

PARLIAMENT OF KENYA

THE NATIONAL ASSEMBLY

THE HANSARD

Wednesday, 19th February 2020

The House met at 9.30 a.m.

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

PRAYERS

Hon. Deputy Speaker: Order Members! We do not seem to have the required Quorum. Therefore, I order that the Bell be rung for 10 minutes.

(The Quorum Bell was rung)

Order Members! We now have the numbers and therefore business will begin.

ORDINARY QUESTIONS

Hon. Deputy Speaker: In this Order, we have ordinary Questions and to start us off this morning is the Member for Ganze, Hon. Teddy Ngumbao, if he is in the House.

Hon. Teddy Mwambire (Ganze, ODM): Thank you, Hon. Deputy Speaker. I beg you to give me about three minutes because I am working on my machine.

Hon. Deputy Speaker: Okay but you can also be helped with the hardcopy so you can read. I ask the Clerks-at-the-Table to give you the hardcopy of the Question. In the meantime, we will go to the Member for Kathiani, Hon. Robert Mbui.

Question No.006/2020

POLICY CHANGE BY NTSA FROM SPEED
GOVERNORS TO DIGITAL SPEED LIMITER

Hon. Robert Mbui (Kathiani, WDM-K): Thank you, Hon. Deputy Speaker. I rise to ask Question No.006/2020 to the Cabinet Secretary for Interior and Coordination of National Government.

(i) Could the Cabinet Secretary confirm whether...

Hon. Deputy Speaker: Order! Hon. Arama, approach the Chair please. Proceed.

Hon. Robert Mbu (Kathiani, WDM-K): Thank you, Hon. Deputy Speaker. I rise to ask the Cabinet Secretary for Interior and Coordination of National Government the following Question:

(i) Could the Cabinet Secretary confirm whether the National Transport and Safety Authority (NTSA) has changed its policy to require motor vehicle owners to shift from manual speed limiter devices, popularly known as speed governors to digital speed limiter devices?

(ii) Could the Cabinet Secretary explain the change in policy regarding the said speed limiter devices and the progress made in ensuring that the regulations regarding the control and use of the devices and the new changes are submitted to the National Assembly as required under the Statutory Instruments Act, 2013?

Hon. Deputy Speaker, because it is about regulations, maybe it should also be referred to the Committee on Delegated Legislation.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Let us go back to the Member for Ganze. I direct the Clerks that when Members have Questions, they should also be provided with the hard copy so that in case the gadget is not working, they can ask Questions by reading.

Proceed, Member for Ganze.

Question No. 005/2020

STATUS OF INVESTIGATIONS INTO THE DEATH
OF A MINOR AT BAMBA POLICE STATION

Hon. Teddy Mwambire (Ganze, ODM): Hon. Deputy Speaker, I rise to ask the Cabinet Secretary for Interior and Coordination of National Government the following Question:

(i) Could the Cabinet Secretary provide the status of investigations into the circumstances that led to the death of a minor namely, Magret Shukrani Masha, on 5th February 2020, while in a cell at Bamba Police Station in Ganze Sub-county, Kilifi County?

(ii) Could the Cabinet Secretary explain why the police officers on duty at Bamba Police Station transferred the body of the minor to Kilifi County Hospital Mortuary at night without informing or being accompanied by the relatives?

(iii) Could the Cabinet Secretary state what action the Ministry has taken against the police officer(s) who were on duty on that fateful day?

(iv) Could the Cabinet Secretary consider compensating the family of the deceased minor in view of the fact that the minor died while in police custody?

Hon. Deputy Speaker: We will go to the last Question by the Member for Mwingi Central, Hon. (Dr.) Architect Gideon Mulyungi, MP, and former PS.

Question No. 007/2020

ISSUANCE OF INCOME TAX EXEMPTION CERTIFICATE

Hon. Gideon Mulyungi (Mwingi Central, WDM-K): Hon. Deputy Speaker, thank you for the many titles you have given me, but you have forgotten to add EBS and CBS. So, next time please remember. Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Mulyungi, you know I have known you for a long time and I have your history. I know all those titles that you have actually stated are ones that you actually earned through hard work. I know. So, proceed. I will not forget next time.

Hon. Gideon Mulyungi (Mwingi Central, WDM-K): Thank you, Hon. Deputy Speaker. I rise to ask the Cabinet Secretary for Health the following Question:

(i) Is the Cabinet Secretary aware that Ms. Racheal Kasyoka Kioko of ID No. 231153977, a person living with disability was denied renewal of her Income Tax Exemption Certificate which she applied on 22nd May 2019?

(ii) Can the Cabinet Secretary explain why Ms. Racheal Kasyoka Kioko was denied the tax exemption certificate even after the medical report showed that she is qualified to get it?

(iii) Can the Cabinet Secretary also explain who vets those who qualify, what they consider and how many people...

Hon. Deputy Speaker: Hon. Mulyungi, I do not know whether you are doing it the architectural way. I would have wanted you to read it as is in the Order Paper so that you do not give other details. This is because those ones can be handled later when the CS or whoever comes to answer your question will do. So, please go by the Order Paper. That is why I was saying Members should be allowed to have a hard copy.

Hon. Gideon Mulyungi (Mwingi Central, WDM-K): Thank you, Hon. Deputy Speaker. I have been given the Order Paper.

I rise to ask the Cabinet Secretary for Labour and Social Protection the following Question:

(i) Could the Cabinet Secretary explain why Ms. Racheal Kasyoka Kioko of ID No. 231153977, a person living with disability, was denied an Income Tax Exemption Certificate on application despite having a medical report to support her application?

(ii) Could the Cabinet Secretary state the criteria used in vetting persons living with disability for issuance of an Income Tax Exemption Certificate and how many qualified Kenyans were issued with such certificates in 2019?

(iii) Could the Cabinet Secretary consider issuing the Exemption Certificate to Ms. Racheal Kasyoka given that she had previously undergone vetting and been issued with a certificate by the same Ministry?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Allow me to do the needful. I refer the first Question by Hon. Teddy Ngumbao to be replied to before the Departmental Committee on Administration and National Security. The one by the Member for Kathiani will be replied to before the Departmental Committee on Administration and National Security. The one by Hon. (Dr.) Mulyungi, MP, CGH, will be replied to before the Departmental Committee on Labour and Social Welfare. That is why it is important that one Member should not have too many titles because they become a bit confusing.

In fact, I must advise you, Hon. Mulyungi, to take the bigger title of the two and you can make the other one silent. What is it, Hon. Mbui?

Hon. Robert Mbui (Kathiani, WDM-K): Hon. Deputy Speaker, just a point of clarification and I need your guidance. The Question that I have asked seems to be sent to the Ministry of Interior and Coordination of National Government through the committee. However, the actual issue is that the question is about regulations. So, I was wondering whether the Committee on Delegated Legislation could also be involved because it is about the Statutory Instruments Act which is actually domiciled in that Committee.

Hon. Deputy Speaker: Just allow me a minute to make some consultation.

(Hon. Deputy Speaker consulted the Clerk-at-the-Table)

Hon. Mbui, the relevant regulation-making body is the NTSA under the specific ministry which I have referred this Question. Of course I hear your views and concerns. Why don't we allow that particular ministry to deal with it? If we consider that it has not done good justice to your Question, we can see how else we can be of help. Otherwise if we take it to the other committee, we probably will be overstressing. I think we would rather remain with this specific ministry. Allow us to proceed in that manner. Should there be an issue, we will all raise it.

As we go to the next order, let me recognise, in the Public Gallery, students from Saint Joseph's Girls Kitale from Saboti Constituency of Trans Nzoia County.

Next order!

BILL

Second Reading

THE INDUSTRIAL TRAINING (AMENDMENT) BILL

Hon. Deputy Speaker: Hon. Jude Njomo, you know this is your Bill. Proceed and move it. I am sure you are aware that yesterday some procedural motions went through. So you are aware of your time. Proceed, Hon. Njomo.

Hon. Jude Njomo (Kiambu, JP): Thank you, Hon. Deputy Speaker. I beg to move that the Industrial Training (Amendment) Bill...

Hon. Deputy Speaker: Hon. Njomo, are you distracted in any way? I will allow you to come to a seat right in front of you.

Hon. Jude Njomo (Kiambu, JP): I beg to move that the Industrial Training (Amendment) Bill be now read a Second Time.

Hon. Deputy Speaker: Now you can proceed.

Hon. Jude Njomo (Kiambu, JP): Hon. Deputy Speaker, I beg to move that the Industrial Training (Amendment) Bill be now read a Second Time.

Hon. Deputy Speaker: Now you can proceed.

Hon. Jude Njomo (Kiambu, JP): Hon. Deputy Speaker, the Industrial Training Act gives authority to the National Industrial Training Authority (NITA) to assess the training needs in our industries. It also gives authority to NITA to assess the number of employers and employees who will benefit from those skills. At the same time, the Act mandates NITA to collect a levy of Ksh50 for every employee from the employer to make a kitty known as the National Industrial Training Fund which is used to reimburse the employer any amount that the employer uses to train his staff, employ apprentices, engage interns and generally improve the skills of our people. The challenge comes because NITA does not have the capacity to assess not only the number of employees, but also the number of employers. It becomes very difficult for NITA to collect this levy.

During my research for this Bill, I sat with the Board of NITA. They confessed that they were unable to identify all the employers. They were unable to collect all the funds because of those capacity problems. In their own assessment, they were collecting about one-fifth of what

they think they can collect. This amounts to about Ksh800 million. This is the amount that is used to train our youth. We know we can do much better than this because that Bill was very well thought out. The only issue was the capacity of NITA as that is not the key responsibility of that Authority. I propose in this Bill to transfer the authority of collecting the Ksh50 per employee which is paid by the employer not the employee. The Act is very specific about that. It states that this amount should not be deducted from the employee.

In this amendment, I propose to move the responsibility of collecting the Ksh50 from NITA and give it to the Kenya Revenue Authority (KRA). Why do we do this? The KRA has the database of all the employees in the Republic. They will not require any research. They will not employ more people. They have that in their database. The same KRA has a database of all the employers and how much they pay each employee. It will, therefore, become very easy for KRA to collect this small levy from the employer.

Secondly, KRA has a lot of experience in collecting money from employers and employees. It will be very easy. During my meeting with the board and other members of NITA, there was fear that when KRA collects those funds, they may fail to remit the amount to NITA. To give comfort to the Fund, I have introduced a clause that requires that when the KRA collects this levy, they are given about 30 days within which they submit the money to the Fund. One of the amendments requires that KRA should remit the money by 15th of the following month. That clears the fear that they may not remit.

Thirdly, if this amount is collected and there is 100 per cent remittance, we shall have an improvement from Ksh800 million to about Ksh4.5 billion being collected from employers. This will be a very good kitty to train our youth. In Kenya, we do not have a shortage of universities. We have many universities. I was discussing with some Members while having a cup of tea. It is easier to get an architect than to get a plumber. There are so many universities and the Higher Education Loans Board (HELB) helps students to get to university. Nobody thinks about our youth who go to tertiary institutions. If we run this Fund in a healthy and efficient way, we shall have enough funds to train our youth in technical fields.

It will be so easy for you as a Member of Parliament (MP) to train the youth in your constituency. You can help some with your bursary. There are some companies within your constituency which will be paying this levy. They will not have enough students or employees to train. As an MP, you can approach those companies and request them to use their contribution to NITA to train five or six of your students. That way in a few years' time, we shall have a bank of very well-skilled and trained youth in the Republic in technical matters, trade and industry. We shall have a lot of them. The only way we can move forward is when we have youth who have the capacity to use their technical skills to build themselves thus building the country. Like I said, we will be able to raise about Ksh4.5 billion to do this.

The other amendment that I am proposing is the way that this money will be spent. Formerly, all the money was going to NITA. Other institutions have come up and are also offering technical training. I propose that after collection, 60 per cent of the amount is submitted to NITA to do what they have been asked to do by Industrial Training Act. 20 per cent of those funds should be given to Technical and Vocational Education and Training Authority (TVETA). This is the Authority that has been mandated to supervise the training in tertiary institutions. As you are aware, every constituency will have a tertiary institution for technical training. What will happen if those tertiary institutions are not funded? They will slowly die off like the village polytechnics that were there before.

I remember I visited one of the village polytechnics in my constituency three years ago. I was shocked to find that for their practical in motor vehicle repair, they have a Ford Cortina. That is a very old vehicle. If we are training our students and technicians to repair modern vehicles yet we are giving them a 1960 model vehicle for practical, we will not get a mechanic. Maybe we will get an artist who can draw a carburettor. If we want to train our youth to be technicians of today, we must train them in a method of today. That is by funding the institutions so that they are able to buy all the practical equipment and teaching material that they need and they become modern institutions.

Hon. Deputy Speaker: You still have time for sure.

Hon. Jude Njomo (Kiambu, JP): Thank you. That is why I propose that 20 per cent of this amount goes to TVETA. This will help them to maintain their equipment that is being installed in every constituency; TVET institutions and polytechnics. It will also help them to improve the training methods, train the trainers and keep those TVET institutions as modern and appreciated by the public.

Hon. Deputy Speaker, there is a notion that was there about village polytechnics. They were like dumping grounds for youth who have not made it either to secondary schools or universities. If we show our youth that these are training institutions that everybody has interest in and that they produce quality technicians who get employed, then our youth will be interested in joining them to be trained. That is why I would like 20 per cent of the amount collected to be used by TVETA to improve and maintain those technical institutions.

Thirdly, I am proposing that 10 per cent of the money collected to be submitted to HELB. This will change the way HELB has been doing its business. It has been concentrating on giving loans to students who join university. We want those students who are going to polytechnics, technical training institutes and teacher training colleges to also have a chance to go to HELB and get a loan for payment of their tuition fees. If we do this, we will have many well-trained youths in the technical field.

Finally, we are taking 10 per cent back to NITA. This amount will be used in special work. What do we mean by this? I remember when we started to build the Standard Gauge Railway (SGR), there was a sudden need for very specialised welders in the country. Unfortunately, we did not have them. So, this amount can be used in such cases where there is a sudden surge in the need for training. Our country is now concentrating so much on the blue economy, which we want to improve.

However, we have not been there before. Maybe, we need to train some people. Maybe, we do not even have local institutions which can train the people in the blue economy area. So, NITA Board which has been mandated to assess the needs of industry can use this amount of money to take some technicians out of the country to learn the new art and bring it to our country for the benefit of our economy. We have a triangle that is inverted. The top brains are more than the technicians. We have more engineers than technicians in the country. That is why our economy is not moving in the right direction. It is dragging because people are not doing their right jobs. Today, you will find a graduate doing the work that is supposed to be done by a mechanic in an industry. In an architectural office, you will find an architect doing what a draughtsman is supposed to do. Draughtsmen are no longer there because we do not train them!

This Bill provides an opportunity for us to train our youth in technical fields. I remember two weeks ago, energy contractors in the country went to court because Kenya Power Company had floated tenders for the Last Mile Connectivity. They were framed in such a way that no Kenyan contractor would qualify for the tender simply because they required very high amount

of turnover and experience that no Kenyan has. So, as we do this, we must also be very keen of what our technocrats are doing. They are killing our industry. If we do the Last Mile Connectivity without involving Kenyans, we will be doing the wrong thing because Kenyans have been building these power lines for a long time. They have been doing this work. When we give them to foreigners, they do not buy the material locally. So, we are killing our industry. When they employ Kenyans, they pay them peanuts, which to me is like slavery for our people.

I want to beg Members to support these amendments to the Industrial Training Act because this will revolutionise the way training is done in Kenya. We shall improve our collection from Ksh800 million to over Ksh4.5 billion. This will improve the way our youth are trained. Technical institutions will focus now on giving specialised training to our youth. This will help our economy, children and future and will make Kenya a better country. It will even attract investors. They will know that when they go to Kenya, they will get good technicians, laboratory technicians and people who are skilled. Thus, there will be more investment.

With those words, I beg to move the Bill. I would like to request Hon. Innocent Obiri to second the Bill. Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Innocent Obiri, you have the Floor.

Hon. Innocent Obiri (Bobasi, PDP): Thank you, Hon. Deputy Speaker. I stand to support this Bill. It does not impose any further levies on employers but rather it improves the mode of collection of revenue. Then, we shall have more money in the kitty than what is collected now. We will collect about three or four times of what is being collected at the moment. This will enable training of artisans and middle level professionals to be done more efficiently with more funds. As it is at the moment, a lot of emphasis has been put on university education. We ignore middle level colleges. Desirable as university education is, it is a fact that we cannot have more university graduates than middle level colleges graduates as they serve a very important role in our economy.

A very good example in the world is the Republic of Korea which emphasised more on training of artisans and graduates and grew its economy very fast. That is the best example which illustrates what we are trying to do. I want to appreciate the fact that the Government is trying to introduce a technical training college in every constituency. The implementation of this Bill will help in that. It will place more money on the Government hands, so that it can finance technical education, like the Mover has clearly explained. It will place more money on the Government's hands so that it can implement that. As a country, we made certain mistakes when we were improving university education. Like I said, desirable as it was, it was not appropriate for us to kill some tertiary institutions like the Kenya Polytechnic and Mombasa Polytechnic at the expense of creating universities. We should have created universities and left the other institutions intact.

With those few remarks, I support the Bill.

Hon. Deputy Speaker: You must second the Bill, Hon. Member.

Hon. Innocent Obiri (Bobasi, PDP): Sorry. I beg to second the Bill.

(Question proposed)

Hon. Deputy Speaker: Hon. Members, as it is the norm, you know that a Bill which is not sponsored by the Committee, the Chair of the Committee gets the first shot. That is as per what you passed yesterday. So, I will first give an opportunity to the Chair, Departmental Committee on Labour and Social Welfare, Hon. Wario. He has sufficient time. You know how

much time you have. The less you speak the better, but you have sufficient time. I mean that you can use less time to contribute because we expect and we want more Members to speak. However, you have quite some good time to contribute, Hon. Wario.

Hon. Ali Wario (Bura, JP): Thank you very much, Hon. Deputy Speaker for giving me the opportunity to contribute.

Hon. Deputy Speaker, I want to share some facts with the House so that we put records straight and speak from the same page. Firstly, the entire board of NITA and the Cabinet Secretary (CS) appeared before the Departmental Committee on Labour and Social Welfare and we presented to them the same facts which Hon. Njomo has shared with the House. The feeling of the NITA Board is that it is good to improve collection but it can be done administratively. They can enter into an agreement with KRA by engaging them administratively to do for them the same thing Hon. Njomo wants done through an Act of Parliament.

Secondly, the money in question is given by employers for employees who are in the industry working in specific areas. We should not take the money without bringing on board the social actors: the representative of workers and representative of employers and say you will divide the amount to go to TVET, which should be funded by the Government. The workers and employers have contributed to the Fund for training of their employees. By supporting this Bill, we will be defeating the core objective of the NITA Act.

Hon. Deputy Speaker, with those few words, I oppose this proposed law because it is not good. We need to bring on board the social actors: the employers and employees and look at their rights. You cannot ask employers to contribute money and use the same money to develop other institutions.

With those few words, I beg to oppose.

Hon. Deputy Speaker: Hon. Wario, I wish you knew that you had some 30 minutes. But that is okay because we have some Members who want to speak to it. We will start with Hon. Omboko Milemba, unless the Leader of the Minority Party wants to speak.

Hon. Omboko Milemba (Emuhaya, ANC): He is my friend.

Hon. Deputy Speaker: I know he has the priority. I hope he is acceding to it because he has the right. Anyway, Hon. Omboko Milemba proceed, then I will give the opportunity to the Leader of the Minority Party.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Deputy Speaker. Sooner or later, I will be occupying that position, but that is a different story.

The proposed Industrial Training (Amendment) Bill comes from a Hon. Member I have a lot of respect for because of his economics background and the good Bills he brings to the House. But on this one, I find it difficult to see where he is coming from in terms of amending the Act so that the collection of monies that go to NITA is done by KRA. When you talk to NITA and other players in that particular field, KRA can act like an agent. It can be instructed by NITA to do this work without necessarily coming to Parliament to make a law so that KRA does it. They do these collections on behalf of many groups and have an arrangement on how the monies can go to those groups including NITA. So, this proposed Bill may not be very necessary in this particular time because it can be done, like the Chair said, in a very administrative way.

Another thing about this Bill is that it has a good idea of expanding the collection but, the money should be collected on behalf of workers. For instance, a worker of the Teachers Service Commission (TSC) or a particular industry is trained for purposes of benefiting a particular industry and that is why employers remit the money. The employers do not remit this money as a freelance tax to go to every other sector. This can be done by Government taxation

regimes or other proposed laws that would make us create a specific tax, if we want as Parliament for it to be for training of the youth in the country and not going to give money that is supposed to train a worker for a specific industry and spread it wide and far. For instance, half of the money can be allocated to the worker and part of it to TVET.

The Government has put in place a way of funding the TVETs we have but that can be improved. I am not saying that it is the best. They pay Ksh56,000 as fees and get a capitation fee of Ksh30,000 from the Government. I am in the education sector and I can talk about this authoritatively. They are then allowed to apply for the Higher Education Loans Board (HELB) loan. So, HELB is already there for the TVET institutions. National Government Constituencies Development Fund, if you so wish as a MP, you can also give them part of that money to pay their fees. So, the Government has a particular structure of how to fund students in TVETS in the Education Act and its being implemented. So I do not find it necessary to take money that is specifically meant to train workers in a specific area and spread it to TVETs and take another 10 per cent to colleges like Teacher Training Colleges (TTCs) among others. We can improve on these laws and have a system that works.

Therefore, I find this not to be a good Law. It is coming at a time when I saw headlines reading loud that the TSC wants to collect Ksh6,000 from teachers. It is almost giving me an impression that this is the kind of law that somebody can also joke with so that the Ksh6,000 is collected by KRA and we may expand the collection. After collecting it, it is spread in training of other people elsewhere. Though we are not supporting that, but look at what we are doing. We take money collected for specific purposes of training teachers – which we oppose of course – and start training other players like in TVET and TTCs.

This is not a good law and I beg to oppose it. Thank you.

Hon. Deputy Speaker: Let us go to the Leader of the Minority Party. I should have given him the first shot, but I did not know he had an interest.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Deputy Speaker. It was good to listen to Hon. Omboko Milemba who has been a trade unionist for a long time and understands issues of employer employee relationship.

First of all, I want to take this opportunity to thank Hon. Jude Njomo. Engaging his mind to think through bringing legislation to the House is not a mean achievement. Hon. Njomo has been one of the best performing MPs in the august House in generating Bills and legislations.

I plead with the Chair of the Committee that as much as we share some of his concerns, it would be discouraging to the Mover of the Bill to defeat it because Bills can be improved. We can still improve the amendments. If there are some amendments we are not comfortable with, we can easily deal with them and align them to be in line with exactly what we want to achieve. We cannot deny the fact that the training in this country is a big problem. We have a problem of training our youth and even of training employees. One of the reasons for low production in this country is because we have employees who do not keep pace with technological developments. Therefore, employees require constant training to improve their skills and capacity to deliver on their assignments.

Equally, we need to train the youth. However, much as I would not have a problem with thinking through the collection of this levy, if NITA lacks the capacity or whatever reason they are inefficient in collecting this revenue; it is something we can think through in terms of seeing if KRA can be involved in collecting revenue on their behalf. This is so that once the money collected is remitted to the relevant authority to be utilised for the assignment which the Act spells out. I also do not have a problem with possible increase because the Kshs50 was set way

back. It may have not kept pace with inflation, the cost of living and other things. The time value of money has watered down the Kshs50. There would be no problem increasing this amount, say, to a Kshs100 or any other amount that can be agreeable with employers because we also do not want to overtax employers much as the objective of the fund is good.

I also share the concerns on how to utilise this money. I have shared briefly although I did not have enough time to share with the Mover of the Motion. There is a problem in trying to allocate only 60 per cent towards direct training of employees and then spread 20 per cent to TVETs, 10 per cent to HELB and another 10 per cent for administration. Employers should be contributing money towards the training of their employees. If we start giving the burden of training our youth to employers, much as it is important to train the youth, we will be overburdening the employers of this country. As a nation, we must be responsible for the training of our youth. We make Budgets in this House. We have lost the plot. Even the move to set up TVETs in every constituency in this country was missing the plot. There is no reason why we could not even create one TVET for two constituencies. Instead of putting money in the brick and mortar, we put more money towards training of youth so that we train more of them, and pay the trainers and provide money for the equipment for the needs of the people who are going to be trained. I am not convinced that if, as a country, we utilised our resources effectively and efficiently, if we stopped misusing them, if we stopped corruption and if we closed the taps, we would not have enough resources to train our youth. We do not have to go to employers and tell them that the money that they are supposed to contribute towards improvement of the performance, capacity and delivery of the employees is now going to be shared with the youth of this country.

I support the Bill. When it comes to the Committee of the whole House, the Committee needs to bring amendments in consultation with the Mover. Having listened to the Chair, I am very clear in my mind that he knows what he is talking about. Having engaged with NITA and the Cabinet Secretary, the Committee can bring amendments to remove the clauses that may not go down very well with employers and also with us in terms of morality. We do not need to put too much pressure on employers.

Hon. Omboko Milemba mentioned something very interesting. The Teachers Service Commission (TSC) is thinking of levying Kshs6,000, which to me is a very high amount from the overburdened teachers. These are people who are not properly paid. Teachers in primary school, high school and colleges are paid peanuts and you want to, again, take an average Kshs500 per month from them for their training and improvement. That is not being fair and just. The reasoning later would be that this money should be shared with others in the country to offer training.

With those many remarks, I support the Bill but I hope that we will align it with our desires as a House.

Hon. Deputy Speaker: Hon. Mwirigi Paul.

Hon. John Paul Mwirigi (Igembe South, Independent): Thank you, Hon. Deputy Speaker. I rise to support the amendment of this Bill. In this country, the youth are the most disadvantaged.

When we support the amendment, the scope of collection of money will increase. Currently, the money which is being collected is just Kshs800 million but if we involve KRA, the amount will increase to Kshs4 billion. This means it will increase by Kshs3.2 billion. When trainings are done, the number of the trainees is very low but when KRA is involved, a lot of money that is lost in the way will be collected and distributed equitably.

I disagree with the idea that what is collected from a certain employer should be used to train people who normally work there. Money collected should be distributed as the Mover has highlighted. As he has proposed, 60 per cent should go to NITA and 20 per cent should be distributed to TVETs because we have many young people out there who if trained, can gain skills to work in companies. There are skills which if our young people had, we would not be encountering this huge number of unemployment. If the money collected is spent to train them, we will have value for money and most of the young people of this country will secure employment because they will be having the required skills to use in various jurisdictions of works.

It is high time we focused where we want this country to be in future because the rate of unemployment in this country is very high. The unemployed people are the young people. Those young people are the ones involved in many crimes. We are supposed to ask ourselves why young people are involved in crimes. This is because there is no employment. We are supposed to secure for them employment. Having employment is by ensuring all the means which are supposed to be undertaken by the Government are put in place so that the young people of this country can get employment opportunities.

Some of the skills which are not offered within the country can be accessed through the distribution of this 10 per cent to NITA. This money will help to equip those young people with skills or even advance them. The workers will also be equipped with knowledge which they can use at work. So, it is a good idea. It is a good move. We are supposed to support but not to criticise. If there is any amendment, it is high time it was shared. As the Leader of the Majority Party said, amendments will be worked on during the Committee of the whole House and so we do not dismiss this proposal now. We know it will work towards the advantage of the workers and the young people of this country.

With that, I beg to support. Thank you.

Hon. Deputy Speaker: We will have Hon. (Dr.) Wamalwa.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Thank you very much, Hon. Deputy Speaker.

This is a very good Bill with good intentions. The challenge is in the methodology which we must see how we are going to harmonise. For the sake of other Members and with due respect to the Chair of the Departmental Committee on Labour and Social Welfare, I listened when he responded. Every employer is required to pay Kshs50 per employee to NITA. Then, the company is supposed to do a training needs assessment. The objective of this training levy is to help the employee improve efficiency and effectiveness as pertains that job. Before one is trained, he or she is supposed to seek an approval from NITA. One can only be trained by a company or a trainer who is regulated by NITA. I am saying this because these are some of the things I was heavily involved in when I was still teaching at the university. Also, I did a lot of these things in my consultancy practice. What Hon. Jude Njomo has put across is true when it comes to NITA. They lack the capacity and the capability of collecting this levy optimally.

When we bring in KRA it, of course, has the capacity to do the collection. There is that worry when you look at the KRA Act. When the KRA collects money, that money normally is submitted to the National Treasury and Planning. They do not have authority to spend a five cent. So, as you amend this, we will also be forced to amend the KRA Act. That has to be clear, the KRA collects money but it has no authority to spend that money. That money goes to the National Treasury and Planning. So, unless we amend the KRA Act, this amendment cannot be done. I listened to the Chairman. There is a process of processing Bills in this House. We have a

prepublication period. We have a publication scrutiny that is done. When I listen to the Mover and I listen to the Chair of the Departmental Committee on Labour and Social Welfare, it shows the prepublication scrutiny was not done properly. Before a Bill comes on the Floor of the House, it must have gone through the prepublication scrutiny. After that, it goes through the publication scrutiny and the relevant Committee, this case the Departmental Committee on Labour and Social Welfare, seeks input. When we see this, it shows that the process of processing Bills has not been followed to the letter. We call upon Hon. Tiampati who is here. His office has been doing wonderful work, I know that. On matters of legislation, it is the Table Office. So, the question is...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Chris Wamalwa, are you referring to Tiampati as Hon. Tiampati. Tiampati is a Principal Clerk Assistant I.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): For that matter it is the Table Office not Hon. Tiampati. The Table Office is the heartbeat of legislation.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Maybe in future he might decide to be one.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Maybe he will be honourable, I do not know. But he heads the Table Office. I appreciate the role that the Table Office plays. It is a critical office.

I am here to support this Bill. Hon. Jude Njomo has good intentions about the youth. I want to explain one thing which I expected the Chairperson of the Committee of the Departmental Committee on Labour and Social Welfare to have said. The Chairman had all the time. He should have explained to this House how the training levy works. He failed to do that. He had 30 plus minutes, but he only took two minutes. It is good to explain to Hon. Members how the framework of the training levy works. Today if you start a company called XY or Z and you have 10 or 20 employees, in line with the NITA Act, you are supposed to submit Ksh50 for every employee every month to NITA. When you do a training needs assessment of the employees of that company XY or Z and find that they need improvement in, for example, plumbing, you write to NITA for approval that you want to train your staff on plumbing services from a company that is regulated and approved by NITA. You must seek their approval. Upon payment, NITA will reimburse the money. In other words, you are investing money to improve the capacity of your employees.

So, the moment you introduce the aspect of money going to the youth --- Companies have a lot of overheads. It is becoming difficult for some of them to survive. That is where challenges come from. These are two fundamental things that need to be addressed at the prepublication scrutiny level. If at all NITA Board was involved in this matter, I have no doubt having been heavily involved in this that it will happen. The big companies like Barclays and Kenya Breweries, all they do is to give their submissions. So, the training levy is like the catering levy in the hotel industry. It serves the same purpose. You must pay for capacity building of your staff. So, as my leader had put it, we look for a harmonised way to pass this Bill then when it comes to the Committee of the whole House... We are going against the tradition of this House. Last time we said that before a Bill comes for the Second Reading, there must be a Committee Report. We are debating this Bill today and we do not have a Committee Report from the Departmental Committee on Labour and Social Welfare.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Chris Wamalwa there is an intervention by Hon. Rasso. Resume your seat as he prosecutes his point of order.

Hon. Ali Wario (Bura, JP): It is Hon. Wario. I want to inform *Mheshimiwa* that we tabled the Report on 3rd July 2019. The Report is there. So, it is wrong for him to say that there is no Report in place. We followed all the required processes and that is why I am saying what I am saying. We tabled a Report on the Floor of the House on 3rd July 2019 and it is being scrutinised and that is why we are where we are today.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well, that is a point of information to Hon. Wamalwa and even to the House. I have confirmed – as you had stated – from the able leader of Table Office that the Report was tabled.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Thank you, Hon. Temporary Deputy Speaker. Thank you, Chairman, for that information. We had gone for recess. The reason why you are given priority, as the Chairman of the Committee, to be the first one to contribute is so that you give highlight of the report. You have gone through the stakeholders' analysis. The Chairman in this case failed. He stood up and within one minute he stated that he opposes and sat down. That is why the chairpersons of committees must pull up their socks. That is why they are given that amount of time so that they take the Members through what the stakeholders and the board said and that is why, for example, you are objecting the Report. This is why we have said the chairs of these committees have to pull up their socks. If you have a report and you are given 30 minutes, how do you come and speak for only one minute? They must pull up their socks.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Wamalwa, now that you have mentioned the Chair and the Member for Bura, he is on intervention. Hon. Wario Ali, what is your point of order?

Hon. Ali Wario (Bura, JP): Is it in order, Hon. Temporary Deputy Speaker, for the Member to mislead the House that the Chair failed? We have done a report and tabled it on the Floor of the House. We cannot force Members to read the Report. It is the responsibility of the Members to go through the Report and contribute based on the findings of the Committee.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Wamalwa, the Chair has defended himself.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): It is the responsibility of Members to read, but as a Chair, you need to give key highlights. That is why you are given all that time. You tabled the Report last year and then you come and say: 'I oppose'. You are given the 30 minutes to take Members through and you give highlights so that there is a logical flow showing the recommendations of opposing the particular Bill. Chairs of committees must pull up their socks. This is what I am saying. The Chair is paid more. He has the Report. People have forgotten because it was tabled in July last year. Come and give highlights. I called the National Industrial Training Authority (NITA) Board and this is the position of the Ministry of Education. This is what the Trading Levy Trustee does. He has not even told Members what the Training Levy Trustee is supposed to do. This is very wrong. The Chair has to pull up his socks.

Hon. Temporary Deputy Speaker, I support the Bill. Let us move it forward. We will amend it, as my leader had said.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): As I protect the Chair, the Report was tabled in this House as, indeed, the Chair has said. Members will need to read this Report. Every information is in the Report unless you want to say Members do not read reports. Members, please, read these reports, so that when you debate, you do so from an informed point.

Order Members. I wish to interrupt debate to allow Hon. Kaluma to lay some Papers before the House.

PAPERS LAID

Hon. Peter Kaluma (Homa Bay Town, ODM): I thank you, Hon. Temporary Deputy Speaker. On behalf of the Chair of the Departmental Committee on Administration and National Security, I beg to lay the following Papers on the Table of the House:

Reports of the Departmental Committee on Administration and National Security on its consideration of—

- (a) The National Disaster Management Authority Bill (National Assembly Bill No.10 of 2019).
- (b) The Public Order (Amendment) Bill (National Assembly Bill No.14 of 2019).
- (c) The Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 17 of 2019).
- (d) The National Police Service Commission (Amendment) Bill (National Assembly Bill No.27 of 2019).
- (e) The County Governments (Amendment) Bill (Senate Bill No.13 of 2018).

I thank you, Hon. Temporary Deputy Speaker.

(Resumption of debate)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Next on my request list is the Member for Kathiani, the Deputy Whip of the Minority Party.

Hon. Robert Mbui (Kathiani, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for this opportunity to also give my contribution on this very important matter that has been canvassed by Hon. Jude Njomo. The Member for Kiminini referred to him several times as ‘Judy Jomo’ and I was waiting for someone to intervene and correct that because we know our colleague is male.

The intention of amendment Bills is to either improve an existing Act or to cure some mischief that has been observed in an existing Act. I have looked at this Bill and I have seen what the Member intends to cure, but the approach that he has applied to that cure, if it were me, I would have done it differently. I would have put a Question to NITA requesting them to appear before a departmental committee of the House and ask them what they intend to do to improve their collections. When we talk about NITA, we are talking about industrialisation, which is one of the four pillars of our Government to improve our technical and vocational training, so that we can industrialise as a nation going towards 2030. So, the idea of the levy is an important one. It is important that this levy is collected in time and used properly as expected or as outlined in the law.

I have several questions for the Member on issues which were not clear to me after going through the Bill and listening to him. First and foremost, Clause 5B(1) says: “The Commissioner-General of the body responsible for the assessment and collection of revenue shall be responsible for collecting training levies from employers.” I do not know whether he meant NITA or KRA. We know the bodies, instead of making it ambiguous, it is important to be specific. If it is NITA, say NITA. If it is KRA, say KRA. I am lost. Let me repeat it for the benefit of the Member. Clause 5B (1) says: “The Commissioner-General of the body responsible for the assessment and collection of revenue shall be responsible for collecting training levies from employers”. I am not too sure whether it refers to NITA or KRA. I would have loved that

you specify because if it is any one of the two, it should be very specific, so that it is clear for anyone who reads the Bill.

The other question that I have is on Clause 5B(3). Here it is specified that this money should be remitted by the 5th day after the month it falls due. This means that if salaries are to be paid by 30th, then by 5th, we expect the money to be remitted. When we look at the current situation in this country, and because of the number of remittances that employers have to make, I think if you set it at the 5th day, you are making it too tight. A lot of times employers struggle to even raise the salaries of employees. If you specify that by 5th the money has to be remitted, it means they have to have made enough money to pay salaries, KRA, National Social Security Fund, National Hospital Insurance Fund, housing and all these other levies. So, I think it is important that we give breathing space to employers. Probably we can specify the middle of the next month, which is around 15th.

I also have a question on Clause 5B(5), which says that there should be a remittance of Kshs100 per employee. My question is why we want to specify an amount in law. I think under the NITA law, there is a board that has been given the authority to set these amounts. When we specify Kshs100, what happens when the economy crashes or improves? Do we come back and change figures in an amended law? I think it is important that we leave some of those things under the original Bill as it was before.

On Clause 5C, I see a tendency to want to micromanage NITA. The biggest problem with NITA is collection of money. Now we are telling them to be assisted by KRA, which they are willing and are able to do. They told the Departmental Committee on Labour and Social Welfare as much. Then we go further and tell them exactly how to use the money and we are being specific. There is a law that says how they can use their money, but we are being specific and saying 60 per cent must be used for this, 20 per cent must be given to TVET, 10 per cent must be given to HELB and 10 per cent for any other expenditure. Why can we not just increase if there is something that we feel is not covered? In the original Act, I can see a lot of these things are already there. The only thing is that the amount of money is not specific. Why not allow NITA and give it an open-ended approach, so that they can have a responsibility day in, day out? If we do this for them, then what does the Authority do? They should pick a policy and follow it to the letter. I think it is important to give boards and authorities some leeway to come up with some work.

Otherwise, I want to agree with my leader that it is not bad-intentioned. So, we will support it. But at the Committee of the whole House stage, if Members agree, we will make changes. We will negotiate further, so that by the time we are through with this, we can achieve the purpose which the Member wanted to achieve.

I thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Jude, who do you want to inform? The Member has resumed his seat. Maybe you can inform the other Member unless you want to inform the House. Do not refer to the Member, but just inform the House because the Member has already resumed his seat.

Hon. Robert Mbui (Kathiani, WDM-K): Hon. Temporary Deputy Speaker, I want to inform the House that what NITA charges per employee to be paid by the employer is already in law and we are not introducing it. I had a proposal to increase it to Kshs100 which is going to be amended at the Third Reading. However, the Kshs50 that is being paid now is already in law and not something new that we are introducing.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Thank you for the information you have given to the House. I allowed you because you were the Mover.

Hon. Members who have just come in, we are debating the Industrial Training (Amendment) Bill (National Assembly (Bill No.4 of 2019) as presented to the House and moved by Hon. Jude Njomo. Let us have the Member for Gilgil, Hon. Wanjira Wangari. The Floor is yours.

Hon. (Ms.) Martha Wangari (Gilgil, JP): Thank you, Hon. Temporary Deputy Speaker. I sit next to the Mover and I have had the benefit to look at the Report from the Departmental Committee on Labour and Social Welfare. I generally agree with Hon. Wamalwa that it looks a bit untidy when the Mover says that NITA supported and the Committee's Report says that it opposed. It is a bit confusing to the House.

I join the other Members to say that the intention of this Bill is good. The issue of the youth in this country cannot even be said. Out of 600,000 children who sat Kenya Certificate of Secondary Education last year, only 125,000 will join university. That means 570,000 are going to be placed in TVETs, colleges and such trainings like the one undertaken by NITA.

About a year ago, we introduced the World Bank collaboration with the Government of Kenya to do a programme called the Kenya Youth Employment Opportunities Programme (KYEOP) and it pioneered in five counties. In Nakuru County, we had over 30,000 applications. We were to give slots to 800 students. That means over 29,000 were not able to get into that programme. I think Hon. Jude Njomo is very clear in terms of curing what we are dealing with in terms of training. The only issue I would raise is the introduction of KRA. I have scanned through the Bill. At the end of the Bill, they have put the First Schedule and if you look at Part II of the First Schedule of the KRA Act, it is amended by inserting the following new paragraph after 10 to include "the Industrial Training Act". My fear with this move is that the business environment in this country right now has many employers feeling the weight and the heat of running and sustaining businesses. It would look like another tax if it is done by KRA. So, there is need for a lot of education and public participation. Out of this amount that is claimed by employers, how many know they are supposed to claim? So, the implication of using KRA may look like we are putting an additional tax and must be done very well. Maybe, that is where the Chairman was coming from to do administratively, so that it does not look like an additional tax. However, in terms of the importance of that, we are in agreement.

On the issue of sharing the money, the percentages, I want to oppose that it should go to TVETs. Right now, TVETs are getting some help from the Government. Every young person going to a TVET or to an institution gets about Kshs30,000 paid to the school.

Recently, we had an issue that there were not enough uptakes of HELB applications. I hope it would not share this amount. It is collected from employers. Let it go to the core business, namely, NITA. I pray that when we get to the Committee stage, the Mover and the Members will look at the best way possible to include KRA without making it look like an additional tax and without scaring away employers. At the same time, on sharing the money, let NITA take a whole amount; 100 per cent.

The issue of additional 50 or 100 per cent in terms of the amount that is given to NITA, I want to tell Hon. Mbui who has just spoken that, in fact, it is in the original Bill. It is not the origination of Hon. Jude Njomo. The proposal is to increase it. When I look at the Report, NITA says that this will burden employers. That can be debatable. It can remain the way it is, even as we lose the amount all together, so that we can leave it to adjust inflation and the prevailing circumstances of the economy and give flexibility. It should not be static as it is in the law right

now. I hope we will do that at the right time. However, I also want to say that in terms of NITA, it must be very clear and it has to be in the constituencies. I know NITA is doing some work in some constituencies. However, it should cover the whole country. We need to feel their collaboration in training. The deficit that Hon. Jude Njomo is alluding to is real. Even Members here can tell you that getting a good plumber who will not make your work worse is hard. You call the plumber and at the end of the day, what was a problem becomes magnified because someone did not do it the right way. We definitely have a skills gap, but for it to be identified, NITA has to spread their mandate to every county if not every constituency in this Republic of Kenya.

Hon. Jude Njomo had good intentions in moving this Bill. I want to support it. However, I hope at the Committee stage, the Departmental Committee on Labour and Social Welfare will ensure that there is bridging of the reactions that we have seen in this House in terms of what Hon. Jude Njomo has moved, what Hon. Wario has said and what the Committee has said in the Report. Hon. Jude tells me the board is different now. Can we go to the board again if it is possible? If you need to go out to the board or whatever it is, listen to them, so that we can have a unified position. At the end of the day, it becomes a unified position so that we are able to support the Bill and implement it the right way.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You support. Very well. The Member for Makueni, the Floor is yours.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute on this very important Bill, the Industrial Training (Amendment) Bill) that mainly deals with training levies.

I congratulate Hon. Jude Njomo on this matter. I support him, but would also indicate to him that it is true that while we do a Second and Third Reading, I am sure he is in agreement and open minded that we can make changes, so that this law can serve Kenyans.

Last week in one of the Speaker's Message to the House, a law originating from the Member for Juja was returned here. Proposals from the President somehow deleted the amendments and nullified it, unless the House overrules, which is not possible. When we make a law here, the advisors and lawyers from the President's Office are able to agree with us because we have made a law which is good for the country. For this not to suffer the same fate of being returned, I have a further deliberation. It is good we accept as many changes as possible. First and foremost, the mandate of the KRA is clear on the Act. The mandate of NITA is also clear in law, such that we do not mix two statutes. There is a proper way of collecting levies and applying them. There used to be an authority in Industrial Area, but has been inactive for some time. If you improve on this law to make it active and useful to Kenyans, it is going to be one of the good and positive things in this particular Bill. Therefore, looking at it and from the suggestions we have heard from the Members so far, it may mean that at the Third Reading, we may have to sit with the Mover and make sure that the inputs we have come back to the House and we are able to improve this much further.

Otherwise, it is a very good idea to ensure that the levy is collected in a proper way, in an accountable manner and similarly applied in a proper way so that employers train trainees. Apprenticeship is a very important thing in the industrialisation of this country. In the legal profession, we normally support fresh graduates to learn from us to sharpen their skills. It happens also in the medical field where a lot of people learn on the job and in engineering which is part of industrialisation. This is very important. Kenya needs a culture of attending to trainees.

Hon. Jude Jomo, this matter is so big that we must give it more ideas and make it successful. There have been many missing gaps when it comes to training of younger professionals and especially in medical and engineering fields. Somebody who has not gone through proper apprenticeship may not be very good at the job as such. Learning on the job is very important. In increasing the levies, let there be further public participation so that the affected people do not go to court. We do not want a law that will end up being nullified in court or one that will come back to us with very heavy proposals from the Office of the President, which is rightfully so under the Constitution. Where we may have erred while making a law, there are mechanisms of correcting to ensure that, that particular law serves the nation and the people for the right purpose.

I believe it is the dream of the Mover, a Member who has worked hard to ensure that we are right in the financial sector, but you know what happened to those laws. This is a very important law. We do not want this one to take that route. We want to support the country as Parliament and ensure that the money collected under this system is applied properly and rightfully so that Kenyans can be served properly. Thank you and I support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Next on my request list is the Member for Suba North. Hon. Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I congratulate Hon. Jude Jomo for bringing this Bill. Hon. Jude has done very good work in this Parliament and if the public were accessing us based on our core constitutional roles, he would already be at 90 per cent and would be guaranteed any role or position he wants. Unfortunately, the public normally accesses us on things which are not our mandate. Otherwise, he is doing a good job. I wish to support, but with amendments.

It is evident the Members have spoken to issues that are of concern and even the Chair of the Committee in his short speech summarised some of the concerns that he has with the Bill. I know it would have been of importance for the Members, especially to explain some of the views that they gathered in public participation because it is now a constitutional requirement. The reason I am saying that is, for instance, what the Teachers Service Commission (TSC) is doing in relation to teachers is very wrong. You do not wake up one morning and decide that you are going to tax teachers' money without their participation. It is very wrong. I take this opportunity to encourage the TSC to go the Jude Jomo way. I am sure there are relevant committees that can do for them that work. They should bring the issues that they want in terms of deduction of salaries here. I know when we were bringing the issue of making TSC a constitutional body, teachers did an excellent job and pushed for it, but it has now become the pain for teachers. It is the road that is being used to cane teachers. I want to ask my sister, Nancy, to rethink the way she is dealing with the teachers. It is very wrong.

Having said that, the idea behind this Bill is very noble as it seeks to deal with the issue of youth unemployment and skills development. Recently, the Ministry of Education was saying that they have been pushing for 100 per cent transition to secondary schools. We saw the Cabinet Secretary go into villages to take children to school, which is a very noble thing. However, the challenge after that is that some of them will immediately thereafter drop out of school. Perhaps, one of the other things they need to do is look at retention, so that when we are looking at the people that we will be training at this tertiary level, it will still be the 100 per cent that we got into secondary school. It will not be 10 or 20 per cent. We know that not everybody can go to

university because God has endowed us with different skills and some may not necessarily be intelligence skills.

I was talking to a young man from my constituency two days ago who dropped out of school because of struggling with school fees and we are trying to get him back after two years through the National Government Constituencies Development Fund (NG-CDF). Not many people get that opportunity. If you have people who are bright and cannot proceed to university, they should be absorbed at this level, so that we do not look at the Government as the primary employer for everyone. We can also find ways of self-employment because of skills development.

However, one of the challenges that people have raised and the concern that I have on this Bill is the introduction of KRA. Kenyans are overtaxed and if we introduce KRA at this point, it would look like this is not a way of generating money for training, but as a means of taxing employers. Sometimes we even tax people who are hawking. If you want to see that we are dealing with a crisis in this country, just walk in every suburb of this country and you will see people hawking *mandazi's* and coffee, which has never happened before. Soon we shall be hawking grasshoppers because of the desperation that the youth of this country are in.

Therefore, when we go ahead and start using the KRA, it will look as though we are adding tax. So, at the Committee of the whole House - I hope Hon. Jude is listening - there is hardly any Member that has supported it wholly. Every Member is supporting with proposed amendments. So, he could save us so that we do not push our own amendments, so that he can bring amendments and reconsider the role of the KRA because it is not very positive.

The other issue of concern to me is the structure that is used for reimbursement. Hon. Temporary Deputy Speaker, before I came here, I was an employer. I had my own programme for training even my own employees, but also for internship and mentorship in my own institution which was paid and we have had many youth that came through that process. What you are saying through this Bill is that if I undertake a similar work as I used to do, then I wait for reimbursement. We know how Government processes work and that will never come. What I would suggest is user system which is like the tax retention, for example, if you do consultancy. This would mean that if I am an employer and I undertake training for my own staff, then I should retain the tax. When giving returns, I should indicate that reduction to the money I am remitting instead of creating so many layers. The more layers and bureaucracies we create, the more corruption we create. Otherwise, this is a good Bill because it will help us to deal with the issue of unemployment and insecurity.

My constituency has been a haven of peace and suddenly there is an upsurge of insecurity. People are being mugged and killed and this is a very serious concern. We keep talking about the issue of youth unemployment and in the past, we would say that in future it will catch-up with us. There is no future any longer because it has caught up with us. There are too many youths who are unemployed. If we do not deal with this now and address it in the upcoming budget, then we are in trouble.

I am happy this is coming at the same time as the National Youth Council (Amendment) Bill, which is on the next Order. We have not been taking the issues of youth very seriously. The National Youth Council has not been operational because we like playing politics with the youth. The highest corruption is at the Youth Enterprise Development Fund (YEDF) since it deals with the youth. While doing this, we do not realise that we are putting this country in a crisis because of failing to deal with youth unemployment. This Bill will help deal with this crisis.

I support, but with amendments.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Millie-Odhiambo being a senior Member of this House, you know the stage to bring your amendments. I can see Hon. Jude Njomo is taking notes. So, it is up to you to bring your proposed amendments at the right stage of the Bill. The Member for Nyaribari Chache, you have the Floor, Hon. Tong'i Nyagaka.

Hon. Richard Tong'i (Nyaribari Chache, JP): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to speak to this Amendment Bill. From the outset I support it, but with amendments. We make laws for posterity. We should capture the amendments being proposed in a format which will go beyond this Parliament and future Parliaments.

I am proposing an amendment towards the charges to be levied by employers. The amount should not be fixed at Kshs100, which is a 100 per cent upsurge from Kshs50 as it used to be. I propose this should be in a percentage form. The advantage is that if the income goes up, still the amount does not get negatively affected. If the income of the employer goes down or the economy behaves differently, this will not affect the outcome we all desire to have.

We know that education is the equaliser in this world. Educated people have succeeded in many ways than we can appreciate at this point. We all know that unemployment is the biggest challenge in this country. The way to address it is by ensuring that every child who goes through high school is given an equal opportunity to pursue their ambitions and courses at a higher level. Not all will go through universities. The experience from successful countries is that people who go to university get an attitude, mentality and sense of entitlement for lack of a better way to put it. They believe they are meant to be managers.

If we want to succeed as a country, we should create a pool of workers, people who will transform this country. If you go to developed economies like the United States of America or Japan, even though they have entry points to join university, one is not admitted straight because he or she has to go through a diploma course to build a foundation that will help in performing tasks. Most of us who had an opportunity of going to university were trained to manage people. How can you manage people you do not understand? How will you supervise or coordinate people without having an idea of how their work is done?

The Government should implement a policy that people should not pursue a degree course without having first pursued a diploma course. This will give them an opportunity of becoming better managers. Before I came to Parliament, I was a senior manager through God's grace in many institutions. My experience is that people who have been inducted or gone through such a training...

(Hon. Onyango Oyoo consulted loudly)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order! The Member for Muhoroni, you have just come in and you are speaking a language which this House cannot understand. I can hear you from here and you are out of order. Hon. Tong'i, carry on.

Hon. Richard Tong'i (Nyaribari Chache, JP): Thank you, Hon. Temporary Deputy Speaker. The Industrial Training (Amendment) Bill 2019 is a good opportunity for this country to start addressing the issues which concern Kenyans.

We all speak of youth unemployment because it is a serious concern. Insecurity is massive because we have not spoken hope to the youth. We keep on promising them that they will be leaders of tomorrow which is already here. We must get a working formula through this Amendment Bill. It will address the concerns of Kenyans and poor parents who cannot afford to

pay school fees for their children to pursue higher education. We must address this in a more holistic way. This Bill, fronted by my colleague and good friend, Hon. Jude Njomo, attempts to address all these issues.

We all know that making of laws is a continuous process and cannot be done in one go. If we capture aspirations of most Kenyans, we will have achieved a lot. Using KRA to collect money is a wrong approach. About 90 per cent of what we believe is perception. If we give KRA opportunity to collect money, the perception of Kenyans and employers is that Kenya is a very expensive place to do business.

We all know that we have to be competitive. As we attract foreign investors into the country, they must appreciate that we are not as expensive as the media makes us to look. To achieve this, we must address the minute issues of perception. We should empower the concerned body that has been doing a good job through training. This will ensure they do their job efficiently and that way, we will not use KRA. The KRA cannot collect all the money in the country because they will be overstretched. This will promote incompetence and it is not the intention of the Bill.

So, the body which is doing the job should be trained and supported to do a good job just like KRA. This will enable us to mitigate the perception created among employers that Kenya is a very expensive destination to do business. We are competing with our neighbours since we are not alone in this world. Every other person would like to know the advantages of doing business in Kenya.

Yesterday, I was watching a programme on Cable News Network (CNN) about Nigeria having started a development zone for foreigners to invest and giving them tax exemptions. The whole idea is to create employment for the youth. We also have to go that way. We need to copy and paste what has worked elsewhere and practise it in our country and I am sure we will achieve what we desire.

Finally, the issue of transition from primary to secondary education is a success story which we all appreciate the Government for. However, we also have a duty as leaders to ensure that we are going to do whatever it takes to ensure that after they complete secondary school, we are not going to have 10 per cent transiting to higher education. As I said from the outset, higher education is not about university. We must do some civic education to our people to appreciate that university education is important, but as a standalone without hands-on skills, it is not going to help us.

In America where I have had a reasonable understanding on how their curriculum and education system works, very few people, actually maybe less than 20 per cent, have gone through university. They do not believe in university education at all. Those who are lucky will go to university, but they do not believe in it. They believe in hands-on training. That is what really transforms and changes the world. If you look at the people who have come up with the best innovation in the world, they are not necessarily university graduates. Bill Gates and Warren Buffet are not university graduates and are the shakers and movers of the economy of the world and not just in Kenya. The great minds we have had in Kenya today like Mzee Nyachae did not necessarily go to university though he has a lot of knowledge which surpasses university education. We have Mzee Njenga Karume who did not go to university, but look at the employment opportunities he created for our people.

We must pass confidence and inspire our youth to believe that you can succeed without having to go to university. That has to start with us by doing our civic education in whichever

way we can do it, so that our people will have confidence that you can succeed in any level of education.

Thank you, Hon. Temporary Deputy Speaker. I support and this is a very innovative amendment coming from my brother, Hon. Jude Njomo.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Member for Nyando, Hon. Okelo Odoyo, you have the Floor.

Hon. Jared Okelo (Nyando, ODM): Thank you, Hon. Temporary Deputy Speaker and I equally thank my brother, Hon. Jude Njomo, for coming up with this most incisive amendment on the Industrial Training (Amendment) Bill. As has been alluded to by my colleagues in this House, we may have to step back a bit and relook into the entire Bill particularly issues pertaining to KRA acting on behalf of NITA. Yes, NITA has had issues as far as collection of funds is concerned. The Kshs50 is contributed by employers on behalf of employees and remitted to NITA, so that our young people across this country are trained in various disciplines.

As a matter of fact, KRA has had its own challenges and problems. Every year, the set targets have never been achieved. That speaks a lot of volumes as far as their capacity is concerned. If KRA is going to be given an additional responsibility to collect funds on behalf of NITA, then its own capacity has to be improved. In fact, many times KRA has had problems collecting optimally for the people of this great nation. An additional responsibility calls for additional capacity or capacity enhancement to be able to do this extra responsibility.

However, again that also speaks about the KRA Act. The KRA on its own volition cannot arrogate itself an additional role without this House sitting to tinker with the KRA Act. That is something that we must look into, so that they can have that additional role. Again, this is a country where every time we are talking about employing austerity measures to cut on certain expenditures by the Government. If we are going to increase the capacity of KRA as regards collecting money on behalf of NITA, then I do not know what we are going to do or say as far as cutting back on unnecessary expenditures is concerned. These are fundamental issues that we have to reflect upon. We have to step back and redo this, so that we do not enter into another round of problems as far as this is concerned.

We all appreciate the fact that this country needs to train its workforce. Even those who are lucky to be plugged into jobs still need additional training because we are in a dynamic society and the trainings must be in line with the dynamic job market. Therefore, we pay a lot of credence to trainings, but we have to do it right. We do not want to get into a scheme that will boomerang on us and hence expose us the wrong way. Therefore, as we head towards the Third Reading of this Bill, we may have to sit down together with our brother, Hon. Jude Njomo, so that we can do it right. Let us do it once, but right. We support the fact that we also need additional training institutions. For a long time, technical jobs such as plumbing or electrical works have been neglected. When you are setting up a building in the village, it may take you forever to place your hands on somebody who can do these technical jobs. Therefore, NITA is a very wise decision that this country came up with. We also have to remember that even as we engage with NITA in collaboration with the proposed KRA, we just have to do everything above board. We do not wish to delve into something that will be a regret at the end of the day.

I support the Bill, but with a rider that we still need to come up with additional amendments to the proposals made by my brother, Hon. Judy Njomo. Once again, I congratulate him for this incisive Bill.

Hon. Temporary Deputy Speaker, I thank you for giving me an opportunity to delve into this as well.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, it is not Judy, but Jude Njomo. Next is nominated Member, Hon. Osotsi.

Hon. Godfrey Osotsi (Nominated, ANC): Thank you, Hon. Temporary Deputy Speaker, for the opportunity to also contribute to this very important Bill. I think the spirit of this Bill is commendable because Hon. Jude Njomo has actually identified the real challenges we have at NITA. I happen to be engaged with NITA for quite some time now and I know the issues raised by Hon. Jude are real. They include the issues of lack of timelines on the payment of levies, there being no penalties or sanctions to those who do not pay in time and even the issues of identifying potential employers. They are real issues.

I agree with colleagues who have spoken before me that whereas these issues identified here are very important, this Bill requires some clean up to align it to what we want to achieve. I have gone through the Report and I have noticed that only three institutions participated in the public participation, namely, NITA itself, KRA and the Kenya Tea Growers Association (KTGA). This highlights the challenges we have as a House in terms of quality public participation. One would expect that the Federation of Kenya Employers (FKE) would be one of the key institutions to give their viewpoints in this Bill as well as the Central Organisation of Trade Unions (COTU) on behalf of workers and even the TVET and HELB. This now calls upon us as a House that when we conduct public participation, we need to go beyond just putting an advert in the newspaper. We need to target specific stakeholders by either writing to them, sending the Bill to them and getting them involved to give their views. I am concerned that key stakeholders were unable to give their views. They probably would have given us more ideas on how to do this thing.

Secondly is the issue raised by Hon. Wamalwa on pre-publication scrutiny. I agree that we have challenges in pre-publication scrutiny. Either committees are unable to deal with pre-publication scrutiny in time or the quality of pre-publication scrutiny is wanting. In the last Session, this House passed a Motion to allow for the publication of Private Members' Bills which had not been processed in committees for pre-publication scrutiny. There are some Bills which have been published and even gone through the First Reading, but if you look at them, they require more clean-up. As we go on, we will be highlighting some of these Bills and the challenges we have.

The substance of the Bill is the issue of KRA having the mandate to assess and collect training levies from the employer. This is a good issue. It is a very important proposal. I have read through the Report and there is a lot of contradictions in the views provided by NITA. On one hand, NITA is saying that they will not allow KRA to do it, but they will instead engage into an agency arrangement with KRA. They are going ahead to say that allowing KRA to collect will mean that they will declare 10 per cent of their employees redundant. It is the same thing. Whether it is KRA collecting or NITA engaging in some agency arrangement, it is the same thing. It means that 10 per cent of employees who are doing that job will not do it. On that aspect, I disagree with NITA. The KRA in their viewpoints have clearly stated that they have no problem with this. They are ready to do it. The KRA will do it neatly.

The suggestion given by Hon. Wamalwa that KRA will not be able to remit the money in time or there will be some legal challenges is not valid. This is basically an administrative issue at the KRA. The KRA in their presentation said that they did not have a problem with this. I support the proposal to allow KRA to do the collection of this levy. Under the Copyright Act, we allowed KRA to collect the levies. This should not be an exception.

The second aspect is the allocation of the collections. I disagree with those who have said that this money should not be reallocated to other agencies like HELB and TVET. It is serving the same purpose. We are targeting the youth of this country in terms of promoting their training and enhancing their capacity. There is no problem in getting that money to HELB or TVET.

There was also the issue of reduction in the percentage allocated to the training levy to 39 per cent of the total levy collected. This is where I have a problem. As we go into the Committee of the whole House stage, this is a matter that we need to look at.

On the issue of the monthly contribution, I agree that the 100 per cent increase from Kshs50 to Kshs100 needed to have been done through some assessment or impact analysis on the training that has been done so that the figure you come up with is not just arbitrary, but coming from a scientific process of assessment and needs analysis. Otherwise, I have no problem with the increase from Kshs50 to Kshs100. We need more young people to be trained. It is very important that we train our young people. We are lacking basic skills in this country. It is very difficult to get a plumber nowadays because everyone wants to go to college or university to do a degree course. We have forgotten basic skills that we need to impart to our young people. With the increase in this amount and the proposal to allow KRA to do it, this will enhance the performance of NITA and make it more efficient.

Saying that Kshs100 will be seen as an additional tax is not a valid point that we should give higher premium to. We are already being charged Kshs50, so increasing it to Kshs100 and allowing KRA to do it is not a valid reason for one to say that it will lead into lower collection and non-remittance. That is not a valid point. The KRA has said that they have no problem with this proposal and are ready to implement it. Let us allow KRA to do it.

It is important to note that the Bill is good, but a lot of clean up needs to be done, probably at the Committee of the whole House stage, to make it more effective in resolving this problem.

With those few remarks, I support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Quite in order, Hon. Osotsi. Let us have the representative of the people of Homa Bay County, Hon. Wanga Nyasuna.

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Thank you very much, Hon. Temporary Deputy Speaker.

From the outset, I am a Member of the Departmental Committee on Labour and Social Welfare. We, therefore, worked on this together. I thank Hon. Jude Njomo for introducing these thoughts.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Did you say Judy?

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): No. I did not say Judith. I said Jude. You corrected us in good time.

I thank Hon. Jude Njomo for introducing this Bill among other very important Bills. You will remember that the Bill that shook the country when we were capping the interest rates was by Hon. Jude Njomo. He is a serious legislator. When he brings proposals, we take them very seriously. That is the same amount of seriousness that we gave to this Bill when it came to our Committee.

The NITA is doing a good job. I have worked closely with NITA taking quite a number of young people from Homa Bay County who did not manage to go to university because they had a grade of D+ and below. The other day when we were attending a graduation ceremony for these young people, I was very impressed because some of them had job placements through NITA. People who were riding *boda bodas* were now working with the Transmara Sugar

Company and other serious companies as plumbers, electricians and mechanics. This is the transformation this country requires.

Hon. Temporary Deputy Speaker, I cannot proceed too much without coming back to an issue that has been raised. The Deputy Minority Whip cast serious aspersions on our Chair. I would like to say that our Chair is up to the task and hardworking. He brought a Report to the Floor of the House. Therefore, I do not think it should go on record without being challenged that the Chair did not do a good job on this Report. He did a good job. You can take a cow to the river, but you cannot force it to drink the water. As a Committee, our part was to meet the stakeholders, bring a report, table and make it public. Surely, as the Deputy Minority Whip, he had the responsibility of whipping Members to read the Report, which he failed to do. I wanted to deal with that aspect.

Let me also just note for the benefit of Hon. Osotsi, who is behind me here on the participation of institutions such as the FKE and the workers. These are members of the NITA Board. The FKE and COTU sit on the NITA Board. If NITA appeared before the Committee, it means that the voice of the workers and employers was within the voice of NITA Board. So, when we say that NITA opposed the Bill, it means that the workers, employers and other stakeholders within the NITA Board opposed it. We have listened to the feeling of the Members. As a Committee, we brought back what we found when we engaged the stakeholders. We brought an honest Report of what the stakeholders told us. This law will apply to these people. We do not have anything against Hon. Jude Njomo as a legislator or the Bill, but we listened to what the stakeholders, whom this Bill will affect, were saying. That is what we presented. As it has been highlighted, NITA, KRA and the Kenya Tea Growers Association spoke to us. By and large, and it has been said, if there are amendments that will deal with the issues that have been raised, I do not think we will have any problem bringing them to the Committee of the whole House and then from there tweak the issues that were truly bringing problems to the stakeholders whom we met.

There was an issue of KRA collecting revenue. The Bill talks about the Commissioner-General of the body responsible for assessment and collection of revenue. Currently, NITA has the responsibility of assessing the training needs thoroughly. If you transfer a function of assessment to KRA, then it will not make a lot of sense. The KRA has several other responsibilities apart from just what they will be doing on behalf of NITA. That is why we said that if there could be an administrative arrangement between NITA and KRA, NITA will remain with the responsibility of assessing the training needs and enter into an arrangement with KRA so that it collects revenue. That will still not be a problem. That can be addressed when we are making amendments.

In terms of increasing the amount, currently, the amount is set through subsidiary legislation. It is set through an Executive Order. Bringing the amount into a Bill is something that we need to look at very critically. It means that the day we want to move this amount from Ksh50 or whatever need to Ksh200, then we will need to come back to this House to make an amendment. We should recommend the setting of the amount, but leave it within subsidiary legislation, so that we do not have to come to the Floor of the House to make amendments to increase the amount or reduce it for that matter. If we are looking for more efficient ways of collecting revenue, then, it will be better for us to leave the amount, but then increase the employers whom we can reach to contribute. The net effect will be the same. We will increase the total amount, but not increase the amount every individual employer pays for each employee. It might look small from Kshs50 to Kshs100. However, if I have 2000 employees and I pay

Ksh50 and you double it to Ksh100, it then makes a difference to the employers whom we will be dealing with.

All our money is collected by KRA. Sometimes, we look for money here to go for trips or whatever it is and then you are told there is no Exchequer and you have to wait a bit. So, we are taking this money for NITA again to the Exchequer to release problems. Once the money delays to be disbursed, we will hamper and halt the operations of NITA.

The biggest area of contention was distribution of money. The NITA said that the Industrial Training Levy must at all times be seen as employers' money. Thus, the distribution of the levy collected to other institutions undermines the essence of having an Industrial Training Levy Fund. Why I am saying this? We have an Industrial Training Levy Fund to enhance industrial training. Then, you are telling us to take some of this money to HELB. So, you are taking some of the money that is supposed to be for industrial training to HELB to continue taking children to university. Does that make any sense? So, when we say that we want to distribute this money to HELB and other places, then we are undermining the very essence of industrial training. We want to continue to take our children to universities and yet we know that our children continue to go to universities. The place that is most undermined is the area of industrial training. Having listened to Members and consulted with our Chair, I am saying that as long as these concerns are addressed and amended during the Committee of the whole House, I support the Bill.

I hope we can amend the Bill during the Committee of the whole House to address the stakeholders' concerns. Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Your amendments are very welcome, Member for Homa Bay County. Let me have the Member for Mogotio, Hon. Tuitoek Kamuren.

Hon. Daniel Tuitoek (Mogotio, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to say that this Bill is very important. Currently, the greatest challenge is youth unemployment. We are experiencing a serious challenge in employing the youth even immediately after finishing training in various institutions like universities, diploma level colleges or certificate level colleges. Therefore, any way in which we can enhance the training of the youth is very important.

The NITA addresses post training institutions. In other words, it engages companies or employers to train their staff further with new skills, better ways or to equip them in their roles. Therefore, the levy which the institutions pay to NITA plays this role. This Bill, which has been brought by Hon. Jude Njomo, is a way to enhance the efficiency of training workers and probably extend it to those who have completed training in various institutions.

First of all, I would like to say that the idea is very good and noble. The fact that we need to enhance availability of more resources to train workers is very important. The idea that KRA comes in is because of the efficiency that KRA has had in the past. We have seen...

(Loud consultations)

Protect me, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You are protected. Hon. Members, make sure the Member for Mogotio is heard.

Hon. Daniel Tuitoek (Mogotio, JP): Thank you, Hon. Temporary Deputy Speaker. We are trying to find a way of making workers serving in various companies or institutions to work

better. I know NITA is meant to enhance that role to assist companies to sharpen skills of various workers. However, we also know that right now the Government is trying to enhance the training of youth as they complete studies from various institutions. Those in vocational institutions and those in national polytechnics should be given additional skills beyond the classroom skills they learnt in school. Therefore, getting more resources specifically by using KRA is one way. We have seen that over the years, KRA has enhanced ways of collecting revenue across various Government institutions. We have seen that the Ministry of Lands has delegated its revenue collection role to KRA. We have also seen the National Transport Safety Authority levy is collected by KRA. So, it is agreed that KRA can do a good job. We only want to make sure that the money collected by KRA reaches the institutions that are meant to benefit. In this case, the institutions for which KRA will be collecting revenue should make sure that there is some agreement to ensure that the money does not go to the Consolidated Fund or to the National Treasury to be used for other purposes. In other words, most of the money should go for training. So, I do not have any objection to the proposed amendments to enhance the role of KRA so long as the money goes to NITA.

Concerning sharing of the revenue, initially, I was a bit concerned that the money is meant for workers and is remitted from companies to train their workers better. However, we also understand that, currently, the Government has much stress in terms of getting revenues to meet other budgetary requirements in other sectors. If 20 per cent of the money is proposed to go TVET students, I do not oppose it because it is not a bad idea. Right now, the Government is trying to increase space for the youth to acquire more skills. Therefore, if there is any way in which we can increase their resource base or capacity to train the youth it is welcome. If the money will go towards assisting various vocational training institutions to meet the requirements of the youth at this particular time, it is a good thing.

The technical training institutes (TTIs), which we have in every constituency have equipment that is becoming obsolete. Some of them were put up between five and 10 years ago. Technology has changed rapidly. Most equipment is now driven more by ICT and that requires an upgrading. In fact, I would not even mind that we set aside, if Hon. Njomo is not against it, more money to go into acquiring equipment for the TTIs. That is what is now required. Many youths should access quality cutting edge technology to give them skills which can meet the modern employment requirements or modern manufacturing skills or other forms of employment.

(Hon. Gideon Keter crossed the Floor without bowing)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order. Hon. Gideon Keter! I know you have the next Bill, but you are out of order. Can you observe the rules? You are not supposed to criss-cross the House. Please, can you go back as you get ready for your next Bill.

Hon. Daniel Tuitoek (Mogotio, JP): Thank you, Hon. Temporary Deputy Speaker. That is in order.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Yes, they are disrupting the Hon. Member for Mogotio.

Hon. Daniel Tuitoek (Mogotio, JP): As I was saying, this amendment Bill is very crucial. It is in order to look at the utilisation of the funds. If part of it will be going to enhancing vocational training institutions, I agree with some of the Members who have spoken here that we

can look at it during the Committee of the whole House and make the amendments better. I am not against the idea that part of the money goes towards enhancing the management of NITA.

With those remarks, I give some partial support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): What do you mean by “partial support”?

Hon. Daniel Tuitoek (Mogotio, JP): I support the amendment Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You support the amendment Bill. It is parliamentary when the amendments are welcome. Let me have the Member for Ruaraka, Hon. T.J. Kajwang’.

Hon. T.J. Kajwang’ (Ruaraka, ODM): Thank you Hon. Temporary Deputy Speaker for allowing me to share my thoughts with my very good friend, Hon. Jude Njomo. I do not know why some Members are not supporting this Bill. This is a very good Bill which should be supported. Sometimes, when we see Members’ Bills coming to the House, we are always sympathetic because it takes a lot of research and hard work to get a Member to propose a legislation like this one. So, if for nothing else, just the fact that the Member has troubled himself and put his mind together to propose a legislation, should give us enough reason to give him courage that he is on the right track.

I speak as a representative of workers of Nairobi. You know where I come from is where a substantial number of young energetic people who run companies and who are in skills development come from. So, I speak with some information about the needs of industrial training. But even before we begin to look at how the training should be dovetailed, there is the question of attitude from parents. There are parents who think that going to industrial schools is a failed preoccupation. They think that it is more comfortable and savvy to go for higher education. So, many parents have dissuaded their children from participating in industrial training just because they think that industrial training is subordinate. Tied to it is the weak Government policy around training. I need to see how we want to get our youth to be trained when there is no single TVET in Kibra; when there is no single TVET in Mathare where my friend who is just leaving the Chamber comes from, and when there is no single TVET in Ruaraka. If we are talking about upgrading young people to industrial skills, those are the people we should be thinking about. So, training has become just another form of bourgeoisie kind-of activity. So, you find TVETs in Karen or in high end areas of the society.

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

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

The people whom these things are supposed to benefit do not get them. I suppose that even before we know how this training is being done, there should be a Government policy that young people from the slums or low-income neighbourhoods, as we call them, should benefit from it.

Coming specifically to the Bill - and I want my friend, Hon. Jude Njomo, to hear me - it makes sense to make legislation which is a little bit flexible. If you make legislation that is so tight, then its enforcement becomes very difficult if and when circumstances change. I listened to the Member for Homa Bay speak... Things to do with the amount of levy is a good thing, but they should appear in a subsidiary legislation rather than in the Act itself because circumstances

change. We may want more money from those people. We also may want less money. Again, as Parliament, we may budget more money to NITA and all those other Government agencies so that this could be affected in one way or the other.

Even as you think of prosecuting this Bill, you may want to make it a little flexible so that it can survive time in the future. If you go to Germany, for example, it has a progressive policy. My friend from Makadara has just walked in. I am speaking on behalf of him because he represents those low-income neighbourhoods as I was saying. Germany has a specific policy that all companies must have an apprenticeship component to the universities or to the colleges that they associate with. My friend, Hon. Jude Njomo, you may want to target companies and manufacturing industries and then we may want to look at their turnover. You then can say that manufacturing companies whose turnover is in this-and-that bracket should be able to pay so much because they are the ones who are benefiting from industrial training and they are capable of doing it. It is a positive way of encouraging the same thing which they need. If you say employers, who are the employers? Those of us who employ maids are employers. So, if you tax the little thing I do and the little I get from Parliament and I employ my maid so that we can train people in Utalii, you may be overtaxing me. But, if we could talk of some of those manufacturing companies, say, in Babadogo that have a turnover of so much, they should be able to pay so much. That is a progressive way of enticing people. Either they do that or there should be a positive policy that they must compulsorily provide apprenticeship to trainers. In my view, it would be a better way of supporting training rather than raising levies which will just shore up the Exchequer, but has nothing to do with encouraging the real industrialists.

Germany and Finland are places we can learn from because they have the same models in terms of industrial training. I do not see why we should lobby all these things to KRA. We have a lot of legislation which allows authorities to collect levies. Under the Traffic Act and Roads Act, for example, people are collecting monies. There are so many agencies that are collecting levies. Why must KRA collect in this instance? KRA will just be taking the same money to the same hole where there is Exchequer and Integrated Financial Management Information System (IFMIS) and that money will never be able to come back to support the people. We should have an authority whose mandate in legislation is to do industrial training and collect levy, and we as Parliament will be putting them to task by asking how they have used money collected either as appropriation-in-aid or budgeted to them. You probably may want to find out which area is best suited to be able to take this money from the employers.

The Member should be encouraged. It is a positive Bill. The folks here are positive. He can rework some of the legislative proposals so that when we go to Committee, we are able to move together in one direction.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Let us have the Member for Saku, Hon. Rasso.

Hon. Ali Rasso (Saku, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I rise to support this Bill on the grounds of the spirit of the Bill, the intent and the attempt to embellish purposely the idea of industrial training. Kenya is projected under Vision 2030 to be an industrialised middle-income country. I look beyond the Bill itself. I am also looking at its character, what it proposes and the population rise in our country. In the end, through legislation, and also through empowering institutions and Government, what can we achieve through such a Bill? When I look at the Bill by Hon. Jude Njomo, who is my friend and I congratulate him, and what the Departmental Committee on Labour and Social Welfare has captured through public participation, I want to point out that, although they have given us

feedback from certain interested institutions, we could have gone further than that and actually crystallised the intent of industries in so far as this Bill is concerned.

The Bill has some proposal about KRA. I do not want to repeat what my colleagues have said before me but I believe KRA is also a creature of legislation by this House. If we want to increase their mandate, this House has the powers and authority to do so. But the feedback from KRA as captured here is that they are looking at this as an additional task that has been placed on their shoulders. For me, any amendment to existing statutes should be helpful. The role of NITA is clearly laid out in the Act. For that reason, any attempt to undermine the good of that institution undermines the real purpose of why an amendment may be brought to remove safeguards, their capacity to raise funds and increase the number of trainees.

Today, one of the reasons we will fail in realising Vision 2030 is because we have failed in the technical development of our young people, particularly giving them skills. We go around the world visiting and trying to do comparative studies as this House. The reason the West has moved very far, the East is moving fast and farther, is because they have invested in the technical side of the youth. We are talking about lack of employment. More and more, what the world is doing is looking at entrepreneurship and self-employment and trying to raise funding for startups so that there will be so many who can be employed in offices or the blue chip or white-collar establishments. For many who come up with startups, a young person can employ two or three of his colleagues, or 10 for that matter, and grow that institution. For us, as we look at this Bill, going forward, is actually to see how we can strengthen the institution of NITA, how we can train more and how we can raise more funds for them. The money that is given to NITA belongs to the employers who send their apprentices to those institutions to train them. Borrowing from what the Member of Parliament for Ruaraka has said, for us, through this Bill, we need to canvass and say how we will increase the number of artisans that are being trained by industry 'A' or industry 'Y'. That is so that if they take 50 or 100 persons annually, how can they take 100 more?

Some of the grey areas that we see in the Bill - and the Committee has been able to also try to comb - is that of trying to disburse funds in a way that the coverage is more to cover TVETs and health. For me, those institutions that are clearly funded by the Exchequer through the National Treasury and Planning should not rob from NITA or industrial training. If for one reason or another there is not enough money being put in the TVETs, I believe this House has the authority to ask for more funding for TVETs, polytechnics and other institutions that get funding from a known source.

As far as the HELB is concerned, the jury is clearly out there. What we have failed to do over the years is to grow technical institutions. But we have been able to multiply universities and institutions of higher learning. By and large, that may not add capacity to our quest for industrialisation.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): I hope you are winding up, Hon. Rasso.

Hon. Ali Rasso (Saku, JP): Yes, I am. On the issue of the KRA and remittance, once the money goes into one basket, the idea of thinking you can get it out quickly may not be there.

With those few remarks, I beg to support and, going forward, to propose some amendments to the suggestion by Hon. Jude Njomo. Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): You sure will have that opportunity later. Let us have the Member of Ndhiwa, Hon. Martin Owino.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. Let me thank my friend Jude Njomo and the entire Committee for taking the effort to do this Bill. It is not easy to come up with a Bill. When something has come up addressing a good purpose like it is now, we also have to come up with some ideas to make it better. I hope your line of thought is open to that version.

Industrial training anchors very well on one of the Big Four Agenda of the President, that is the manufacturing unit. I think this is the crux of the matter. As we will be investing in the manufacturing unit, training and retraining of the workforce becomes paramount so that we can get young people into employment. In my constituency which has almost one of the largest populations of young people who are not employed, even those in employment at the lower cadre do not move because there are no training opportunities.

When I look at the Bill, I get it. I also get the spirit of the Bill. I also get the principal objective of the Bill. I think what moved Hon. Jude to do this amendment is because there is some incapacity or weakness of NITA to do what it is supposed to do in this area. As you put it very nicely, those areas are not effective in making assessment and collecting levy. They lack timelines so that resources can be available on time, if needed. Hon. Njomo also says they are not very good at inducing penalties or using those penalties to bring in revenue as well as identification of employers. I think it will be easier now when we deal with ICT and the manufacturing unit. We will be able to know who is doing what and where. I think we also need to do good definitions of who is an employer and what size of employment we are talking about. Are we talking about Hon. Kajwang's maid or what? I do not know whether that is captioned well. I did not see it. However, that is fine if it is defined well.

I agree with you that we need to do something about this. To me, it is more of a capacity building issue for the institutions to do what they are required to. When you talk of training assessment which cuts across industries which we will be forming to do manufacturing, NITA should know better. By not doing what they are supposed to, I would suggest, as I support this Bill - and do not get me wrong - that we do an assessment of capacity building so that we can help them where they are weak. That is where I will rope in KRA not to take the functions or the responsibility of NITA, but to have some kind of inter-sectoral collaboration to build capacity for NITA to do what it is supposed to do. One of the ways you can kill efficiency even if you are looking to get it, is to centralise the decision-making processes and services. Eventually, KRA will collapse because everybody will be running there looking for assistance. But when it becomes huge and huge, that efficiency will be lost.

So, introducing KRA into this, because of those weaknesses, will not give us the results we really desire. What we will end up with is the bureaucracy that kills off the programmes. We need to find a way of doing some innovation and positive reinforcement of NITA to do what it is supposed to do. And that is capacity building.

I am happy to hear that FKE and COTU sit on the Board. Those are the people who know the employers and how they can be classified. I think NITA is the right place. They should be efficient. I think you are right in suggesting that the level should be increased from Ksh50 to Ksh100. That is because, right now, the value of Ksh50, with the manufacturing agenda of the President, will not really train our young people very well. So, those are properly placed. To me, what is out of place that we will need to amend is the introduction of KRA to take responsibility and the function of NITA. That one will throw the whole thing into disarray.

The other thing which I want to say is this: Let us see how the Bill can address inter-sectoral collaborations. We duplicate and sometimes we remove and take. What we are missing

is this: How can two agencies work together to share their strengths? If the weaknesses identified are in levy collection and assessment but KRA has the capacity, then the easier and cheaper way is to work out how they can build the capacity of NITA to do the work better. That will not cost much. If that cannot be done, then we go through consultants to help them do that.

Lastly, when money is collected, the distribution should be well thought through. You are talking of employers giving money so that they can build the capacity of their people or they can also tap into the capacity built in order to get the workforce they need. If you take that money and spread it to the tertiary institutions, which is not solving poverty and joblessness issues in this country... Right now, we have over-production of university graduates who do not have any skills because their education is all theoretical. The technical skills are where the solutions are right now. So, I really oppose trying to get this money to help TVETs. It will not help. In fact, it will demotivate employers who are giving money specifically because they want their production increased by training their own people. So, I think the distribution which is being suggested is misplaced. But I really support this Bill. We need it as we adopt the President's manufacturing agenda as one of the Big Four Agenda. That is what will lift this country from poverty. If we cannot get it through brains, we can get it through hands-on skills. We can expand our manufacturing unit and stop importing other people's goods.

With that, Hon. Temporary Deputy Speaker, I really support this Bill. I hope those amendments will be amenable to the Member.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Member for Kwanza, Hon. Kevin Wanyonyi.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to make a few remarks. At the outset, I want to congratulate my brother *Mheshimiwa* Jude Njomo for the research he has done. I think it is one of the best. I am sure you took so much of your time to look at this. First and foremost, it is a fact that we are having employment problems in this country. I was reading a journal the other day and I am told over 17 million youth are looking for jobs. This has come out very clearly because of lack of funds to train the youth for specific functions. Given that we have brought in KRA and given that in this country there are so many busy-bodies around doing the same job, I think KRA would be best placed to assist in the collection of the levy so that funds can be channeled to specific training institutions to train our youth. You and I know that the world is changing so fast that if we do not have skills and the backup funds to be able to train our youth, we are going to be left behind. It has come out very clearly, particularly the powers and functions of the Authority which *Mheshimiwa* Njomo has emphasised.

One, we should invest as a country very heavily on training the youth to be able to, first, have their own way of making money and, two, to be a backup to most of the enterprises in this country. Two, because of the changes that we are experiencing in the country, we have to prepare our youth to be part of the changing needs of our country. Therefore, the most important thing is how to get the funds to channel to various training institutions. Therefore, KRA is the best organisation to do that. So, I want to disagree with those who are saying that KRA may take time and may not even meet the collection target. They, of course, will have to work in collaboration with various institutions and training centres to remit the money.

I want to thank you for making this research available to us. I know that based on this, we will be able to come up with a working formula and procedure to help institutions, particularly in the training of the youth.

With those few remarks, I support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. David Ochieng', Member for Ugenya.

Hon. David Ochieng' (Ugenya, MDG): Thank you so much, Hon. Temporary Deputy Speaker. I wish to support the Bill and thank Hon. Jude Njomo for a job well done. Looking at how we have performed in other sectors as a country, the biggest cash crop that we have today in this country is human capital. What Kenya is now known for is having professional skilled labour. This is what goes for us in the region. So, I want to thank Hon. Jude Njomo for thinking through this and trying to reorganise how we do things.

As we seek to industrialise today, there are so many jobs in the market with no takers because we are stuck in the 20th Century economy. We must re-tool our people and re-calibrate their competences so that they are able to take in the new opening jobs. So, when you look at the basis and reason why we have NITA, I agree that probably we need to think better on how we will use resources from the employer to ensure that we are always updating our skills. You hear our leaders talking about Singapore or Malaysia. Part of what this money is meant for is to ensure that if Kenya, for example, decided today that we want to go industrial in the ICT or agricultural sector, then we would probably send our people to America or Malaysia using those resources so that we have the competences required. So, I think we need to have a wider debate on how we want to ensure that our on-the-job training programmes are funded. I have heard Members talking about industrial training and technical training. This is not about TVETs. Anybody talking about this and TVET misses the point. This is about those who are at work already and whose competences and capacities we want to improve, so that they can move from artisan to managerial or managerial to CEO. So, we need to disabuse ourselves of that. We can have a debate on how to fund technical training. I do not think we can have that debate within the framework of NITA.

If we are talking about funding TVETS which we are billing everywhere, this requires a different framework altogether. Today, while I was walking in, I met Mr. Ringera the CEO of HELB. He said they have Kshs1.2 billion with no takers. The issue is not about training in TVETS. We are talking about training on those guys who are already on the job and being able to re-tool when new avenues and ways of doing things come up. Mumias Sugar Company went down because it was stuck with the technology of the past. If your issue is about employers, we just set up in the last Parliament the Rational Employment Authority. This body should give us reasons as a country. We should be able to know. However, on the issue of the day; the issue of who collects, then I am going to propose an amendment to this so that we ensure that if KRA is to collect, this money is earmarked and ring-fenced. If we do not do that, then fears that have been expressed by NITA, I think, are real.

There was this headmaster in my primary school who used to run a shop. When the officers came to look at how he had used Government money, he would say they should wait for him to go home and check because he mixed the school money with his shop money. So, if you are going to mix this money and not earmark the same...

Hon. (Ms.) Odhiambo Mabona (Suba North, ODM): On a point of order!

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Milly, what is out of order? Hon. Millie, you are the one who called for a point of order and yet, you are pointing at your neighbour.

Hon. (Ms.) Odhiambo Mabona (Suba North, ODM): Hon. Deputy Speaker, I am only waiting for my neighbour who has had an intervention button.

The Temporary Deputy Speaker (Hon. Soipan): Unfortunately, he has an intervention button and you cannot speak for him. Hon. Ochieng, please go on.

Hon. David Ochieng' (Ugenya, MDG): As I wind up, I know my time probably would be up soon. I just want to request Hon. Jude Njomo to allow as many amendments as possible so that this Bill reflects the very spirit of what he wanted to do.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): I can see Hon. Tandaza, the Member for Matuga. Is it you that Hon. Millie was pointing at?

Hon. Kassim Tandaza (Matuga, ANC): Sure. Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity.

Going by the mood of the House and where all the Members are basically supporting the Bill, would I be in order to ask for the Mover of the Bill to respond?

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): We are really just about to get there. So, let Hon. Ochieng complete his contribution. I think there are some Members here who have put in their cards and they have already spoken to the Bill. Let us see how it goes.

Hon. David Ochieng' (Ugenya, MDG): Thank you so much. I will wind up. We need to restore the benefits upon which this training level was set up. This is so that we are able to help with horizontal movements to ensure that we are re-energising employees and encouraging internships and apprenticeships so that this money is used for the right reason. I do not agree with the capping of the amounts of money that could be contributed per employee. You could have Safaricom say they want to contribute Kshs200 per employee or Kshs300. We could have EABL saying they want to contribute more. I think we should have a minimum, but also leave room to those who want to contribute more to this Fund to enable them do so. This will become a vibrant Fund for doing this. I also think that we could discuss with Hon. Jude on how to apportion the money that is collected, so that we do not target any technical institution where money is not available and target other places. Let us leave this money where it belongs to ensure that we are... People get redundant because they are not trained. People lose jobs because new technologies have come up at their workplace and they cannot cope up. We want to ensure that, that money will be used to ensure that people retain their jobs whenever new things come up.

With those many remarks, I support. I will propose amendments to make this Bill better.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Let us have Hon. Sankok David. The Floor is yours.

Hon. David ole Sankok (Nominated, JP): Thank you, very much Hon. Temporary Deputy Speaker for giving me this opportunity. This is a very important Bill. I want to start by congratulating Hon. Jude Njomo because of this very important Bill.

In 2000, I was the Student Organisation of University of Nairobi Chairman. During that time, there was the introduction of parallel degree programmes where we commercialised our education and made sure that everybody who was completing high school had leakage for them to get C+ and above. We ended up having everybody pursuing degrees in our universities. That denied us the opportunity to have artisans like plumbers, electricians and the like.

What Hon. Jude Njomo is trying to do is to correct that particular anomaly that happened almost 20 years ago. It is saddening to have a country like Kenya importing furniture. It is a nightmare to look for a plumber or a mechanic for your car. Whoever we get could have probably been trained by a friend or somebody close to them on the field. With that, we end up having our vehicles causing many accidents simply because we have put our cars and vehicles in the hands of totally inexperienced and untrained mechanics. Our houses are burning under the

hands of electricians who have no formal training. Our houses and buildings are collapsing here and there simply because we have masons on the field who have no basic formal training. What Hon. Jude Njomo is trying to do is to correct that particular anomaly that has not only caused us economic meltdown, but also the lives of our citizens. That is why we really need to support this Bill. This is especially when it is industrial training by NITA, a qualified organisation that we know has been able to train qualified and competent artisans that have worked not only in Kenya, but also outside Kenya.

I was told that China and Dubai import trained carpenters from NITA. After taking them to their respective country, they import wood and timber from other countries, including Congo. They then produce furniture and sell to Kenya and other countries at exorbitant prices. There is no way we can be a developed nation if we do not have a well-trained human resource. This does not only mean those who will be trained to take over white collar jobs or managerial jobs. This is because universities and university degrees are basically training for white collar jobs and managers. However, if you have ten million managers against a workforce of 12 million, then it means 10 million people are managing 2 million. It is impossibility, and that is what has been happening in this country.

The whole country went wrong with the introduction of parallel degree programmes. That is where we killed our middle level colleges. Hon. Temporary Deputy Speaker, as you sit on that particular seat, you can remember the Narok Youth Polytechnic. It is no longer training youth but during our time it did. Before I joined university, I had gone there to train as a carpenter. I am a qualified carpenter. Most of our colleagues who went to the university, at least, knew something to do with artisan work. It is normally very important even for our own success. Imagine you are a manager managing properties and you do not even know the name of a school driver or the name of a hammer. Even in our own homes, whenever there is little breakage of our furniture, we have to really run up and down. However, if there were trained artisans, we would be having those people being available. There is a very huge unemployment of youth in our country.

Hon. Temporary Deputy Speaker, with that huge unemployment problem, if we trained carpenters, mechanics and plumbers, our youth will not be idle because an idle mind is the devil's workshop.

Hon. Temporary Deputy Speaker, with your indulgence, I would like to mention something very important about NITA. The Government must come in and sponsor even those people who are already in the job market to go for short courses in various training. Let us collect all those youth who may not have formal education and train them since that is the only way we can eliminate unemployment.

Lastly, yesterday, we discussed so much about the locusts. When there is a problem affecting one particular region especially the marginalised group... We have a disease called blue mouth disease which is killing our sheep and goats. We are even selling them and destocking. Now, the locusts are here with us and yet, that disease called *sham sham* is finishing our livestock. So, with your indulgence... I can see Hon. Members saying point of irrelevance.

Hon. Temporary Deputy Speaker, I congratulate Hon. Jude Jomo for the good work he has done since it will save our country. With all those many remarks, I am a qualified carpenter and having talked about *sham sham*, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Sankok, you are out of order. You are mixing relevance and irrelevance. How do locusts and *sham sham* come in? Even if you are so passionate about these things, you do not need to sneak in mother tongue into

your contribution on parliamentary issues. You have had your time. Order Hon. Sankok. Let us have Hon. Gathoni Wamuchomba. The only official languages we have here are Kiswahili and English.

Hon. (Ms.) Gathoni Wamuchomba (Kiambu CWR, JP): Most obliged Hon. Temporary Deputy Speaker.

Thank you for giving me this opportunity. I support this very powerful Bill. I congratulate my colleague from Kiambu County and the Member of Parliament for Kiambu Town Constituency, Hon. Jude Jomo, for what he has done to bring this amendment Bill. I support this Bill with reference to what has been happening for the last two decades in this country. We have had a craze of taking our children to universities to qualify in all manner of careers. We have forgotten that to support the working force of the formal graduates, we must have an equivalent force from the technical and vocational training institutions.

Where I come from, we are turning our county to a dormitory of Nairobi. Kiambu County is becoming the dormitory of Nairobi in terms of housing. Every single estate has new buildings coming up and most of them are residential houses. Surprisingly, you will allow me to say it because this is the truth. Almost 80 per cent of the workforce that are working in those construction sites are people coming from outside the county, reason being that we do not have adequate plumbers, electricians, carpenters and all other skills that are needed to support the very fast-growing construction industry in Kiambu County. Those available are fresh from TVETs and have no experience desired by most of the employers to engage them.

It is for this reason I support this Bill, hoping that it will give us a window to provide the necessary working experience that is needed for fresh graduates so they can be absorbed in the fast-growing industry in construction and many other related industries.

Hon. Temporary Deputy Speaker, you will allow me talk a little about lack of experience, which is a big hurdle for the young people to get into the job market. Currently, in my county as the County Woman MP, I am running a program and an initiative which I am calling The Y Job Link. This is the Youth Job Link where I am trying to connect as many young fresh graduates from TVETs, Vocational Training Institutes (VTIs) and universities to available jobs in the county. I am two months old in this project and I can tell you that most of the employers I am engaging with including this morning, are telling me they would want to help but they need young people with working experience. Unfortunately, like I had said earlier, majority of fresh graduates do not have experience to work in those institutions and so, you find investors in my county are looking for people to work for their investments outside the county and yet, we have over 26 training institutions in my county producing over 7,000 trainee graduates yearly. However, those over 7,000 graduates cannot be absorbed within the same county which has many vast investors.

Therefore, in that spirit, as I promote my initiative to ensure that the young people benefit from it, I support this Bill. This is because I understand that the levy fund that is going to be created through this Bill will be used to fund employers who are willing to absorb fresh graduates, but have no finances to support them within the few months of internship or trainee management program. So, I am very excited that if this Bill becomes law in this country, many young people especially from Kiambu County institutions are going to benefit. We will have many of them absorbed in the job market especially when it comes to vocational and practical skills.

Therefore, I take pride in Hon. Jude Jomo for this very noble Bill that he has presented to the House. I look forward to seeing this Bill succeed to become law so that we can benefit not only the young people, but the economy of the Republic of Kenya.

On a light note, you will allow me to refer to the locust menace that we have in this country. I know it is not part of this discussion because we discussed it yesterday. But I would like to say this: If we had many young people trained in agricultural value addition category in this country, we would not be crying foul about locusts in this country. We would be celebrating. That is because we could have harvested those locusts in numbers, dried them and used them as high protein value addition in the animal feeds industry production. Other economies are doing this. People in Netherlands are breeding crickets and other high protein value insects that are used in the making of animal feeds.

Hon. Temporary Deputy Speaker, I am a poultry farmer and I can tell you one of the aspects that make animal feeds expensive is lack of proteins. Those locusts are a good source of proteins. Instead of us importing many insecticides to mess our environment, poison our soils and vegetation while trying to kill locusts, we are supposed to be thinking of how people harvest, dry and preserve those locusts as proteins.

With those many remarks, I support this Bill and look forward to its implementation.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Members, there being no other request for contribution, I will call upon the Mover to reply.

Hon. Jude Njomo (Kiambu, JP): Thank you, Hon. Temporary Deputy Speaker. I would like to thank the Members who have contributed to this Bill for their very positive energy, ideas and proposed amendments. A few years ago, we were mandated by the President to go and pour illicit brews in this country. We did this with a lot of force and what resulted was that addicts got withdrawal symptoms.

In my constituency, I put together a group of 50 young men who were suffering from withdrawal symptoms. I offered to rehabilitate them and this required them to stay in a controlled environment for three months. I thought this would be a waste of money because they would spend three months seated down just receiving advice and counselling. So, we agreed that, as they were being rehabilitated, we would conduct technical training for them.

After three months, they were all qualified electricians and we gave them attachments with qualified electricians and companies. This was a life-changing experience for the 50 young men because they did not go back to drinking. I met one who confessed that he still drinks, but the difference is that he drinks *baada ya kazi*. He does not spend the whole day at the shopping centre.

This is the importance of training our youth because it will change their lives. I am a beneficiary of training by the National Industrial Training Authority (NITA). I was trained at Kenya Power and Lighting Company (KPLC) by the then Director of Industrial Training. So, I know exactly how this program can benefit Kenyans. Members have proposed amendments and we will take them seriously. Before we go to the Committee of the whole House, I will sit down with the Departmental Committee on Labour and Social Welfare and agree on the way forward. That way, we will not kill a Bill that can help the youth of this country.

One main area with proposed amendments is the role KRA is playing and this has come out very clearly. When I first drafted this Bill in the 11th Parliament, we sat down with the Board. They were in agreement until I introduced sharing of money and that is where problems started. They wanted to keep 100 per cent and I was recommending another way. They doubted whether

after KRA collecting the money, they would remit it to them or it would be swallowed by the Exchequer never to be found.

We agreed to have clauses which would ensure that KRA was only engaged as an agent. So, the money they collected is not for the Exchequer, but they would charge a commission because they have been engaged to do this. A Member has clearly stated that this is not the first Fund to engage KRA to do the work they are best suited to do. The National Transport and Safety Authority (NTSA) does the same, but we have never had that KRA did not remit their money. They are also doing the same for the Ministry of Agriculture and we have never heard they have not remitted their money. I know in the last term Kiambu County had commissioned KRA to collect money for licenses on their behalf. So, let us not fear that if they collect the money, they will not remit it. We have put in the law that they are supposed to remit this money by the 15th of the following month. It will be written down in law. So, that secures them.

The other area which has been recommended for amendment is on the way the money has been split with some going to HELB and others to TVETs. We have said clearly that HELB will use the money it gets to loan those who are going for technical training in technical institutions. The employer is arguing that the money that he is getting is only to pay for the employees who are under him. Those youth who we are going to train are not going to work in Uganda or America. They are going to work here in our own industry where the employer has contributed money to provide for this education. In any case, this same employer has been benefiting from some people who have trained their own. They have not spent the money. Somebody went to a polytechnic and got a diploma in mechanics and then he goes and he is employed by the industry. It is also good for industry to help in creating a skilled workforce.

The other area is on the amount that is being levied. I agree with the Members. We may micro-manage NITA if we go prescribing even the amount. I will amend that so that we remain with what NITA has recommended. If they feel that they would like to increase, they can. In any case, when we increase the tax bracket, we are going to move from a remittance of Kshs800 million to a remittance of Kshs4.5 billion. That is why we are also dividing it to other areas because we do not want to create another NYS where NITA, all of a sudden, finds itself with so much money. They are used to budgeting for Kshs800 million and now they would have to budget for Kshs4.5 billion. We may create loopholes and leakages for money to get wasted.

The last one came from Hon. Millie Odhiambo about employers claiming reimbursement for the money that they have used for training. I think this is a method that has been used by NITA all along. I think if they would like to change, they can do so at their own time. We may not interfere with what is happening right now.

I also want to note that one of the Hon. Members mentioned about changing the KRA law. Clause 5 says:

“Part II of the First Schedule of the Kenya Revenue Authority Act is amended by inserting the following new paragraph immediately after paragraph 10—

(10A) The Industrial Training Act (Cap. 237.)”

That takes care and gives the KRA the mandate to collect on behalf of NITA.

The other area which was causing confusion is where some Members got the notion that we are transferring the role of assessing the need of industry from NITA to KRA. We are only asking KRA to collect the remittances on behalf of NITA, but it is not going to do the assessment of the industry.

With those few remarks, I thank all the Members for their support. I also thank the Chairman of the Departmental Committee on Labour and Social Welfare because after

consultations, we have agreed on the way forward and I believe when this Bill becomes law, it will help train our youth, improve our industries and make Kenya a country where people are well skilled to take this country forward and to help in the completion of the Big Four Agenda that the President wants for this country. Thank you, Hon. Temporary Deputy Speaker.

I beg to reply and I would like to request, under Standing Order No. 53 (3), that you defer putting of the Question.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Very well, Hon. Njomo. I must really commend you as the Mover of this particular Bill. Having you sit through all the deliberations by Members and following on what the Leader of the Majority Party pointed out yesterday that instead of Movers of Motions distributing their reply time, it is really the time to enrich the debate and to enrich the Bill or Motion by picking up on what various Members have said and having a comprehensive review. That is what the Second Reading of Bills is all about. That is what these debates are all about. It enables Members to enrich the work done on a Bill. That is just to commend you.

It is in order that we suspend putting of the Question until next time when we have this business on the Order Paper.

(Putting of the Question deferred)

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Members, the time being 1.01 p.m., the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.01 p.m.