. It is good to think about these things before we oppose them. This one touches on the population of Kenya. There are clear issues that have already been put forth concerning census. If there were things that would interfere with the time of taking of the census, this amendment will take care of it.

I support the amendment and urge other Members to support it.

Thank you.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): The Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Chairlady, the point is that everywhere in the world, census has a timeline. It is after 10 years. Hon. Makali and I were talking as if these exceptional circumstances are within the period. We should not allow the Government to get outside the 10 years. A wise man is the one who changes his mind. I am a wise man. Every census must be done within 10 years and there is no exception.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): We can now go on to put the Question, Hon. Members. I will not let Members repeat what they have said. Hon. Makali, you have contributed to the amendment. We have deliberated enough. Let us decide on this amendment.

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

*(Clause 4 as amended agreed to)*

Hon. Members, let us take time to welcome and recognise our students who are with us today. Seated at the Public Gallery, we have Daystar Junior School from Mathare Constituency, Nairobi County. They are welcome. We also have Monjazi Primary School from Sotik Constituency, Bomet County and St. Luke's Biririet in Chesumei Constituency, Nandi County. Hon. Members, welcome these children and show them some appreciation for coming here. We have AIC Samiak Primary School from Chesumei Constituency, Nandi County.

Seated at the Speaker's Gallery, we have Little Angels School from Isiolo North Constituency, Isiolo County. We also have Laboso Primary School in Kericho County, Green Park Academy from Kapsaret Constituency, Uasin Gishu County and Changoi Primary School from Konoin Constituency, Bomet County. They are welcome to observe the proceedings in the House.

*(Applause)*

Hon. Members, we do not have amendments on these clauses.

*(Clauses 5 and 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 -

(a) in paragraph (a), by deleting the proposed new subsection (2)(b) and substituting therefor the following new paragraph -

“(b) has a master’s degree in statistics, economics, demography or mathematics from a recognised university”.

(b) by deleting paragraph (b).

The justification for the amendment is that it introduces a requirement that the Director-General should have a master’s degree from a recognised university as part of his or her qualifications.

The amendment in Paragraph (b) is to delete the listed functions because they have already been moved to Clause 4. It is, therefore, to align it, so that the functions are not repeated.

*(Question of the amendment proposed)*

**Hon. Makali Mulu** (Kitui Central, WDM-K): Hon. Temporary Deputy Chairlady, while I support the amendment, I plead with the Chair to put the requirement to be “at least a master’s degree”. We might have somebody with a PhD who may want to get the position.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Chairlady, we do not need to legislate administrative matters. If you hold a master’s degree and somebody with a PhD competes with you and he is declared more qualified, he will be picked. So, I do not think we need to include that. A master’s degree is the bare minimum. So, anybody who has two master’s degrees or a PhD will have an added advantage.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): Hon. Oundo, I see you want to speak to it. Have you been convinced by the Chair?

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Hon. Temporary Deputy Chairlady, I had an amendment on the same clause unless you guide me adequately.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): If Hon. Limo’s amendment goes through, yours will die naturally. Do you want to salvage it or do you want to be persuaded by Hon. Limo?

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): I am guided accordingly that I wait for determination. Let me wait to prosecute my case.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): Wait for your fate. Let us decide.

*(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)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): Hon. Oundo, your amendment is as dead as a dodo.

*(Clause 7 as amended agreed to)*

*Clause 8*

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

THAT, Clause 8 of the Bill be amended in the proposed new Section 8A-

(a) in subsection (2), by deleting -

(i) the word “postgraduate “appearing in paragraph (a);

(ii) paragraph (c) and substituting thereof the following new paragraph-

(c) is a registered Certified Public Secretary in good standing with the Institute of Certified Public Secretaries of Kenya;

(b) in subsection (3), by —

(i) deleting the words “ensuring the implementation of” appearing in paragraph (b) and substituting therefor the words “communicating the”

(ii) inserting the word “court” immediately before the word “proceedings” appearing in paragraph (f).

The import of the amendment is to remove the requirement that a corporation secretary should have a post-graduate degree. In addition, it intends to align the qualification to the Certified Public Accountants Act. It means that the corporation secretary will be recruited as long as he or she has a bachelor’s degree. The requirement of a post-graduate qualification does not hold.

*(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)*

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

*(Clause 8 as amended agreed to)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): We have other children who have joined us this afternoon. In the Public Gallery, we have St. Theresa, Isanjiro Primary School, Malava Constituency, Kakamega Country and Togonye Primary School, Mwea Constituency, Kirinyaga County. They are welcome.

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

*Clause 12*

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

THAT, the Bill be amended by deleting Clause 12 and substituting therefor the following new clause

Amendment of section 20 of  
No. 4 of 2006

Power to access  
information.

12. The principal Act is amended by deleting section 20 and substituting therefor the following new section.

20. (1) This provision limits the right to privacy as provided for under Article 31.

(2) Any person or household having custody of, or being in charge of, any record or document from which information sought in furtherance of the purposes of this Act can, in the opinion of the Director-General, be obtained, or which would aid in the completion or correction of information already obtained, shall grant the Director-General access to such records or documents for the purposes of obtaining therefor the required information.

The justification is to remove reference to “local authority”, which does not exist in the Constitution. At the same time, the amendment is meant to ensure compliance with Article 24 of the Constitution on limitation of rights and fundamental freedoms.

*(Loud consultations)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Order Members! Did you not hear Hon. Limo well? Hon. Limo, quickly go through your amendment audibly for Members to understand you.

**Hon. Joseph Limo** (Kipkelion East, JP): The amendment is simple. The current Act refers to “local authority” which does not exist because we now talk of counties. So, we are deleting any reference to “local authority”.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Hon. Limo, are you on Clause 12?

**Hon. Joseph Limo** (Kipkelion East, JP): Yes.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): You seem to be talking about the terminology “local authority”.

**Hon. Joseph Limo** (Kipkelion East, JP): Yes, and at the same time, I have spoken about re-drafting it to comply with Article 24 of the Constitution, which provides for limits on rights of privacy.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Is that in sync with the Order Paper?

**Hon. Joseph Limo** (Kipkelion East, JP): Yes.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Hon. Temporary Deputy Chairlady, we need more explanation. Clause 12 relates to household information that is being given and there is a simpler version in the Bill. It says: “Any person or household having custody of, or information in charge of, any record...” That is what seems to be the issue. It is much more detailed here:

“Any person or household having custody of, or being in charge of, any record or document from which information sought in furtherance of the purposes of this Act can, in the opinion of the Director-General, be obtained, or which would aid in the completion or correction of information already obtained...”

This needs more explanation. There seems to be some protection of the right of the household and it is not coming out clearly. This one should be explained clearly before we debate it.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Chair, Hon. Limo, you can have a go at it again.

**Hon. Joseph Limo** (Kipkelion East, JP): If we have to go to the clause, we are deleting what is provided in Clause 12 and substituting it with the new clause which deals with the provisions on limits on the rights to privacy as provided under Article 31. If I have to go word by word, if you compare what is in the Act and what we are providing here, it is that:

“Any person or household having custody of, or being in charge of, any record or document from which information sought in furtherance of the purposes of this Act can, in the opinion of the Director-General, be obtained, or which would aid in the completion or correction of information already obtained shall grant the Director-General access to such records or documents for the purposes of obtaining therefor the required information.”

This will enable the director-general to obtain information when necessary.

*(Question of the amendment proposed)*

**Hon. (Dr.) Otiende Amollo** (Rarieda, JP): Hon. Temporary Deputy Chairlady, this section requires a little more examination. First, the Chair has not explained the purpose. When he started clearly, he was referring to the wrong section. The second aspect is that it is important to explain how the amendment... I will help the Leader of Majority Party. The principal Act is in the back of the Bill as usual. If you look at Section 20, you will see it. The second point is that the Chair must explain how the proposed amendment differs from the provision as originally proposed. This is important because when it comes to right to privacy and access to information, it is regulated by the Constitution in Articles 31 and 35. Under Article 35, this House already exercised the jurisdiction that the Constitution gave it and passed the access to information law, which is a whole regime that stipulates how you are to seek information, from whom you are to seek it, within what time and if it is not supplied, what is to follow. When we then seek to introduce only a clause that brings the Director-General, it is important that we get the entire picture. Otherwise, we might end up in legislative confusion.

Thank you.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Hon. Leader of Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Let me help the Chair. The current position, which the Chair is amending, is that the Director-General of KNBS wants to limit the power of access to information. In the reading of the Committee, that is against a constitutional provision. Am I right, Chair? They are trying to align it with the Constitution that access to information is a right given to the people of Kenya and the Director-General cannot deny them that right. The Chair has reframed it to protect access to information by the people of Kenya.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): I will give the Chair a chance again because it seems like Members are still asking the Chair to make clarification.

Member for Seme.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Hon. Temporary Deputy Chairlady, what is happening here is that during the census, there may be some information that a family has and in the opinion of the Director-General, that information is necessary for the purposes of the census as in this Act. Basically, they are just changing the wording and the amendment is a better wording than what is in the old Act. I, therefore, support because I understand.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Hon. Chair, is that the position?

**Hon. Joseph Limo** (Kipkelion East, JP): Yes.

*(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 12 as amended agreed to)*

### Clause 13

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): The Mover of the amendment, Hon. Barasa, is not here. I know Hon. Kolosh has the Speaker's authority to stand in for Hon. Barasa.

**Hon. Ahmed Kolosh** (Wajir West, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 13 of the Bill be amended—

- (a) in the proposed new subsection (3), by deleting the words “the Director-General may with the approval of the Board” and substituting therefor the words “Upon request by the Board, the Cabinet Secretary may with the approval of the Cabinet”;
- (b) by inserting the following new sub-section immediately after sub-section (3) —
  - (4) The Cabinet Secretary shall within fourteen days of approval by the Cabinet, publish the official data that has been cancelled, revised or adjusted under sub-section (3), in the *Gazette*.

The essence of this amendment is that the Director-General cannot be the judge and the jury. He or she is in charge of the collection, analysis and release of the data or information. The same Director-General who should bear responsibility for any inaccuracy cannot be the one to cancel or adjust results because it was under his or her watch when that information was collected. So, we are moving this responsibility from the Director-General to the Cabinet Secretary with the approval of the Cabinet. The request has to come from the board and the Cabinet Secretary presents that request to the entire Cabinet and gazettes the decision. Adjusting information collected is not an easy thing. So, the essence is to take responsibility to a place that can bear because the Director-General is the one who has collected the information.

*(Question of the amendment proposed)*

**Hon. Junet Nuh** (Suna East, ODM): Thank you, Hon. Temporary Deputy Chairlady.

I support that amendment. It is just making sense. The census is a national activity. So, it is making it tidier that instead of it being at the level of the Director-General adding or subtracting numbers, it is good to escalate it to the Cabinet Secretary and then to the Cabinet. It is an exercise that affects people nationally and so, it must be given the seriousness it deserves. Otherwise, figures can be cooked down there like the way the Independent Electoral and Boundaries Commission has been doing for many years. It has been cooking figures here and there. So, that cooking must be taken up, so that it becomes stronger.

Thank you so much.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Chairlady, the Member for Wajir North should know that there is precedence in the House. His Whip must speak before him.

Hon. Kolosh has done this because census is a serious matter. The position of a person called the Director-General is too small. He is not even to cook, but to announce. I remember in the last census in 2009, it was the current Governor of Kakamega, Hon. Oparanya, who was the Minister for Planning. We are now taking it higher. The results that will be declared must have the stamp and authority of the highest organ of the Executive, which is the Cabinet, chaired by the President. I think that is what Hon. Kolosh is trying to say, that the responsibility must be taken seriously and not left to the Director-General or a board somewhere and a Cabinet Secretary. So, the board will do it, approve and give it to the Cabinet Secretary for Planning. The Cabinet Secretary for Planning will take it to the Cabinet, chaired by the President, and then it is gazetted.

So, I support.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Hon. Abdisalan, you were protesting and now you do not seem to want to speak.

**Hon. Ibrahim Ahmed** (Wajir North, ODM): Indeed, I had strongly protested. As advised by my leader, let me proceed with supporting the amendment. That is okay.

Hon. Temporary Deputy Chairlady, I strongly support this amendment. Indeed, as it is, it was dangerous. The Director-General is responsible for the management of these statistics. He is responsible for the collection of data. He is the person in charge of all the activities, including administration of funds. In the event any mistake is committed in the process of collecting data, it is the Director-General who has made the mistake. That way, he should not be the one to cancel or change any figures. Indeed, it should be another level. I strongly support. Hon. Kolosh is in order to bring this amendment to ensure that another level should check into these issues.

That said, census is a very emotive issue. It cannot be left to an individual. There must be a body, at the highest level, to handle this thing.

I support the amendment.

**Hon. Major (Rtd.) Bashir S. Abdullaih** (Mandera North, JP): Thank you, Hon. Temporary Deputy Chairlady. I support the amendment by Hon. Kolosh.

One very important thing is the issue of checks and balances. An office is given work to do at the grassroots level. It is the same team that is supposed to take the information to the headquarters. Their work is to collect, collate and summarise data. That same office cannot be the one to adjust or cancel results. Even if the bureau has an issue, it must be taken to the board.

The board should ascertain that there is an issue and escalate it to the Cabinet Secretary. The Cabinet

Secretary will then escalate it to the Cabinet. We are doing all this to ensure that there is responsibility at the highest level of the Executive. We do not want to give sweeping powers to an individual in the name of Director-General to decide when to adjust, cancel or delete data. Therefore, this amendment is very critical for systems to work from the lowest to the highest level. This is to ensure checks and balances.

I support the amendments.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Hon. Temporary Deputy Chairlady, with respect, I think there is confusion in the contributions. I hear all that the Members have said about the sweeping powers of the Director-General. What they are doing is not to create accountability. Instead, it is now to take those sweeping powers to the Cabinet Secretary, who will not participate in the process at all. In essence, it creates a worse situation.

First of all, the entire Bill has placed a lot of power in the Director-General who, like the IEBC, will essentially be controlling the exercise. The thinking was that if you create that power and independence, then that person should have a fundamental say.

Secondly, what the amendment is doing is to say “on the recommendation of the board” without saying how that board is to be initiated yet the Director-General is part of it. Thirdly, it now gives it to the Cabinet Secretary, who may have no idea at all. I think the amendment is trying to solve a problem by creating a bigger one. If the Mover is in agreement, it will be okay to leave the original provisions as they are and say, “the Director-General may, with the approval of the board and ratification by the Cabinet”. This is because it must come from him, so that when the Cabinet is considering the report, there is information. Otherwise, the Cabinet Secretary could act in a worse manner than the Director-General.

That is the only reason I do not support the amendment.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Member for Bureti. Hon. Kolosh, Hon. Otiende is opposing. He has his say. Unless you have another point to add, let us have the Member for Bureti first.

**Hon. Japheth Mutai** (Bureti, JP): Thank you, Hon. Temporary Deputy Chairlady. I also oppose this amendment. You are taking away the powers of the Director-general to do anything after the census is completed. It is like you want the Director-General to act at the close of the census when his job comes to an end. If you look at the amendment, it says “upon request by the board...” It also means that the Director-General cannot, even personally, request for ratification or whatever dissemination, cancellation or revision of the census results.

What my colleague, Hon. (Dr.) Otiende Amollo, has said is true. You want to bring in the Cabinet Secretary, who would never have taken part in the census and who would not know what transpired.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Member for Bureti, the Leader of the Majority Party has a point of order.

*(Hon. Japheth Mutai remained standing)*

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Chairlady, I think Hon. (Dr.) Otiende Amollo raised a fundamental issue.

Member for Bureti, please sit down. According to the Standing Orders, you cannot be standing when I am on my feet.

What Hon. Kolosh is saying is that we cannot give the power to one individual called the Director-General. There must be checks and balances. The Director-General is in charge of the census. What we are saying is that his board must ratify.

*(Hon. Japheth Mutai spoke off record)*

**Hon. Aden Duale** (Garissa Township, JP): You have to learn from the ranking Members, even if you were the Speaker of Kericho County Assembly. This is the august House.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): No, Leader of the Majority Party!

**Hon. Aden Duale** (Garissa Township, JP): In the same Bill, we are saying that the Director-General is the person in charge of the day-to-day management. He will have done the census. His board must ratify the results. His board will give the results to the Cabinet Secretary. The Cabinet Secretary will take the same results to the Cabinet. So, the Cabinet Secretary and the Cabinet will not be involved in the census, neither will the board, but we want to have checks and balances. It is wrong if you create one office or individual to be in charge of everything. The spirit and the letter of the Constitution is for us to have checks and balances.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Hon. Mutai, you can finalise your contribution.

**Hon. Japheth Mutai** (Bureti, JP): Hon. Temporary Deputy Chairlady, I still stand my ground. The Director-General is well versed with what transpires in the census. You cannot purport to shut him down completely. If at the close of the census you want to shift those powers to the Cabinet... If you look at that clause, there are checks and balances with approval of the board. It will not be the Director-General on his own volition. There must be an approval from the board that has to be sought. On that, I oppose.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Order Members! We should allow Members to deliberate. Everyone has a right to either support or oppose. You should take time to understand the amendment, so that you can speak from a point of information. Hon. Junet, you have spoken to this amendment. You cannot speak twice on it.

**Hon. Junet Nuh** (Suna East, ODM): On a point of order, Hon. Hon. Temporary Deputy Chairlady.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): What is it, Hon. Junet? Is it a point of order or of information? You cannot contribute again.

**Hon. Junet Nuh** (Suna East, ODM): It is a point of order, Hon. Temporary Deputy Chairlady. I am not speaking on the matter twice. I want to ask whether it is in order to misinterpret the proposed amendment by Hon. Kolosh.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Hon. Junet, I said that Members should take time to understand the amendments.

**Hon. Junet Nuh** (Suna East, ODM): Hon. Temporary Deputy Chairlady, the amendment seeks to enhance accountability to the furthest office possible. It is not doing anything to erase what the Director-General is supposed to do. He can do his work and finish and then take it to the board. The board can take it to the Cabinet Secretary and the Cabinet. That is what the amendment is doing.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Fair enough, Hon. Junet. Let us have Hon. Rachael Nyamai. I will give one more person on this side. We have deliberated this clause for a long time. Hon. Rachael Nyamai has the microphone.

**Hon. (Ms.) Rachael Nyamai** (Kitui South, JP): Hon. Temporary Deputy Chairlady, I support the amendment. It is assisting us to avoid giving too much power to one person. It is important for us to be practical. Somebody can decide to make changes to the statistics of a constituency or a certain community with a hidden agenda. So, it is important that we allow a possibility of pushing this to the next level, namely, to the board, the Cabinet Secretary and the Cabinet.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Member for Kitui Rural, Hon. Mwalika.

**Hon. David Mboni** (Kitui Rural, CCU): I support the proposed amendment by *Mhe.* Koros.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): It is not Hon. Koros, it is Kolosh. Koros is somebody else.

**Hon. David Mboni** (Kitui Rural, CCU): Hon. Temporary Deputy Chairlady, we need to note that this amendment is not only for Population and Housing Census, it is for all statistical information. Apart from the Population and Housing Census, there are agricultural census and surveys on particular areas, which are collected by the KNBS. We should not concentrate on cancellation. There is revision and adjustments of statistics as well. So, I am not for the Director-General being given so much powers even though he is the technical advisor on statistics to the Government. He needs checks and balances, so that he does not wake up one day and cancel our statistics.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Thank you, Hon. Temporary Deputy Chairlady. I support the amendment. Census is an important national exercise that needs to be accurate and acceptable to everybody. In a Government, for example, in the case of Kenya, we have three arms of Government. The three arms exist for checks and balances. So, the Director-general will prepare everything and then give it to another authority that will check it at another level, so that there is accountability of the census. Census is important. We do not want to doubt anything about it.

With those few remarks, I support the amendment.

*(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)*

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

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Hon. Members, we have a second amendment by Hon. Wilberforce Oundo.

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

THAT, Clause 13 of the Bill be amended by inserting the following new subsection (4) immediately after subsection (3)—

(4) A person who may have used any official statistical data that has been cancelled, revised or adjusted in accordance with subsection (3), for research or advisory services, shall be indemnified by the Board in such manner as the Cabinet Secretary (CS) may prescribe in regulations.

The justification for this amendment is that, in the interim, from the period the official statistical data is produced, gazetted or published, up to the point it is found to have some errors that calls for cancellation, revision and adjustment, there are many organisations that would have relied on that official statistical data to make decisions for research purposes. So, I am proposing that in the event the Cabinet Secretary has approved the statistics, since we have passed the amendments by Hon. Kolosh, and it turns out that some people, bodies or organisations used that to make their decisions, then there must be some form of indemnity. That indemnity will be by way of regulations published by the Cabinet Secretary.

I want to give a typical example. You are a student, you have done your project and you have quoted some official data by the KNBS, then if that data is cancelled, adjusted or revised, your supervisor or university should not cancel or withdraw your certificate or degree just because that data was amended. So, any indemnity will be based on whatever the Cabinet secretary will pass as regulations cushioning the people, organisations or bodies that have used that data to make decisions, be it financial, academic or otherwise.

*(Question of the amendment proposed)*

**Hon. Junet Nuh** (Suna East, ODM): Hon. Temporary Deputy Chairlady, I am not sure whether to support this amendment or not. If the whole data is cancelled at the Cabinet Secretary level, how will regulations cure that? If the data has been invalidated and the Cabinet Secretary has declared it invalid, how will regulations cure that? Therefore, I oppose the amendment.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Fair enough. Hon. Wangwe.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Temporary Deputy Chairlady. I support the amendment. Hon. Oundo is specific. He talks of two items, and I want to correct my good friend, Hon. Junet. He is strictly talking of advisory services and research. That is specific. In that manner, the indemnity shall not be monetary.

*(Hon. Junet Nuh spoke off record)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Order, Hon. Junet!

**Hon. Emmanuel Wangwe** (Navakholo, JP): Hon. Junet, you are my equal senior in this House. So, it is good to give me respect. By virtue of those services being non-monetary in nature, the implication is, should that data be used, it means it has already been approved for the purpose of scholarly advice or any other information to a second party. Therefore, if that is passed on, it means the result of what you have used shall remain the same. Even if you were to change the name or the content, it will still remain the same. But it should go to the extent of how much has been used.

Therefore, I support.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): The Member for Seme.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Chair, I support this amendment. My support for this amendment is respect for data. Every decision we make is based on data. When you

conduct research and advise people, they take action upon the data you have gathered. If you employ people for a programme and then it is later found that the data was wrong and is cancelled, there is need for some form of compensation. The amendment has also recognised that it may be excessive and provides that the Cabinet Secretary makes regulations. So, safety measures will be provided in the regulations.

I support.

**Hon. Aden Duale** (Garissa Township, JP): Chair, the professor should tell us something. He is telling us that if data has been used for research, for example, and then the same data is found to have been fake, you want to insulate the institution or the person to continue using it even if it is fake! They are indemnified. What does the word “indemnity” mean? Let us get it right. I think the professor needs to talk. His point is right, but he gave us an example about universities. That if I use data and it happens to be fake, then say, your PhD should still stand. No, I should lose it. So, can you explain to us?

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): Hon. Oundo, I think that point of clarification is directed at you. So, briefly expound on it.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Chair, we are presupposing or assuming that any data published by KNBS is official data. Up to the point it is published and gazetted, be it statistical abstract, survey reports or the national population census, it is official data. It is not fake. It is not any other form of data. We take it as official data, so that when you quote it in any journal or paper or advisory piece, it is taken to be correct and official data at that point. But now we have given the Director-General, the board and the Cabinet Secretary authority that in the fullness of time or after some time they find that the data had some fundamental errors and they want to change it, then at that particular point when they change it, whatever we used that data for in between remains valid. You cannot legislate in retrospect.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): Leader of the Majority Party, is it a point of information or a point of order?

**Hon. Aden Duale** (Garissa Township, JP): Professor, I totally agree with you, but by saying what we are saying, even as we legislate, we are already indicting a national Government body, namely, the KNBS, and saying that they can bring fake data. We should not do that! It is the wrong way of legislating. I will even give you a good example. The moment the CS for the National Treasury launches the Economic Survey - we used to work at the Treasury with Hon. Makali - that itself makes that data official and nobody can say otherwise. Now you are telling us to legislate, so that we put in quotes that this body can bring fake data. We should oppose that.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): Order, Members. Allow me to say that there seems to be miscommunication or lack of clear information from Hon. Oundo. So, I will give him another go.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Chair, let me, again, clarify. In the previous amendment, we have allowed the board to revise, cancel and adjust any official data. We have already allowed that. If it is before gazettment, then it is not official.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): What is out of order, Hon Junet? Please, take your seat, Hon. Oundo.

**Hon. Junet Nuh** (Suna East, ODM): Chair, data becomes official after publication. Anything that happens before publication is still work in progress. And there is no one who can cancel national data that has been published and gazetted other than a court of law. So, we cannot indemnify data that has not been published.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): Hon. Makali. Order Members. Let us just take time to get it right.

**Hon. Makali Mulu** (Kitui Central, WDM-K): You know, Hon. Temporary Deputy Chairlady, it is important we also share information. That is why I have raised my hand. In any academic research, you cannot quote data which is not published. It must be officially published. And there must be a date when it was published. So, if anything comes a year after that, then that will be a different set of data. But so long as it is published, it remains official. You can quote it in any research. That is the position.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): The Member for Seme and then Hon. Otiende Amollo.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Chair, if we find that Hon. Oundo's amendment is improper, then we must go back and undo the other amendment we have made because we have just said that the Cabinet can change data. If they can change, then this follows.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Hon. Temporary Deputy Chairlady, let us be very clear that the previous amendment, which I opposed, used similar wordings. If Hon. Oundo would listen to the contributions, then he might understand, so that we can agree to disagree.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): Hon. Oundo, I think Members are helping you to unpack your amendment.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): In fairness to Hon. Oundo, he has used the same wordings as the previous amendment. He has used the words "may cause any official statistical data". That is the same wording he has used. So, defeating his proposed amendment on that account may not work. However, I oppose his amendment for a number of reasons. First of all, let us broaden our thinking beyond statistics and the census. Let us even go to elections. In this country, we know that at any one time, at least, for the last five-or-so sets of elections, the results which are usually official results are usually revised. We even get to a situation where the court nullifies those results. Now, what happens to those who had quoted those official results? Nothing. It is extremely dangerous to start bringing legal consequences to those who do their work in good faith because the results are cancelled for one reason or another.

My second point is: When you use the word "indemnity", it even includes monetary compensation. As long as it can include, then there is a technical legal point we must bear in mind. No money Bill or amendment can be introduced in this House which has not been considered by the Budget and Appropriations Committee and the Treasury because it has a monetary implication. So, the question will be: Has this particular aspect of possible compensation been considered? The answer is probably no. So, I respectfully want to persuade Hon. Oundo to drop that particular amendment.

Thank you.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): Hon. Members, I think we can go ahead to put the Question. We have deliberated enough. Order Members. Order Minority Whip.

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

*(Clause 13 as amended agreed to)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Order, Hon. Leader of the Majority Party and Member for Seme. Sit down and make your decisions on this one.

*(Clauses 14, 15, 16, and 17 agreed to)*

*Clause 18*

**Hon. Mohamed Hire** (Lagdera, KANU): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Fourth Schedule to the Bill be amended by inserting the following paragraph immediately after Paragraph 8 –

Paragraph 9.

The Kenya National Bureau of Statistics shall ensure that when conducting the Population and Housing Census, a person whose data is captured in a place not being the place of origin and residence that such a person is factored in the compilation of the final Population and Housing Census within the place of origin and residence of the person.

Hon. Temporary Deputy Chairlady, the purpose of this amendment is to capture those pastoralists who migrated from their home counties to other counties in search of pasture and water for their livestock. Usually census takes place in the month of August which generally is a dry month in the Arid and Semi-Arid Lands.

Therefore, these persons have moved from their counties and areas where they reside. They come back after a while. So, I request Members to support this amendment.

*(Question of the amendment proposed)*

**Hon. Dominic Koskei** (Sotik, JP): Thank you. I support this amendment because pastoralists move from one county to another with their animals. When they move to another county and the census is conducted, the number that is captured in another county can be taken to their original county so that they can benefit from the Government.

So, I fully support.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Hon. Temporary Deputy Chairlady, as much as I understand and sympathise with the spirit of this amendment, I must oppose it for two practical reasons.

First, in law and fact, they say functions follow resources. Nairobi as a city gets the major part of the resources of this country because of the population. If you were to say that those of us who live in Nairobi including all the Members in this House must be counted as if they live in their constituencies, then you will be living in Nairobi expecting to get services in Nairobi, but Nairobi County will not be getting the money for those services and it cannot be right.

Secondly, this is a Population and Housing Census; it is not just counting the population. It is also counting the census. If you were to be deemed as if you were counted at home, how will your house in Nairobi be deemed to be in Rarieda where I come from?

Lastly, practicality and accountability, you need the census to be accurate that if anybody doubts, it can be demonstrated. However, if I am told that the population is 5 million and the answer will be that some of them were counted in Mombasa, Kisumu and elsewhere, how do you hold them accountable? For that reason, I am not in position to support this amendment.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Thank you for this opportunity. I support this amendment and shall give my reasons.

**Hon. Aden Duale** (Garissa Township, JP): *(Inaudible)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Order, Hon. Leader of the Majority Party and the Hon. Minority whip, you are turning rogue. Hon. Junet, stop shouting across the aisle. Please, proceed Hon. Sophia.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Thank you. I support this amendment. As the Mover of the amendment said, there are pastoralists who are out of their counties and constituencies. Equally, there are Kenyans who are out of their constituencies. We may have people who are referred to the Kenyatta National Hospital (KNH) in numbers. Shall they be assumed that they are in Nairobi? No. That will not happen. They will be counted from where they came from because they have been referred to KNH. Hon. Chair, protect me from the Leader of the Majority Party.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): The Leader of the Majority Party, let Hon. Sophia prosecute her point.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): During the last census, I was here in Nairobi and was asked where my home district was. So, similarly, we are saying that there are issues like those of the pastoralists. My people are in Lamu, Tana River and Somalia. Those in Somalia cannot even be talked about, but those in Lamu are known. They may have gone there for pasture and water. They are known because we signed an agreement with the Lamu County. We have signed an agreement with people of Tana River. It is known when they have moved there and when they are coming back because they are given a specific place for grazing. So, if there are such issues, the people are known and the agreements are there, let us count them and refer the data to their specific home districts.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Point made. Member for Nairobi County.

**Hon. (Ms.) Esther Passaris** (Nairobi CWR, ODM): Thank you, Hon. Temporary Deputy Chairlady. I think this is very dangerous. I am looking at myself. I was born in Mombasa and my mother was born in Machakos. During the census, she will be in Mombasa and I will be in Nairobi. So, where is my place of origin?

First of all, we want to get rid of tribalism in this country. This is a way that could be very dangerous for the future of this country. What is the place of origin? We keep saying that Kenyans can live, stay, invest and work anywhere in the country.

So, one should be counted wherever they are at the time of the census as a citizen. We are trying to find out where people are and not where they originated from since it is very dangerous.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): So, are you supporting?

**Hon. (Ms.) Esther Passaris** (Nairobi CWR, ODM): Yes, I am not supporting. I am opposing.

*(Laughter)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Hon. Passaris are you supporting the amendment or opposing?

**Hon. (Ms.) Esther Passaris** (Nairobi CWR, ODM): I am opposing.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Did you say one can be counted wherever they are?

**Hon. (Ms.) Esther Passaris** (Nairobi CWR, ODM): I live in Nairobi. So, they should not ask my place of origin. I was born in Mombasa, but live in Nairobi. I want to be counted in Nairobi because I have invested here and this is my city.

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

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): What is out of order Leader of the Majority Party? Hon. Passaris, I think you are done.

**Hon. (Ms.) Esther Passaris** (Nairobi CWR, ODM): I strongly oppose this because I think it will cause tribalism. Kenyans can be counted wherever they live and work. Nairobi has a population of four million people from across the country. Some of them do not even know their upcountry residence. So, why do we say they live in another place yet Nairobi is their home? Some of them were born in this city and have never known their upcountry home. So, it is important that the census recognises where you live, work and invest.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): On a point of order, Hon. Temporary Deputy Chairlady. Let us not be emotional. The Fourth Schedule of the Act talks about fundamentals and principles of official statistics. Today is the 7<sup>th</sup> and we are remaining with less than three weeks. This amendment is going to fundamentally affect the whole planning process of the census. I have even spoken to the Director-General of the KNBS. For example, in the questionnaire, you will be asked your county and you will say Garissa or Wajir. You have shifted to Nairobi and why. You will state it is because of employment and other reasons.

Right now, we are at the tail-end. If we support this amendment, then this Bill will not be signed because it will affect the whole planning. I want to ask Hon. Hire to drop his amendment because census is fundamental. It was exactly the same in 2009. So, we have no choice. It will affect planning and we are only remaining with two weeks. So, I want to ask the Member to withdraw his amendment.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Hon. Lekumontare.

**Hon. Jackson Lekumontare** (Samburu East, KANU): Thank you, Hon. Temporary Deputy Chairlady. I want to support this amendment. Pastoralists and nomads are the ones who understand the challenges they face. This census is being done in the month of August which is a dry period for us. The Leader of the Majority Party has said that data will be collected. The Member is seeking that the data collected be transferred to one's county of origin. The reason being that the Government uses census to allocate resources. It is unfair to pastoralists who have moved from their counties to other counties since they will not get their resources when they go back. In my constituency, people have moved. If they will not be captured as my constituents, it will be wrong.

I support.

**Hon. David Mboni** (Kitui Rural, CCM): Thank you, Hon. Temporary Deputy Chairlady. I do not support this amendment by the Member. As the Leader of the Majority Party has said, any change will affect the planning of the census. I am talking as someone who worked in the KNBS before. We need to know that in any statistics or census, there are international methodologies, standards or guides which we have to follow and Kenya is not an exceptional. Thank you.

**Hon. Kubai Iringo** (Igembe Central, JP): Thank you, Hon. Temporary Deputy Chairlady. I oppose this amendment. I am afraid we are trying to tailor this law to fit tribes or

create ethnicity and other issues. We are all Kenyans and I strongly believe wherever you are is where you should get resources. I live in Garden Estate and I get resources through the Member there. If I do not live in Igembe Central, then those who are there should get resources there where they are counted. Wherever I am, I should get resources. If you take your cows to Isiolo, be counted there and get resources from there. If you are in Marsabit, you will get the resources from Marsabit. So, let us not tailor this law to fit our interests.

**Hon. William Chepkut** (Ainabkoi, Independent): Thank you, Hon. Temporary Deputy Chairlady. I rise to oppose this amendment in the strongest terms possible. Statistics are meant for planning purposes and hence are *de facto*. Statistics are meant for both population and housing and, indeed, this is an international practice. Therefore, I oppose.

Thank you and May God bless you as we deliberate this serious issue.

(Laughter)

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Deputy Chairlady. The principle may sound good, but the practice is impossible. What will you say the population of Nairobi is both in the morning and evening? So, will the data change in the morning and evening? Let people be counted where they live. It will be impossible to ascertain origin and residences. Do not say you are from Nyalgunga if you live here.

I oppose this amendment.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Members, I think we are ready to make a decision. Hon. Kago.

**Hon. Gabriel Kago** (Githunguri, JP): Thank you, Hon. Temporary Deputy Chairlady. I rise to oppose this amendment, which is very emotive. The moment we start thinking as Kenyans and not as tribes, such issues will not be debated.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): On a point of order, Hon. Temporary Deputy Chairlady.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): What is out of order, Hon. Sophia?

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): On a point of order, Hon. Temporary Deputy Chairlady. We are not talking about a tribe and this should be put on record since this is a House of records. We are talking about livelihoods and not tribes.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Point made, Hon. Sophia. Hon. Kago, each Member is speaking for the people who elected them. So, they are speaking as representatives of the people and not necessarily tribes.

**Hon. Gabriel Kago** (Githunguri, JP): In my constituency, I represent people from various areas like Mombasa, Wajir and others. So, the moment we start thinking as Kenyans, we will stop debating such issues. In my constituency, I have people from Mandera and Kisumu. We are telling them to be counted where they live and work.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Temporary Deputy Chairlady. With due respect to my colleagues...

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Hon. Members, after Hon. Oundo, please, be ready to make your decision because we have taken too much time on this one.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Hon. Temporary Deputy Chairlady, with due respect to my colleague, the Member for Lagdera, I stand to oppose. I oppose because

of three fundamental issues. The Constitution declares us as Kenyans. It does not talk about the point of origin. Where is the point of origin? Incidentally, there is no point of origin called Kenya for those of us who live in Kenya. We migrated from somewhere else. If we start balkanising and segregating people in that manner, then we will end up saying: “Everybody, go back to where you came from.”

I oppose. Let people be counted and be recorded where they are to ensure equity and compliance to the spirit of the Constitution.

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

*(Clause 18 agreed to)*

*New Clause 12A*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Let us have the Chair of the Departmental Committee on Finance and National Planning, Hon. Limo, to move Second Reading of the new clause. Order, Hon. Members! We are not yet done.

*(Loud consultations)*

**Hon. Joseph Limo** (Kipkelion North, JP): Hon. Temporary Deputy Chairlady, there is a lot of consultation around.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Order, Hon. Members! Let us listen to the Chair.

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

THAT, the Bill amended by inserting the following new clause immediately after clause 12—

Amendment of  
section 21 of No.4  
of 2006

12A. The principal Act is amended by deleting section 21 and substituting therefor the following new section—

Power of entry 21. (1) This provision limits the right to privacy as provided for under Article 31.

(2) An authorised officer may at all reasonable times without warrant, but upon production, if required, of the letter of authorisation, for any purpose connected with—

(a) the collection of statistical information, enter and inspect any land, building, vehicle or vessel where persons are employed, other than a dwelling-house;

(b) the taking of a census, enter any land or building, vehicle or vessel where persons are employed,

and in either case may make such inquiries for the collection of information, or the taking of the census, as the case may be.

This new clause is to amend Section 21 of the Statistics Act to align it with the Constitution. Article 31 of the Constitution requires that any legislation which limits the rights of

privacy of an individual should be stated very clearly. Therefore, we propose to delete Section 21 and replace it with a new clause, so that it takes into account the requirements of Article 31. We are introducing sub-section (1) to indicate very clearly that this provision limits the rights of the individuals.

*(Question of the new clause proposed)*

*(New clause read the First Time)*

*(Question, that the new clause be read a Second Time, proposed)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): The Chair said a lot of things, but I think in very simple terms, his amendment is just being redrafted to comply with Article 24 of the Constitution on the rights to privacy. He said it in many languages, but I think that is the gist. Somebody should not violate the rights of citizens when looking for information.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): That is what it is in other words. I guess the Chair's style is different from that of the Leader of the Majority Party.

Hon. (Dr.) Otiende.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Hon. Temporary Deputy Chairlady, this looks reasonable. It is reasonable to gain access for purposes of getting accurate data for completion of the census. However, as reasonable as it is, and perhaps the Chair will guide us, it can only make sense if, one, "authorised officer" is defined. If it is not defined in the Act, it can be abused. Who is the authorised officer? Perhaps, the Chair will guide us as to where that is. Section (2) says: "...upon production of a letter of authorisation." Again, who is to give that letter of authorisation? These are important issues because if we do not define them, then, under the guise of the census, people can start getting access to any establishment anyhow and that can be dangerous.

So, I agree with the spirit, but I will only agree if the Chair guides us so that it is properly fine-tuned. We must remember that we had given the Director-General similar powers to require such information from households. I will appreciate if I will be guided.

**Hon. Joseph Limo** (Kipkelion North, JP): Hon. Temporary Deputy Chairlady, I confirm that "authorised officer" is defined very well under the Statistics Act. It is also defined properly under Section 10 of the same Act and, therefore, it does not pose any danger.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Are you guided, Hon. Otiende?

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): I had also asked, "Who is to authorise?" The importance of this is that I want us to distinguish this part from the part where we gave the Director-General similar powers, in fact, without any authority of anyone.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Otiende Amollo, Section 10 of the principal Act says "The Director-General may, in writing, appoint any person as an authorised

officer for the purpose of carrying out all the functions of this Act.” So, you are home and dry, my friend.

It has defined what an authorised officer is. Just a minute! I am on my feet. The Standing Orders do not allow you, so let me finish. One, you have asked whether an authorised officer has been defined. That has been done. The second question was who is to appoint the authorised officer. Section 10 of the principal Act says “The Director-General may, in writing, appoint any person as an authorised officer for the purpose of carrying out all the functions of this Act.” It is as clear as day and night.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Hon. Temporary Deputy Chairlady, I accept the clarifications by both the Leader of the Majority Party and the Chair. In light of that clarification then, what is the sense of this section? In Section 12, we amended the principal Section 20. We give exactly those powers to the Director-General without any question of producing any authority. By definition, he can delegate those powers. So, why do we need this other section?

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): Chair, have you listened to the question raised by Hon. Otiende? Did you hear the question which was raised?

**Hon. Aden Duale** (Garissa Township, JP): I will answer, Hon. Temporary Deputy Chairlady.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): The Leader of the Majority Party can answer.

**Hon. Aden Duale** (Garissa Township, JP): When we are making legislations, it is good to have the current principal Act. Section 20 of the current principal Act gives the Director-General a blanket authorisation. He can walk into your premises or building and access any information. That is not in line with the provisions of the Constitution in terms of privacy. The Chair is trying to limit him. You can access information, but you must be alive to the provisions of the Constitution under the Bill of Rights. Section 20 of the current principal Act gives the Director-General a lot of powers.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): Hon. Oundo was on his feet before I interjected. So, let him finish his point.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Temporary Deputy Chairlady. While the spirit of the amendment looks okay, my only point of concern is that we can have a case of over-legislation. The Employment Act, and I want the Chair to take note of Section 78 all the way to Section 81, compels all employers to submit information relating to an employee or data to the National Employment Authority (NEA), which can be an easier source for this kind of information. We will just fatigue respondents every single day collecting the same information from various State organs. We should avoid a case of over-legislation and we make reference to the provisions of the Employment Act.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuyu): Hon. Mutai. Wait for the microphone, Hon. Mutai.

**Hon. Japheth Mutai** (Bureti, JP): Thank you, Hon. Temporary Deputy Chairlady. It is not correct for my colleague to say that we call the provisions of the Employment Act because it is only applicable to persons who are employed. We are dealing with census where not everyone is employed. It cuts across everyone whether employed or not. The data that is available is only for those who are employed. So, it is not true to say that it is a replica of information.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): On a point of information, Hon. Temporary Deputy Chairlady.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Whom do you want to inform, Hon. Oundo?

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): The previous speaker.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Hon. Mutai, do you want to be informed?

**Hon. Japheth Mutai** (Bureti, JP): I am well informed.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): He has said that he is well informed. You have to inform a willing Member. Let us have the Member for Seme.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Hon. Temporary Deputy Chairlady, I support this amendment. Whereas Section 21 gives the Director-General powers, it also gives him powers to pick somebody to execute it. I do not think that is the problem.

*(Hon. (Dr.) Wilberforce Oundo spoke off record)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Order, Hon. Oundo. You cannot force information on anyone. Just take it that he does not need your information.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Hon. Temporary Deputy Chairlady, I will repeat what I have said. Section 20 of the principal Act gives the Director-General powers. Section 21 gives him the power to pick somebody to execute it. Therefore, it is not an over-legislation. In this particular case where we are talking about the census, I do not even mind if we over-legislate, but make things crystal clear.

Therefore, I support the amendment.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): The Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Chairlady, we are confusing issues. The essence of the Chair's amendment is that we do not want somebody to later go to court and challenge us on a constitutional provision in Section 24. There is a culture in our country where when you give powers to people, they abuse it. For the Director-General to collect data, he must be under the Bill of Rights. Every person has the right to privacy and access to information, which are in Articles 31 and 35 of the Constitution. The Chair is only doing that to make sure that we do not make a law that can be challenged in court tomorrow. It is as simple as that.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): Members, let us make progress. I go on to put the Question.

*(Question, that the new clause be read  
a Second Time, put and agreed to)*

*(The new clause was read a Second Time)*

*(Question, that the new clause be added to  
the Bill, put and agreed to)*

Clause 2

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

THAT, Clause 2 of the Bill be amended in the definition of the term “Agency” by deleting the word “Agency” and substituting therefore the word “agency”.

This is an editorial issue to make the word “Agency” in small letters. It is a very simple amendment.

*(Question of the amendment proposed)*

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

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

*(Clause 2 as amended agreed to)*

*(Title agreed to)*

*Clause 1*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): We have an amendment by Hon. Limo.

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

THAT, Clause 1 of the Bill be amended by inserting the expression “and shall come into force upon publication in the *Gazette*” immediately after “2019”.

The purpose of this amendment is to introduce the commencement clause or when the law will be applied which is immediately after gazettelement.

*(Question of the amendment proposed)*

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

*(Clause 1 as amended agreed to)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Soipan Tuya): I now call upon the Mover to move reporting. Leader of the Majority Party, we are done.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Chairlady, I beg to move that the Committee reports to the House its consideration of the Statistics (Amendment) Bill (National Assembly Bill No.37 of 2019) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[The Temporary Deputy Speaker (Hon. Patrick Mariru) in the Chair]*

## REPORT

### THE STATISTICS (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Chairperson.

**Hon. (Ms.) Soipan Tuya** (Narok CWR, JP): Hon. Temporary Deputy Speaker, I beg to report that the Committee of the whole House has considered the Statistics (Amendment) Bill (National Assembly Bill No.37 of 2019) and approved the same with amendments.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): 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 request Hon. Limo, the Chair of Departmental Committee on Finance and Planning, to second the Motion for agreement with the Report of the Committee of the whole House.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Limo.

**Hon. Joseph Limo** (Kipkelion East, JP). Hon. Temporary Deputy Speaker, I beg to second.

*(Question proposed)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Members, I pend putting the Question due to the circumstances prevailing.

*(Putting of the Question deferred)*

## MOTION

### VETTING OF NOMINEE FOR APPOINTMENT AS CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE KENYA FISH MARKETING AUTHORITY

**Hon. Emmanuel Wangwe** (Navakholo, JP): Hon. Temporary Deputy Speaker, I beg to move the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Agriculture and Livestock in its Report on the Vetting of a Nominee for Appointment as the Chairperson of the Board of Directors of the Kenya Fish Marketing Authority, laid on the Table of the House on Wednesday, 7<sup>th</sup> August 2019, and pursuant to Section 201(1)(a) and (2) of the Fisheries Management and Development Act, 2016, and Section 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the

appointment of Hon. Ochieng' G. Mbeo as the Chairperson of the Board of Directors of the Kenya Fish Marketing Authority.

Hon. Members deliberated on the nominee and made observations taking into consideration the nominee's curriculum vitae and the filled questionnaire.

The nominee is a Kenyan born in Homa Bay County and does not hold dual citizenship. The nominee possesses a Bachelor of Arts Degree in Political Science and History from the Guilford College, North Carolina, USA and a Master's Degree in International Management from the American Graduate School of International Marketing, Thunderbird, Arizona, USA.

The Directorate of Criminal Investigations (DCI), the Higher Education Loans Board (HELB), and the Ethics and Anti-Corruption Commission (EACC) had sent clearance letters with respect to the nominee. He has not been charged in a court of law in the last three years. The Kenya Revenue Authority Commissioner for Domestic Taxes, vide letter Ref. No KRA/CDT/HQ/54 dated 1<sup>st</sup> August 2019, noted that the nominee was not tax compliant. The nominee had been alerted of outstanding issues and upon resolution of the same, the status will be reviewed as appropriate. A tax compliance certificate from 5<sup>th</sup> July 2018 valid until 4<sup>th</sup> July 2019 was issued by the KRA confirming that Gilbert Ochieng' Mbeo of PIN No.A000122092C had filed the relevant tax returns and paid taxes due as provided by law. This was in conformance to Item 24 of the Schedule in the Public Appointments (Parliamentary Approval) Act No.33 of 2011 which states that tax obligations to the State are up to the end of a financial year immediately preceding the nomination for appointment.

As stipulated in Article 75(1) of the Constitution, the nominee would resign as the Chairman of Lake View Fisheries Limited prior to the appointment as Chairman of the Kenya Fish Marketing Authority.

The nominee does not hold office in any political party hence satisfies the provisions of Article 77(2) of the Constitution. The nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Article 75(1) which is on conflict of interest; Article 76, financial probity; Article 77, restriction on activities of State officers; and Article 78(2) on dual citizenship. He is therefore fit to hold office as the Chairperson of the Board of Directors of the Kenya Fish Marketing Authority.

The nominee has exhibited knowledge of fisheries and fish marketing thus making him suitable to serve as the Chairperson of the Board of Directors of the Kenya Fish Marketing Authority.

In that respect, we concluded, as a Committee that this House approves the appointment of Hon. Ochieng' G. Mbeo for the position of Chairperson of the Board of Directors of the Kenya Fish Marketing Authority.

I wish to make some clarifications to my colleagues as they interrogate this Report. One very critical observation Members need to be alive to is the letter which was written by the KRA *vis-a-vis* the tax compliance certificate which the nominee possesses. The Schedule of the Public Appointments (Parliamentary Approval) Act, 2011, is very clear on what tax status means. The letter is dated August, whilst the approval of the tax compliance certificate runs up to 4<sup>th</sup> July 2019. The preceding financial year of the Government ended on 30<sup>th</sup> June 2019. Our laws give us precedence to any discussion of the nomination process. Therefore, the document supersedes the letter from KRA, by virtue of it giving the position by 30<sup>th</sup> June 2019 that is a clean bill of health to Hon. Mbeo.

Another clarification we need to make to the Members and it is annexed, is the issue of resignation. Hon. Ochieng' Mbeo, in his questionnaire, said he will continue to be a member of

his company notwithstanding the fact that he is going to get an appointment. In his view, while filling the questionnaire, he made it very clear that he thought that he was going to a part time chairman as the position is. It did not warrant his resignation, but when we put it to him during vetting, he confirmed on record that, indeed, he will resign once the House approves his appointment.

Hon. Ochieng' Mbeo has vast experience having served as a marketing manager for multinationals in this country. As an astute political leader in this country, he not only served as a Member of this august House, but also as a first Member of East Africa Legislative Assembly (EALA) representing Kenya. All of us felt that he is an eligible person and the right person for us to consider.

What is in this Report that makes us very much concerned and happy about the nominee is that he is a practising fish farmer. His company alone contributes 500 metric tonnes of fish into the market per annum. Looking at a marketer of fish who is also a professional and a national leader of such a substance, we have no other choice, but to make such a person the first Chairman for such a wonderful board, where we want to move from eating red meat to eating white meat. When you look at most of the issues that are affecting us today, consumption of red meat is one of them.

In our interrogation, we asked him where he wants to see the marketing authority in coming years. He cited a scenario where he said he would want to see fish production improved from 10,000 metric tonnes currently, to about 100,000 metric tonnes in the next three years. That will see the country moving in the right direction in terms of both fish production and consumption. We should take statistics that today on average a Kenyan consumes 4 kilogrammes of fish per month. We would want to shift that consumption to about 20 kilogrammes per month. That will be sufficient enough to settle most of the issues and challenges of health that we are having.

With all that, I beg to move.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Who seconds?

**Hon. Emmanuel Wangwe** (Navakholo, JP): I ask my good friend, Hon. Mwashetani Khatib, to second.

**Hon. Khatib Mwashetani** (Lungalunga, JP): Asante, Mhe. Naibu Spika wa Muda kwa kunipa fursa hii ili kusindikiza Ripoti hii ambayo imeletwa mbele yetu ili kumpa nafasi Mhe. Ochieng' kuwa mmoja kati ya wale wa kwanza kusimamia halmashauri hii ya uvuvi.

Mwanzo kabisa, jambo ambalo limenifurahisha katika Ripoti hii ni kuwa tumempatia fursa yule ambaye alikuwa Mbunge katika Bunge hili na pia Mbunge wa EALA. Inamaanisha kuwa ikiwa Wabunge wamemaliza muhula wao wa uwakilishi, wanaweza kupata nafasi ya kuwakilisha katika nyanja mbalimbali ambazo ni za Serikali. Mhe. Ochieng' kulingana na makaratasi yake, ni mtu ambaye yuko na ufasaha kulingana na elimu yake ya kuuza bidhaa ama *marketing* kwa lugha ya Kiingereza.

Suala hili la uvuvi ni suala ambalo sasa hivi linapatiwa kipau mbele kwa sababu ni mojawapo ya agenda 14 ya *Sustainable Millennium Goals of the Blue Economy*. Kukiwa na halmashauri ya kuendesha masuala haya basi niko na imani uvuvi utaweza kufika kiwango kile ambacho hakijawahi kuwa katika nchi yetu ya Kenya. Mwenyekiti huyu pia iwapo atachaguliwa, imani yangu ni kuwa kulingana na ujuzi wake kama mwekezaji wa uvuvi, atachaguliwa. Niko na imani katika uongozi wake. Atakuwa na fikira nzuri ya kuelekekeza masuala ambayo yatafika meza zao.

Kama Mkenya, niko na imani Bw. Mbeo anaweza kufanya hii kazi. Kule kwangu Lungalunga, hivi tunavyozungumza tumeweza kuleta mwekezaji ambaye amejenga kiwanda kikubwa sana cha kusafisha samaki na kuwapeleka katika nchi za ng'ambo. Katika matarajio ambayo yatakuwa pale kwetu Lungalunga, sisi kama watu wa Kwale na lungalunga tutaweza kuajiri watu zaidi ya 3,000. Hiki kiwanda kimefika asilimia 100. Tunangojea halmashauri hii ambayo itachaguliwa kutupatia nafasi ya kuanza kusafisha wale samaki na kuendesha biashara.

Kumekuwa na matatizo megii kuhusu mambo ya uvuvi kwa njia mbalimbali. Ukiangalia kanda ya kutoka Lamu mpaka Vanga, tuko na mipaka ambayo tunaruhusiwa kuvua na tuko na mipaka ambayo haturusiwi kuvua. Vilevile, matatizo mengine ni kuwa wakati mwingine, ukiangalia kwa upande wa bahari, wavuvi ambao wanatusaidia kutupa elimu ya kuvua ni wale wanaotoka Pemba. Kuna umuhimu wa kuwatambua kama Wakenya kwa sababu wengine wako katika maeneo ya Vanga, Jimbo, Jasini na Gazi. Hao wa Pemba wameingiliana na Wakenya kwani wameoana na kuzaana. Kwa hivyo, hii itakuwa nafasi moja ya kuelewa masuala ambayo yanatupa changamoto katika upande wa uvuvi. Tukiwa na mwenyekiti ambaye anafahamu masuala haya basi niko na imani ile halmashauri itaelekezwa kupeana msimamo kuhusu masuala kama haya.

Jambo lingine ni kuwa juzi kama miezi miwili ambayo imepita, kulitoka maagizo kutoka Wizara ya uvuvi kuwa wavuvi wasitumie neti ndogondogo kuvua lakini kuna samaki kama bobwe, kule kwetu tunaita samaki bobwe, ambao wanakua mpaka kiwango fulani na hawawezi kupita kiwango hicho. Hawa samaki ndio wanaotupa sisi kama wavuvi wa sehemu ya Kwale nguvu ya kuishi na kukimu maisha yetu. Sisi tunaomba Serikali ikubalie hizi neti zitumike kwa sababu ukivua samaki huwezi kupata samaki mwingine ambaye si ndugu wa samaki hao. Ni samaki ambao wanaishi kwa pamoja. Wanatembea pamoja na kila wakivuliwa utapata asilimia mbili peke yake pengine watakuwa samaki wadogo ambao Serikali inafikiri kuwa tunawamaliza kulingana na uvuvi wa namna ile.

Kukiwa na halmashauri inayofahamu masuala kama hayo ikiongozwa na Mhe. Ochieng' Mbeo ambaye pia namuunga mkono kuwa mmoja wa wale ambao watakuwa wanaendesha halmashauri hiyo, masuala kama hayo ambayo yanatupa changamoto katika sehemu zetu ambazo tunategemea uvuvi yataweza kurahisishwa. Ila tungeiomba Serikali pia iangalie haya masuala kwa sababu sasa hivi *Blue Economy* ni suala ambalo linaingia katika ulingo. Tunasema kwamba tuko tayari kama watu wa Lungalunga kushirikiana na mwenyekiti huyu ambaye ataingia ili tuweze kuboresha uvuvi katika maeneo tunayotoka.

Ninaunga mkono kwa dhati na ninamshukuru Mhe. Wangwe kwa kunipa fursa hii kusindikiza Ripoti hii.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Shall we start with Hon. John Mbadi?

**Hon. John Mbadi** (Suba South, ODM): Thank you very much, Hon. Temporary Deputy Speaker. I want to support the Committee on its finding that Hon. Ochieng' Mbeo is fit to be the first Chair of the Kenya Fish Marketing Authority.

This is one of the appointments that are very timely. I congratulate the President for picking the right person for this position. Hon. Ochieng' Mbeo, for those who may not know, was born in Mfangano Island. That is an island in Lake Victoria. It is at a time I do not know, but I know he was born in Mfangano Island before his father moved to Migori and settled there. This

is someone I would say was born where fishing was taking place. Above all, when he became an adult, he showed great interest in fishing. He is one of the directors of one of the largest fish firms in Lake Victoria. It is one of the firms or companies that are doing fish farming in Lake Victoria. That is the fish farming that is now commonly now known as “cage farming”. Therefore, in terms of passion or interest, Ochieng’ Mbeo fits the bill. He has interest in fishing. He has demonstrated that interest.

More importantly, Hon. Ochieng’ Mbeo’s intellectual capacity is well demonstrated. He is there in our records. He has been a Member of the Kenyan Parliament. He has also been a Member of the East African Legislative Assembly (EALA). It is not just being an MP. Those who know Ochieng’ Mbeo know that he is someone who has academic capability which is further demonstrated by his curriculum vitae that the Committee has ably enumerated.

Hon. Ochieng’ Mbeo also has the capacity of being a very good communicator. To be at the helm of the Kenya Fisheries Management Authority, one needs to have the ability and capacity to communicate, and the ability and capacity to be someone who understands international economics. We know Hon. Ochieng’ Mbeo as someone who has travelled all over the globe.

As we support this appointment, I also want to highlight that the Committee has pointed out that there was a bit of an issue with the KRA. We need to be very careful, as a House, with seeking clearance from some of these agencies. The records of these agencies are sometimes never accurate. Yesterday I was discussing with Hon. Amos Kimunya. He was telling us that the KRA had asked him to pay tax on his salary of Parliament. That is a salary which, we know, Parliament deducts Pay-As-You-Earn (PAYE) and remits it to KRA. After he wrote to them, they wrote to him telling him that it was a mistake, and it had since been corrected. Then, a third letter comes reminding him to pay. There is a bit of confusion. I now understand why KRA has a problem with meeting projections of revenue. As we put this as one of the conditions for approving nominees or appointments in this House, we need to be alive to the fact that these agencies are sometimes not very careful; they are not accurate in the records they keep.

On the issue of his directorship in a company that is doing fish farming, it is very important for him to resign. Maybe, the Committee is citing conflict of interest. When it comes to heading the KFMA, I thought, having such direct interest is even important. I really do not know how the conflict of interest will come about. If he has already promised to resign, I do not think I would want to raise that matter further. But, if you asked me, I really do not see where there is conflict of interest.

I also wanted to point out that, of all corporations and agencies we have formed as a country, this is probably the only one where the Chairman of the Board is being vetted by this House. It is a matter we need to look into. Really, it is discrimination, to say the least. If all other chairs of State corporations are never vetted here once appointed by the President, I do not see why this one is so unique that his name has to be brought to this House for vetting.

Allow me to say two more things before I sit down. The fishing industry has had a challenge. As someone who has known fish from his childhood – from the date of his birth, I would imagine – it is high time he demonstrated that someone who has fishing industry in his heart is very important to be in this authority. We have not had this previously, and we saw fit, as a House to create through legislation so that we see a difference.

Our fish market has been shrinking in the global market, yet this country produces some of the best fish in the whole world. So, we need to market our fish properly. There are a lot of rumours about how we handle fish. We need to dissuade those market rumours, especially in

Europe where we used to export our fish. Even locally, we have more than enough market. In fact, the market or demand in Kenya surpasses the fish we produce, but we still find our fish not getting good market yet fish is being imported from China and many other places. If you look critically, that fish does not match the fish that we produce in this country. So, it is high time we concentrated on this.

Finally, I am working on legislation on this. There is a new initiative in which Hon. Ochieng' Mbeo is involved. It is cage farming. We cannot come up with cage farming without regulations or without a legal framework. There is no legal framework which guides how cage farming should be done. Sometimes those who engage in cage fish farming block those who are doing the traditional fish farming from getting into the lake. They block the access ways and this frustrates those who earn livelihood from traditional fishing.

Again, the other thing is about fish feed that is being used in the lake. We are not sure of the effect of the quality of the fish feed on the environment and on the lake and local fish that is breeding there. So, these are things that need to be addressed. We need regulation through a legal framework. We also want to know what should be the distance between one cage and another. We should not just leave it haphazardly.

In fact, there is a place in my constituency where one of the fish farmers has employed some very good *vijana* from Maasailand. They have arrows and bows. If you move anywhere close to the cages, you can easily lose your life. Because there is no regulation, these people operate with impunity. We need to have clear regulations and policies on how cage farming should be done. It is something we cannot avoid. There is one of the farms in my constituency called Victory Farm. Much as the locals complain about it, it has created employment for about 400 people. It produces not less than 2,000 tonnes of fish. It has even lowered the price of fish, which was escalating. So, there are benefits but there are also disadvantages. If we can harmonise these issues and make sure that there is smooth operation, the local community appreciates these fish farmers. We will go a long way to producing more and more fish. Fish has been found to be one of the best foods that we have around.

In fact, the recent research has found out that fish can be very useful in reducing the impact of cancer. I want to encourage those who still fear eating fish, those who see it as snakes, they are not snake. Those are really delicious foods and meals. I want to urge Hon. Kioni, because he comes from an area where they still fear eating fish, that this is very delicious food. You need to eat more of it because it is healthy. Stop eating too much beef because it is very harmful to our health. Diversify and move to eating fish. I hope Hon. Kioni will take that wise counsel seriously.

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

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): I hope, Hon. Mbadi, you did not in a way refer or want to say that Hon. Kioni equates fish to a snake but, I agree with you in terms of the need for people to eat fish. Hon. Arbelle, Member for Laisamis.

**Hon. Marselino Arbelle** (Laisamis, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Motion. First and foremost, I would like to.... Because of my height, Hon. Mwashetani is reminding me to bow down in order to reach the microphone. I am very tall. I think the technicians who installed the microphones need to come up with one which is adjustable.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Do not mind. It picks. You do not need to bend.

**Hon. Marselino Arbelle** (Laisamis, JP): Thank you. I would really like to applaud our President, Hon. Uhuru Muigai Kenyatta, for having settled on Hon. Mbeo for appointment as the Chairperson of the Kenya Fish Marketing Authority. I have perused the pages of the Report, looking at the qualifications and experience of this nominee and found that, indeed, he is equal to the task. He has a wealth of experience. He has what it takes academically. Above all, this nominee was also a Member of the EALA at one time.

This nominee will become the Board Chair and he is supposed to market our fish. We have Lake Victoria and the only desert lake in my constituency which is called Lake Turkana, which produces one of the sweetest fish in Kenya. Because of lack of marketing, many Kenyans do not know about that particular fish. We heard the other day that many of our people, including high-level individuals, have succumbed to lifestyle diseases. I have also heard the President say that it is high time Kenyans go back to old days where we used to eat organic food. I think fish is one food. With Mr. Mbeo's appointment, we need to introduce to Kenyans so that they can start eating it on a daily basis. In our cafeteria here people just eat meat every day. I hardly eat in the cafeteria because they do not serve fish. So, it is high time we introduced fish in our cafeteria.

One time they were trying to do some comparison between the fish-eating communities and the *githeri*-eating communities: The Kikuyu versus the Luo. To my surprise, I thought Kikuyus are not used to eating fish. In fact, it became a feast that they were so much happy to have eaten fish and they said that they do not need *ugali*, meat and *githeri* anymore. If marketing is done in the fish industry, you can imagine what would happen. Even my community has a myth which says that fish is eaten by poor people, just because they regard themselves as rich men because they have huge herds of cattle, camels and goats. I have also come across a statement that a poor man knows not how to eat with a rich man, because when they eat fish the poor man eats the head. I am fond of eating fish, but the truth is, I have never eaten the head. Maybe Hon. Mbadi, because he comes from a region where fish is harvested and eaten, can teach me how to eat the head.

With those few remarks, I support Hon. Mbeo's appointment.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): I am sure you will get some lessons on how to eat the head of fish. Hon. Okuome Adipo, Member for Karachuonyo.

**Hon. Adipo Okuome** (Karachuonyo, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to support the appointment of Mr. Ochieng' Mbeo. But before I do that, let me thank His Excellency the President for having approved his appointment and also thank the Committee that has recommended Ochieng' Mbeo's appointment.

Mr. Ochieng' Mbeo has very fitting qualifications for this appointment. He has the qualifications which have been enumerated to us. Again, he comes from a fishing area. Like the Leader of the Minority Party said, he was born in Mfangano, which is an island. It is very close to Migingo which is an island producing most fish in this country. Therefore, apart from what he has gone through in his life, he has also had the opportunity to be a fisherman. All this gives him very fertile experience relevant for the position to which he is being appointed to. Mr. Ochieng' Mbeo is a motivator; he is capable of motivating fishermen out of his experience as a politician. He was a Member of this House and a Member of EALA. He has also been a member of a political party at a very high level. All these put together gives Mr. Ochieng' Mbeo a very rich background for the position he is being considered for.

I must say I also have some concern as to whether he should resign as a member of the board, as we were told. He is a board member in a parastatal. So, I do not see why he should really resign, but if the law requires that, then I would have no point to say this is not necessary.

Fishing is becoming a very important industry in this nation. People are taking to fishing almost everywhere. We know fish ponds are now spread all over the country. We also have to remember that other fishermen from without this country are invading our fish markets. We have heard of fish importation from China although some of us do not like fish from China. I think Mr. Ochieng' Mbeo's appointment will give us the kind of fish we need. I am glad, Hon. Mwashetani said they are expecting improvement in the fishing industry at the coast with Ochieng' Mbeo's appointment. In areas around the lake, he will give us what we need. I am sure the Turkana people will benefit from the same. So, I support very strongly that Mr. Mbeo be given this chance so that Kenyans maximise on what we need, both for export and local consumption.

With those few remarks, I thank you for giving me the opportunity.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well. Shall we have Hon. Nyikal?

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to Hon. Mbeo's appointment. I also start by thanking the appointing authority and the Committee that has brought this Report before us, and for recommending the appointment of Hon. Ochieng' Mbeo as the Chairman of the Board of Directors of the Kenya Fish Marketing Authority.

I know Mr. Mbeo well. We went to school together. I can vouch for his ability even at the time he was a young man when we were in college together. We have been told he was born in Mfangano Island that is situated right in the middle of the lake. He has had experience from childhood. He has got the required qualifications. His first degree is in Bachelor of Arts in Political Science and History, and above all he has qualifications in management. He has done extremely well in his life. He has also been in politics. He was a very successful Member of Parliament. He has also been a representative in EALA. He has vast experience in business not just in fish business, but other businesses as well. He has excelled in the fish industry. I think he owns the largest fish farming enterprise in this country. I do not think it is only in Lake Victoria. He has been involved in the most modern fish farming and marketing methods. The amount of fish he produces is such that if he was not good at marketing, fish being a perishable thing, he would have had problems.

I think he has also put up a system in his enterprise that ensures his fish are of good quality and that they do not perish. That calls for a good refrigeration system. So, he has all the details in fishing. The biggest problem we have is that the amount of fish in Lake Victoria is dwindling, but he has gone the next step, that is, cage farming.

We have a big demand for fish. Hon. Arbelle said that he does not know how to eat the head of a fish. That is what you should eat first, particularly if it is tilapia because it will give you phosphorous and the Omega 3 oils that you need for proper brain development. Those elements are particularly good for children. The local demand for fish in this country far outweighs the production to the extent that the Chinese are now bringing in a lot of fish. We have a godown in Kisumu where fish is kept. Even in Nairobi there is one and yet we have lakes and the Indian Ocean. We also have fishing being practised in the fish farming areas along the rivers and in the ponds as well. So, the potential for production of fish in this country is big. Therefore, we need proper management. The establishment of this Authority is a great step forward and the appointment of Mr. Mbeo will bring a big change.

At the coast, I know they are competing with foreigners because there is no proper system that ensures that the fishermen at the coast are protected. Where there is inland fish

farming, a lot of effort has been made but production and marketing has not been done in a proper way. Therefore, that industry is not growing. At the lake, a large number of people, as Hon. Mbadi said, are still depending on old fishing methods, where they actually use the wrong nets and are not getting a lot of fish. So, we have to move away from the hunting and gathering that we are still using in the fishing industry and move into modern fishing. That way, we will be in a position to compete with China. We can ensure that we have no market for them here. We can begin to export fish from the coast and Lake Victoria. I think that is something we can achieve.

Hon. Temporary Deputy Speaker, there is need to bring in legislation, as Hon. Mbadi said. If I take the example of Lake Victoria, this cage farming is actually in competition with the local fishermen. Unless we get in and bring proper regulation, there will be conflict because once you do cage farming, basically the lake will be cut out into cage farming areas and the local fishermen will not have their own local production. The answer is to get the local fishermen move away from the current fishing practices that are not productive. This way they reduce the fish because they catch fish during the breeding season. It is difficult to control it because that is what they live on. So, if we move to the modern fishing methods, that in itself will rejuvenate the lake in terms of fish production, even if we left the fish in the cages. So, we are at the right moment in time and history. We have got the right person. We can now improve our fish industry and the income of the people who depend on fishing across the country.

We need to improve pond farming of fish at Lake Victoria. We need to go into both cage and pond farming to be able to compete internationally. After that we must go into marketing internationally. The international requirements for fish exportation are actually very high in terms of quality and standards. So, it will need somebody like Mr. Mbeo who is already doing it. He knows where the markets are and what the requirements are. That is the person who will lead the industry in the direction we need.

With that I support the appointment of Mr. Mbeo as the Chairman, Board of Directors of Fish Marketing Authority of Kenya.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Kiarie? He must have taken leave. Hon. Mbai Mbithuka.

**Hon. Nimrod Mbai** (Kitui East, JP): Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to add my voice on the recommendation and the approval for the appointment of Hon. Ochieng' Mbeo to be the Chairman, Fish Marketing Authority of Kenya.

Fish is an industry that can create employment for the youth. As we speak, a large number of youth from the coast, Lake Victoria and Lake Turkana engage in fishing. The only challenge we get is when we want to market our products.

As it has been said before and we all know Kenya imports fish from other countries. Our youth are engaging in large scale fishing yet fish is imported into this country. This means competition at the marketing level is depriving our youth job opportunities. We appreciate and thank the President for revitalising this Authority so it can support our young men and women in the fishing industry.

Looking at the credentials of Hon. Ochieng' from the records and Committee recommendations we can tell he is a professional fisherman. He has been in politics, is a leader and understands the dynamics in fish marketing. So, the job is well cut out for him. It will be to the best interest of the country to approve his appointment and have him get straight to the job. The increase in fish importation is why Mr. Ochieng' Mbeo has been appointed as the Chairman

of this Authority so that he can find a solution. We need to find ways of stopping fish importation and the best way to address this issue is at the marketing point.

Fish is a very nutritious source of food especially for the young kids who are growing. We also know it as a staple food in Kenya. We can run out of maize, beans and other food stuff due to poor rains but running out of fish is not easy because we have plenty of it in our lakes and ocean. So, this area can address food shortage in the country. We are experiencing decreased production of meat from cattle, sheep and goats. The pastoralist communities like Maasai, Somali and to some extent Kamba have experience decreased production of meat products. It is high time we looked into increasing fish production. Fish is a perishable product and, therefore, this Authority should invest in storage which will assist in bridging the gap of lack of proteins and meat in our country.

With those few remarks, I support the appointment of Mr. Ochieng' Mbeo. I support his resigning from his previous appointment and taking up this new job, due to the issue of conflict of interest.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mogaka Kemosi, it is your chance.

**Hon. Vincent Kemosi** (West Mugirango, FORD-K): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity. On the onset, I support the appointment of Hon. Ochieng' Mbeo as the Chair of Kenya Fish Marketing Authority. Mr. Ochieng' Mbeo is a former Hon. Member of this Parliament. He has also been a Member of the East African Legislative Assembly (EALA). We have gone through his history during his time as a Hon. Member of Parliament in Kenya and East Africa, and he has done very well.

I am quite convinced that in his new role he will execute his mandate well. The Kenya Fish Marketing Authority is a very important body when it comes to marketing of fish. Currently, we are experiencing very stiff competition in terms of fish marketing in Kenya. This is because we have a number of foreigners who import fish as if we have fish shortage. Kenya should be a leading country when it comes to fish export because looking around all the way from Kiunga to Shimoni, there is a lot of fishing and we have enough fish. In Lake Victoria, we also have enough fish which we can consume locally and also export. In a way this can earn this country income. I am quite convinced that we do not need to import fish into Kenya.

Fishing is a major industry despite facing various challenges including not having the proper fishing equipment and proper storage facilities. This industry has created over 15,000 jobs and the sector also generates between Kshs15-20 billion a year in terms of GDP. If improved, I am quite convinced we can earn more.

In order to realise the full gains of fishing, the President had given an order on repossession of all grabbed fish landing sites in Kenya. If this directive is implemented, I am convinced that we will have full fishing potential. I am convinced and sure that Hon. Ochieng' Mbeo will take this country higher when it comes to performing his mandate as the Chairman of the Fish Marketing Authority.

I support his appointment.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): To my right, you have the Floor Hon. Jeremiah Kioni.

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I want to start by acknowledging that the Committee has done some good work. I want to thank the President for this appointment and the moving done by the Vice-

Chair of the Committee Mhe. Wangwe, a former Member of the United Democratic Forum (UDF). I was his President.

I want to commend the Committee for what it has done. Looking at the Report, I can see they are very specific in their observation on No.8 on page 19. They are clearly bringing out the Articles of the Constitution which Hon. Mbeo has been careful not to breach. This includes Articles 75, 76 and 78 among others. Flagging them out in that manner is crucial because others like us following in those footsteps will be careful to ensure we do not violate the law. This is because it can stand in our way anytime in future, and we do not know when we will be called upon to say, if we are in violation of any Articles of the Constitution or not.

On the same note they have been honest in bringing out an aspect which Hon. Mbeo needs to address. There is the fact that he has some outstanding issues with the Kenya Revenue Authority (KRA). It is important that he moves with speed to ensure that he clears the outstanding issues with the agency of revenue collection in this country.

Hon. Temporary Deputy Speaker, on page 15 of the Report, the Committee also addresses itself to the requirements of the Public Officers Ethics Act that was enacted in 2003. Unlike many other areas, the Committee seems to have forgotten to tell us when they bounced the life of Hon. Mbeo against the Act and what they found. They are saying that they considered the provisions of the Public Officers Ethics Act but they have not said whether he met the requirements of the Act or not. I would have been very interested in one area that we seem to ignore. The Act requires that those of us in public offices should not be involved in fundraising or what they commonly call *harambees* when they are in office. This is a requirement of the Public Officers Ethics Act and it is important that we know that this is something that can also stand in your way of appointment when time beckons.

In supporting the appointment of Hon. Mbeo, I think it is important for me to say that in our area of Ndaragwa – you are also my neighbour, Hon. Temporary Deputy Speaker – we will remain thankful to the former Member of Funyula, Hon. Otuoma. I see the current Member for Funyula is with us here. Hon. Otuoma is the one who thought out of the box and decided to do fish ponds in Mount Kenya region among other areas in this country that are not traditionally known for fish farming. I can tell you that having fish as part of our dishes in the part of the country that we come from, we have everything to thank that former Member of Parliament, Hon. Otuoma. Out of the box, we were able to do very many fish ponds through the economic stimulus programme. What we did not follow was the marketing. It is important that as the chairman of this board, Hon. Mbeo, takes office, he will also need to think out of the box. There is a lot that can be done outside Lake Victoria and the Indian Ocean and not in any way minimise the importance of those areas. It is very important that he comes and encourages fish farming inland, as Hon. Nyikal was saying, for many reasons including creation of employment opportunities.

Hon. Temporary Deputy Speaker, you may be interested to know that 70 per cent of the infants in Ndaragwa get stunted. These are statistics that I was given less than 10 days ago. It was a very worrying revelation that I was given by the people in the medical profession. Seventy cent of children in my area are getting stunted for the reason that they cannot get the proper kind of food that they need to be fed by their parents. This is one source of nutrients that can really be useful and it can turn the lives of those children overnight if this chairman decides to think out of the box. Since we already have the ponds done, the only thing we need is a little bit of encouragement and rehabilitating them. I am sure we in Ndaragwa and other areas like those will

also start eating fish and the children will become healthy and mature like it is in other parts of this country.

I support this appointment and thank the Committee for the work they did. When we say that those particular sections of the law have been considered, it is good to tell us when you bounced the lives and qualifications and the behaviour of those officers, against those provisions of the law. What was that they found? However, on the whole, I join others in supporting that appointment and finally call upon Hon. Mbeo to clearly think out of the box. We will be happy to host him in the areas we come from so that he can help us start the habit of fish farming and eating fish. I can promise others that we will sort out even the head, unlike those who came from Laisamis and the rest of other regions.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): We shall have Hon. Oduol Adhiambo.

**Hon. (Prof.) Jacqueline Oduol** (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker for the opportunity to contribute to this Motion. At the outset, I would like to say that I support the Motion and in particular the appointment of Hon. Ochieng' Mbeo as the Chairperson of the Board of Directors of the Kenya Fish Marketing Authority.

I would also like to thank the Committee that came up with the Report. I can see from their observations that they have helped us as a House to see and match Hon. Mbeo's competencies and skills as a requisite for work that we need to do in the fish sector, particularly in marketing. What has struck me is that at this point in time we have been struggling as a country when we seek to get those that we want to give leadership balance.

Chapter Six of the Constitution talks about leadership and integrity. Looking at the Report of the Committee not only in terms of the detail and the issues that they raise, but in particular, Hon. Ochieng' Mbeo satisfies the requirement of Chapter Six on leadership and integrity. We not only see that we have from the Report of the Committee, clearance from the DCI, HELB and EACC, but what is particularly impressive is that as is stipulated under Section 12(1) of the Public Officers Ethics Act of 2003, Hon. Ochieng' Mbeo indicated that he is cognisant of the fact that Chapter Six requires that, we not only get people who have personal integrity, but even where others might say that in terms of legal issues there is no need to look at any conflicts or contradictions and that he is ready to resign.

As I looked at the Report and also connect this to what I would see from my interest and what seems to be challenging us as a country the gap not only in leadership but in a number of cases in perception that those who were given responsibility might not yield the necessary respect and command of those that they lead, I find that Hon. Ochieng' Mbeo meets the bill. When we look at the role of being chair of board of directors, you would like to recognise that this would be someone who is leading leaders and importantly one that will act as the representative, which will be the face that we would see. When we look at the current challenges that face the fishing sector that have been enumerated by colleagues concerning management, coordination and development, then we see that Hon. Mbeo truly would by his qualifications, experience and indeed the professional work that he is engaged in be very appropriate.

When we look at what we would expect the chair of the board of directors to do to help to define not only agenda and priorities but also to work towards consensus then we would see that looking at the needs and the challenges facing the fishing sector, Hon. Mbeo would be qualified and would really be bringing skills and interests not only to think outside the box as Hon. Kioni was indicating, but one that would match not only his experience and exposure to fishing right

from childhood but also to work that he has done and bringing in the very important aspects of political engagements and sometimes where there would be nausaeas of politics that could interfere with delivery. We see that this would come in a very useful way because Hon. Mbeo, by his experience and qualification, is someone that will be able to ensure effective communication not only with those who he would be chairing but as would be required with shareholders, stakeholders, and the nation and with all those that would be affected by what is presented.

As I conclude, I truly appreciate that we have demonstrated in this Report that Parliamentary committees, unlike some of the allegations that are made, take time. They look not only at the interest that pertain to given roles but also look specifically at the knowledge, understanding and the needs that we are seeking to meet. Therefore, I would like to support the Motion on the vetting of Hon. Ochieng' Mbeo for appointment as the Chairperson of the Board of Directors of the Kenya Fish Marketing Authority.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Shall we have Hon. Yussuf Haji?

**Hon. Yussuf Adan** (Mandera West, EFP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute. I stand to support the proposed appointment of Hon. Ochieng' Mbeo. I sincerely thank the President for settling for Hon. Mbeo after looking at those Kenyans who were interested in taking this job. If you look at his experience, qualifications and indigenous livelihood, he is the best person who fits this position. The President must have looked at many other Kenyans before settling on Hon. Ochieng' Mbeo. I sincerely thank the President.

Hon. Mbeo will be appointed because Parliament will unanimously give him a hand. He should stop this plastic fish that is coming into the country from China and other areas. Technology has grown very fast. I was told that people are about to manufacture babies soon. Plastic fish and rice are already in the market. Why must we import fish when we have all the resources to produce it? If you look at how climate change is affecting the pastoralist areas, the production of red meat particularly that of cattle, will go down very soon. Definitely, the alternative is to have fish ponds all over, market and teach people how to eat fish. I concur with my friend, who does not eat fish with the head because it normally looks at him. I normally chop-off the head so that it does not look at me. I put it aside and eat the rest.

We know that we will soon table the Livestock Marketing Board Authority Bill in this House. I request the President to have the same keen eye and make sure that he gets somebody who is very experienced in matters of livestock. He needs to pick somebody from camel rearing areas because in pastoralists' areas, camel will be the first source of protein in the near future because of climate change. Fish will be second.

With those few remarks, I support this proposed appointment.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Oundo, you have the Floor.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute. At the outset, let me declare that I support the appointment of Hon. Ochieng' Mbeo as the Chair of the Board of Kenya Fish Marketing Authority. Let me also start by declaring my interest. I am a fisherman. Having grown up on the shores of Lake Victoria and River Sio, I am an accomplished fisherman. I know the types of fishing styles and the trouble and challenges of fishermen.

Looking at the qualifications which are provided by the Committee, I have no doubt that with marketing qualifications in a university in the United States of America (USA), Hon. Ochieng' Mbeo fits the bill to chair the Board of this important Authority. I must also commend him for being a politician, having been a Member of the Parliament of Kenya and a Member of EALA. This has given him adequate qualifications in terms of people's skills and interacting with people. I just hope that the skills he has acquired over time will become instrumental in propelling forward this organisation, which I would rather consider backward to one of the premier or most visible organisation in so far as fishing issues are concerned.

There are two issues that emerged from the Report. The first one and most fundamental is the issue of Kenya Revenue Authority (KRA). I must concur with my colleagues who have stated here that KRA is becoming a rogue organisation. It is truly punishing people for their mistakes and for what they ought not to be punished for. It is time for us, as Members of Parliament, to come up with regulations and rules to rein in these kinds of things from KRA. If the Committee was not understanding, sober and equal to the task, they would have declined to recommend approval of Hon. Ochieng' Mbeo simply because KRA, in its usual confusion and poor record-keeping, indicated that he is not tax compliant.

Secondly, the Leadership and Integrity Act and Chapter Six of the Constitution are explicitly clear. If you have an interest in a particular sector, you cannot oversee a Government institution that regulates or offers services in that particular sector. According to the part of the recommendations that we will pass here, and I hope it is clearly captured, he will be required to resign as a Director or Chair of one of those premier fish producing companies so that there is no conflict of interest in his discharge of duties.

I would not like to say much but just to mention two or three things. One, fish is extremely important in the lives of people. If you walk around Western Kenya and Nyanza, you will find that Kwashiorkor and stunted growth are not common occurrences like in other parts of the country simply because we eat fish. For your information, Hon. Temporary Deputy Speaker, because I know you are not a fish-eating mammal, the head of a fish has got all the nutrients. If you eat it, you will always score an 'A' in Mathematics. As I said, I come from a constituency where over half of the people's livelihood depends on fishing.

In the recent past, we have faced very many challenges while fishing in Lake Victoria and the surrounding areas simply because of environmental issues, climate change and most importantly, the harassment by our neighbours in Uganda. I want to urge my people from Funyula Constituency, as we have always said, that it is now time to think outside the box. We are lucky to be part of the Economic Stimulus Programme. My predecessor, Hon. (Dr.) Paul Otuoma, brought very many fish ponds which are not functional simply because of poor management. In the fullness of time, we will seek various organs of the county as well as the national Government to assist us revive fishponds so that Funyula Constituency remains the leading fish producer in this country as it used in the recent past. The county government brought fish cages in my constituency, but as it is typical with government processes, it was poorly done and the project failed.

As I conclude, I support the appointment of Hon. Ochieng' Mbeo. I wish he had gone to the University of Nairobi. He would have made a better chair than, probably, he would be here.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Yes, Hon. Obara Akinyi.

**Hon. (Ms.) Eve Obara** (Kabondo Kasipul, ODM): Thank you very much, Hon. Temporary Deputy Speaker. I have been cautioned about my one minute. I will be very fast.

I, too, would like to add my voice to support the appointment of Mr. Ochieng' Mbeo as the chairman of the Kenya Fish Marketing Authority. As it has been noted in the Report, Mr. Ochieng' Mbeo has the requisite qualification and experience or expertise to effectively carry out his job. I also have no doubt in my mind that he is equal to the task.

Finally, I am also happy that he has been cleared by all the relevant authorities including on Chapter Six of the Constitution on Leadership and Integrity.

I, therefore, support. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Leonard Yegon, Member for Konoin.

**Hon. Leonard Yegon** (Konoin, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute and add my voice in supporting the appointment of Hon. Ochieng' Mbeo for the chairmanship of the board of directors of the Kenya Fish Marketing Authority.

I have looked at his credentials and I see the nominee possesses a Bachelor of Arts degree in Political Science and History from Guilford College, North Carolina, USA and a Masters degree in international management from America Graduate School of International Management, Thunderbird, Arizona, USA. He is a person who is well educated and who can steer this board to the next level.

The nominee also comes from a background of fish farming and has been a director in a company which deals with fish. He has exhibited knowledge of fisheries and fish marketing making him a very suitable candidate to serve as the chairperson of the board of directors of Kenya Fish Marketing Authority.

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

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Ngugi Nduati.

**Hon. Joseph Nduati** (Gatanga, JP): Thank you very much, Hon. Temporary Deputy Speaker. At the outset, I support the appointment of Hon. Ochieng' Mbeo. From his credentials, he looks highly qualified for the job. I encourage him that when he gets the appointment, he comes and markets fish eating in Murang'a County. We have a huge problem. From Kenol to Sagana, there are many *nyama choma* joints that have been opened. We all know that eating *nyama choma* is very unhealthy and we need to live healthy lives. As the President said the other day, we need to change what we eat. Most of our people in central region suffer from lifestyle disease as a result of eating a lot of *nyama choma* at lunch time and as an evening meal. It will be good if the new chairman finds ways of introducing fish in better ways. Fish was introduced in central Kenya in a very poor way. When most of us started eating fish, we were introduced to *omena* and most people do not like its smell. Even the kind of fish to be introduced should be friendly to our people.

I highly support the appointment of Hon. Ochieng' Mbeo.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Tonui, you have the Floor.

**Hon. Joseph Kipkosgey** (Kuresoi South, JP): Hon. Temporary Deputy Speaker, thank you for giving me this opportunity to contribute. Without wasting a lot of time, I want to say that I support the Member because of his very rich CV.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Millie.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support Hon. Mbeo. This is my constituent. I

know he comes from two constituencies and one of them is my constituency. I know his competence. He will do a good work.

I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Now we shall call Hon. Wangwe Emmanuel to reply.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. As I reply to the Motion that Members have discussed, I have a few comments to make. One, I thank the President for appointing Hon. Ochieng' Mbeo. Two, I thank the Speaker of the National Assembly. He was very instrumental in organising and facilitating the Committee in terms of achieving what we have so far achieved. Three, I thank the Clerk of the National Assembly and the secretariat that did all this good work that we have seen this afternoon.

I also thank my colleagues, Members of the Departmental Committee on Agriculture and Livestock for their participation. They came in large numbers. The Report is signed by many Members meaning all of us were available and committed to the cause. The memorandum went to the public but there was no objection from anybody to the appointment of Hon. Ochieng' Mbeo for this position. That is, in itself, a good thing to note. I thank the public for that participation.

I have taken note of two comments from two Members: the comment by Hon. Kioni on how to enrich the report. Come next time, should we be faced with such a challenge or an opportunity, we should enrich that integrity part by tightening it harder. I have taken note of it.

On a light note, I have taken note of Hon. Oundo's remark that anyone who has gone to the University of Nairobi seems to be the best but that is now past tense because better universities have come up. We will look at that in future as people compete in their own academic worlds.

I thank each and every Member who has spoken on this Report. Should this Motion be approved by this House we, as the Departmental Committee on Agriculture and Livestock, undertake to put it hard on Ochieng' Mbeo when he assumes office so that he delivers what he promised us during the vetting process.

With those few remarks, I beg to reply.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): We will pend putting the Question on that particular Motion to a subsequent and appropriate time.

*(Putting of the Question deferred)*

## ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, the time being 7.00 p.m., this House stands adjourned until tomorrow, Thursday, 8<sup>th</sup> August 2019, at 2.30 p.m.

The House rose at 7.00 p.m.