

PARLIAMENT OF KENYA**THE NATIONAL ASSEMBLY****THE HANSARD****Thursday, 27th February 2020**

The House met at 2.30 p.m.

*[The Speaker (Hon. Justin Muturi) in the Chair]***PRAYERS****PETITION****IMPROVED TERMS FOR PENSIONERS IN KENYA**

Hon. Speaker: Hon. Members, pursuant to the provisions of Standing Order No.225(2)(b), I wish to report to the House a petition submitted by the Kenya Association of Retired Officers, a duly registered association working towards better and improved terms and conditions of pensioners in Kenya which petition is tendered on behalf of over 200,000 Government pensioners in the country.

The petitioners claim that majority of the pensioners, especially those who retired before 2003, live in abject poverty and are unable to meet their monthly upkeep, food, clothing and medical expenses, and that they have for long been neglected due to the perception that they are economically unproductive.

The petitioners believe that they play a very significant role in national development in their own way and deserve better livelihoods through a comprehensive pension and benefit policy.

The petitioners pray that this House intervenes through the implementation of the Salaries and Remuneration Commission (SRC) Pension Increase Policy of 2015, amendment of the Pensions Act Cap.189 and the Pensions Increase Act Cap.190 of the Laws of Kenya, the provision of free and comprehensive healthcare for pensioners as well as the development and implementation of a comprehensive pension policy for the public service in Kenya.

Pursuant to the provisions of Standing Order No.227, this petition stands committed to the Departmental Committee on Labour and Social Welfare for consideration. The Committee is required to report its findings to the House and the petitioner in accordance with Standing Order No.227(2).

Next Order.

PAPER LAID

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

Annual Reports and Financial Statements of the Higher Education Loans Board (HELB) for the 2016/2017 and 2017/2018 Financial Years.

Hon. Speaker: Next Order.

ORDINARY QUESTIONS

Hon. Speaker: Hon. Members, there are three Questions.

Question No.024/2020

BENEFICIARIES OF MWACHE DAM PROJECT

The first one is by the Member for Kwale County, Hon. Zuleikha Hassan, who just less than 10 minutes ago submitted a request for deferment of the Question on account that she has another engagement in Nakuru. She is not able to ask the Question and so the Question is deferred.

(Question deferred)

Question No.026/2020

STEPS TAKEN TO PRIORITISE PROMOTION OF PRISON OFFICERS

Question No.026/2020 by the Member for Nyatike, Hon. Tom Odege, will not be asked. It will be deferred. Hon. Tom Odege wrote to me earlier this morning requesting for deferment of the Question on account that he is not available in the House this afternoon. Both requests have been acceded to and, therefore, those Questions will not be asked.

(Question deferred)

The only Question to be asked is Question No.025 by the Member for Embakasi Central, Hon. Benjamin Mwangi.

Question No.025/2020

STATUS OF OWNERSHIP OF LAND FOR PUBLIC SCHOOL IN KOMAROCK WARD

Hon. Benjamin Mwangi (Embakasi Central, JP): Thank you, Hon. Speaker. I rise to ask Question No.025/2020 directed to the Cabinet Secretary for Lands and Physical Planning:

(i) Could the Cabinet Secretary confirm the current status of ownership of the 5-acre piece of land known as L.R. No. Nairobi/Block 156/1, set aside by the Housing Finance Group in Komarock Ward in Embakasi Central Constituency for the establishment of a public school?

(ii) When will the piece of land be released to the Ministry of Education to enable publishing of a Registry Index Map (RIM) and lease prepared for school construction to commence?

Hon. Speaker: The Question will be responded to before the Departmental Committee on Lands.

That ends the first segment of that Order. I will interrupt the Order and go back to Order No.5 so as to allow the Chairman of the Public Investments Committee to table some documents. We will go to Order Nos. 5 and 6.

PAPER LAID

Hon. Abdullswamad Nassir (Mvita, ODM): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Progress Report on Consideration of the Special Audit Report on the Procurement of Pre-Export Verification of Conformity (PVOC) to Standard Services for Used Motor Vehicles, Mobile Equipment and Used Spare Parts by the Kenya Bureau of Statistics.

Hon. Speaker: The Kenya Bureau of Statistics?

Hon. Abdullswamad Nassir (Mvita, ODM): The Kenya Bureau of Standards. My apologies.

Hon. Speaker: Yes. Move to the next Order on the Notice of Motion.

NOTICE OF MOTION

PROGRESS REPORT ON PROCUREMENT OF PRE-EXPORT VERIFICATION OF CONFORMITY TO STANDARD SERVICES FOR USED GOODS

Hon. Abdullswamad Nassir (Mvita, ODM): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the progress report on consideration of the special audit report on procurement of pre-export verification of conformity to standard services for used motor vehicles, mobile equipment and used spare parts by the Kenya Bureau of Standards, laid on the Table of the House on Thursday, 27th February 2020.

Hon. Speaker: Very well. We will go back to the second segment of Order No.7. Standing Order No.84 allows the Member for Rongai, Hon. Raymond Kipruto Moi, to make a personal statement. Is the Member not present? Where does he sit? I do not know where the people who come at 5.00 p.m. usually sit. I know he is a very active Member. I have watched him from my office. I want to know where he normally sits. We do not raise hands. Hon. Moi, maybe you are finding it a little strange because this is not the hour you are normally in the House. You are very active but normally from around 5.00 p.m. to 7.00 p.m. When you come at 2.30 p.m., this is how business is transacted.

Proceed, Hon. Moi.

PERSONAL STATEMENT

VOTE OF THANKS AND APPRECIATION DURING THE PASSING ON OF THE LATE FORMER PRESIDENT, HIS EXCELLENCY HON. DANIEL TOROITICH ARAP MOI

Hon. Kipruto Moi (Rongai, KANU): Thank you so much, Hon. Speaker. This is a Personal Statement I would like to issue pursuant to Standing Order No.84 regarding vote of thanks and appreciation during the passing on of the late former President, His Excellency Hon. Daniel Toroitich Arap Moi, CGH.

On behalf of the entire family of the late former President, Daniel Toroitich Arap Moi, and on behalf of my family, I am extremely humbled to register our sincere gratitude to all Kenyans for standing in solidarity with us during the period of mourning following the demise of my father, our family *guka*, our family pillar, our hero and our nation's leader, the former President. All we could say as family, from the bottom of our hearts is - Thank You. Thank You. Thank You – *Ahsanteni sana*. We thank you for your outpouring love, prayers and standing with us during the period of mourning and sending-off of our beloved *Mzee*.

We would like to thank His Excellency the President of the Republic of Kenya and Commander in Chief of the Kenya Defence Forces, Hon. Uhuru Muigai Kenyatta; the Deputy President, Hon. (Dr.) William Ruto; the Chief Justice and President of the Supreme Court, Hon. Justice David Maraga, and the entire Judiciary; the former Prime Minister, the Right Hon. Raila Odinga; former Vice Presidents, Hon. Stephen Kalonzo Musyoka and Hon. Musalia Mudavadi; all Cabinet Secretaries and particularly, the Ministry of Defence and the Ministry of Interior and Coordination of National Government; the Attorney General, Justice (Rtd) Paul Kihara Kariuki; all Principal Secretaries; all County Governors led by Chairperson of the Council of Governors; Ambassadors and High Commissioners for the unrelenting support they gave the family during those trying moments. The family truly appreciates all for taking time off from their busy schedules that included travelling from far distances to condole with the family and much more important, for taking time to visit our homes. We thank you all.

I would like to thank the two Speakers of Parliament, the Honourable Speaker of the National Assembly, Hon. Justin Muturi; and the Honourable Speaker of the Senate, Hon. Kenneth Lusaka. I would like to thank my colleagues, Members of Parliament, both in the National Assembly and Senate for being with us, your words of encouragements and all you gave us during the period. We thank all the parliamentary staff led by the Clerk of the National Assembly, Mr. Michael Sialai and the Clerk of the Senate, Mr. Jeremiah Nyegenye, for the facilitation and staying with us during the period.

I must mention our deep sense of appreciation to the Kenya Defence Forces for the outstanding military pageantry, pomp, tradition and rituals. We thank the military clergy, all other clergy led by former African Inland Church (AIC), Bishop Silas Yego, the Kalenjin Elders, officers from the National Police Service, officers from the Prisons Department, the National Youth Service and other officers.

I may not be able to mention each and every person. The list is long. With your permission, allow me to thank the people of Baringo and Nakuru counties and specifically, Rongai Constituency, my constituents whom I humbly represent. The family appreciates each and every individual, all the people of Kenya and the world for every contribution each one of you showed and gave us. We thank you and may God's grace and blessings be upon all of you. We say a big thank you. *Asanteni sana*.

Hon. Speaker: Very well. Let us have the Leader of the Majority Party.

STATEMENT

BUSINESS FOR THE WEEK COMMENCING 3RD TO 5TH MARCH 2020

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, pursuant to the provisions of Standing Order No.44(2)(a), I rise to give a Statement on behalf of the House Business Committee which met this past Tuesday at the rise of the House.

On Tuesday next week, we will consider in the Committee of the whole House the Representation of Special Interest Groups Laws (Amendment) Bill (National Assembly Bill No.52 of 2019). We shall continue with the Second Reading of the following Bills should we not conclude them today:

(i) The County Roads Walkways and Parking Bays Bill (Senate Bill No.18 of 2018).

(ii) The Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bill No.27 of 2018).

(iii) The Care and Protection of all the Members of the Society Bill (Senate Bill No.17 of 2018).

(iv) The Parliamentary Pensions (Amendment) Bill (No.3) (National Assembly Bill No.57 of 2019).

(v) The Impeachment Procedure Bill (Senate Bill No.15 of 2018); and

(vi) The County Outdoor Advertising Control Bill (Senate Bill No.19 of 2018).

The House Business Committee has also prioritised the following Private Members' Bills for consideration in the Committee of the whole House on Wednesday, 27th February 2020, and urges all Members with any amendments to the said Bills to forward them to the Clerk's Office as soon as possible:

(i) The Livestock and Livestock Products Marketing Board Bill, 2019;

(ii) The Employment (Amendment) Bill, 2019;

(iii) The Kenya Institute of Curriculum Development (Amendment) Bill, 2019; and,

(iv) The Equalisation Fund Bill, 2019.

The House Business Committee has also prioritised the following Reports for debate next week if they are not concluded today:

(i) The Report of the Departmental Committee on Agriculture and Livestock on the Inquiry into the Challenges Facing the Coffee Research Institute.

(ii) The Report of the Departmental Committee on Defence and Foreign Relations on the Agreement between Kenya and Italy on the Luigi Broglio Malindi Space Centre, the former San Marco. I do not know why they changed the name to a very tough Italian name. It is the former San Marco Space Station.

(iii) The Report of the Special Funds Accounts Committee on the Audited Financial Statements of Uwezo Fund and the Women Enterprise Fund.

(iv) The Report of the Departmental Committee on Justice and Legal Affairs on the Annual Report on the State of the Judiciary.

Hon. Speaker, in respect to Questions before committees, the House is aware that committees have been very busy dealing with the Budget Policy Statement (BPS), the vetting of Cabinet Secretaries (CSs) and Principal Secretaries (PSs), and the Business Laws (Amendment) Bill 2019. In this regard, the departmental committees are yet to prioritise responses to Questions, save for a Question by Private Notice by Hon. Ruweida Obo and Hon. Aramat Lemanken MP, to the CS for Health for which the relevant committee will schedule for response next week.

Hon. Speaker, allow me at this early stage to thank the committees for the good work done so far. I would like to single out the Departmental Committee on Defence and Foreign

Relations that summoned the CS for Foreign Affairs today to respond to the issue of coronavirus following the request for a statement by Hon. Tecla Tum, MP and Hon. Francis Kuria, MP and in the same breath, I also thank the Departmental Committee on Education and Research for summoning the CS for Education to respond to a statement by Hon. Ahmed Kolosh on the transfer of teachers from North Eastern region.

It is my hope that the said chairpersons will apprise the House on the issues pursuant to the provisions of Standing Order 44.

Hon. Speaker, the House Business Committee (HBC) will, under your chairmanship reconvene on Tuesday, 3rd March 2020 at the rise of the House to consider business for the coming week.

Hon. Speaker: Hon. Members, I am aware and just want to remind ourselves, usually by Monday afternoons and Tuesday mornings, there are several of you always calling the staff asking what is coming up. Other than Hon. William Chepkut who uses something popularly known as *Mulika Mwizi*, all of you have smartphones.

(Laughter)

Please for this statement by the Hon. Leader of the Majority Party, if you could just take a photo of it, you do not need to ask anybody to make those frantic calls on Mondays because the villagers are holding you and you are trying to explain. If you took that and you are flashing it to them explaining what is happening, they will let you come to the House.

I also encourage you further again because you have those smartphones, take a photo of the published calendar of the House for this Session and save it. This will help you even in your bedroom wherever that may be to look at it and tell whoever it is about the calendar That is why it was made mandatory that once the House sits and resolves in a particular way with regard to the calendar, it must be published in the *Kenya Gazette*. However, you do not have to wait for the one in the *Kenya Gazette*, since there are copies of the calendar. Please just ensure that you have it. I am sure a Member such as Hon. (Dr.) Oundo will not have a problem. The elderly people such as Hon. Jimmy Angwenyi who has a *Mulika Mwizi* may be in trouble.

(Laughter)

Those of you with smartphones will be assisted.

After Thursday, you normally get involved in so many things that at times it is natural to forget and because you get into a weekend you may be in places where what you consume may not allow you to remember what happened yesterday.

So please take advantage of this.

Hon. Swarup Mishra (Kesses, JP): On a point of order.

Hon. Speaker: Hon. Mishra, what is your point of order?

Hon. Swarup Mishra (Kesses, JP): Thank you, Hon. Speaker. All phones are smartphones and everyone has them. My worry is that many Hon. Members will make fake programmes using their phone and cheat their families into believing that they are somewhere else.

(Laughter)

Hon. Speaker: Hon. Mishra, you are lucky since I do not see any Members rising in their places to claim that you are imputing improper motives on them.

Hon. Member for Kilifi North, what is your point of order?

Hon. Owen Baya (Kilifi North, ODM): Hon. Speaker, I want to echo what you have said. What Hon. Mishra has said is very unfortunate that he wants to portray all Hon. Members as dishonest as he may want to be himself. He needs to withdraw that statement. We have Hon. Members here and we should be treated that way.

He needs to withdraw and apologise.

Hon. Speaker: Yes, Hon. Mishra.

Hon. Swarup Mishra (Kesses, JP): Hon. Speaker, I agree with him but a man without weakness is not a man, unless he is not a man.

I withdraw the statement.

(Laughter)

Hon. Speaker: Let us have the Chairman of the Public Investments Committee (PIC).

Hon. Abdullswamad Nassir (Mvita, ODM): Thank you, Hon. Speaker. I tend to agree with Hon. Baya. Hon. Mishra is not lucky like some of us who profess the Islamic faith where we can have more than one wife. Maybe that is why he is saying that he will be using that to lie to his family back home. In an era of smartphones nowadays people can face time you and *WhatsApp* video call you. I would like him to know that it is not an excuse. He can be caught if he is to be caught and maybe that will be his weakness.

I thank you, Hon. Speaker.

Hon. Speaker: You have now added another dimension since he did not talk about wives. Maybe you could have talked about husbands.

Hon. (Dr.) Pukose what do you have to say?

Hon. (Dr.) Robert Pukose (Endebess, JP): Hon. Speaker, with all due respect, Hon. Mishra is a gynaecologist. So, we need to understand him from that point of view.

Hon. Speaker: Very well. It is getting murkier. Let us leave it at the point that he has withdrawn. Hon. Mishra you are required to have withdrawn.

Hon. Swarup Mishra (Kesses, JP): I am withdrawing but I will tell my Hon. friend that we do not always go to the kitchen to eat food since we also go to restaurants. So, no more wives since so many other people are also there. Thank you.

Hon. Speaker: Let us move to the next Order. Let us get to business.

SPECIAL MOTIONS

APPROVAL OF NOMINEES FOR APPOINTMENT AS PRINCIPAL SECRETARIES
STATE DEPARTMENT FOR VOCATIONAL AND TECHNICAL TRAINING/
STATE DEPARTMENT FOR UNIVERSITY EDUCATION AND RESEARCH

THAT, taking into consideration the findings of the Departmental Committee on Education and Research in its report on the Vetting of Nominees for Appointment as Principal Secretaries, laid on the Table of the House on Wednesday, 26th February 2020, and pursuant to the provisions of Article

155(3)(b) of the Constitution and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of the following persons as Principal Secretaries:

- (i) Dr. Julius Ouma Jwan - State Department for Vocational and Technical Training; and
- (ii) Amb. Simon Nabukwesi - State Department for University Education and Research.

(Hon. Julius Melly on 26.2.2020– Afternoon Sitting)

(Debate concluded on 26.2.2020)

Hon. Speaker: Hon. Members, debate on this Motion was concluded yesterday and I therefore put the Question.

(Question put and agreed to)

APPROVAL OF NOMINEE FOR APPOINTMENT AS PRINCIPAL
SECRETARY IN THE STATE DEPARTMENT FOR PHYSICAL PLANNING

THAT, taking into consideration the findings of the Departmental Committee on Lands in its report on the Vetting of the Nominee for Appointment as a Principal Secretary, laid on the Table of the House on Wednesday, 26th February 2020, and pursuant to the provisions of Article 155(3)(b) of the Constitution and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of Mr. Enosh Onyango Momanyi as the Principal Secretary for the State Department for Physical Planning.

(Hon. (Ms.) Rachael Nyamai on 26.2.2020– Afternoon Sitting)

(Debate concluded on 26.2.2020)

Hon. Speaker: Hon. Members, again, debate on this Motion was concluded. I therefore put the Question.

(Question put and agreed to)

APPROVAL OF NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY
STATE DEPARTMENT FOR TRADE AND ENTERPRISE DEVELOPMENT

THAT, taking into considerations the findings of the Departmental Committee on Trade, Industry and Co-operatives in its Report on the Vetting of the Nominee for Appointment as a Principal Secretary, laid on the Table of the House on Wednesday, 26th February 2020, and pursuant to the provisions of

Article 155(3)(b) of the Constitution and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of Amb. Johnson Mwangi Weru as the Principal Secretary for the State Department for Trade and Enterprise Development.

(Hon. (Dr.) Wilberforce Oundo on 26.2.2020– Afternoon Sitting)

(Debate concluded on 26.2.2020)

Hon. Speaker: Similarly, debate on this Motion was concluded. I therefore put the Question.

(Question put and agreed to)

APPROVAL OF NOMINEE FOR APPOINTMENT AS
PRINCIPAL SECRETARY TO THE STATE DEPARTMENT FOR TRANSPORT

THAT, taking into consideration the findings of the Departmental Committee on Transport, Public Works and Housing in its Report on the Vetting of the Nominee for Appointment as a Principal Secretary, laid on the Table of the House on Wednesday, 26th February 2020, and pursuant to the provisions of Article 155(3)(b) of the Constitution and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of Mr. Solomon Kitungu as the Principal Secretary for the State Department for Transport.

(Hon. David Pkosing on 26.2.2020– Afternoon Sitting)

(Debate concluded on 26.2.2020)

Hon. Speaker: Member for Seme, I am sure you will not get hurt. I know your usual place of aboard.

This one is from Kitui. She is the Member for the entire Kitui, including the urban bit of it. Hon. Kasalu, is that correct?

(An hon. Member spoke off record)

(Laughter)

Hon. Speaker: Hon. Members, again, debate on this Motion was concluded. Allow me to put the Question.

(Question put and agreed to)

The Member from Kitui, you can sit.

BILL*First Reading*THE KENYA NATIONAL COMMISSION ON
HUMAN RIGHTS (AMENDMENT) BILL

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

SPECIAL MOTIONAPPROVAL OF NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY
FOR STATE DEPARTMENT OF PUBLIC SERVICE

Hon. Speaker: Chairman of Departmental Committee on Administration and National Security not being present, the Member who has become the agent of necessity, Hon. Athanas Misiko Wafula Wamunyinyi, you may proceed.

(Laughter)

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Thank you very much, Hon. Speaker. On behalf of the Chair, I beg to move that, taking into consideration the findings of the Departmental Committee on Administration and National Security in its report on the Vetting of the Nominee for Appointment as a Principal Secretary, laid on the Table of the House on Wednesday, 26th February 2020, and pursuant to the provisions of Article 155(3)(b) of the Constitution and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act 2011, this House approves the appointment of Mrs. Mary Wanjira Kimonye as the Principal Secretary, State Department for Public Service.

Hon. Speaker, pursuant to these provisions and as required, the Committee – after the nominee was forwarded – considered the nominee and presented its Report to the House on 26th February 2020 as stated. As required by Standing Order 45, the name and curriculum vitae of the nominee was referred to the Departmental Committee on Administration and National Security on 10th February 2020 for vetting and subsequent reporting to the House within 14 days.

In line with the provisions of Article 118(1)(b) of the Constitution and Section 6 (9) of the Public Appointments (Parliamentary Approval) Act 2011, the Committee invited the public to submit memoranda on the suitability of the nominee to hold office through the *Daily Nation* and the *Standard* of 12th February 2020. Pursuant to the provisions of Section 6(3) of the Public Appointments (Parliamentary Approval) Act 2011 and Standing Order 45(5), the Committee, through newspaper advertisement on 14th February 2020, notified the public of the date, time and venue of the approval hearing. Further, the Committee, through a letter dated 13th February 2020, officially invited the nominee for approval hearing on 20th February 2020 at 10.00 a.m.

Hon. Speaker, on 12th February 2020, the Clerk of the National Assembly wrote to the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), the Higher Education Loans Board (HELB) and the Registrar of Political Parties, requesting for reports in respect of the nominee on matters

touching on ethics and integrity, tax compliance, criminal record, education loans advances and political affiliation. All the agencies, including KRA, EACC, DCI, HELB and the Registrar of Political Parties did not have any outstanding issues with the nominee.

The Committee conducted an approval hearing on 20th February 2020 and the nominee appeared before the Committee. The nominee was examined in accordance with the provisions of the Constitution, the Public Appointments (Parliamentary Approval) Act 2011 and the National Assembly Standing Orders on her suitability or otherwise for appointment as the Principal Secretary (PS).

In determining the nominee's suitability to hold office, the Committee was mainly guided by the Constitution, the Public Appointments (Parliamentary Approval) Act and the key issues for determination were as follows: How her name was arrived at for nomination by His Excellency the President; her qualification for appointment as Principal Secretary (PS); Chapter Six of the Constitution on Leadership and Integrity and memoranda received from the public contesting her suitability to be appointed to the office.

It should be noted that no memorandum was received from the public contesting the nominee's suitability to be appointed to the office by close of business on Tuesday, 18th February 2020 at 5.00 p.m. as by the newspaper advertisement on public participation.

The Committee having vetted the nominee made the following findings and observations:

1. Her academic credentials and professional training and experience met the requirement for appointment as PS.
2. She was recommended for appointment by the Public Service Commission as required by Article 155(3)(a) of the Constitution.
3. There were no memoranda received from the public contesting her nomination and suitability for appointment to the office.
4. The skills and experience acquired from other positions she has served in public and in the private sector will be useful in the new position if appointed.
5. She satisfied Article 78(1)(2) of the Constitution because she is a Kenyan and does not hold dual citizenship.
6. The Committee was satisfied that there will be no potential conflict of interest as stipulated in Article 75(1) of the Constitution should the nominee be appointed to the position.
7. She satisfied the requirements of Chapter Six of the Constitution on Leadership and Integrity as Directorate of Criminal Investigations, Kenya Revenue Authority and all other institutions did not raise any issues against her.
8. She has never been charged in court for a criminal offence, she has not been adversely mentioned in an investigatory report of Parliament or any other commissions of inquiry in the last three years.
9. She satisfied the requirements of Article 77(2) of the Constitution because she does not hold office in a political party neither has she held one at any given time before nomination.
10. She has never been dismissed or otherwise removed from office under Article 75 of the Constitution for contravention of provisions of Article 75(1) of the Constitution on conflict of interest, Article 76 on financial probity, Article 77 on restriction of State officers and Article 78(2) on dual citizenship, and
11. She exhibited knowledge and understanding of responsibilities and other pertinent issues relating to the Office of Principal Secretary, State Department for Public Service by

virtue of serving as Principal Administrative Secretary and having held other positions in the Ministry.

Hon. Speaker, in conclusion, the Committee recommends that this House approves the nomination of Mrs. Mary Wanjira Kimonye for appointment as Principal Secretary, Ministry of Public Service and Gender, State Department for Public Service by His Excellency the President. I urge the House to adopt the recommendation of the Committee as contained in the Report.

I beg to move and call up Hon. Josphat Kabinga Wachira Wadayo to second. Thank you, Hon. Speaker.

Hon. Speaker: Member for Mwea, please proceed.

Hon. Josphat Kabinga (Mwea, JP): Hon. Speaker, I beg to second the appointment of Mary Wanjira Kimonye as the PS, State Department of Public Service.

I participated in the vetting of Mary Wanjira Kimonye and I confirm to this House that this is one of the most qualified people that probably we have come across. This is a lady who has been a lecturer, was a CEO for Brand Kenya, has been involved in recruitment of chairpersons of various commissions and been involved in various consultancies in the Government. Therefore, I have no doubt that Mary Wanjira Kimonye will do a lot of good work in the public service.

Mary Wanjira Kimonye has been serving as the Principal Administrative Secretary for the same department and during her tenure, as a Committee, we have noted a lot of improvement in Huduma Centre services. We therefore believe that she is the right candidate to bring a lot of change in the public service and we expect a lot from her.

Hon. Speaker, I beg to second.

(Question proposed)

Hon. John Mbadi.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Speaker. Before I start, I know the provisions of Standing Order No.90 require that a Member needs to disclose interests if he has any. Mary Kimonye taught me marketing at the University of Nairobi but that would not have resulted in conflict of interest except that I want to add that during times of long holidays, Kimonye used to hire me to work in her consultancy firm. She did that on three occasions. Therefore, it would have been dishonest if I did not mention that.

I support her nomination and ask the House to approve Mary Kimonye to be the PS in the State Department for Public Service. If there is any single appointment that has come to this House which has made me very happy, it is this one. I say so because I have known this lady for long and I know that she is knowledgeable, experienced and intelligent.

First, this lady even at a very early stage, when she was still young and a very young lecturer at the University of Nairobi, was running a consulting firm that was reputed and she could consult for big companies like Unilever, BAT and many other multinational corporations.

This lady is one person whom I know does not look at people through the lenses of ethnicity. I could refer back to what I mentioned that in her recruitment for those to engage in her consultancy firm, she went for those she thought were the best in her class. So, she is someone who did not put ethnicity ahead of qualification and competence. If Hon. Patrick Musimba who was classmate was here, I am sure he would have attested to what I am saying. This lady is qualified and experienced. We know she has the capacity in marketing that very few people would match in this country.

Having said that and recognising that she is going to handle the Department of Public Service, I want to tell Mary Kimonye, when she gets to this Department, that employment in terms of regional and ethnic balance in this country is a problem. She must deal with it. She cannot remove those who are already in their positions but when vacancies arise, let her use those vacancies to harmonise and bring this country together. We are aware and reports always keep coming of inequality and imbalance in public service. People who are qualified to discharge duties in the public service can be found all over the country: from North Eastern to South Coast, and from West to East. Therefore, if you want to balance ethnicity in this country, you will still get quality and balance at the public service. It is my hope that that is one assignment that Mary Kimonye is going to do. Further, we have been complaining here a lot about ambiguity in terms of classifying regions as hardship and others as non-hardship. There is ambiguity in this area that I think she is going to handle.

My last comment is going directly to an issue that has just happened. There is this report and I have no reason to doubt it that we have allowed a Chinese airline to get their plane to this country. At this time of coronavirus, we still have the audacity and the carelessness that is associated with the public service to allow the Chinese airline to land in this country and then we say that they should self-quarantine. The way we know this country, who is going to self-quarantine? Who is going to follow through to ensure that these people do not mingle with others for the 14-day period to lapse? The Committee responsible needs to take this matter seriously and ask those who are responsible why Kenya should be exposed this much. We have no capacity. Let us not cheat ourselves as a country. If it is taking China this long to control this virus which we do not know its source, how long would it take the Kenyan system to manage this problem should it come to this country? We may all be wiped out.

It is annoying that the people tasked with responsibility of executing functions in the best interest of the people of Kenya, for whatever reason, are compromising the lives of Kenyans for whatever it is worth. This must be stopped. I want to use this opportunity to ask the Departmental Committee on Defence and Foreign Relations, the committee dealing with immigration and the Departmental Committee on Health that this is a matter that we should not take lightly. We must be given answers. I am sure all leaders in this House are not happy with this development. Hon. Speaker, allow us to talk about it. I hope those speaking after me will talk about this matter. We owe it to the people of Kenya to stop this kind of carelessness.

I support the nomination and I ask for the approval of Mary Kimonye as Principal Secretary.

Hon. Speaker: Well, you used a very interesting term “self-quarantine”. Some Members may think that Hon. John Mbadi is not in order but remember we are discussing the approval of the Principal Secretary to the position of Public Service. He addressed that point from the purview of public servants because even those visitors are using public facilities at the airport. Maybe Hon. John Mbadi should have raised the issue whether the airport is now safe for you because many of you, I am sure, are very happy when you get something to go to the airport especially to exit. You may have difficulties on where to go through. You never know. So, Hon. John Mbadi is perfectly in order to raise that issue because it touches on the performance of our public servants.

Hon. Mishra, do you want to contribute?

Hon. Swarup Mishra (Kesses, JP): Thank you, Hon. Speaker. Public Service is the backbone of any government. If we legislators have the bible, they are the priests. They execute, implement effectively, productively and successfully legislation without bias. Today, our country

is doing very well by the grace of God in Africa as far as public service is concerned. We congratulate our leadership that we never fail. We have failed very few times but most of the time our leadership at State House has done well. I support the nomination of the Principal Secretary, Mrs. Mary Wanjira. We should revisit, renovate and innovate the work system. We need to have a central point of public service for coordination and time to time evaluation. At the moment, there is no coordinated relationship in our country as Hon. John Mbadi told us few moments ago. The Ministry of Health, Ministry of Interior and Co-ordination of National Government and Ministry of Foreign Affairs should work together.

Today, the Coronavirus Disease 2019 (COVID-19) is a great matter of international concern to each and every human being. It has already been declared by the World Health Organisation (WHO) and United Nations (UN) an emergency. Let me tell you in one second how COVID-19 infects and contaminates another human being. It is through coughing and exhaling droplets. If it falls, for example, on the desk or a computer and you touch it, you become infected. Who is declaring this self-quarantine? Is there any documentation? Has the Republic of China given us documentation and commitment in writing? We have no idea about it. We do not want to spoil our relationship with China. With due respect, it is a matter of health for each and every human being. As human beings, we love each other. Prevention is better than cure. If we are not bringing our children to our country, how can we allow a full plane to land? I also understand another plane is coming next week.

I understand China has stopped domestic flights from Hubei to other provinces. How come we allow it? During this window period of disease transmission, self-quarantine cannot give you a 100 per cent guarantee as far as the specificity and sensitivity of the disease process is concerned. We, Africans, are very generous, we know. But please, charity begins at home. Let us love our children first. It is a matter of concern and we have to take it seriously. All public servants, all technocrats, legislators and the Executive must sit together and think about that without blame game.

Thank you.

Hon. Speaker: Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, let me talk about Mary Kimonye, the nominee, not the coronavirus, China and the planes. Just like Hon. Mbadi said, let me also declare my interest. I do not know Mary but I have known her husband for many years. I have known him since he was the Chief Executive Officer (CEO) of Kenya Meat Commission. I am sure, based on what the Committee has reported, the nominee has been cleared by the institutions that deal with Chapter Six of the Constitution such as the KRA, DCI, EACC and HELB. I am sure Mary has never been an official of a political party.

If you look at the years between 2017 and 2018, she served as a special advisor of special projects and strategic initiatives in the Ministry of Public Service, Youth and Gender Affairs. She then rose to the position of Principal Administrative Secretary. In fact, she has been an accounting officer. She has also served both in the public and private sectors for over 21 years. This shows that Mary has exhibited vast knowledge and experience in public service, having served in various institutions and organisations.

I am sure she has complied with Article 78(1) and (2) of the Constitution, that she is a Kenyan citizen and does not hold dual citizenship. This, therefore, fits her to hold public office. Hon. Speaker, this is very critical. She is not like the other person that the House dealt with.

This Departmental Committee on Administration and National Security did not receive any adverse report on the nominee. This was not only to Mary, if this House approves, but to all

other Principal Secretaries. It will be better if they adhere, as early as possible, to the provisions of Article 75(1) of the Constitution which provides as follows and this must be made clear to all public servants and State officers:

“A State officer shall behave, whether in public and official life, in private life, or in association with other persons, in a manner that avoids—

- (a) any conflict between personal interests and public or official duties.
- (b) compromising any public or official interest in favour of a personal interest, or
- (c) demeaning the office the officer holds.”

It is very important that all the people who are vetted and those who are in key positions in public service and State offices must comply with Article 75(1) of the Constitution.

On public service, and I want to make it very clear, the Public Service Commission (PSC), for example, does all the interviews and public appointments and they must comply with gender, regional and ethnic diversities of our country.

If you look at some of the Committee sittings, and Hon. Jimmy Angwenyi was sharing with me, you will find a Cabinet Secretary coming to face a Committee accompanied by five officers who are from one ethnic community. This is very shameful. That is not the Kenya that we are all talking about that we want to build.

The problem in this country is that what we say is not what we do. We are not honest and, sometimes, we are very deceitful. Even your staff in the State Departments or Ministries must reflect the diversity of Kenya.

If you walk to my office, you will find the diversity of Kenya from my research assistant, secretaries, policy analyst, personal assistant, driver and security officer. Every ethnic community of Kenya, in one way or the other, works in the Office of the Leader of Majority Party. I am sure you agree with me.

(An Hon. Member spoke off record)

Yes. My senior research assistant comes from Kisii in Nyanza region. My office assistant also comes from a different ethnic community. This is there. You can even see it from the appointments. So, which Kenya are we talking about?

Hon. Speaker, I am ready. You know I said I am not deceitful. I have said it, and I stand by what I have said.

(Hon. Richard Onyonka spoke off record)

You do not need to go and audit. You just need to walk to my office on the first floor and do a physical count. In fact, my senior research assistant comes from Hon Richard Onyonka's constituency.

Yes, he is very competent. Those Kenyans are very competent.

Hon. Speaker, look at one Prof. Kiama. I do not know him. He was interviewed, emerged number one as the Vice Chancellor (VC) of the University of Nairobi. I am happy today that the CS has realised that he has violated the law and has withdrawn his case.

The PSC that did the interview has not spoken up to today. The PSC should have said: We have done the interview of Prof. Kiama and he won in a fair and transparent manner. Why do you subject Prof. Kiama to the humiliation he went through? Let us be very fair as a country. Let

us start with employment. The unemployment rate in my constituency is the highest at 66 per cent.

Yesterday, I saw somebody saying that...

(Hon. Jimmy Angwenyi spoke off record)

It is slightly lower than that of Hon. Jimmy Angwenyi's constituency.

When Mary goes to that office, she must create a harmonised environment. There was a report done by Hon. Kaparo on public service appointments. Let Kenyans get the jobs based on even ethnic numbers even though some of us dispute the findings of the census.

There are some communities whose growth rates are known like western and northern Kenya. We also know the communities whose growth rates have issues. If you go to western Kenya, for instance, Kakamega and Bungoma, you will see that.

In the 10th Parliament, when we were doing the national population census, I asked the Speaker, Hon. Marende, "How many children do you have?" He told me he had about three or four kids. I cannot remember. Then I asked him, "Do you know how many children your Deputy Speaker has?" The then Deputy Speaker had around 15 to 16 children. I told him I am one of the people in northern Kenya who have the smallest family size of five children. The rest have 10 to 12 children. I now have five children, but I still have the energy to get more. I am trying.

(Laughter)

The Hon. Speaker said that the calendar must be in the bedroom. Hon. Jimmy Angwenyi told me that the calendar is not one of the instruments that are favourable in the bedroom. I told him, "No, you need to know the calendar." The Hon. Speaker said you put it on your phone. It is good for every Member of Parliament.

If you walk to the Speaker's Office, you will see the calendar somewhere. You will also see it if you go to my office as well as the offices of the Speaker's Panel and the Leader of the Minority Party. It is there so that you know when the House sits and the period of the short recess to help you plan.

Mary qualified in terms of public service and gender diversity. We are only dealing with the last nominee. So, I will be very happy if the House agrees in the shortest time possible so that we do not lose the quorum of putting the Question and to ensure that we do not discriminate her. This is because if we do not approve her this afternoon, due to lack of quorum, then the rest of her colleagues will be sworn in maybe tomorrow, she will be left out and then maybe a different day will be set for her. So, I beg to support this Motion and ask the House to support Mary's nomination because she is qualified and deserves the position.

Thank you, Hon. Wafula Wamunyinyi. In football, if the manager, the captain and the goalkeeper are away, there is always one player who comes out and stands out. For the Departmental Committee on Administration and National Security, we are happy because of your experience. You and the Member from Mwea rose to the occasion. We thank you. Let us support Mary. I beg to support.

Hon. Speaker: Member for Funyula.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Hon. Speaker, having listened to the Leader of the Majority party, I will keep it brief. Let me, again, mention that I met Mary Kimonye when she was at Brand Kenya. We were working on a certain project that required her

input. Having come from the university, I have no doubt about her ability to perform in the office. Those who have gone through the University of Nairobi, lectured and worked through that line are arguably the best that you can have in this country. My party Chairman is insisting I repeat that, but it is already on record.

The issue of public service is becoming a critical question that we need to discuss honestly and soberly as a country. There is a growing feeling that, first of all, the public service does not seem to be in sync with the changing environment, both locally and internationally, to enable them discharge their mandates. When you have a chance to talk to most of the public servants, they complain of unfair and bad working conditions. I hope Mary Kimonye will make all the efforts that she can to put into place work studies and work processes that will enable them to perform adequately and achieve their targets. It beats sense to employ somebody, give him or her a desk and not facilitate him or her to do the work – most of it involving fieldwork. It beats logic for an agricultural extension officer not to have ways and means of getting to the site.

With those few remarks, I support the appointment and hope that she will deliver and change the face of the public service.

Hon. Speaker: Member for Igembe North.

Hon. Maoka Maore (Igembe North, JP): Hon. Speaker, I will be brief. I also happen to know the nominee, Mary Kimonye. The person we are describing is strong enough to handle the docket. It is only that we need to worry, as a nation, about the multiple circulars that come from the Treasury about the management of the Ministry of Public Service. If you check in many departments, public servants who have either retired or died have not been replaced for nearly 15 years. If you go to many of those departments, they have done interviews but there are circulars saying they freeze employment. So, we would wish to ask this strong character, diligent and honest lady to come out with force. Let her use her eyes and clear the mess that is in the public service because of those numerous circulars by the Treasury, which does not care how you do performance contract yet you do not have the personnel to do the job. I will give a quick example and end the story.

In Igembe North, we need an engineer to approve our bills of quantities. I asked the Secretary for Works in the Ministry of Public Works and she told me that they completed the interviews in April last year but the Treasury told them they could not hire. So, all the nominees were interviewed and they are ready, but nine months later they are not employed. That is not how you run a country.

With those few remarks I beg to support the nomination of Mary Kimonye as the Principal Secretary, State Department for Public Service.

Hon. Speaker: Member for Ugenya. He is not there. Hon Pukose, what is your intervention about?

Hon. (Dr.) Robert Pukose (Endebess, JP): Hon. Speaker, Hon. Wafula Wamunyinyi Athanas, together with his Committee, has made a good presentation. This is a good Report. The presentation has been ably followed up by the Leader of the Minority Party and the Leader of the Majority Party, and by the Members who have contributed. In the interest of the House, I stand under Standing Order No. 95 and request that the Mover be called upon to reply.

Hon. Speaker: Is it the desire of the House that the Mover be called upon to reply?

Hon. Members: Yes!

Hon. Speaker: Can I get an indication?

Hon. Members: Yes!

(Question, that the Mover be called upon to reply, put and agreed to)

Hon. Speaker: Mover?

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Thank you very much, Hon. Speaker. I appreciate Members for their contributions. As I said, this lady demonstrated that she is, in all respects, capable of holding the position. She acknowledged the iniquities in the establishment and strengths of the public service. She assured the Committee that she is going to do everything possible to ensure that she serves the country and everything is balanced.

With those few remarks, I beg to reply.

Hon. Speaker: Hon. Members, I need to confirm that the House still quorate. Indeed, I confirm that it quorate. Having confirmed that there is quorum, I now put the Question.

(Question put and agreed to)

Next Order!

BILL

Second Reading

THE COUNTY ROADS, WALKWAYS AND PARKING BAYS BILL

Hon. Speaker: I am aware that there are Members who feel that they want to say something about that ailment. This Bill is about the county roads, walkways and parking bays. So, that thing about those who are coming into the country, they pass through parkings. If you use your imagination, you can always make your point. Do not be one track minded. So, even on this Bill, you can still make the point. Many of you wanted to have something now that Hon. John Mbadi opened the avenue. But on this one, if you become imaginative, you can still use the parkways and parkings. Where do you quarantine yourself? It could be in the parkways and walkways and county roads. So, Hon. Members, use your ingenuity. You can still make that point during this debate.

Hon. Pkosing, the Departmental Committee on Transport, Public Works and Housing.

Hon. David Pkosing (Pokot South, JP): Thank you, Hon. Speaker for giving me this chance to move this Bill, and for the education you have given us. First things first.

I beg to move that the County Roads, Walkways and Parking Bays Bill (Senate Bill No.18 of 2018) be now read a Second Time.

As I move this Bill, I want to inform the House that this is a Senate Bill. It is a Private Member's Bill from Senator ole Kina.

If I were to begin from the end, after looking at this Report my Committee has recommended that the House do agree with us to reject this Bill. And there are reasons why we espouse that proposal to the House. But, first, before I get to the reasons, what is the Bill talking about. This Bill purports to attempt to give county governments power to plan, construct and maintain county roads, street lights, alleys, parking bays and drainage systems. It further attempts to provide for duties for the Member of County Executive Committee (MCEC) responsible for matters relating to roads in each county, which include the following:

1. To formulate comprehensive plans for the construction and maintenance of county roads within the respective counties.
2. To facilitate the design, development and maintenance of drainage systems along the roads.
3. To ensure access ways to buildings constructed along county roads.
4. To construct, maintain and facilitate adequate parking bays in respective counties.
5. To facilitate regular inspection of all buildings, roads, streets, lanes, alleys, parking bays and walkways under the jurisdiction of a county government to ensure that they adhere to prescribed building codes and standards as set out in the Physical Planning Act and the Urban Areas and Cities Act.

Hon. Speaker, you committed this Bill to us and we did what is supposed to be done. In line with Article 118 of the Constitution and in compliance with Standing Order 127, the Committee held a one-day public hearing, where we invited all the stakeholders to make their contributions. I am just expanding on what the Bill aims to achieve. Because this is a small Bill, we did research on it, and we asked our secretariat to do a proper work on it. During public participation, what came out very clearly is that this Bill provides for what is already provided for. What is being asked for is already in Physical Planning and Land Use Act (No. 13 of 2019). We also interacted with the Kenya Roads Act, 2007, and some of the things which are proposed in this Bill are already in that Act. We further checked the Traffic Act (Cap. 403) and the Public Roads and Roads of Access Act (Cap. 399), and the things I have just explained are provided for. We did not stop there. We went further to the Streets Adoption Act (Cap. 406) and the Persons with Disabilities Act, 2003. We also had a chance to look at the Urban Areas and Cities Act (No. 13 of 2011). The matters that our colleague was attempting to achieve have been provided for in those pieces of legislation. That is what informed our Committee to ask: If it is already provided for, why are we looking for another Act to provide for the same? That is why we recommend that the House do agree with us as a committee to decline approval of this Bill. Because the issues are already covered, it is superfluous to approve the Bill. It might also be an illegality to approve things which are being provided for.

This matter then brought another issue within the Committee, which is that the Legal Department of Parliament, without curtailing Members' rights to prepare and present Bills, should be helping Members. I am sure a piece of legislation by a Member does not just find itself on the Floor of the House. It goes through certain processes, particularly certain quality processes, by the Legal Department and the Legislative Department of Parliament. I would wish then that at that level the staff should reason with the Member, or they should have an extensive discussion with the Member proposing the Bill so that at least we enrich our law-making process. We should make laws on issues that have not been provided for and not on what is already provided for, as evidenced in this Bill. So, we are advising, without curtailing the rights of Members... We should also be mindful that sometimes too much criticism from the Legal Department might curtail Members' rights of proposing legislation. On this case, maybe the pieces of legislation were too much for him to realise that these matters are already provided for. Apart from considering other issues, like what the MCAs might legislate on at the county level, we restricted ourselves to what is provided for in the main Acts.

With those few remarks, we recommend to the House to agree with us, and decline approval of this Bill, because the matters covered are already fully provided for in the legislation that we have unless somebody is trying to repeal those pieces of legislation. Because the repeal function is not part of the consideration, we propose to decline approval of this Bill.

I beg to move and ask Hon. Rindikiri, Buuri 1, to second this Motion. I thank you, Hon. Speaker.

Hon. Speaker: So, even in trying to duplicate all those other Acts, it has not provided for places for self-quarantine? It has duplicated so many Acts, but it has not provided any kind of safe haven.

Hon. Rindikiri.

Hon. Mugambi Rindikiri (Buuri, JP): Thank you, Hon. Speaker. I am in agreement with what our Chairman has presented to this House. I think the drafters and originator of the Bill should have really taken time to do a bit of research to know that there are so many other pieces of legislation which contain what this Bill purports to present. It is, therefore, our agreement.

Without adding more, I beg to second.

(Question proposed)

Hon. Speaker: Member for Seme.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Speaker, for giving this opportunity. I rise to support the decision of the Committee for two basic facts. One, a lot of issues that are to be addressed by this Bill are already addressed in other Acts. Two, the Bill does not provide for repeal, or how the two Acts will relate. That alone will disqualify the Bill.

Having said that, what the Senator was trying to get at are actually important issues: issues of access; issues of regulation regarding where houses, hospitals and hotels should be; access to all these places and parking bays and bus stops, which we do not even have. I think it would go ahead and include naming of streets. Those are not being done now yet there are laws that provide for them. Then we must ask ourselves as a country: What is happening? We know things that should be done, the laws are there and yet they are not being done.

This brings me to the issue that we have been discussing, about self-quarantine. The whole world is scared that if the Coronavirus Disease 2019 (COVID-19) gets into Africa, the infrastructure we have is such that we shall not be able to contain it. Therefore, the only option we have is to try by all means, as drastic as it may be necessary, to stop it from coming into our country. That is the reason, I believe, we have not brought back home the Kenyans who are in China. If we did so, we would be exposing the country to the coronavirus. They might have been well when they arrived, but after two weeks, they might start showing symptoms of having the virus. It is known that this disease can be passed on during the incubation period before a person actually gets sick.

We read that the plane from China arrived into the country and the passengers were asked to self-quarantine. This means you hold yourself where you are and not move for the benefit of the whole country. How feasible is that without the mechanisms for holding you there being in place? I know in such circumstances, they are supposed to take the address and contacts of passengers and follow up in order to find out if any of them is getting sick and then report back. However, by the time that happens, it would be too late.

Hon. Speaker, it is my suspicion that consultations were done and that led to the passengers being allowed into the country. The plane stayed on the tarmac for almost two hours. It means the first officers who came into contact with the issue declined to clear them. That is what anyone would have thought would be the correct thing to do. It also makes me suspect that maybe higher authorities are the ones who overruled the first officers on the ground.

The first officers on the ground normally use rules as they are in the book. When other consultations come to overrule them on issues such as this, it means that the rule in the book is not being followed. Can we afford such a situation when the coronavirus is spreading globally? In fact, we are supposed to be more stringent than even what the International Health Regulations would require of us. I know WHO says that there may be no restrictions of passengers traveling to other countries. However, it has also stated that countries can make their own decisions considering their own situations. I think our situation is just that we stop any planes from China coming in. I know the argument is that there are other planes from China which pass through other countries before coming here. We should also stop those ones too. The streets in China are empty. Their manufacturing is down. They want to control the pandemic yet here we are taking it lightly. I am told there were over 190 people in that plane. They are now scattered all over the country or the city. I do not think we have the capacity to go and see what each one is doing in their so-called “self-quarantine”.

I am a Member of the Departmental Committee on Health and I know the appropriate Ministry will be appearing before us on Tuesday. However, something tells me that Tuesday might be too late for them to appear before us. I think some people should sit down and re-look at this issue. If planes are still arriving, as we are hearing, I do not think we are taking this matter seriously. I would rather we act in favour of our safety. In a situation like this, we should have a national pandemic preparedness taskforce to be chaired by the Director of Medical Services. By now, they should be having a COVID-19 emergency preparedness taskforce in place. From what I know, but maybe things have changed, that taskforce should make all decisions. All Government departments are supposed to be represented in it. I am talking about the security department, Ministry of Foreign Affairs, the veterinary services and other relevant institutions. I hope the decision was not made against or without serious consultation with the taskforce that contains everybody from every conceivable department. I dealt with the flu pandemic scare and that is how we did it. I am actually concerned.

We will eventually get this information, but we must also come out and clearly tell Kenyans what other dangers they are in. What arrangements have been made? If you are in a hotel room and an officer knows where you are, how then does he make sure you are doing what you are supposed to do? How are the people serving you protected? I just wanted to express my concern that this is something that needs urgent consideration. As a country, we should be made to feel safe by clear pronouncements of what safety measures are being taken to keep us protected from this feared pandemic, which is spreading all over.

Hon. Speaker: I encourage Members, once more, that whenever you have legislative proposals, and there have been very many from quite a number of you, we always take them to our Legal Department. Part of the reason is that we do not want you to spend time imagining that you are coming up with new ideas yet they already exist. Even if you come up with them, you must propose, as has been suggested, that you are improving and, therefore, you would be deleting some portions of the existing legislation. If, indeed, this Bill is seeking to establish mechanisms for pathways, walkways and parking bays and there are other laws which already provide that... I am sure Hon. Dr. Nyikal would recall that in the Persons with Disability Act (2003), there is already provision on how to access. That has already been provided for.

It looks like there is a problem in the Senate. The Senator was excited about things which he did not quite understand. Was it Senator ole Kina? Or he has not lived in the country long enough to know that these laws already exist? Maybe he does not. If you live in Kenya, you would know that these laws already exist. However, if you just landed from some place, you

would then be in some excitement thinking that you are bringing stuff from outer space. It is normal stuff that everybody knows. It already exists in other laws. If you also want to change the existing ones, then you should ask the Legal Department to help you to propose amendments to existing provisions. You cannot pass a law which states what is stated in several other laws. It would have been more innovative if it was providing for the places that Hon. Nyikal spoke about like safe havens for those to be quarantined and things like that.

The Member for Baringo County, the Floor is yours.

Hon. (Ms.) Gladwell Cheruiyot (Baringo CWR, KANU): Thank you, Hon. Speaker for giving me this opportunity to also contribute to this Bill that has been declined by the Committee concerned. As I listened, and this being my first time in Parliament, I wondered how this was the Second Reading of the Bill. So, how did the First Reading go? It means the First Reading was accepted and now we are in the Second Reading. I am concerned and I stand to be directed.

Hon. Speaker, it is true if there is duplication of a Bill, and, of course, this is a money Bill, we cannot afford to have two Bills that talk about the same things going to do the same functions and yet we have many other things waiting for this House and the Government to execute. The issue of walkways is in another Bill. It is unfortunate they have not put it into use. It is true that most of our towns in the counties have no walkways. Even for the people with disabilities (PWD), at times it is difficult for them to use their gadgets, especially wheel chairs on the walkways because they are not friendly to allow them to ride along without difficulties.

When we talk about walkways, again we ask ourselves, in a time like this when we have pandemic issues like COVID-19, what the Bill says about people walking, especially those who are suspected and those who are clean from areas affected by the virus. When we say people should self-quarantine, is it in the house or somewhere in the village? It is funny.

Hon. Speaker, like you have directed, it is time we discussed this thing. As the Committee on Health, it is funny to hear that somebody is coming to self-quarantine. I am imagining this is a father who has arrived from China and going to a house that has his family members who have to meet and greet him. Therefore, if he has to be quarantined, the family members would walk the following day, some to school, others to the market and others to the workplace.

Through the medical knowledge that I have, the incubation period of a disease is specific to that disease. For this one, it is 14 days. Screening by public health officers at the airport just check temperatures which can rule out any other disease especially if the temperatures are not high. The question remains whether the person who came in today has this 0-14 day for the disease to erupt. For example, if the person contracted the disease yesterday, you are sure by today temperatures are not high and, therefore, the machine might not detect it. In the process, when they are in the house during the incubation period, the disease begins to manifest. What will we do as a country? It is very sad. In my county and the one I neighbor, Malaria still kills people. How are we going to handle this coronavirus? God forbid! We only pray that it does not come because in China, they built a facility within three days. What about us? What can we do?

Preparedness is what we want, but the most important thing is prevention. Without going against human rights, it is important that we prevent this disease from coming into our country and the only way is through the three ministries concerned, namely, the Ministry of Transport and Infrastructure Development, Ministry of Health and the Ministry of Interior and Coordination of National Government. These ministries should work together because this is a collective responsibility. So, when we are talking about Bills on how people will walk and

interact on the road, it is important that our health is paramount. It should be given the priority and the people concerned should take it a notch higher.

Thank you, Hon. Speaker. I want to support the Committee in declining the Bill because there is duplication of functions.

The Speaker: Member for Luanda.

Hon. Christopher Omulele (Luanda, ODM): Thank you, Hon. Speaker for giving me this opportunity. Mine is really to raise a constitutional point on this particular Bill and whether this House should even consider it at all. I rise on this point because of the delineation of the different mandates of the different Houses as defined under Schedule 4 of our Constitution. My reading of Schedule 4, particularly Part (1) thereof sets out the national Government mandate and Paragraph 18 particularly speaks to transport, communication, including and in particular - these are not my words, but words of the Constitution itself - roads traffic. It says the construction and operation of national track roads standards for the construction and maintenance of other roads by counties... Therefore, it is there.

This is a mandate of the national Government. I have perused this Bill and it purports to set standards for the construction of roadways, parkways and other public amenities which speaks to this particular provision and mandate of the national Government. It is my considered opinion, and I stand to be corrected, that this is a mandate that is not available to my brother, Sen. Ledama ole kina, the Senator for Narok, as he has proposed under this Bill. Therefore, I am raising this point as a constitutional point for your determination that this is a Bill that does not need to consume the time of this time as we are now doing. We should set it aside under constitutional consideration, so that we may take on other matters that are more relevant for consideration by this House. This Bill offends the separation of mandates under the Constitution. I, therefore, seek your direction on this one.

The Speaker: Hon. Omulele has raised a constitutional issue and maybe you want to address the same issue Hon. Pukose?

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Speaker, I want to support what Hon. Omulele has said and considering what Members have raised. Even when the Committee was moving the Bill, I think it would have been important for it to have looked at what it is we wanted to achieve with the Bill because its spirit did not achieve what he intended. He might have been thinking of perhaps setting up parking spaces and how we control entries within buildings, hospitals and other facilities. The way he has drafted it, I think it would be a waste of our time as a House to deliberate on a Bill that we are saying is flawed. It is not even amending any other Act. It is important that we step down this Bill, so that the House can transact other important matters.

I also wanted to echo some sentiments raised by Hon. Nyikal on the COVID-19 that is now a major issue in the world. One of the things that you realise is that even with issues of self-quarantine, this virus can be spread through sneezing and contact even through just greeting someone. If you have secretions of fluid and there is contact, even touching buildings and touching any other materials, it can spread. That is why it has become very difficult for the Chinese to control those who are infected. When you read newspapers, every day the number of cases of those who are dying and those who are even getting infected is rising and is a worrying concern. You have even seen a country like Italy that did not have cases now has reported cases of deaths. Therefore, I think this matter calls for this country to look at it with a lot of seriousness. Ideally, we do not have capacity to control this disease. China is a superpower and

they are facing these difficulties. What will happen to a country like Kenya which is not a superpower?

The only way out for us is prevention by ensuring that the infected do not enter this country. The only way of ensuring that they do not enter this county is by us not looking at whether we can make money from flights, but ensuring our citizens are protected. I think it is high time the Head of State of this country came out and ensured our country is safe because that is what he swore to do for this country.

With those few remarks, my opinion is that we step down this Bill for other important business to be transacted by this House. Thank you.

Hon. Speaker: Hon. Pkosing, the Chair of the Departmental Committee on Transport, Public Works and Housing, when moving, you appeared to suggest that this Bill is purporting to address the issue of standards of how parking bays and county roads will be done. Is that so? Maybe, you can confirm.

Hon. David Pkosing (Pokot South, JP): Thank you, Hon. Speaker. I said a number of issues which this Bill is purporting to address construction and maintenance. It is true this is provided for under the Fourth Schedule because it is a function of the national Government. So, this Bill is attempting to give those functions to the county level.

Hon. Speaker: Yes, Hon. Rasso, you want to weigh in.

Hon. Ali Rasso (Saku, JP): Thank you, very much, Hon. Speaker. As we consider this Bill, I almost think we are attempting to legislate in vain. This is because when the Senate came up with it, it is like somebody was walking around in Narok Town and found a problem of parking areas and walkways.

It is clear that at the national level there is the element of spatial planning before a road is constructed or a market centre is established and this is given in law. But when I look at this Bill with intensity, I think it is more of administrative than legislative. That somebody says “we need a walkway on street Y or a parking bay because the population is rising.

So, I think this is a curative aspect rather than bringing legislation to the National Assembly. Administratively, it is looking at whatever infrastructure we have and the missing links. I think if we continue attempting to discuss this Bill, we may be trying to over legislate or legislate in vain. At the end, what will be the output? It will be zero because the law is out there.

Hon. Speaker, if I just add my voice on the issue you have asked on self-quarantine, in a broad shade, what you are raising is linked to the last Motion where we were approving somebody nominated to be Principal Secretary in the Public Service. What happened yesterday in allowing an aircraft from China to land at JKIA showed lack of professional efficiency on our part. The Americans are evacuating their people from China, the Russians are saying they will close their airspace and the British are taking their people to the mainland United Kingdom (UK) and quarantining them in a military installation. For us, if we think beyond the horizon, we do not have the infrastructure to take care of our people.

The doctors in the House who have contributed before me have clearly stated that we are grappling with Malaria 50 plus years after Independence. What about a virus that is feared to be a biological weapon that spilled out? For that reason, with this Bill and the issue at hand of the coronavirus, our Civil Service and particularly the Executive, must do better. If that virus hits Kenya and God forbid, we will be in a lot of trouble. We do not have the capacity, means and resources to face it. It will be a big tragedy.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Makueni, do you want to weigh in on the constitutionality of the Bill?

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Speaker. Under Article 186(4), Parliament, which includes the National Assembly and the Senate, can legislate on any matter. In regards to the standards of parking bays, it means that any law originating from the Senate must come here unless it is another law already in existence. This means that this House may debate and decide whether that law will be passed or not. This law originated from the Senate and is in the National Assembly and this constitutes Parliament. Then, I think nothing really stops us from accepting or rejecting this law after debate.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Maanzo, for greater clarity, Parliament may legislate for the republic on any matter. But the same Constitution has created delineations. Parliament as per Article 93 is both the National Assembly and the Senate. But the same Constitution has clearly said that on matters to do with standards as far as relates to roads and the kind of things we are discussing, is a function of the national Government. Remember, there is no law the Senate can pass without this House unlike this House which is vested with immense authority to legislate and enact laws. Article 95 of the Constitution is very clear that the National Assembly enacts as opposed to Article 96 which says that the Senate participates in the legislative process. They are just participants. If, in the process of participating, somebody introduces a Bill... I am just wondering whether the Report was brought to my attention. If the Report of the Committee was for the Bill to be rejected for the reasons that it is seeking to provide mechanisms for doing that which is already provided for in other laws, even that alone is unconstitutional because that is not the way you make laws. If you want to make a law about something which already exists in another law, then you must propose to either amend that other law or delete specific provisions of that other existing law. Otherwise, if you cannot do that, you provide that there will be grey, red and black and you find that there are already provisions for it and then you say there will be red, green and black, and you purport to be making different laws. It is not right. We will be wasting time. I do not know.

I would want to stand this down on account of what has been raised by Hon. Christopher Omulele as supported by a few of you, so that I can have an opportunity to look at the Report by the Committee alongside the constitutional issues that have been raised by Hon. Omulele. Otherwise, it may be unnecessary that the House will spend a whole afternoon discussing a Bill which is so defective. Even if we are going to reject it, is it worth the effort really? It is not a Bill that we are going to say we are going to amend because it is not possible now to propose amendments. It is the Bill itself which should have proposed to amend those other existing provisions. We will be acting in vain and I think it is not fair that the House should act in vain.

So, I will step down debate on this Bill. I direct the Clerk to provide me with the Report of the Committee alongside the objections raised by Hon. Omulele which should be considered alongside the provisions of Article 186(4) as alluded to by Hon. Maanzo. Having stood down debate on this Bill, we proceed to the next Order.

(Bill deferred)

MOTION

INQUIRY INTO CHALLENGES FACING THE COFFEE RESEARCH INSTITUTE

Hon. Speaker: Let us have the Vice-Chair of the Departmental Committee on Agriculture, Livestock and Cooperatives, Hon. Wangwe.

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

THAT, this House adopts the Report of the Departmental Committee on Agriculture & Livestock on its Inquiry into the Challenges Facing the Coffee Research Institute, laid on the Table of the House on Tuesday, 26th November 2019.

Hon. Speaker, On 15th October 2019, Hon. (Dr.) Eseli Simiyu rose on a matter of national importance regarding the coffee industry and specifically the Coffee Research Institute (CRI). He stated that he had paid a visit to CRI in Ruiru in the recent past and was disappointed to find out that the coffee farm had been extremely affected by coffee berry disease, absentee employees, delayed employee salaries, lack of farm inputs, including pesticides, lack of planting seedlings, lack of funding, ghost coffee estates without ongoing operations and that the institution was in a deprived state.

Pursuant to Standing Order No.218(2), you directed the Departmental Committee on Agriculture and Livestock to extract the statement from Hon. Eseli and use it to visit the CRI to investigate what challenges it was facing and report to the House.

Following your guidance, on 17th October 2019, the Committee met and resolved to consider the matter under the following terms of reference:

1. Examine and inquire on the mandate, management, activities and operations of the Coffee research institute;
2. Evaluate the progressive performance of the institute from inception to date;
3. Investigate on what is ailing the CRI;
4. Evaluate support accorded to the institute by: Ministry of Agriculture, Livestock and Fisheries; Agriculture and Food Authority; Cherry Advance Revolving Funds; Commodities Fund and Coffee Revitalisation Programme; and,
5. Report on possible solutions of addressing the existing challenges.

Hon. Speaker, the Committee undertook an inspection visit to CRI in Ruiru on Wednesday, 23rd October 2019, in accordance with its mandate as stipulated in Standing Order No.216. On Monday, 28th October 2019, the Committee held extensive deliberations with officials from CRI headed by the CEO, Dr. Gichuru, and representatives from the Kenya Coffee Producers Association (KCPA).

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

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

Hon. Temporary Deputy Speaker, on Tuesday, 29th October 2019, the Committee held a meeting with officials from the Ministry of Agriculture, Livestock and Fisheries represented by the Principal Secretary, State Department of Crop Development and Agricultural Research, Prof. Hamadi Iddi Boga. The Committee reviewed various documents including the Agriculture and Food Authority Act, 2013, the Crops Act, 2013 (No.16 of 2013), the Kenya Agricultural and

Livestock Research Act, 2013 (No.17 of 2013), Report of the National Taskforce on Coffee Sub-sector Reforms and the Crops (Coffee) (General) Regulations, 2019.

It is worth noting that coffee research is undertaken by the CRI of the Kenya Agriculture Research and Livestock Organisation (KARLO). In 1944, the colonial government acquired Jacaranda Farm at Ruiru and established the Coffee Research Station. Laboratories were constructed and completed in 1949. All this was funded by the Government of the day. The Coffee Research Foundation (CRF) was established in 1964 under the Company's Act (Cap 486). On 1st July 2014, four State corporations, namely, the Kenya Agricultural Research Institute (KARI), Tea Research Foundation (TRF), Coffee Research Foundation (CRF) and the Kenya Sugar Research Foundation (KESREF) were effectively dissolved and merged to form the Kenya Agricultural and Livestock Research Organisation (KALRO). The CRF was consequently transformed into CRI as one of the institutes under KALRO.

The mandate of CRI is to conduct research in all areas of production, processing and marketing. In addition, the institute is expected to provide routine services to the coffee industry. In order to discharge its mandate, the CRI has established research stations across the country. The substations are located at Mariene (Meru), Kisii, Kitale and Koru in Kipkelion. The institute also runs a demonstration plot in Bungoma. The institute is headed by one Director, Dr. Elijah Gichuru.

Hon. Temporary Deputy Speaker, Executive Order No.1 of 2018 established the State Department for Agriculture Research, which is mandated to promote agricultural research and facilitate the agriculture sector for social-economic development and industrialisation. The specific mandate includes crop research, agricultural seed research, livestock research and development, tsetse fly and trypanosomiasis research and control, crop and animal genetic research.

Hon. Temporary Deputy Speaker, Parliament enacted the Agriculture, Food and Fisheries Authority (AFFA) under the Crops Act, 2013, which repealed the Coffee Act, 2001. Consequently, the Coffee Board became a Directorate under AFFA with regulatory oversight on the sub-sector.

Having visited and listened to the CRI and met with the key stakeholders, as a Committee, we observed as follows:

(i) The CRI is mandated to provide timeline advisory services through field visits, agricultural shows, radio programs, use of demonstration plots, publications, use of modern technology such as social media, provision of quarterly weather bulletins and disease and insect pest management protocols, but these functions had been scaled down.

(ii) The CRI had 50 per cent funding that came from the Coffee Research Levy at 2 per cent of gross coffee proceeds. However, the levy was abolished in 2016.

(iii) There had been salary delays at the CRI on two occasions. First, during the re-organisation of the CRI in compliance with Executive Order No.1 of 2016 and secondly, in Financial Year 2018/2019 where the allocation given to the KALRO did not factor in the approved harmonised salaries that had been effected and funded by the Exchequer with effect from January 2018. However, as at the time of the Committee visiting the CRI, this had been resolved and the current payments by KALRO were up to date.

(iv) The last variety of coffee that was released by CRI was in 2010 and since then, there has been no new variety released by the institute.

(v) The laboratory equipment at the CRI is obsolete.

(vi) The CRI lacks modern irrigation infrastructure for coffee nurseries.

(vii) The CRI had 17 scientists against an establishment of 30.

Hon. Deputy Speaker, this is a research foundation and the lack of a scientist who is a lead investigator is a big issue. The establishment requires 30 scientists, but the CRI has only 17. The total workforce at the CRI was 223 employees and two-thirds of this workforce is about the age of 55. As at the time of the visit, this was an aging workforce.

(viii) The Auditor-General regularly conducts financial audits of KALRO. However, the scientific audit on technologies and processes within the research institutes had never been concluded. Since inception, there has never been a scientific audit of the processes and technologies that are applicable to the institute.

(ix) The CRI produces 100,000 seedlings of the “Ruiru II” variety per year, whereas the demand for the variety in the country is 1.5 million seedlings per year resulting in a big gap between what is produced and what CRI can supply to the market.

(x) The National Taskforce on Coffee Sub-sector Reform reviewed the entire coffee value chain and identified areas requiring interventions and made recommendations to address the challenges in CRI.

Hon. Temporary Deputy Speaker, this is a full taskforce appointed by the President and it has a full report, which is annexed to our Report, so that Members can have a look at the outcomes of that report and the recommendations.

(xi) Since 2014, the number of staff in KARLO had been diminishing owing to varied reasons, which ranges from retirement, death, resignation, among others.

(xii) From KALRO's age analysis, most research staff are evenly spread in brackets of 51 to 55 and 61 to 65 years of age categories, accounting for approximately 74 per cent of existing research scientists close to retirement.

(xiii) Although Kenya has strong policies in research and has established required institutions, financing and research capacity management remains a major handicap at all levels.

Hon. Speaker, therefore, the Committee made the following recommendations:

(i) The National Treasury allocates funds for implementation of recommendations by the National Taskforce on Coffee Sub-sector Reforms on funding CRI to expand production of coffee seeds and planting material, and cooperatives to establish and distribute coffee planting mainly for the new varieties, *Ruiru II* and *Batian*.

(ii) Creation of a financial kitty to support research to be nested in CRI, and provision of financial and technical support amounting to what the Ministry itself required, Ksh350 million to the State Department of Cooperatives, Coffee Research Institute, Nairobi Coffee Exchange, and Coffee Directorate.

This is a figure that was given to us through the Ministry of Agriculture when they appeared before the Committee.

(iii) The National Treasury introduces a coffee research levy at not more than 1 per cent. The earlier coffee research levy was at 2 per cent. The Committee feels that it is important because of what it used to fund, we give the CRI a percentage of about 1 per cent of the gross coffee proceeds to support coffee research and extension services.

(iv) Financing of agricultural research should be given priority by the Government and other reliable sources of financing for research on coffee should be identified and implemented.

(v) KALRO, which is the housing organisation, conducts a scientific audit on efficiency, effectiveness and economy on technologies and processes within the research institutes.

This is very important because without undertaking this audit, our CRI lagging behind cannot measure to the international research organisations which they are competing with.

(vi) The CRI works closely with farmers in coffee producing regions for adoption of innovations in research and provision of timely advisory services.

This is key because those farmers who came to present before us said that they lacked advice from CRI under KARLO, so that they could fight the various diseases they experience in their farms.

Hon. Temporary Deputy Speaker, with that large Report that I have presented, I beg to move and ask my colleague, Hon. Daniel Tuitoek, to second.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Daniel Tuitoek.

Hon. Daniel Tuitoek (Mogotio, JP): Thank you, Hon. Temporary Deputy Speaker. As the Chair of the Departmental Committee on Agriculture and Livestock has said, this was as result of a request by Hon. (Dr.) Eseli Simiyu to look into the state of CRI. We visited the institute and looked at it very closely. As we all know, coffee is one of our major crops in Kenya, apart from tea and flowers. It is one of our foreign exchange earners from its export.

The state of the coffee industry in Kenya has been declining. Many farmers are dependent on this crop, especially in the counties which grow it. There are two major coffee varieties, namely, *Arabica* and *Robusta*, but it is mainly the *Arabica* variety that is grown in Kenya. We also found that two main varieties are being researched at CRI. As it has been explained, the research has slowed down. They produce a new variety of coffee every 10 to 11 years, which is a long time. It has been a long time since they got a new variety of coffee which is very serious. As it has been outlined, this has been as a result of the kind of equipment at the research Institute. It is not totally deserted as Hon. (Dr.) Eseli said. However, it has not been given funding for a long time.

We found that there are scientists at CRI, but they are not adequate. The major problem is that young scientists are not recruited. As it has been outlined, most of them are over 50 years old. This is serious because we all know the dynamics of research. Those who carry out research intensively should be young. The KALRO is the biggest body which covers CRI. They are a little bit more dynamic than CRI. The KALRO headquarters has many branches. They deal with many areas of research. When AFFA was created, the state of research in this country went down. There is a lot of unused facilities at CRI. They produce a lot of seedlings. However, as it has been said, the demand for Ruiru 11, which is the major coffee variety liked by farmers is very high. The demand is Ksh1.5 million seedlings and yet they only produce about 100,000 seedlings. This is as a result of the way this particular variety is produced. It requires an intensive selective way, so that you can get the refined variety.

According to the recommendations of the Committee, this Institute requires increased funding. We should revitalise this industry. I know a taskforce has come up with the way forward. We recommend that the Institute be revitalised.

With those many remarks, I beg to second the Motion.

(Question proposed)

The Temporary Deputy Speaker (Hon. Christopher Omulele): The first Member to have a go at this is Hon. Barasa Mutua, the Member for Kimilili. Before he takes the microphone, when Hon. Wangwe was moving the Motion, he said that the last time this Institute produced some measurable return was in 2010. The AFFA, which is the overall body that oversees all these research institutes, including the Tea Research Foundation of Kenya and the

Coffee Research Foundation, has no measurable record of what they do and yet we are an agriculture-based economy. We are not doing very well.

Hon. Barasa, proceed.

Hon. Didmus Barasa (Kimilili, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to pronounce myself on this Report that has been tabled. When Hon. (Dr.) Eseli raised this matter, I had the privilege of being part of the sitting. He was very clear. His concern was that the coffee that Kenyans plant in Tongaren and parts of Bungoma are affected by diseases. Farmers seem to be on their own. He went to the CRI to seek guidance.

Hon. (Dr.) Eseli confirmed to this House that when he arrived at the CRI, their coffee was infected by diseases. Therefore, he raised the concern of the capability of the CRI in doing what they are required to do. While I appreciate that the Committee tried to dig deeper and understand the facts in line with what Hon. Eseli asked for, it ought to have spent most of the time looking at the competence of the people who are involved in the actual research. The Committee ought to have also looked at the research methodologies, state of affairs of the laboratory, if it is there, and how they disseminate information to farmers, so that they can implement whatever findings they come up with. The Committee focused much more on monetary problems. Every Government institution cries foul that it does not have enough money and that is why they do some things. That can be dealt with in budgetary allocations. We are much more interested in the competence and capacity of the staff who do research and how research reports are structured and implemented, so that whatever good comes out of their research can reach the farmer. The farmer must be educated on how to combat those diseases that affect coffee.

With all due respect to the leadership of the Departmental Committee on Agriculture and Livestock, in my very honest opinion, they should consider re-doing this Report. Our interest is not on whether they have enough money or not, but why coffee farmers in this country seem to be on their own in fighting coffee diseases. That is what informed Hon. Eseli Simiyu to visit the CRI to get this information. When he arrived there, he was shocked. Their coffee showed signs of diseases.

Hon. Emmanuel Wangwe (Navakholo, JP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Barasa, just hold on. Hon. Wangwe, what is out of order?

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. The Member should not misguide the House. The statement of the problem originated with Hon. (Dr.) Eseli. We justified in our Report which I tabled on the Floor of the House when I was moving the Motion that there is a problem. Hon. (Dr.) Eseli clarified the problem. That is what I have clarified in my submission. That means that the Member should not misguide the House that we should re-do the Report.

In my last recommendation, I have put it clearly to the House that, indeed, CRI lacks the capacity to do the services which it is supposed to do. It is important for my good friend to understand that the statement of the problem originates with the question. Our mandate justified the cause of the problem.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Wangwe, you are right. Hon. Barasa, this is a matter that was brought to the attention of this House correctly by Hon. Eseli. Hon. Speaker directed the Departmental Committee on Agriculture and Livestock to

undertake that inquiry. It is not proper to castigate the Committee which has only brought what it established. It has done a good job.

Proceed, Hon. Barasa.

Hon. Didmus Barasa (Kimilili, JP): Hon. Temporary Deputy Speaker, my concern is finding out whether the CRI has competent officers to carry out coffee research. Without competent staff and equipped laboratories, they cannot carry out meaningful research that would improve and assist coffee farmers in this country. Issues of financial challenges are with every institution in this country. A Government body cannot just sleep on the job. There are farmers who are on their own, struggling to find knowledge from elsewhere on what is affecting coffee production. They are not getting any tangible research reports from CRI which they can use to improve coffee production.

That is my only concern. It is more important when it comes to unravelling what Hon. (Dr.) Simiyu Eseli wanted clarified. He visited the CRI for particular information which was missing. Even their own coffee was dilapidated. It was showing signs of infection.

(Hon. Daniel Tuitoek spoke off record)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Tuitoek, you cannot take to the Floor before the Speaker allows you. What is your point of order? Does Hon. Barasa wish to be informed? He seems to be happy that you want to inform him.

Hon. Daniel Tuitoek (Mogotio, JP): The Member should study this Report more. We found out that CRI has competency only that the staff was ageing and extension farming, which is one of their functions, had scaled back due to lack of funding. They have demonstrations and shows. If the Member looks at the Report closely, he will realise that the Committee raised and noted the challenges he is talking about. We agreed that something has to be done for the Institute to deliver more services to farmers.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well. Hon. Tuitoek. You are on point. Hon. Barasa, if you look at the Committee's Report from Point 74 of the Committee's observations, you will be able to glean all these shortcomings that the CRI is encountering. They have documented them quite well. In my humble opinion, you are right and they are also right. May be, the upshot would be what the Committee would do with its own Report, going forward, and whether they will provide solutions because there must be solutions to this matter.

Proceed Hon. Barasa.

Hon. Didmus Barasa (Kimilili, JP): Thank you, Mr. Temporary Deputy Speaker. I am also a coffee farmer and so are most of my constituents. I will sit with the Chair of the Departmental Committee on Agriculture and Livestock to see whether there is something that can be done to salvage the coffee sector in this country. We know very well that we are done with the Budget Policy Statement (BPS). If there is no budgetary allocation, for whatever reasons that the Chair has alluded to, then it means coffee farmers will continue to suffer until the next financial year.

I want to sit down with him and see what actions need to be taken immediately, even if it means fire-fighting. That way, coffee farmers will benefit from the CRI by getting information and extension services. We may have very good research reports about a particular species of coffee or disease and how to control it, but if this information does not reach the farmers, that will be an exercise in futility. It will be a waste of resources because taxpayers' fund the CRI

with the view of getting returns by way of reports. Farmers need more information on what are the suitable varieties of seed in terms of climatic conditions and disease resistance.

With these few remarks, I support this Report. I will, however, have to sit with him and see what we can do in the short-term as we await this long process of budgetary allocation.

The Temporary Deputy Speaker (Hon. Christopher Omulele): That is a very good contribution, Hon. Barasa. I encourage you to follow up and hold the Committee to account, so that it puts into effect the recommendations it has made in this good Report.

Hon. Mwirigi, the Member for Igembe South, you may proceed.

Hon. John Paul Mwirigi (Igembe South, Independent): Thank you Mr. Temporary Deputy Speaker. Hon. (Dr.) Eseli rose to point-check what is ailing the CRI. The Speaker had directed the Departmental Committee on Agriculture and Livestock to conduct research and get to know what the problem was. Truly, as per the Report, it seems there is a very big problem at the CRI.

I visited that entity myself. Something needs to be done. Hon. (Dr.) Eseli talked about what is happening there. I would like to attest to what he just said. Indeed, most of the scientists are ageing. The Institute has 17 scientists only. They are very few and so, they lack capacity. As I said, most of them are almost retiring. Once the current staff retires, I do not know whether we will be talking about the CRI. It is now in the Intensive Care Unit (ICU).

It is high time the Government associated itself with this research entity and ensured that we have a good composition of scientists. If that is not done, coffee research in the entire country will not be done. Many regions in this country grow coffee, but the extension officers mandated in those areas are nowhere to be found. The entity is not funded the way it should be. The CRI came up with their latest variety of coffee in 2010, namely, Ruiru 11, but they could not tell us when they would come up with a new variety. It seems even difficult to encourage farmers to grow coffee. They lack confidence in the Institute. At the same time, the equipment used at the facility is old. It has been in use since the 1950s. I do not know if we are making any strides or we are lagging behind.

Hon. Temporary Deputy Speaker, the Government, day in day out, tells citizens that it is doing something to uplift agriculture in the country. But the personnel who are supposed to conduct research and educate farmers on how to deal with some diseases do not work because they are not funded. It is time for the Government to fund the CRI, so that it works well for the coffee farmers.

We are aware that the most consumed coffee in the entire world is Kenyan coffee, but we have neglected the key component of research. I understand that in various counties, they have stations for scientists, but they do not have scientists or extension officers. The way awareness is conducted is questionable. No awareness is conducted. It is high time the Government revisits the way it allocates money and prioritise agricultural matters, more so the component of research, so that we can afford more benefits to the farmers.

The money which was spent at the CRI was collected from the Coffee Levy at a rate of 2 per cent, but which is no longer submitted. The Institute cannot work because there is no money to run it. What Hon. (Dr.) Eseli reported to the House was correct and it is supposed to be checked. The Government needs to be serious in dealing with the Institute, so that we can advance in coffee farming in the country.

Time has come for this country to identify agriculture as a serious component to be funded accordingly so that farmers can benefit. I understand that agriculture is key in earning foreign exchange for the country. Without funding agriculture, this country will not thrive

economically. The Government should fund the CRI, so that we can get new employees to conduct research.

Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): The Government ought to take care of the goose that lays the golden egg.

The Member for Kigumo, Hon. Mwaniki, you have the Floor.

Hon. (Ms.) Wangari Mwaniki (Kigumo, JP): Thank you very much, Hon. Temporary Deputy Speaker, for giving this opportunity to support the Report of the Committee that was looking into the questions raised by Hon. Eseli on the Coffee Research Institute.

We know the important role agriculture plays in the economic development of our country. In the past, there was a lot of emphasis on the key enablers like roads, energy and ICT development. A lot of money has been appropriated by the National Assembly to take care of those sectors, but we keep on crying that ground *mambo ni* different, *pesa haifiki mashinani*. We know that people in rural areas are reliant on agriculture, mainly tea, coffee and livestock, but a lot of resources do not go into those very areas where we know our people are. The Annual World Bank Report, and such reports have been coming out every year, and have continuously stated that we will never realise a double digit growth in our economic development until we focus on agriculture. I do not know how much more we need to be told this, so that we can focus and place the right resources where they should belong. If we want to turn agriculture around and touch the lives of people in villages, then we must agree to put resources to those places. I am very happy that in this Report the Committee has unearthed the problems most of our institutions undergo.

The *mzungu* said that before you remove a fence, always ask why they put it there in the first place. The Coffee Research Institute was an institution we could all take pride in. Indeed, the potential growth of coffee in Vietnam and other countries including Burundi and Rwanda got studies and seedlings from our Coffee Research Institute. They used scientists from the CRI to grow their coffee. The Union of Coffee Growers in Rwanda is now a very strong body while Kenya Planters Cooperative Union (KPCU) has gone down. While I hated the KPCU, the Union of Coffee Growers in Rwanda came to benchmark in Kenya. One of the institutions they visited then was the Coffee Research Institute and it had very well paid scientists who researched on coffee matters focusing on a crop that was the financial backbone of very many people not just in Central Kenya, but also Western Kenya.

For your information, Western Kenya has the potential to grow double the amount of coffee that Central used to grow. Central Kenya is no longer growing coffee. There are no areas for expansion because most of our coffee farms have been turned into residential estates. We need to expand to other areas of potential like Fort Ternan, Western Kenya, Muhoroni in Nyanza and Kisii. How do we expand if we do not have the right seedlings? The only institute that was giving us the Ruiru 11, the *Batian* and other varieties of coffee bushes that would assist farmers in reducing the cost of production, because they were resistant to diseases, was the CRI. Farmers have now been left on their own. They do not know where to get seedlings from. How then will we grow coffee? How do we expand the coffee sector? How do we help the farmers if we do not focus on the CRI?

The little money that I have seen being recommended by the Committee will help wake up that giant. I am sure they would wake up because farmers pay a little for the seedlings that the Institute sells. If we leave it like that, say perhaps there are other resources that can go elsewhere we would not promote our farmers in Western Kenya. I remember I went to Kiminini

Constituency to a large estate owned by the late Khalwenge family. That was a very wealthy and powerful family in Kitale, but now the farm is left to waste. So, until we look at the institutional reforms that will support the growth of such sectors like tea and coffee, then we do not expect to cheat ourselves that *kwa ground mambo hayatakuwa* different. We will keep on talking about creating jobs. The white-collar jobs are not easy to create. In any case, they have to be created on a platform of other sectors like manufacturing, agriculture and agro-processing. If we do not focus and arrest the total collapse of the CRI, we will spend a lot of money to do a fresh one. That is why I am against pulling together all the institutes that focus on tea and coffee. They should have been left to grow on their own because they were doing a specialised kind of science for the specific crops.

We cannot say day-in-day-out that we want to grow our economy, but we do not feed the money into the sectors that support the people that we represent here, one of it being coffee. I hope even as we support the reviving of the CRI by empowering it, we will also get the Committee to look at other areas that focus on production. Many of the reports that come here are generated by coffee traders and middlemen, but the farmers' voice has not been properly heard. We need the Committee to bring forward the voice of the coffee farmer in the area of research, seedlings and empowerment, so that we can revitalise that sector. Many people have said in the past that the youth do not to grow tea and coffee. The reason they are not going into these crops is because they are not sure of profits. Our parents started growing coffee when they were young and because they were getting returns from the crop, they continued focusing on it and even on the production of tea and coffee. We need to make coffee and tea growing as well as livestock keeping profitable. We need interventions when necessary without waiting until our livestock have died and then we rush.

I am happy these days we see interventions where livestock is bought from farmers particularly during drought. We should do those kinds of interventions in every sector which our people are relying on like tea, coffee and livestock.

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

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

We should not be shy to put our resources where they are needed. If we can put billions of shillings on a road and an energy project, which are also important, why would we find it difficult to support our farmers? These are the key drivers of economy at the grassroots level. I would like the Committee to not only look at the area of research and reviving the CRI, but also to look at the taskforce report that they alluded to, which is annexed to their Report, and come up with issues that we can legislate here to revive the coffee sector. We should focus on the production and ensure that our farmers are empowered, so that they can go back to their farms. Without any assistance from this House, I do not see anybody else who will help the coffee farmer. The voice must come from this House. We must come up with proper legislation and policy that will support production in coffee, tea and all our agricultural sectors including livestock.

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

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): It is your chance, Hon. Kevin Wanyonyi.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Thank you, Hon. Temporary Deputy Speaker. I am a Member of the Departmental Committee on Agriculture and Livestock. As you know, agriculture is the biggest revenue earner for our country. Looking at what is happening, we are getting into more problems. The Committee had the time and privilege of going to the CRI in Ruiru. They have made their observations and recommendations. We have to be extremely serious as a country. The CRI in Ruiru, for example, was well funded in the years before some of us were born between 1944 and 1949 by the Kenya Government. Nothing is happening. The observations that were made by the Committee is that everything has been scaled down. I have no reason for that.

There is also delay in paying of salaries. So, the morale of the people working there is almost zero. We have to rely on equipment to do research. I am told the equipment in Ruiru and other such centres is obsolete. There is nothing we are doing about that. Because the equipment is there, we are supposed to be getting new varieties every other two or three years, but it is taking us as long as 10 years to get new varieties. As a country, where are we heading? You and I know that apart from tea, coffee is also one of the biggest export earners for this country yet we are doing nothing about it. We are busy chasing other things that are not relevant for our country. There is lack of research because as mentioned and as observed by the Committee and rightly so, there are people who are leaving the Institute without replacement. We are heading nowhere in the wilderness.

I am told by the year 2014, the observations were that most of the staff that were key to the Institute were almost retiring. It is mandatory that at certain age, you go. The Committee has come up with recommendations which as Members of the Committee, we just have to follow up for implementation if we are serious. Observations and recommendations have been made and the question is how to implement them. We have a Committee on Implementation in this House. Therefore, we have to follow them up, so that we can revive the coffee sector in this country.

The other thing is that coffee, tea and pyrethrum, being the main export earners for this country were merged into Agriculture and Food Authority (AFA) which, as we speak, has no substantive board. So, where are we as a country? We do not have AFA Board. People are there on acting capacity. They are supposed to look at the Pyrethrum, Coffee and Tea Boards which were dissolved. They are supposed to have a substantive board. Currently, there is no chairperson, and I am told that the Managing Director is on acting basis. So, we have a problem.

In 2018, I had the privilege of travelling to the United States of America (USA) to represent this country at a coffee exhibition. It was held in Washington DC in a city called Seattle. We were there with most of the people in 2018. In the previous presentation, Kenyan coffee was rated as one of the best coffees in the world. When we went there in 2018, they picked another country; Brazil. Brazil came second to Kenya. You can see how enthusiastic the world is about our coffee and we were doing nothing about it.

Hon. Temporary Deputy Speaker, I want to take the bull by the horns and say that the Coffee Research Institute should be revived. We should have researchers retrained. Allocate enough money to pay the people working there for us to be able to give them morale to work. We should also ensure that we get new varieties of coffee every three to four years rather than taking 10 years for us to get a new variety.

I come from Trans Nzoia, bordering Mount Elgon. I am sorry, my brother, Hon. Didmus Barasa, has left. Farmers on the slopes of Mount Elgon were actually giving us the best coffee.

Today, if you go there, most farmers have cut the coffee trees and made them firewood. This is because getting returns from coffee is a problem. So, let us be serious about this and revive coffee as one of the best products to be able to get foreign exchange that this country badly needs to move forward.

Hon. Temporary Deputy Speaker, if you allow, we are going to ask the Departmental Committee on Agriculture and Livestock to fast-track the implementation of the recommendations they came up with, which are very well set out. This will ensure that we revive coffee as one of the major cash crops in this country, in addition to tea and pyrethrum.

I hope the Coffee Research Institute will be revived and funded so that even the aging researchers and other staff working there can regain morale to be able to do better than what they are doing today. I thank Hon. (Dr.) Eseli Simiyu for raising concern about the status of the industry in Kenya. He is the originator of the whole thing.

With those few remarks, I support the Report and look forward to the implementation of the recommendations that were stipulated by the Mover.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): The Deputy Majority Whip.

Hon. (Ms.) Cecily Mbarire (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. I also rise to add my voice to this very important Motion before the House. Let me start by congratulating Hon. (Dr.) Eseli Simiyu, who is unfortunately not here. He found it necessary to seek the leave of the House to have the Committee to look into the matter of the Coffee Research Institute. It used to be a very popular institute way back, but it has since become a little-known institute for the reasons that have been given by the Committee.

I also thank the Committee for the good work that they have done with regard to the Coffee Research Institute. They have looked at what is ailing the institute and recommended far-reaching proposals that will get the institute back to where it used to be, if not better.

It is sad to note that the institute that was formed way back in the 1940s has since stopped functioning due to underfunding or no funding at all. More worrying is the fact that out of its 223 staffers, about two-thirds consist of staff of ages ranging between 50 and 55. It is a matter of time before the 148 staffers retire from active service. The institution will be left with even fewer researchers and other staffers with good institutional memory and the necessary experience required in this critical sector.

It is no wonder then, with the underfunding and the kind of demoralised staff we have—because they lack salaries sometimes – that they are unable to even do the very basic things, like having coffee nurseries with modern irrigation equipment so that they are able to provide the necessary seedlings required by farmers. They can only produce 100,000 seedlings a year while the demand is at 1.5 million seedlings.

We should worry about the fact that they have obsolete laboratory equipment. No wonder the last variety of coffee released was about 10 years ago in 2010. Therefore, we are having a situation where we are compromising the quality of coffee that is being produced by farmers as we move along. Even the field visits, agricultural shows and extension services they are supposed to have with the farmers to train them on the best varieties to use are no longer happening. Therefore, there is no quality control right from the farm to the factories. We are running out of market because we are unable to keep up with the new standards and consumption patterns that are being set up in the world market. We are now talking about specialty coffees yet we are still holding onto our traditional varieties of coffee.

If nothing is done to this institute, we will surely find ourselves unable to compete well in the world market to sell our coffee. We may completely come out of the market. It is, therefore, important that this House places a lot of importance on the need to put adequate money into the Coffee Research Institute.

I hope the Committee, with these new findings, will make sure that in the Budget for Financial Year 2020/2021, we see some handsome budgetary allocation towards the institute to ensure that we upgrade our laboratory equipment to modern standards, have well paid researchers, *et cetera*.

We have been told that they have only 17 researchers out of 37 researchers that are required. Therefore, we should employ more researchers and pay them well to enable them conduct more research in this field so that we know whether the kind of pesticides that farmers are using are of good quality or they can supply the right type of coffee that is required in the world market.

So, I feel quite unhappy with these kinds of findings. I hope it is not too late. We know the coffee sector has been suffering a great deal lately. The prices have gone down and the farmers are disenfranchised. However, we are glad that the President came up with the Cherry Fund which contains the money that will be paid to farmers immediately they sell their cherry as they await the final bonus payment. That will motivate farmers to produce better coffee.

One of the things that we want reinstated in the coffee subsector is the 2 per cent coffee research levy. It is currently non-existent. We are told that it was done away with in 2016 and now there is no money to help improve on research. We will be supporting that proposal from the Committee to have the Coffee Research Levy Fund back. I hope they will make sure that they introduce it in the new Budget so that it is effective in July 2020. We can insist on more funding towards research and especially the creation of new varieties.

There is talk that we need to come up with special coffee. We seem to be focusing just on the same coffee that we have been having all our lives. I hope that this Report is not going to be like the old reports we have had over the years. We come here with good reports, but there is no follow-up and implementation of the great proposals that come from committees. We are looking forward to seeing real moves towards ensuring that the proposals from the Departmental Committee on Agriculture and Livestock towards the Coffee Research Institute come to fruition.

I also want to add my voice to that of Hon. Ruth Mwaniki who, with her vast experience in the coffee sector, has put in good proposals. We need a holistic approach to the coffee sector. We know that there was a task force that was formed and its report was commissioned and received by the President at State House, Nairobi. However, we have not seen much happening since that report came out. We hope that the Departmental Committee on Agriculture and Livestock is going to focus on the entire report and ensure that the issues that were raised in that task force report are implemented by the Executive.

We know that there are several cartels in the coffee subsector just like in the tea subsector and they would not want that task force report to be implemented. It is no wonder that we have been at it for almost the last four years since the task force report was handed out and yet we have not seen any major changes. So, I hope that the AFA, which we will continue challenging, will not be used to cripple the important institutions that used to empower farmers through coffee and tea.

As you have heard Hon. Wanyonyi say, it looks like since the creation of AFA, some key subsectors in agriculture have been suffering because AFA is not giving them the support and the seriousness they deserve in terms of funding and policy. I hope we will see AFA improve and

that the board is going to be set up quickly. I am of the opinion that certain key cash crops need to be dealt with separately outside of AFA so that we can see greater development and better...

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Is that Hon. Mwangi Mburu in the House? Hon. Yusuf Haji.

Hon. Yussuf Adan (Mandera West, EFP): Thank you, Hon. Temporary Deputy Speaker. I stand to support this Motion. I am a Member of the Departmental Committee on Agriculture and Livestock and I was part of the team that went to the research institute in Ruiru. We all know that coffee is an important cash crop in this country because it gives us the much-needed foreign exchange earnings. One of the best ways of getting our foreign exchange earnings is to ensure that coffee, tea, livestock and other things that we have at hand are improved and developed to the maximum. That way, we will be able to compete in the global village where everybody is producing everything and taking it to the same market. It is unfortunate that for over 10 years now since AFA was formed, it has not been functional. The institutions that were collapsed to form AFA like the Coffee Research Institute and others have gone down the drain. What have we gained by forming AFA? Nothing! The Coffee Research Institute has recommended that it needs to go back to where it was before. It needs to be independent from AFA so that it can continue getting the levy that it used to get. The institute assured the Committee that if that happens, then it would do better and even earn this country more foreign exchange earnings. The pace at which that institute is moving is unfortunate. It has only 17 scientists who are ageing like me. Soon we will have no researchers there and we may ask the Government to give farmers relief food. You know farmers use their land to grow coffee and the cash they get from the sale of coffee is what feeds their families. If they will no longer grow coffee and earn money, the Government will be forced to look for funds from elsewhere, maybe through foreign loans, to feed their families.

The scientists used to offer advice to farmers. When the institute was working well, the extension services were in plenty. Farmers with small problems in their coffee farms knew where to go for solutions. Today, farmers are in a pathetic state. They do not know where to go for any solutions to their problems. The Coffee Research Institute has gone down the drain. Now, it is like the blind is leading the blind. The institute is blind. It does not have any future and the farmers are still relying on it. They will both die. They will never recover.

On funding of coffee and the whole agriculture sector, I am sure the Government has signed many relevant protocols, for example, the Maputo Declaration on Agriculture and Food Security which requires the Government to give 10 per cent of our revenue earnings to the Ministry of Agriculture in order to improve productivity. We are a country which heavily relies on agriculture. We do not have minerals or oils. I am even told the Turkana oil wells are now dry. After getting only a few lorries of oil from there, I am told the situation is now very bad. So, what we do have as a country to rely on is only agriculture, whether it is crops or the livestock or the fisheries or the related manufacturing sectors which rely on agriculture. This is where our comparative advantage lies. Unfortunately, we are giving this sector a very raw deal.

The Committee has done its best, but writing a report, discussing it here in Parliament and passing it alone does not mean that we are able to move forward. The most important thing is, these recommendations be implemented to the letter. For the few years I have been in this House, it is my observation that a lot of good things pass through this House but when it comes to actual implementation, it is not very good. This is the same with this Report. We still have time, resources and the will by the farmers to recover our farming industry. But if we delay further and we do not do anything in the next few years, it will be very unfortunate. We hear the

latest variety of coffee was developed 10 years ago. With climate change, things are moving very fast. New pests and diseases are coming on board, and we require new varieties so as to curb those new diseases and new pests. If we rely on the variety that was developed over 10 years ago, with the climate change, then we are in danger. We may soon be categorised as a country that does not produce coffee at all. We may be unable to compete in this global village.

There was this Executive Order No. 1 of 2013. This Order, I think, has seriously interfered with the coffee industry by putting together all those institutions that were working very well under an institution that is up to date dormant. From the time it was formed to date, it is dormant. As my colleagues have already said, AFA up to date does not have a functional board, which means no final decisions can be made; which means there is no forward movement; which means there is only money for recurrent expenditure, with people sitting there to earn salaries doing nothing. Before these institutions were put together, and when they were being funded, the research scientists were very competitive. They used to compete among themselves. They would boast of developing various varieties or disease-resistant varieties. Such scientists used to be rewarded. And they used to earn good names within the agriculture sector. Today, they are all seated, waiting for salaries for doing nothing. We are paying people salaries for doing nothing. Therefore, the earlier these recommendations are implemented to the letter, the better.

With that, I support this Motion and hope it will be implemented soon. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Member for Mukurweini, Hon Kiai Githiaka.

Hon. Anthony Kiai (Mukurweini, JP): Thank you, Hon. Temporary Deputy Speaker. From the outset, I stand to support this Report by the Committee. Kenya's economy is agrarian in nature, and 27 per cent of the country's GDP comes from agriculture. Indeed, 27 per cent is direct from agriculture. If you add the ripple effects, you realise that the sector employs about 40 per cent of Kenyans. If you do the linkages, you will find that 70 per cent of Kenyans, especially in the rural areas, are employed by agriculture. Given the statistics, it would be prudent for the Government to invest heavily in the agriculture sector. But that is not what happens. Every year, we see reduction of the agriculture budget by the Government. It goes against the Maputo Declaration, which we are a signatory to, which recommends 10 per cent of the national budget to go to agriculture. This is not happening in Kenya. We give only between 2.5 per cent and 2.9 per cent.

Coffee production in Kenya has been declining. In the 1980s, coffee used to be one of the largest foreign exchange earners in Kenya. I remember in the 1980s we hit around 130,000 metric tonnes. But with the collapse of the International Coffee Agreement (ICA) in 1999, the decline started. Right now, we are at about 40,000 metric tonnes. What happened after that? The ICA used to regulate coffee prices of its members. It happened that when there was overproduction or underproduction, prices were regulated. Why is it that there was a decline after that? Every country was left to its own devices. This is where production of coffee started falling. Bad marketing habits, exploitation by the supply chain especially too many brokers. What happened after that was that coffee became non-commercial. Many people stopped farming coffee. They started opting out of coffee farming and going for, say, avocado or macadamia farming. In some places, people started uprooting coffee and building commercial houses, because coffee was no longer profitable. I am a product of coffee farming. I was taken to school through coffee farming. I grew up knowing coffee as the main economic activity in my

place, Mukurweini. But after the collapse of coffee farming, things have really changed, which has generated a lot of poverty to our people in the Mt. Kenya region.

In any country, especially a country like Kenya where agriculture is the mainstay, a lot of money should be allocated to research. When we created AFA about 2014, all the research foundations on tea coffee and others were brought under one roof? The Coffee Research Institute became a directorate under the Ministry as opposed to when it was being governed by an Act of Parliament. Research and development, in many places, is given a lot of emphasis. In Kenya, looking at the Report, you realise that the Coffee Research Institute has not been receiving any money whatsoever since 2014. Indeed, in 2010 it had requested for about Ksh372 million but it got only Ksh43 million. From 2014 to 2019, it has not received a single cent for its research and development activities.

If we kill the Coffee Research Institute, what are we doing to the coffee farming? We are saying that no new breeds of coffee are being generated and coffee farming stopped about 10 years ago. What most of the farmers are growing today may be obsolete. I remember Ruiru 11 used to be a hit with many farmers in our place. When they wanted to buy seedlings from the Coffee Research Institute, the availability of the seedlings was a huge challenge. This is because once we underfund the Coffee Research Institute, which has a demand of about 1.5 million seedlings in so far as Ruiru and Batian seedlings are concerned, and is only producing about 100,000 of breed that was produced about 10 years ago, then we have a problem. Coffee production generally must emphasise how many kilogrammes can be produced per coffee bush. This has been declining over the years because we are not coming up with new methods, with new seedlings or new chemicals to ensure that we raise production. Aging is also a factor. The coffee bushes that were planted those days when I was going to school are still being pruned and trying to push them to produce even more is not possible.

Acidity of the soil is also one of the factors. The Coffee Research Institute in its mandate was supposed to do certification of seedlings; it was supposed to supply coffee seedlings and it was supposed to advise farmers. I remember as kids we were being taken to the Coffee Research Institute in Ruiru to learn about coffee farming. It used to offer a lot of education on coffee farming. This is because we used to have a levy of about 1 per cent that was charged on every kilogramme of coffee delivered to factories to maintain it and sustain coffee farming. After it was collapsed into AFA, it has not received a single cent to run its research and development department. That means since 2014, coffee, in terms of research, has stopped and, therefore, the country cannot be competitive in the coffee market.

Our Grade AA which is produced widely in Kenya is one of the best in the world and it is used for blending coffee. There are other low-quality coffee varieties from all over the world. We are the best producers of Grades AA, AB and C which are best used in blending coffee because of its strong aroma. Then again, if you are not researching on our gold, who will do it? Others are doing it and therefore, we would be overtaken. Indeed, some of the countries are almost overtaking us. If you are not going to fund the Coffee Research Institute, then it means that production will go down and less shillings are getting into the farmers' pocket. It becomes very unattractive and once it is so, as a prudent businessperson or farmer, you will look for an alternative. You will ensure that you put food on the table by looking for other lucrative crops like Macadamia and Avocado.

The shrinking land under which coffee is farmed is also another factor. We have to look at the land policy in this country. There is no way a place like Kiambu which has rich fertile soils

and produces good coffee can be turned into a concrete jungle without the intervention of the Government.

As I support all the recommendations that have been put across by the Committee, it is important to divorce coffee farming from AFA. Let AFA deal with the small minor crops like peanut. Coffee, tea and major cash crop earners must be given their own Coffee Act and Tea Act to ensure that better returns are realised for the farmers.

I support.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): The Member for Gatundu North, Hon. Wanjiku, the Floor is yours.

Hon. (Ms.) Wanjiku Kibeh (Gatundu North, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support the Report on the Coffee Research Institute by the Departmental Committee on Agriculture and Livestock. As I was going through the terms of reference, I felt that the Report is lacking in one of the terms of reference, number four.

Hon. Ayub Angatia (Lugari, ANC): On a point of order!

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Savula, what is out of order?

Hon. Ayub Angatia (Lugari, ANC): Hon. Temporary Deputy Speaker, you know this is a House of serious business and we have an attire that reflects the code of the National Assembly or the Senate. Is the Member sitting there in order considering that he is not in a tie? We do not know his name; he is a stranger in the House and we would like you to kick him out of the House for lack of decorum.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Member, you need to go and dress in a parliamentary manner and then come if you want to come back into the Chamber.

(Hon. Leonard Yegon withdrew from the Chamber)

Go on, Hon. Wanjiku.

Hon. (Ms.) Wanjiku Kibe (Gatundu North, JP): Thank you, Hon. Temporary Deputy Speaker. I think this Report is lacking in the term of reference number four where they were supposed to look at the support the Ministry is giving to the Coffee Research Institute. We needed to hear what the Ministry is doing in this area and whether they are aware of the current state of the institute.

I come from the coffee growing region and it is very saddening that we are talking about the challenges that have been highlighted in this Report. As a country, we recognise that agriculture plays a critical role in the economic empowerment of our people. Every other day the Government talks about creating jobs but it looks like our priorities are upside down. More appalling is to read from the Report that such a research institute does not have a proper laboratory to conduct its activities. We need to be sincere with ourselves as a country. Do we want to promote agriculture and more so coffee or do we want to kill this industry? I can tell you that every other day when I am in my constituency, I encounter farmers who keep crying and asking whether the Government has forgotten them. I honestly feel that we are not doing enough. I feel we are not honest even as we talk about reforming the coffee sector.

The Committee tells that the workforce at the Coffee Research Institute is aged. That translates to the fact that the institute has no future. There is urgent need to be serious about the coffee sector. I was privileged to visit the State of Nebraska about a year ago on matters coffee.

We learnt that consumption trends of coffee are changing everyday and this calls for serious market research to understand what the global coffee market needs. There is an increased trend and need for specialty coffee. When we talk about specialty coffee, this is the Grade A coffee. I can attest to the situation on the ground that the kind of coffee we are producing is of low quality, the reason being our farmers are not getting the guidance and support required. I also feel the confusion has been aggravated by the fact that agriculture is now a devolved function. If you look at what the county governments are doing and the roles they are supposed to play and support farmers, you realise that the farmer has been left alone. So, as I support this Report and more so the introduction of a levy that will go towards supporting this coffee sector, I urge the Ministry of Agriculture and Irrigation to be serious for once. We cannot just let the coffee sector die. Like my colleague has said, there is a lot of hopelessness at the grassroots with our farmers. Others are dying because we are talking about their livelihoods. Let us put money to this institute and it is also good to note that this is not the only Government institution that is suffering. So many institutions are also suffering. Let us get our priorities right and invest where it matters for our people.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Ibrahim Sahal.

Hon. (Ms.) Nasri Ibrahim (Nominated, FORD-K): Thank you, Temporary Deputy Speaker for giving me this opportunity to contribute to this important Motion. I stand to support this Motion because the coffee sector is an important economic activity in Kenya in terms of income generation, employment and foreign exchange earnings. In spite of being the backbone of the economy, Kenya's coffee has been depreciating over time. As cited in the Committee Report, the depreciation is due to poor research capacity, management and inadequate financial support. The ailing Coffee Research Institute, for instance, conducted a meaningful extensive research in the 1980s which led to the introduction of the 1985 Ruiru II varieties and the last variety was produced in 2010 according to analysts. This kind of research is no longer active today hence the lower output which has plagued the sector.

Drawing from the Committee's observation, the sector needs to be revamped by introduction of the coffee research levy to support coffee research and extension services. The Coffee Research Institute also requires Government support in improving the output, for instance the upgrading of seedlings. Good seeds are a sound foundation for production as the saying goes "A good beginning leads to a good ending."

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

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya,): Hon. Leonard Yegon, I see now you are properly dressed for the Chamber. Next time when you are dressed the way you were, you will just do your personal business outside the precincts of Parliament. I know you know that. Let us have Hon. Obo Mohammed.

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): Asante, Bi Naibu Spika wa Muda. Ningependa kuunga mkono na kupongeza Kamati kwa Ripoti yao nzuri. Kwa hakika, kahawa ni uti wa mgongo wa nchi yetu. Na Mwenyezi Mungu mwenyewe alipanga mambo kwa mipango yake. Kila upande wa Kenya kuna wale wana vitu tofauti na vyote vinachangia kwa uchumi wetu wa Kenya. Kwa hivyo, kuna umuhimu sana wa haya mambo yote yaliyowekwa kwenye hii Ripoti kufuatiliwa na wenzetu ili wakulima waweze kujimudu. Zile shida wako nazo, waziondoe. Zile kelele wanapiga na kulalamika siku zote ziishe. Ninaona pia Rais Uhuru Kenyatta tumpongeze katika hotuba yake. Alichangia sana katika mambo ya kahawa. Naona kahawa na majani na mengine yanaangaliwa.

Hapa nimeona - nikinukuu Ripoti kidogo - kuna pahali wamesema kwamba ile miche inatolewa ni kidogo. Inafika kama 100,000 ilhali mahitaji yanafika milioni moja na nusu. Tunaomba wale wanaohusika wahakikishe wamekidhi mahitaji ya wale wakulima. Na sehemu zingine nazo, kila upande wakulima washughulikiwe, kama mfano upande wa ukuzaji pamba. Kuna ukulima wa pamba ambao pia unatusaidia. Mambo ya *Blue Economy* katika bahari pia yaangaliwe.

Kila mtu akifanya bidii upande wake, itatusaidia na tutaweza kujitegemea na tupunguze mambo ya mikopo. Kwa hivyo, Bi. Naibu Spika wa Muda, ninaunga mkono na ninatarajia kutakuwa na mabadiliko.

Asante.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Sawa kabisa. Mheshimiwa Angatia Savula.

Hon. Ayub Angatia (Lugari, ANC): Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this important Report on the inquiry into the challenges of the Coffee Research Institute. From the outset, I would like to congratulate the Departmental Committee on Agriculture and Livestock. I can see the Report is signed by my colleague and neighbour, the Vice Chairman, Hon. Emmanuel Wangwe. They have done a wonderful job.

The recommendation I want to speak on is that a coffee research levy be introduced. This research levy is critical in the development of the coffee sector. Similarly, I would like to urge the national Government that the way the Committee has handled this Report on the coffee sector, should be the same way the sugar industry should be handled. The Government should also introduce sugar development levy to help the sugar industry that is now on its knees.

I will also use this opportunity to thank the President, His Excellency Uhuru Kenyatta, for introducing another coffee sherry fund that will help uplift the living standards of the coffee farmers, especially in Central Kenya where you are given an advance before you deliver your sherry to the milling factories. Similarly, I would like to thank the former President Mwai Kibaki. He waived Kshs10 billion that was loaned to the coffee sector. I would request the Government, through the Ministry of Agriculture and Livestock, that we also need a similar waiver in the sugar industry. We need loans amounting to over Kshs6 billion to be waived so that we can stabilise the sugar industry.

We cannot manage to privatise our sugar industry because of this debt. Therefore, the way the Government is handling the coffee sector should be the same way they should handle sugar industry. My brother Hon. Wangwe is here. He was in State House recently with *Mheshiwa* Shinali where they handed over the report of the task force of the sugar industry to the President. We expect the same when the report comes to the house. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Shinali, Member for Ikolomani.

Hon. Benard Shinali (Ikolomani, JP): Thank you, Hon. Temporary Deputy Speaker. First, I want to thank Hon. (Dr.) Eseli for bringing this Motion dealing with the Coffee Research Institute. I want to congratulate the Committee for the good work and to also add my voice to it. As at now, I do not feel that the Coffee Research Institute is doing a good job because they produce only 100,000 seedlings versus the market demand of 1.5 million seedlings. This means they are operating under par.

Coffee is one of the cash crops that earns foreign exchange for Kenya and has high demand worldwide. Hence, it requires serious structures so as to produce seedlings for our

farmers. Where I come from in western Kenya, when I was young I saw coffee in our farm. But, due to laxity in institutions mandated to support farmers the coffee is no longer grown.

This House has to think about supporting farmers in terms of funding the Coffee Research Institute. This includes an overhaul so that we have serious people who will produce seedlings that will support our market. We also require serious marketing of our produce. As I finish, I want to reiterate that the Coffee Research Institute as recommended by the Committee needs a very quick overhaul because farming is the largest foreign exchange earner for our economy. Hence coffee plays a major role.

With those few remarks, Hon. Temporary Deputy Speaker. I thank the Committee once more for having time to sit down and bring a good Report to this House. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Member for Konoin, Leonard Brighton.

Hon. Leonard Yegon (Konoin, JP): Thank you, Hon. Temporary Deputy Speaker. First of all, agriculture is the backbone of this country and coffee brings foreign exchange earning to this country. We have seen this industry thriving before but at the moment it is nosediving. That is why we need to look into what is making this industry to go down.

The problems the coffee industry is facing are similar to the ones the tea industry is facing. The genesis of the problems the Coffee Research Institute is facing are due to lack of funding. This is similar to the problems that the Tea Research Institute among other research institutes are facing and that is why there are many concerns. One of the concerns is that the last variety of coffee released by the Coffee Research Institute as in 2010. Since then there has been no new variety in the market. This is a cause of real concern especially to farmers because we need contemporary seedlings and diversification. Also, laboratory equipment at the Coffee Research Institute are obsolete.

There are other problems that have been witnessed. For example, there is lack of modern irrigation infrastructure for coffee nurseries. The Coffee Research Institute has 17 scientists against an establishment of 30 scientists. Also, the total workforce at the institute is only 223 employees and two-thirds are over the age of 55 years. So, in a short while they will be retiring. This is a cause of concern for the Coffee Research Institute and this industry.

The Coffee Research Institute produces only 100,000 seedlings of Ruiru 11 seedlings per year, whereas the demand is 1.5 million seedlings per year. This shows shortfall in terms of production of seedlings. That is why we have to give this institute proper funding so that it can do its work. The National Taskforce on Coffee Sub-Sector Reforms reviewed the entire coffee value chain and identified areas that require intervention and made recommendations to address these challenges, but these recommendations have not been implemented and that is why we need the Government to come in.

The Kenya Agricultural and Livestock Research Organisation (KALRO) conducts scientific audit on efficiency, effectiveness and economies on technologies and processes within research institutes. We encourage KALRO whenever they are lobbying for funds to ensure they lobby for more funding for these research institutes like Tea Research Institute and Coffee Research Institute.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): The Member for Nyeri County, Hon. Mukami.

Hon. (Ms.) Rahab Mukami (Nyeri CWR, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support the Coffee Research Institute Report. First and foremost, I want to

congratulate the Committee for doing a good job. It is unfortunate that today we are talking about our cash crops; coffee, tea, pyrethrum and sugar while we know very well, they are the backbone of our economy.

Personally, I come from the coffee and tea area and our farmers are really suffering. They are unable to take their children to school or feed them and rely on the MPs. I want to commend the Committee for the good job they have done. I have learnt from the Report that the Coffee Research Institute is experiencing many challenges. I can see they are unable to pay their employees' salaries and lack inputs like pesticides and seedlings.

I want to support the Committee recommendations that the National Treasury must allocate Kshs350 million to the Coffee Research Institute. I am wondering because I am in the Departmental Committee on Trade, Industry and Cooperatives and the other day we allocated Kshs30 billion to our coffee farmers. I am worried because the Coffee Research Institute is unable to research for our farmers yet, we gave them money to buy good brands like Ruiru II and Batian. If the Coffee Research Institute has no money, then I do not think we are headed to the right direction. As a country, we must have our priorities right. We know very well that agriculture is one of our Big Four Agenda items, so if we do not support our farmers, then we are not supporting this country.

Lastly, our farmers do not know where to run. They do not have money and whenever they take their coffee to the factory they are not paid. If the Coffee Research Institute is unable to provide them with the best seedlings, where will they go? So, I commend the Committee and support this Report. I hope the National Treasury will allocate funds.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): The Member for Turkana Central, Hon. Nakara Lodepe.

Hon. Lodepe Nakara (Turkana Central, ODM): Thank you, Hon. Temporary Deputy Speaker. The challenges that are facing the Coffee Research Institute in Kenya are too much. The institution was started in 1908. It is a very old institution which we expect by now should be self-sustaining and self-growing.

The importance of research in this country is to add value. When we do not do research, the price of all our products will be low internationally. A research institute would help us add value on our products so that we compete favourably internationally. So, this is an important institution and we need to fund it. With research, we will discover new methods and technologies. As we get into global competition, we discover that we need new technologies so that we can compete with other countries that produce coffee. Without research, how can we discover those new technologies? We will continue using traditional ways of doing farming and we will continue having a low output. Research also helps us in marketing. If you do not do research, we will not know where to market our products. We will not know which country is available for us. We will then fail as a country. Before I talk about the challenges, those are the things that we need to see in research institutions, including those on livestock.

Among the few challenges that we discovered is underfunding. All the research institutes, including the universities, nowadays, do not do research because there is no funding for doing research in this country. That is why industrialisation in our country is very low. It is because we do not do research. We need to fund these institutions so that they can go out of Kenya and do research in other countries where coffee is being grown. That will help us get markets out there.

The other challenge is understaffing. We got time to visit the Coffee Research Institute. If you go there now, you will find old people who were employed in the 1970s and 1980s. There is

no new blood that has been pumped into this institution. That is why it is dying. We need to employ young men who have actually gained new knowledge as per the current generation. However, if you go to this institution and other research institutions like the Livestock research institution, you will find the same problem.

The other problem has to do with technology and modernisation of the equipment that is used there. The Coffee Research Institute is still using old equipment. It does not have money to get new and modern equipment for research. We are in another generation and so we need to equip this institution if we really want to compete and be respected globally. Coffee brings a lot of money in this country but because we do not support this kind of an institution, the staff there get discouraged. We have denied them access to funding that would enable them do more research and add more value to what farmers produce.

With those few remarks, I support the Motion. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Naomi Shaban.

Hon. (Dr.) Naomi Shaban (Taveta, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to also add my voice. The Committee has done a good job. Coffee is our black gold. It is a major revenue earner for our farmers but something is wrong somewhere. One of the reasons the farmer is not gaining is a few sharp brokers. When you travel outside the country, you hear about the Kenyan coffee everywhere. When you go to the New York Stock Exchange, the number one coffee is Kenyan coffee. If you are there and they are aware of your presence, they will give you a standing ovation. They stop everything to just acknowledge you being there. It is, however, strange that as much as our coffee is talked about everywhere we go, our farmers have not gained much. Who is the person who is making money? The person who is making money is the broker.

I want the Vice-Chair to listen to this: I think one of the reasons this research institute is not being funded is because they would research on the whole value chain. Not only are we going to deal with the crop itself but we are also going to check, at every stage, where the farmer is losing out. That is why I do believe that the research institution is being killed slowly. You can see they cannot even employ. How can they even employ? If you are not funded, how do you employ? We are talking about people who are becoming old. Once they retire, the institute will just die slowly. We have researchers who are meant to add value by making sure that the farmers get the right crop in the right places thereby getting maximum gains out of their sweat.

Something needs to be done and very fast. Every time you hear complaints coming from coffee and even tea farmers. Every time you hear farmers saying they have been left poor and their children have dropped out of school. It is true. When you go to those areas, you will see they are doing that work and yet they do not see the fruit of their labour. That research institute must be funded. The Budget and Appropriations Committee has a duty to make sure that there is funding towards that particular institute so that farmers can realise the fruit of their sweat.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Member for Navakholo, I see you putting in a request. I believe you are raring to reply. Having no further requests for debate on the Motion, I call upon the mover to reply.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. At the outset, allow me to thank my colleagues for taking their valuable time to contribute to this Report. I do not take it for granted. I appreciate my colleagues for what they have done for me and my Committee.

I also thank the Clerk of the National Assembly together with the secretariat for having prepared this Report which we have debated today. I have noted the views from my colleagues, especially the Vice-Chair of the Parliamentary Service Commission. The issues she has raised are very valid and we will consider that especially on the way forward. I wish to assure you, Hon. Temporary Deputy Speaker, that we will transmit this Report to the Ministry. As we talk now, the Ministry is aware and we are pushing things. In the policy statement which we presented yesterday to the Budget and Appropriations Committee, we are seeking in the next Financial Year 2020/2021 that it gives us more money. Let it increase the ceiling for the purpose of research. The research we are looking at is not for the coffee subsector alone. All our research institutions have collapsed and they are in the same situation as the Coffee Research Institute.

Therefore, I wish to tell the Chair and members of the Budget and Appropriations Committee that that is our cry. I wish to reply.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): That is in order. Hon. Members, we shall defer putting of the Question on the Motion until such other time as it comes back on the Order Paper.

(Putting of the Question deferred)

So, let us move to the next Order.

ANNUAL REPORTS ON THE STATE OF THE JUDICIARY

THAT, this House notes the annual Reports on the State of the Judiciary for the Financial Years 2016/201 and 2017/2018, submitted to the House pursuant to the provisions of Article 254(1) of the Constitution, and adopts the recommendations of the Departmental Committee on Justice and Legal Affairs as contained in the Reports of the Committee, laid on the table of the House on Thursday, 9th May 2019.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Is the Mover here? This is the Chair of the Departmental Committee on Justice and Legal Affairs. We are going to skip it until it comes back on the Order Paper.

(Motion deferred)

Let us go to the next Order.

REPORT ON AUDITED FINANCIAL STATEMENTS FOR THE UWEZO FUND AND THE WOMEN ENTERPRISE FUND

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): This is supposed to be the Chair of the Special Funds Accounts Committee. Are you the Vice Chair?

Hon. Erastus Nzioka (Mbooni, Independent): Hon. Deputy Speaker, I am the authorised Member. I am a Member of the Special Funds Accounts Committee.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Are you on instructions to proceed?

Hon. Erastus Nzioka (Mbooni, Independent): Yes, Hon. Deputy Speaker, I am authorised.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Okay proceed.

Hon. Erastus Nzioka (Mbooni, Independent): Thank you, Hon. Deputy Speaker.

I wish to state that the House adopts the Report of the Special Funds Accounts Committee on Audited Financial Statements for Uwezo Fund for Financial Year 2016/2017 and Women Enterprise Development Fund for Financial Year 2017/2018, laid on the Table of the House on Tuesday 5th November 2019.

The Special Funds Accounts Committee is among the three watchdog committees of this 12th Parliament responsible for examination of reports of the Auditor-General of the following funds, laid before this House, to ensure probity, efficiency and effectiveness in application of public funds: the Equalisation Fund, the Political Parties Fund, the Judiciary Fund, the National Government Constituency Development Fund (NG-CDF) and any other fund established by law, as the Speaker may guide.

The examination of audited accounts of Uwezo Fund and Women Enterprise Development Fund is amongst the mandate of the Committee as provided under the National Assembly Standing Order No.205A. In so doing, the Committee ascertains whether public funds have been utilised in a lawful, authorised, effective, efficient, economical and transparent manner in line with Article 95(4) (c) of the Constitution which gives this House the powers to oversee all national revenue and its expenditure under Article 229 (8) which mandates the House to consider audit reports and take appropriate actions within three months upon receipt of the reports from the Auditor-General.

Hon. Deputy Speaker, Uwezo Fund was established vide Legal Notice No.21 of the Public Finance Management Act, 2012, on 8th September 2013, with the mandate to provide affordable loans to women, youth, and persons living with disability. The Fund also provides mentorship opportunities to enable the beneficiaries to take advantage of the 30 per cent Government procurement preference through its capacity building programme.

The Women Enterprise Fund was established through Legal Notice No.147 of the Government Financial Management Women Enterprise Fund Regulations, 2007, as a semi-autonomous Government agency in the Ministry of Public Service, Youth and Gender Affairs. It is mandated to provide accessible and affordable credit to support women to start and/or expand their businesses for wealth and employment creation since 2007 when it began its operations. The Fund is governed by an advisory board whose core responsibility is to set the strategic direction of the Fund and oversee the implementation of this strategic initiatives in accordance with relevant statutory and regulatory regimes. The Fund is headed by a CEO who is charged with the responsibility of operationalising the policies and strategies formulated by the advisory board.

Hon. Temporary Deputy Speaker, during examination of the Auditor General's reports for these funds, the Committee made the following general observations and recommendations on Uwezo Fund as contained in the Report:

1. On lack of compliance with the Public Audit Act, 2015, and the Public Finance Management Act, 2012, the Committee observed that the accounting officer of the Fund failed to submit relevant supporting documents for audit review. In addition, documents were not submitted within a reasonable timeline in contravention of the provisions of Section 62 of the Public Audit Act, 2015, which compels the accounting officers to provide information to auditors when need arises. In addition, the officers contravened provisions of Section 68 of the Public Finance Management Act that bestows all the responsibilities of proper management of the Fund's books of accounts to the accounting

officer. Therefore, the Committee recommends that the accounting officer of the Fund ensures compliance with Section 62 of the Public Audit Act, 2015, and Section 68 of the Public Finance Management Act, 2012.

2. On loans disbursed to groups, the Committee observed that the Fund's advance loans data listings — of approximately Ksh4 billion since inception, in 2014/2015 — to various groups were not availed for audit review. Consequently, the accuracy, validity and recoverability of loans advanced to groups is doubtful. It is on this basis that the Committee recommends that the accounting officer of the Fund ensures compliance with Section 62 of the Public Audit Act, 2015, and Section 68 of the Public Finance Management Act, 2012.
3. On Gazettement of committees at the constituency level, the Committee observed that there was a delay in the gazettement of Constituency Uwezo Fund Management Committees, established under Regulation 15 of the Public Finance Management (Uwezo Fund Regulations), 2014. This had hindered effective operations of the Fund at the constituency which resulted in delays in loan issuance and recovery. The Committee recommends that the Cabinet Secretary (CS) responsible for the Fund ensures timely gazettement of the names of the persons constituting the Constituency Uwezo Fund Management Committee, pursuant to Regulation 15 (5) of the Public Finance Management (Uwezo Fund Regulations), 2014.
4. On 50 per cent repayment threshold on loans, the Committee observed that Uwezo Fund Board resolution on a threshold of 50 per cent repayment of loans was punitive. The policy implies that funds can only replenish loans to a constituency whose recovery is at least 50 per cent. The Committee recommends that the Uwezo Fund reviews the policy on the constituency repayment threshold on loans to 25 per cent.
5. On the facilitation of Constituency Uwezo Fund Management Committees, the Committee observed that members of the Constituency Uwezo Fund Management Committees are not adequately facilitated to monitor the activities of the Fund, including follow-up on loans disbursed. There is need to enhance the budget on monetary evaluation and administrative costs for the committees, to ensure they perform their functions efficiently as stipulated under Regulation 16 of the Public Finance Management (Uwezo Fund Regulations), 2014. The Committee recommends that the Fund to set aside, not more than 5 per cent of the amount disbursed to a constituency, for purposes of monitoring, evaluation and administration costs for the Constituency Uwezo Fund Management Committees, and that the Cabinet Secretary to issue guidelines on allowances for members of the committees within three months of the adoption of this Report by the House.
6. On proper financial reporting, the Committee observed that the Fund did not comply with the International Public Sector Accounting Standards in their financial reporting, indicating that there was lack of capacity of the staff at the constituency level. The Committee noted that the Fund relied on district accountants who serve more than one constituency. Therefore, the Committee recommends that the Fund employs its own officers at the constituency level for proper financial reporting.

Hon. Deputy Speaker, the Committee also made the following recommendations based on general observations on Women Enterprise Fund:

On the loss of funds, the Committee observed that there was embezzlement of funds by the employees of the Women Enterprise Fund amounting to Ksh24, 625, 450 due from 19

constituencies during the period under review. The matter was handed over to the DCI. The Committee noted that this is a recurring problem from previous financial years. It was noted that this was linked to the involvement of employees in disbursement of loans. Article 226(5) of the Constitution of Kenya provides that:

“If the holder of a public office, including a political office, directs or approves the use of public funds contrary to law or instructions, the person is liable for any loss arising from that use and shall make good the loss, whether the person remains the holder of the office or not.”

It is on this basis that the Committee recommends that the DCI fast tracks the investigation into the cases of misappropriation of funds.

The Committee observed that non-recoverable loans were recurring audit queries which could be attributed to groups seemingly incorporated with the intent to defraud the Fund. The Committee observed that these groups disintegrated after receipt of funds. This implies that the Fund did not adhere to existing lending policies while vetting some of the beneficiaries. The Committee therefore observed that there are funds which are still outstanding that were lent through the financial intermediaries whose recoverability is doubtful. The Committee therefore recommends that there is need for the Fund managers to enhance their lending policies to improve recoverability of loans and that the Fund should lend directly to borrowers instead of using financial intermediaries.

On late submission of documents, the Committee observed that the accounting officer of the Fund failed to submit documents for audit within the time which is stipulated under Public Audit Act, 2015. In addition, the officers contravened the provisions of Section 68 of the Public Finance Management Act that bestows them all the responsibility of proper management of the Fund’s books of accounts. The Committee therefore recommends that the accounting officer of the Fund ensures compliance with Section 62 of the Public Audit Act, 2015 and Section 68 of the PFM Act, 2012.

Based on the important role that these two Funds play in our national development, there is need for proper utilisation and accountability of public resources which are vested towards realisation of mandates of these institutions. It is on this basis that the Committee invited the accounting officer of these two Funds, the Principal Secretary for Gender Affairs, Hon. Safina Kwekwe Tsungu, to respond to the audit queries which are raised in the reports of the Auditor-General. Arising from the evidence adduced, the Committee came up with various recommendations, which are contained in the Report, for consideration by this House.

As I conclude, allow me to thank your office and that of the Clerk of the National Assembly for the support which was extended to the Committee during the consideration of this Report. May I also extend Committee’s appreciation to the Office of the Auditor-General and that of the Cabinet Secretary of the National Treasury and Planning for the complementary role that they continue to play in overseeing public funds.

Finally, I acknowledge with gratitude the Office of the Principal Secretary for the State Department for Gender Affairs, Hon. Safina Kwekwe Tsungu, for availing the requisite information and honouring committee invitations which enabled the Committee to finalise this Report on time.

I beg to move the Motion and request the Member for Kwanza, Hon. Ferdinand Wanyonyi, to second. Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): As the Member for Kwanza takes up to second the Motion, I did not interrupt Hon. Nzioka. However, you might not be lucky next time. You should read the verbatim Report. You are supposed to move it. I

imagined that your Chairman or Vice Chair ambushed you to move the Report. You need to take note of that. Let us have the Member for Kwanza.

Hon. Ferdinand Wanyonyi (Kwanza, FORD – K): Thank you, Hon. Temporary Deputy Speaker. I take this opportunity to second the Motion. As moved by the Mover, since inception of Uwezo Fund, about Ksh4 billion has been disbursed. The recovery has been very difficult. I also want to agree with the Mover. Because of the difficulties in the recovery of these funds which are given out to our people, we have agreed that instead of basing it on 50 per cent, we come down to 25 per cent of the amount of money we have loaned out which is very encouraging. It is very difficult to recover this money. Recovery of 50 per cent of the money is very difficult because the business environment out there is not very conducive.

Secondly, after disbursement of money, most of the workers are not motivated. Therefore, 5 per cent of the amount of money we disburse will be given to those who will ensure that the money is given out to the groups as a token of appreciation. That is very encouraging. We will have people who will work hard and do the work because there is some return.

Lastly, if you look at each one of us, including in my constituency, Uwezo Fund has really helped the youth to do some profitable businesses and come up with things like buying tents and chairs which they give out to people who have functions and funerals, which is a very good thing.

Therefore, Hon. Temporary Deputy Speaker, I take this opportunity to second the Motion. Thank you.

(Question proposed)

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Members, because of time debate on the Motion will proceed when it comes back on the Order Paper. Being a very important Motion, that is in the interest of this House.

With that Hon. Members, be upstanding. The time now being 6.58 p.m, this House stands adjourned until Tuesday, 3rd March 2020, at 2.30 p.m.

The House rose at 6.58 p.m.