

PARLIAMENT OF KENYA
THE NATIONAL ASSEMBLY

THE HANSARD

Wednesday, 29th April 2020

The House met at 10.00 a.m.

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

PRAYERS

Hon. Deputy Speaker: Order Members! Having confirmed that we have the required quorum in the Chamber and other holding areas, business will begin.

PAPERS LAID

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

Annual Performance Report for the Financial Year 2018/2019 from the Ministry of Public Service, Youth and Gender, pursuant to Article 153(4)(a) and (b) of the Constitution.

The Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Variation Rules, 2020 and Legal Notice 56/2020 and its Explanatory Memorandum.

The Public Health (COVID-19 Restriction of Movement of Persons and Related Measures) Variation Rules, No.2 of 2020, Legal Notice 58/2020 and its Explanatory Memorandum.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: The Next one is the Chairperson, Committee on Finance of the Parliamentary Service Commission (PSC). That must be Hon. Keynan.

Hon. Adan Keynan (Eldas, JP): Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

Estimates of Recurrent and Development Expenditure of the Parliamentary Service Commission (PSC) for the Financial Year ending 30th June, 2021 and the projections for 2021/2022/2023.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: The next is the Chairperson of the Select Committee on the National Government Constituencies Development Fund, Hon. Maore.

Hon. Maoka Maore (Igembe North, JP): Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

The Report of the Select Committee on the National Government Constituencies Development Fund on the vetting of a nominee for appointment as Chief Executive Officer for the National Government Constituencies Development Fund Board.

Thank you.

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Hon. Deputy Speaker: Very well. We now proceed to the Chair of the Departmental Committee on Finance and National Planning, Hon. Limo

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

The Report of the Departmental Committee on Finance and National Planning on its consideration of the Public Finance Management (Amendment) Bill 2020.

Thank you, Hon. Speaker.

Hon. Deputy Speaker: Very well, the next is the Chair of the Departmental Committee on Justice and Legal Affairs, Hon. Cheptumo.

Hon. William Cheptumo (Baringo North, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

The Report of the Departmental Committee on Justice and Legal Affairs on its consideration of the Small Claims Court (Amendment) Bill, (National Assembly Bill No.4 of 2020).

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. We will go to the next Order.

NOTICES OF MOTIONS

Hon. Deputy Speaker: Let us have the Chairperson of the Departmental Committee on the National Government Constituencies Development Fund (NG-CDF).

APPROVAL OF NOMINEE FOR APPOINTMENT AS CHIEF EXECUTIVE OFFICER TO NG-CDF BOARD

Hon. Maoka Maore (Igembe North, JP): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Select Committee on the National Government Constituencies Development Fund in its Report on the vetting of a nominee for appointment as the Chief Executive Officer of the National Government Constituencies Development Fund Board, laid on the Table of the House on Wednesday, 29th April 2020, and pursuant to Section 20(1) of the National Government Constituencies Development Fund Act 2015 and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act 2011, this House approves the appointment of Mr. Yusuf Mbuno as the Chief Executive Officer of the National Government Constituencies Development Fund Board.

Hon. Deputy Speaker: Next is Hon. Ngunjiri Wambugu.

ESTABLISHMENT OF *AD HOC* COMMITTEE ON MANAGEMENT OF COVID-19

Hon. Ngunjiri Wambugu (Nyeri Town, JP): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, aware that the Coronavirus Pandemic (COVID-19) was declared by the World Health Organization (WHO) to be a public health emergency of international concern;

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DEEPLY CONCERNED on the serious threat posed to the health and social-economic lives of Kenyans by the continued spread of the pandemic;

APPRECIATING that both the national and county governments have put in place some targeted interventions to respond and manage the COVID-19 pandemic through, among others, enhanced medical and public health actions, mitigating socio-economic shocks arising from the impact of the pandemic, creation of a National Emergency Response Fund to foster the national response to the pandemic, and formation of a National Emergency Response Committee on Coronavirus, which is tasked with among other things, to coordinate Kenya's preparedness, prevention and response to the threat of COVID-19 and develop mitigation strategies with regard to the disease;

COGNIZANT THAT some of the policy measures and targeted interventions put in place by the Government are yet to be anchored in legislation and/or approved by Parliament;

NOW THEREFORE; this House resolves as follows:

(i) to acknowledge and appreciate individuals and corporate entities, development partners and multinational institutions for local and international technical, financial and human assistance efforts and support in response to the pandemic;

(ii) to establish an *ad-hoc* committee to be known as the Select Committee on the Coronavirus (COVID-19) Prevention, Response and Management, whose mandate will be as follows -

(a) Develop necessary legislative measures on COVID-19 prevention, response and management through which the Government would anchor the mechanisms to prevent, combat and respond to the pandemic, and to any other pandemics in the future, including but not limited to ensuring enhanced medical and public health actions and facilities, strategies for cushioning the country from the effects of such pandemic on the social support system, economic stimulus for the micro, small and medium enterprises, and national public order measures for the maintenance of specific and competent functions during and after such pandemic;

(b) Coordinate closely with the National Emergency Response Committee on COVID-19 which is tasked with among other things, coordinating the country's preparedness, prevention and response in the actions and measures taken to ensure that the Committee delivers on its mandate more effectively;

(c) Consider funding needs and requirements on COVID-19 prevention, combat, response and management;

(d) Report and make recommendations on the item under paragraphs (a) and (c) and any other related matters within 30 days, and make weekly progress reports on item (b) to the House until the end of the pandemic.

(iii) that the Membership of the Committee be as follows-

1. Hon. M. D. Ngunjiri Wambugu, MP.
2. Hon. (Dr.) Amos Kimunya, MP.
3. Hon. (Dr.) Makali Mulu, MP.
4. Hon. Yusuf Hassan, MP.

5. Hon. Alice Wahome, MP.
6. Hon. Florence Mutua, MP.
7. Hon. Peris Tobiko, MP.
8. Hon. Peter Kaluma, MP.
9. Hon. Mishi Khamisi, MP.
10. Hon. Beatrice Nyaga, MP.
11. Hon. Janet Ongera, MP.
12. Hon. (Dr.) Otiende Amolo, MP.
13. Hon. Gathoni Wamuchomba, MP.
14. Hon. Godfrey Osotsi, MP.
15. Hon. Didmus Barasa, MP.
16. Hon. Joshua Kandie, MP.
17. Hon. (Dr.) Daniel Kamuren Tuitoek, MP.
18. Hon. Patrick Munene, MP.
19. Hon. Anthony Oluoch, MP.
20. Hon. Kiarie John, MP.
21. Hon. Abdi Omar Shurie, MP.
22. Hon. Abdullahi, Major (Rtd) Bashir, MP.
23. Hon. Teddy Mwambire, MP.

Thank you.

Hon. Deputy Speaker: We will go to the next Order.

STATEMENTS

Hon. Deputy Speaker: We will start with Hon. Oku Kaunya, Member for Teso North. In the meantime, Hon. Olago Aluoch will be preparing from the other holding areas. Other parts of the Chamber should always be prepared in good time so that we do not waste time in terms of movement of different Members into the Chamber.

Hon. Kaunya, you have the Floor.

MEASURES TO MANAGE SPREAD OF COVID-19 AT MALABA BORDER AREA

Hon. Oku Kaunya (Teso North, ANC): Hon. Deputy Speaker, pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Health regarding the measures undertaken by the Government at the Malaba Border on the management of the spread of Coronavirus Disease.

While appreciating the measures so far the Ministry of Health has taken to contain and bring to an end the spread of the COVID-19 pandemic in this country, it is of concern that the spread of the virus has mainly entered the country through the points of entry into the country that require publication of stringent control measures. The Malaba Border is one entry in Teso North Constituency, which is a high-risk area since it is the most exposed and unprotected from the Coronavirus pandemic.

Statistics indicate that cargo traffic volume at the Malaba Boarder Post between Kenya and Uganda is 78 per cent, most of which comprises of import cargo destined from the Port of

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Mombasa to Uganda, Rwanda, Burundi, DRC and South Sudan. On 23rd April 2020, Uganda's Ministry of Health reported that five Kenyan truck drivers tested positive for COVID-19 in Uganda after crossing through Malaba and Busia border posts. Three went through the Malaba Border Post and two went through the Busia Border Post. It is noted that the Mombasa Port, which cargo going through Malaba originates, has become an epicentre for Coronavirus and a possible transmission area owing to ongoing cargo traffic.

It has been observed that most truck drivers and turn boys do not adhere to the Ministry of Health (MoH) guidelines on wearing masks, sanitizing and keeping social distance. It has also been observed that no detection plans or arrangements for outbound truck drivers are in place. This, coupled with the high human traffic at the Malaba Border, has heightened the risks of the spread of the virus while the Kocholia Sub-County Hospital which serves the area is underequipped and understaffed to manage the pandemic.

Hon. Deputy Speaker, it is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Health to address the following:

- (i) What measures the Government has taken to ensure that the long trailer queues along the Malaba-Nairobi Highway, near Malaba Town and the immediate surrounding areas are fumigated;
- (ii) What measures are being undertaken by the Government to reduce the risks truck drivers and turn boys pose to the people in Malaba Town border and the surrounding areas;
- (iii) Does the Ministry of Health have any plans to adequately equip Kocholia Sub-County Hospital with Coronavirus testing equipment and staff protective gears?
- (iv) What action has been taken by the relevant ministries to ensure that the frontline medical staff and other personnel manning the Malaba Border Post are adequately trained on detection and handling of Coronavirus cases?

I thank you, Hon. Temporary Deputy Speaker.

Hon. Deputy Speaker: That was a very long request for a Statement. That is referred to the relevant Committee as requested. When is it likely that you can give a response, Hon. Chairperson?

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Deputy Speaker, the response will be ready in next week's sitting, on Wednesday. I will also be giving a Statement this afternoon. So, some of the issues that he has raised might be addressed in the Statement.

Hon. Deputy Speaker: Very well. That must have been Hon. (Ms.) Sabina Chege, is it not? It is very difficult to recognise Members when they are wearing masks since I have to use the voice recognition.

Let us go to the next one. Is Hon. Olago Aluoch around? Yes, come in, please.

NON-GAZETTEMENT OF MEMBERS OF THE MEDIA COMMISSION

Hon. Olago Aluoch (Kisumu West, FORD-K): Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker, pursuant to Standing Order 44 (2) (c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Communication, Information and Innovation, regarding the failure of the Cabinet Secretary of the Ministry of Information, Communications and Technology to gazette members of the Media Commission, after the term of the previous Commission expired on 6th September 2019.

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Hon. Deputy Speaker, Section 6(1)(c) of the Media Council Act provides that one of the functions of this Commission is to facilitate resolution of disputes between the Government and the media, public and the media and intra-media. The Media Commission created under Section 27 of the Act performs this function. The term of the previous Commission expired on 6th September 2019, pursuant to which the Cabinet Secretary commenced and completed the process of identifying membership of the new commission. It is not clear whether the CS sought the advice of the State Corporation Advisory Committee, but he prepared an appropriate Gazette Notice for publication. However, for reasons only known to him, this Gazette Notice was never published and he has not taken any further steps to facilitate its publication. The functions of this Commission and other commissions under his docket can, therefore, not be exercised hence a pile up of unresolved complaints.

Hon. Deputy Speaker, the failure by the CS to gazette the membership of this Commission...

(Hon. Moses Lessonet walked along the gangway)

Hon. Deputy Speaker: Order, Hon. Moses Lessonet. Please, take your seat. You are actually violating the social distancing rules. Therefore, Members should avoid getting close to each other physically.

Proceed, Hon. Olago Aluoch.

Hon. Olago Aluoch (Kisumu West, FORD-K): Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker, the failure by the CS to gazette the membership of the Commission is an illegality and is incompatible with the Act. It is against this background that I seek a Statement from the Chairperson to address the following:

- (i) Does the failure by the CS to gazette the membership or to equip this Commission amount to an abrogation of his duties?
- (ii) Can the Chairperson carry out an audit of other organs that the CS has failed to gazette under his ministry?
- (iii) What sanctions does the Chairperson intend to take against the CS for his failure to perform his duties?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: The relevant Chairperson, tell us when you will bring a report. Is he in the House? Okay, Leader of the Majority Party on his behalf.

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, next Wednesday afternoon.

Hon. Deputy Speaker: Perfect. Let us go to Hon. (Dr.) Chris Wamalwa, Member for Kiminini.

ALLEGED DEMOTION OF DR. JOEL LUTOMIA AT KENYA MEDICAL RESEARCH INSTITUTE

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

Hon. Deputy Speaker, this is a request for a Statement regarding the alleged demotion of a top scientist, Dr. Joel Lutomia, at the Kenya Medical Research Institute (KEMRI). Pursuant to the provisions of Standing Order 42(2)(c), I wish to request for a Statement from the Chairperson of

the Departmental Committee on Health, regarding the alleged demotion of a top scientist, one Dr. Joel Lutomia, at KEMRI.

Hon. Deputy Speaker, Dr. Lutomia has been serving as the Director of the Centre for Virus Research as well as the Chairman of the Rapid Response Unit at KEMRI, which is currently the institution with the largest testing capacity and a top research facility for Coronavirus in the country. Dr. Lutomia, with over 40 years of service and one of the top epidemiologists in the institution was demoted for purportedly failing to submit Coronavirus results on time to the ministry before one of the daily briefings. This is a matter of great concern owing to the need to retain experienced medical professionals in the ongoing fight against Coronavirus.

Hon. Deputy Speaker, it is against this background that I seek for a Statement from the Chairperson of the Departmental Committee on Health on the following:

- (i) What disciplinary procedures were instituted against Dr. Lutomia before his dismissal?
- (ii) What is the fate of Dr. Lutomia following his demotion, given the shortage of experienced medical personnel in the fight against Coronavirus?
- (iii) Could the Ministry confirm whether the reason for the alleged delay in the submission of the Coronavirus results was ever established and indicate what it was?
- (iv) Could the Ministry consider reversing its decision and reinstate Dr. Lutomia to his previous position as the Director of the Centre for Virus Research in view of his expertise?
- (v) What measures has the Ministry put in place to ensure that the staff working at KEMRI are protected from contracting the Coronavirus?

I humbly request for ventilation on this matter. Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: What did you say?

Hon. (Dr.) Chris Wamalwa (Kiminini-FORD-K): *(Off-record)*

Hon. Deputy Speaker: What is the reason for that?

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Hon. Deputy Speaker, in line with Standing Order 1, at your discretion, this is a matter of national importance.

Hon. Deputy Speaker: Even these other ones are very important.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): But they never requested. I have requested.

Hon. Deputy Speaker: Okay, what is it, Hon. Duale? I will then give an opportunity to only two Members.

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, I agree with what Hon. Wamalwa is saying. When we deal with the Motion on COVID-19 this afternoon, that will give Members an opportunity to discuss this matter. Unless you use Standing Order No.1, according to the Standing Orders, you cannot comment on a Statement. This was discussed in the House Business Committee. We will discuss this in the afternoon. Hon. Wamalwa is my good friend. I also want to speak on this matter at that time.

Hon. Deputy Speaker: What is it, Hon. Wamalwa?

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Hon. Deputy Speaker, I agree with the Leader of the Majority Party, but I made a request for Members to ventilate. Other colleagues did not request.

Hon. Deputy Speaker: Hon. Robert Mbui, what do you want to do? Do you want to comment on this one? Hon. Sheikh? We cannot open it up. The only thing we could do is for Members to add to the request for a Statement. You will have an opportunity to discuss it in the afternoon. It is not even a comment. You might have a supplementary request that you think should be added.

What is it, Leader of the Minority Party?

Hon. John Mbadi (Suba South, ODM): Hon. Deputy Speaker, you have just taken the words from my mouth. I remember in the past the Speaker would allow Members to make further supplementary requests for statements. If a statement has been sought and I feel there is a part that has not been brought out by the person seeking the statement, I can add to it. But it would be inappropriate at this time to start commenting on the request for Statement.

Hon. Deputy Speaker: We will agree. Let us start with Hon. Mbui. You will not discuss or go into the meat of the request for a Statement. You will be adding a supplementary thought that the Committee should take into consideration. Let us have Hon. Mbui.

Hon. Robert Mbui (Kathiani, WDM-K): Thank you, Hon. Deputy Speaker. I will only add to his request for a Statement and say that we are dealing with very tough times. I urge the Cabinet Secretary to be very careful with how he handles the scientists that are dealing with issues of the Coronavirus. This would be the wrong time for any demotions or transfers, especially because some of those people are highly experienced.

Hon. Deputy Speaker: Let us have Hon. Washiali. Hon. Mbui, you ended up discussing it rather than contributing to what should be added.

Hon. Benjamin Washiali (Mumias East, JP): Hon. Deputy Speaker, let me first of all admit that Dr. Lutomia comes from my constituency. I want to complement and supplement what Hon. Wamalwa has requested in the Statement.

Besides what has been raised, the Chair should find out if the Kenya Medical Research Institute Board was involved. We know that KEMRI is an independent corporation. We should find out if the Board was involved in the decision to sack Dr. Lutomia.

Secondly, we should also find out if the CS gave Dr. Lutomia an opportunity to defend himself. Under the rule of natural justice, it is fair that someone who has served the Government as Dr. Lutomia is given an opportunity to defend himself.

Hon. Deputy Speaker: I can see there is a lot of interest in this, but we also have to save time. Let us have Hon. Bunyasi for just a few seconds and then Hon. Sheikh. It will then be over.

Hon. Sakwa Bunyasi (Nambale, ANC): It will, indeed, just be for a few seconds. I would like to add to that request for Statement. What was the instrument of the action to demote as at the time the CS spoke? Was it a fly-by statement? Had there been any written communication as at the time the CS spoke?

Hon. Deputy Speaker: Let us have the Member for Mandera North.

Hon. Major (Rtd.) Bashir S. Abdullaih (Mandera North, JP): Thank you, Hon. Deputy Speaker. I wanted to ventilate, but you have given direction. I also wanted to add that when the CS is giving his daily briefings, we need to be told not only the number of cases, but also the status of those cases. Are they hospitalised? What is the status? We only hear about the number of cases.

Hon. Deputy Speaker: Yours is completely off, Hon. Member for Mandera North. This is on a specific individual, but you are talking about the issue of COVID-19, which you will have an opportunity to speak to in the afternoon.

Hon. Major (Rtd.) Bashir S. Abdullaih (Mandera North, JP): Hon. Deputy Speaker, the reason for that demotion is about relay of results. It adds up.

Hon. Deputy Speaker: That makes sense. I agree with you. Let us have the Chairperson. What do you have to say? I cannot see your card anywhere. You have not placed your card in the slot.

Hon. (Dr.) Robert Pukose (Endebess, JP): You have given me a chance to ask a question. Can I supplement something on it, Hon. Deputy Speaker?

Hon. Deputy Speaker: Okay. As she prepares, you can have a minute.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Deputy Speaker. I would just like to add to what Hon. Chris Wamalwa said. From a professional point of view, we are working under very difficult circumstances. When the Chair gets answers from the CS, he should give an explanation as to whether Dr. Lutomia did not submit those results and what time he was given to submit the results between the time he got the request and the time he was supposed to submit the results.

Hon. Deputy Speaker: Okay. Let us have the Chair.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you, Hon. Deputy Speaker. This is an issue that has come to the attention of the members of the public. I want to report to this House that yesterday we had a meeting with the CS and his team and this is among the matters that I will give a Statement on this afternoon. There are some supplementary questions that have been raised that we did not ask. I will quickly ask the Ministry to add to what they submitted yesterday. I hope it will be satisfactory. I would like to just tell the Members that some of the things we pick...

Hon. Deputy Speaker: You have confirmed that in the afternoon you will be addressing this matter. That is enough. You can have your free time in the afternoon to do that.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you, Hon. Deputy Speaker. That is what I wanted to say. We are ready this afternoon.

Hon. Deputy Speaker: Very good. What is it, Hon. Leader of the Majority Party?

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, under the COVID-19 situation, we must follow the procedures of this House. This Statement has been sought this morning. We do not want the answer the CS gave to the Senate. I saw it on television. The Member who sought the Statement must be given an opportunity to be there when the CS is answering the request for Statement raised this morning.

Hon. Deputy Speaker, I do not think we want to circumvent the rule. Whether the Chair and the Committee asked the CS this question is neither here nor there. This matter came this morning. If the Chair will do it today before 2.30 p.m., it is okay. It is better she asks for an opportunity to reply next Wednesday, so that she brings a very comprehensive answer and the Member can attend that session.

Hon. Deputy Speaker: If the Chair is sufficiently prepared, it is okay. The person who sought the Statement - the Member for Kiminini - seemed satisfied with it. We could give it a shot and see how the matter evolves in the afternoon. Should there be issues that are not dealt with properly, some extra time can be sought. We cannot stop Chairs from being efficient. When they are efficient, we must applaud them. When they are inefficient, we are very quick to bash them. In this particular case, if the Chair is ready and prepared, let us see what she has. She says she is ready. I believe her. Hon. Wamalwa, are you comfortable with the afternoon? If we go by the

timetable that we set, you should know that next Wednesday is the last working day for Members of Parliament. This afternoon should be okay with you.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Hon. Deputy Speaker, unless I get satisfactory answers, I have no problem.

Hon. Deputy Speaker: Let us wait for them in the afternoon. Hon. David Ochieng'. This is almost the same thing that we have discussed. Let us see whether it is the same.

VIOLATION OF HUMAN RIGHTS DURING COVID-19 PANDEMIC

Hon. David Ochieng' (Ugenya, MDG): Hon. Deputy Speaker, I have been told to ask about the burial, but that was already answered satisfactorily last week. I want to request for something else today.

Pursuant to Standing Order No. 44(2)(c), I wish to request for a Statement from the Chairperson, Departmental Committee on Administration and National Security, regarding violation of human rights in the country during the Coronavirus pandemic period.

Following the outbreak of the Coronavirus disease which is commonly referred to as COVID-19 worldwide and the declaration of the World Health Organisation (WHO) of the outbreak as a pandemic, Kenya has given the police force heightened public order powers to implement restrictions for management of COVID-19. These rules are contained in the Public Order Act. They give the police force unprecedented powers of detention, arrest and fining. Aside from this formal system, the police have also arbitrarily used corporal punishment and teargas without any perceptible threat. It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Administration and National Security to address the following issues:

(i) What measures are being taken to avoid violations of human rights through unfair treatment of COVID-19 patients through forced quarantine and arrests as a result of the curfew?

(ii) What measures has the Ministry put in place to ensure that the police officers are protected from COVID-19 while dealing with the public?

(iii) What measures is the Ministry taking to allow those with prior medical appointments in the city and relevant counties like Nairobi to access medical treatment where they are unable to hire or get access to ambulances?

(iv) What steps is the Ministry taking to address the issues relating to criminalisation and stigmatisation as a result of COVID-19?

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. Nobody has shown interest to contribute to this particular Statement. So, let us hear what the Chairperson of the Departmental Committee on Administration and National Security will say. When will you present that Statement? Is the Chairperson in the Chamber? Who is that? Is that the Member for Mwea?

Hon. Josphat Kabinga (Mwea, JP): Yes.

Hon. Deputy Speaker: Do you want to contribute to this Statement or respond on behalf of the Chairperson?

Hon. Josphat Kabinga: Hon. Deputy Speaker, I want to respond on behalf of the Chairperson.

Hon. Deputy Speaker: Okay. Hon. Kabinga.

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Deputy Speaker. On behalf of our Chairman, I want to confirm that the Committee is already doing something to assess the situation as far as the police force is concerned. We do it on Tuesday and Thursday. I also want to communicate that we will have an official response to the Statement on Wednesday.

Hon. Deputy Speaker: Is it on Wednesday next week?

Hon. Josphat Kabinga (Mwea, JP): Yes.

Hon. Deputy Speaker: That is okay. What is it, Hon. Member? Is that Hon. Njomo?

Hon. Jude Njomo (Kiambu, JP): Yes.

Hon. Deputy Speaker: It is easier to recognise you using some other features other than your face.

(Laughter)

Hon. Jude Njomo (Kiambu, JP): Thank you, Hon. Deputy Speaker. I thank the Member for that very important question. As the Committee looks into that matter, they should also question something that has come up. Police officers are using COVID-19 pandemic as an avenue to make money, especially enforcement of a system to wear masks.

(Applause)

They are arresting innocent *wananchi* because they do not have masks. We were told to wear masks when we go to public places. They are going to the gates of people who have not worn masks to arrest them. The police force should be educated on what is supposed to be done. When they arrest these people, they put them together in a cell in a way they cannot keep the social distance. As the Committee investigates this matter, I would like to urge them to look into the question of corruption and extortion that the police force is using in the name of ensuring that masks are worn by *wananchi*.

Hon. Deputy Speaker: Is that the birthday girl or the Member for Kandara?

(Laughter)

(Hon. (Ms.) Alice Wahome contributed off-record)

Hon. (Ms.) Alice Wahome (Kandara, JP): Hon. Deputy Speaker, I stand to raise a concern which arises from the Members' questions. Two days ago, Hon. Catherine Waruguru and Hon. Anab who are nursing two months old babies were held under those circumstances after *(inaudible)* for two hours. Hon. Anab was held somewhere on her way to the county within the normal hours. They were not beyond the curfew. The question of Members should be addressed in terms of...

(Applause)

Hon. Deputy Speaker: That matter should be addressed in a different forum, but it is good you have raised it. What is it, Hon. Commissioner?

Hon. Adan Keynan (Eldas, JP): Hon. Deputy Speaker, I know this is not the right forum to discuss this matter. However, I want to join Hon. Alice Wahome. Members of Parliament play

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a critical role in the governance of the Republic of Kenya. It was wrong for anybody to exclude Members of Parliament from the list of essential service providers. That is why Members of Parliament are suffering. Let us put our foot down. This is not a privilege. Let Members of Parliament be classified and included as essential service providers just like in all other developed and civilised countries. That is the only way we will avoid a scenario where Hon. Anab and Hon. Waruguru are stopped on the road and subjected to all sorts of suffering. Through you and the substantive Hon. Speaker, it is high time we addressed this issue as a matter of national importance, so that Members of Parliament can be included in the list of essential service providers.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: That is noted. Who is that? Is that Hon. Kuria?

Hon. Moses Kuria (Gatundu South, JP): Hon. Deputy Speaker, I want to add my voice to this matter from a very personal level. I called the County Commissioner for Murang'a this morning because my wife was subjected to humiliation yesterday at the same checkpoint where Hon. Waruguru was humiliated. She turned back. She was going to my residence which is just past the checkpoint.

Hon. Deputy Speaker: Have you said that she was going to your residence or her home?

(Laughter)

Hon. Moses Kuria (Gatundu South, JP): She had a pass. The point is that the General Service Unit (GSU) officers who are manning the checkpoint told my wife: “*Kwanza nyinyi watu wa Waheshimiwa ndio hatutaki kuwaona.*” I am not only a Member of Parliament, but also a presidential candidate. This is a future first lady.

(Laughter)

Hon. Deputy Speaker: We can only assist you as far as you are a Member of Parliament. However, in your other capacity as a presidential candidate, you need to negotiate with the Independent Electoral and Boundaries Commission (IEBC).

Hon. Moses Kuria (Gatundu South, JP): Hon. Deputy Speaker, if they can treat a potential first lady in this way, what about mere mortals like Member for Kandara?

Hon. Deputy Speaker: We have heard you. Hon. Members, we are taking too much on this issue. Is that Hon. Baya Yaa there?

Hon. Owen Baya (Kilifi North, ODM): I want to add something to what the Statement seeks. The Committee needs to look at what defines a home. In the rural settings, police officers are going to homes. A rural home is only a place where you sleep. You do the rest of the work outside. When people are outside their homes, police officers come and arrest them.

The police are arresting people in their homes claiming that they are disobeying the curfew directive because they are not in their houses. In fact, the definition of a house in the rural setup is simply a place where you sleep. We have cases where police go into homes and arrest people who are sitting in their compounds having meals and conversations as families. So, the police need to determine when people are in the streets and when they are at home. They are harassing and arresting people and then confining them in one room for a whole night notwithstanding the fact

that they do not have face masks or are infected. Sometimes they release them after two or three days.

Hon. Deputy Speaker: Hon. Owen Baya, yours is a bit complicated because it involves the definition of whether a home is a house or whatever. The best thing for you to do is to appear with that kind of argument and pass it on better before the Committee when the relevant Cabinet Secretary will be appearing.

Hon. Members, we cannot go beyond that. Let us go to the next Order.

Hon. Deputy Speaker: What is your point of order, Hon. (Dr.) Robert Pukose?

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Deputy Speaker. I am standing on a point of order. Currently, as we face the challenges of the COVID-19 pandemic, there is a Bill that is pending before the Departmental Committee on Health on the Kenya Food and Drugs Authority. In the United States of America (USA) or the European Union (EU), it is the Food and Drugs Authority (FDA) that looks into issues of authorisation such as new protocols in terms of treatment and even the use of vaccines.

Recently, in the media, you heard of the Oxford University in the United Kingdom stating very clearly that there is an intention to bring in trial vaccines for the COVID-19. This Bill on Kenya Food and Drugs Authority...

Hon. Deputy Speaker: I want you to raise the issue so that we can refer the matter to the Chairperson, but you are already debating.

Hon. (Dr.) Robert Pukose (Endebess, JP): Hon. Deputy Speaker, the Bill on Kenya Food and Drugs Authority will give us the framework.

Hon. Deputy Speaker: So, what do you want with the Bill?

Hon. (Dr.) Robert Pukose (Endebess, JP): The Bill has been hanging for so long and no report has been tabled here. I have approached the House leadership to ask them how they can prioritise that Bill, but nothing has been forthcoming. Hon. Deputy Speaker, our role is legislation and as legislators, if we do not legislate on issues that are affecting this country, we will be failing in our duties.

Hon. Deputy Speaker: You have put your point across. Is that the position, the Chairperson of the Departmental Committee on Health? And what are you likely to do with it? We keep having problems because you do not seem to have a response.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you, Hon. Deputy Speaker. I would ask the people managing this equipment to look at mine because it is not working.

Hon. Deputy Speaker, it is true we have had the Bill for some time and we have had a discussion with the Member. It is a very important Bill. We had discussions with the stakeholders and it had a lot of interests. It was suspended for three months to allow the Member and the Ministry to agree on a few things that had been raised by the stakeholders. Unfortunately, the COVID-19 pandemic came and we have not managed to meet afterwards. I will fast-track it to make sure we are back on track.

Thank you.

Hon. Deputy Speaker: Okay. Is it the Chairperson, Budget and Appropriations Committee, moving this Special Motion? I thought it should be the Leader of the Majority Party. We are on Order No.8, the Reduction of Publication Period for a Specified Bill. Is it the Leader of the Majority Party or Hon. Kimani Ichung'wah who seems to be very busy?

(Hon. Kimani Ichung'wah consulted loudly)

Hon. Kimani Ichung'wah, do not get confused at all. Just proceed and move this particular Motion. I understand the situation you are in.

(Laughter)

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD FOR A SPECIFIED BILL

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Deputy Speaker. I was consulting with the...

Hon. Deputy Speaker: No, you do not need to mention names now. Just proceed. I know you were consulting. Proceed.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Deputy Speaker, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order No.120, this House resolves to reduce the publication period of the Supplementary Appropriation Bill (National Assembly Bill No.9 of 2020) from seven days to two days.

Hon. Speaker, as Hon. Members are aware, this Bill was published at the end of last week following adoption of the Report by the House on Wednesday. As you have rightly mentioned, if we were to proceed on the working recess in the month of May to work on the Annual Estimates, we will need to have this Supplementary Appropriation Bill (National Assembly Bill No.9 of 2020) debated and then hopefully approved. Considering also the number of sittings we have in a week, we should have the Second Reading later this morning and the Third Reading this afternoon.

The Supplementary Appropriation Bill (National Assembly Bill No.9 of 2020), as you are aware from the Report that we tabled and debated last week, has a number of things that would immensely help the country in terms of COVID-19 pandemic mitigation measures. It will help in the financing of the COVID-19 pandemic-related expenditure in the Ministry of Health and other departments, including security and more instructively, even things that would help cushion Kenyans against the negative effects of the COVID-19 pandemic. That is why the Deputy Majority Whip was consulting on the issue of pending bills.

Hon. Deputy Speaker, you remember early mid-last year, His Excellency the President directed that all pending bills that were owed to suppliers and contractors in the Government be settled. Amongst the issues that we have seen being conversed in the media is the issue of the Kshs40 billion that was reported to have been spent. It is important for Kenyans to understand that among the money budgeted in that figure of Kshs40 billion, it is only about Kshs13 billion that is going towards settlement of pending bills to contractors. Top among them are the suppliers that you saw demonstrating in Nairobi over the Correctional Servicers Department of Prisons and other departments.

Hon. Deputy Speaker, there are also tax refunds that will be crucial in cushioning corporations and other businesspeople who are today retrenching workers because of negative effects of the COVID-19 pandemic. We hope that with this kind of cushioning from the funds that we will appropriate through the Supplementary Appropriation Bill (National Assembly Bill No.9

of 2020), many of these corporations will be able to hold a number of their employees that they would otherwise have retrenched.

With that, Hon. Deputy Speaker, I want to request the Vice-Chairperson, Hon. Moses Lessonet, to second.

Hon. Deputy Speaker: I cannot get your card, Hon. Moses Lessonet.

(Hon. Moses Lessonet spoke off record)

Never mind. There are other circumstances that may have made me not to see you properly. Yes, let us see you now.

Hon. Moses Lessonet (Eldama Ravine, JP): Thank you, Hon. Deputy Speaker. I stand to second this very important Special Motion in terms of reducing the publication period of the Supplementary Appropriation Bill (National Assembly Bill No.9 of 2020).

(An Hon. Member walked along the aisle)

Hon. Deputy Speaker: Order! Who is this lady with a windscreen? Take your seat, please.

Hon. Moses Lessonet (Eldama Ravine, JP): Hon. Deputy Speaker, between now and end of the financial year is basically two months, that is, May and June. This money needs to be spent especially on the issue of the COVID-19 pandemic.

You are well aware of the demand for the personal protective equipment (PPE) by our medical practitioners in our medical facilities such as the N-95 face masks. They need them now. Even vulnerable groups in informal settlements, for instance, Kibra, need to promptly access this money from now. That is the reason we are calling this House to support the shortening of the publication of the Supplementary Appropriation Bill (National Assembly Bill No.9 of 2020). We are calling upon the House to support the reduction of the publication period. In the spirit of making things short, I want to end my contribution...

Hon. Deputy Speaker: Hon. Lessonet, you are making a request for shortening but you are elongating it. This is something that can be resolved quickly.

Hon. Moses Lessonet (Eldama Ravine, JP): Hon. Deputy Speaker, so that the issue can be resolved quickly, I second.

Hon. Deputy Speaker: Did you support or second?

Hon. Moses Lessonet (Eldama Ravine, JP): I seconded.

(Question proposed)

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

Hon. Deputy Speaker: I hear you, Hon. Pukose.

(Question put and agreed to)

An Hon. Member: On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Let us move to the next Order. I do not see what is out of order in putting the Question.

BILLS*First Reading*

THE SUPPLEMENTARY APPROPRIATION BILL

(Order for First Reading read - Read the First Time – Ordered to be read the Second Time today by leave of the House)

Second Readings

THE SUPPLEMENTARY APPROPRIATION BILL

Hon. Deputy Speaker: Chairperson, Budget and Appropriations Committee, had you moved it?

Hon. Benjamin Washiali (Mumias East, JP): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is it, Hon. Washiali?

Hon. Benjamin Washiali (Mumias East, JP): It has been an hour since the commencement of business for today and I am aware of your communication of allocating seats to Members. Some seats are still empty and we are moving to an important business. I want to request you to allow some of our colleagues seated in the other lounges to occupy these empty seats.

Hon. Deputy Speaker: The only problem is that I keep seeing Members coming in and going out. Therefore, I am not sure whether these seats are unoccupied or Members are coming back. I can see Seat Nos. 155, 192, 197, 214, 297, 300 and 315 are not occupied. We could have a few Members from the other areas come in. Seat No.155 has already been occupied. Three or Four Members can come in and we can slot them in those seats.

Let us proceed. Hon. Ichung'wah, you have the Floor.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Deputy Speaker, I beg to move that the Supplementary Appropriation Bill be now read a second time.

As I moved the Procedural Motion, I noted that we concluded debate and adopted the Report of the Budget and Appropriations Committee. It is on the basis of that Report that this Supplementary Appropriation Bill has been prepared. As I had rightly mentioned, once this Bill is approved by the House, and assented to by the President, by the end of the week, it will go a long way to cushion Kenyans against the negative effects of COVID-19 pandemic.

As I mentioned, huge resources have been voted towards settlement of pending bills. As you noted, when we debated the Report of the Budget and Appropriations Committee, we had taken resources from the National Assembly to a tune of Kshs2.1 billion...

Hon. Deputy Speaker: Just a minute, Hon. Ichung'wah. I can see a lot of crowding. Please organise for a way of having Members walk in without crowding. Seat No.1, ordinarily occupied by the Deputy Speaker, can be allocated to any Member of the Speaker's Panel. For the rest of the Members, let us come in a more organised manner.

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Deputy Speaker. I was saying that upon assent of this Bill, I hope the National Treasury will move with speed to ensure that the Exchequer releases are done in time for us to benefit from what the House has done. We have roughly about two months before the end of the Financial Year – That is May and June for

expenditure to be extended for this Financial Year. It will cushion Kenyans. Kenyans are really suffering. You heard from the Question by the Member for Ugenya; they are not just issues of abuse of their human rights by the police. We have devoted adequate resources to ensure that the National Police Service (NPS), Directorate of Criminal Investigations (DCI) and other security agencies, including the National Intelligence Service (NIS) enforce curfew without harassing Kenyans.

Last night, I received a phone call from a constituent who was complaining that he had given a bribe of Kshs10,000 at a police station to be released because he had been arrested for contravening the curfew. One, we have an obligation as Kenyans to stick to the law and the directives given by the Government. Two, we should not allow our police service to abuse the privileges and powers they have under the law to harass Kenyans. As earlier mentioned by Members, anybody arrested should be subjected to the rule of law and not kangaroo courts that are ongoing all over the country.

Kenyans are suffering because of the rising cost of food and rent. Last night, I was analysing my phone and I realised that on average, I receive between 30 to 70 short messages, and over 100 on *Whatsapp* in a day especially towards the weekend of people asking for money for food and rent. Out of these cases, 80-90 per cent are very genuine people who have problems. In our report, we mentioned, and I hope this will be implemented by the National Treasury and other departments of Government that the Kshs10 billion allocated to the Social Protection Fund will go to cushion those vulnerable Kenyans.

We must be careful not to just focus on the elderly because there is a new class of vulnerable people who, two months ago were employed and had secure sources of income but today, they have been laid off from their jobs. They are vulnerable and have no money for rent and food. Members of Parliament will tell you that these are the people who are sending them messages seeking assistance. We may not be in a position to help all the people who contact us.

I have also been confronted by some interesting cases. Over the weekend, someone sent me a text at about 8.30 p.m., one-and-a-half-hours after the curfew and told me that he has no *unga*. Three hours later at about 11.30 p.m., he sent me a *Whatsapp* message, on the same number telling me that *gas imeisha*. I wondered whether he had just realised at 8.30 p.m. that he had no *unga* and at 11.30 p.m. his gas was over. There are Kenyans who are trying to take advantage of this issue to solicit funds. However, there are also very good and hardworking Kenyans.

I beg to mention a gentleman from my constituency, Jackson from Sigona who contacted me over the weekend with a very innovative IT system. He is using his IT skills to develop a system and is looking for help to sell to counties and the national Government in terms of management of COVID-19. Others are also being creative in a very negative way. Maybe, as a word of caution to Hon. Members, I got contacted by somebody last night. The conversation went on and in the course of the day they were walling me on video via WhatsApp. When I received the call, the guy got into pornography things. He was pretending to be a lady. He then started sending me pornography materials on video. I covered the camera of the phone with my finger. Then I disconnected the call because I realised that the camera had frozen.

From the earlier conversation, I suspected that he was recording me. Two minutes after, he sent me a message telling me that I had just gotten myself into a trap, and that he would be circulating the video if I did not cooperate with him. He said, "If you do not pay up or talk to me, I will be circulating it." I told him, "You can go to Hell. You can circulate it. You can take it to the CNN. I am not going to succumb to blackmail." I would like to encourage Kenyans, young Kenyans, to be innovative in the way Jackson from Sigona has been innovative. They should develop systems, with their IT skills, that can help with digital

learning. The challenges we are confronted with today, as much as many of our children in Nairobi could be benefitting from digital learning, there are many children in villages who are not able to benefit from digital learning.

I beg that the Cabinet Secretary Magoha looks into ways of leveraging on the skills of our young people, especially in IT, to enable children in our villages to learn from their parents' phones or whichever other platforms they will be able to learn from so that they are not disadvantaged as we lose out on the days of attending school.

Let me not belabour the point. We may be moving a few amendments that we have discussed with the Budget and Appropriations Committee during our meeting yesterday. Let me take this opportunity to – in a special way – thank Members of the Budget and Appropriations Committee, who have sacrificed a lot of their time. The whole afternoon yesterday, up to about 5.30 p.m., we were holed up in a meeting in County Hall, considering amendments to this Bill and also the proposed amendments to the Division of Revenue Bill. We will be tackling that next week. Let me thank Members of the Budget and Appropriations Committee (BAC) and Chairs of Departmental Committees. I have special mention on the Chair of the Departmental Committee on Communication, Information and Innovation and the Chair of the Departmental Committee on Energy, who also created time yesterday to appear before the Committee to justify some of the amendments that have been proposed by the National Treasury and Planning. Hopefully, we should be able to consider those amendments this afternoon.

With those many remarks, I beg to move and request the Leader of the Majority Party to second.

Hon. Deputy Speaker: Yes, Hon. Duale, you have the Floor.

Hon. Aden Duale (Garissa Township, JP): Thank you, Hon. Deputy Speaker. As I second, I was trying to ask myself something, at the back of my mind, about what the Chair was moving. It is on a light touch. Was it the Appropriation Bill or something else? Let me second the Bill.

This Appropriation Bill is prepared based on Article 223 and Section 44 of the Public Finance Management (PFM) Act. Let me make it very clear. First, it is to thank the Budget and Appropriations Committee for doing a good job and making sure that they interrogated the various stakeholders despite the challenges we are facing as a House, and asked the House to approve the Report on the Supplementary Appropriation Bill. Let me also make it very clear. I am sure the Chair will agree with me that this Supplementary Appropriation Bill is a reflection of this House's resolution on the Financial Year 2019/2020 Supplementary Estimate, which we passed. So, you cannot introduce new things. I hope the amendments that will come this afternoon from various committees will be in tandem with the Report or the resolution of the House.

In simple language, what does this Supplementary Appropriation Bill entail? The amount of money involved in this Supplementary Appropriation Bill, which we hope to finish today, hopefully the President will sign because he has already signed the Tax Laws (Amendment) Bill which is now an Act of Parliament. I am sure all the benefits that were meant to cushion Kenyans from the COVID-19 pandemic have already been translated into law following the assent to that Bill. So, this Supplementary Appropriation Bill seeks to address the following areas or any issues under the COVID-19 interventions. So, the Kshs40 billion people were talking about and asking where it went to, and that the Cabinet Secretary was spending Kshs1 billion a day, was just a fallacy. This afternoon and after this Bill is assented to, the Cabinet Secretary will get money to give to other actors dealing with COVID-19 interventions.

Secondly, the amount of money we are going to deal with or allocate through this Supplementary Estimates Bill will be additional funding to cater for salary shortfalls and unforeseen and unavoidable expenditures that will come up during these emergencies.

Thirdly, there is the element of about Kshs6 billion which will go to pending bills, more so to the correctional services, the Kenya Prisons Service. You have seen Kenyans who are demonstrating. I hope before the end of the Financial Year all those Kenyans from across the country who supplied goods to our correctional service will be paid. Parliament cannot act in vain. If we have allocated money for pending

bills, verified pending bills incurred by our correctional service and the National Youth Service (NYS) must be paid because the money will be there once this House approves the Bill this afternoon.

There are changes in development partners-funded projects. It is because of the various development partners that fund projects in our country. The alignment was to be done based on the situation we are facing.

Finally, this Bill is dealing with the rationalisation of the Budget to align it with expected revenue shortfalls. We are going to face shortages. Our GDP will go down. Our revenue collection will also go down. Economic growth will go down. The Cabinet Secretary explained this yesterday. In a nutshell, a sum of Kshs51.7 billion has been reduced. More specifically, Development Expenditure reduces by Kshs83 billion while Recurrent Expenditure increases by Kshs31 billion. That is essentially in terms of the numbers. So, it is important that, as we approve these resources to various sectors, whether to fight COVID-19 or settle pending bills, these monies must be accounted for.

I urge the Departmental Committees of this House that oversee these agencies to make sure that each and every penny that this House approves is used prudently and value for money is realised.

It is a small Bill. It is mostly based on what we approved under the Budget Estimates. I caution the Chair of the Budget and Appropriations Committee that we will be watching him this afternoon. If you bring anything that will not reflect the resolution of the House on the Budget Supplementary Report and you explain it well with good justification, the House will agree with you.

Traditionally, principally and legally, both in the Public Finance Management (PFM) Act and the Constitution, the Supplementary Appropriation Bill must reflect the Report of the Budget and Appropriations Committee on the Supplementary Budget. You cannot introduce new things. The Chair has done a good job and he has high ranking Members in his Committee like the Leader of the Minority Party. I am sure if we finish today...

Hon. (Ms.) Alice Wahome (Kandara, JP): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order, Hon. Alice?

Hon. Aden Duale (Garissa Township, JP): She wants me to wish her a happy birthday. That is not part of the...

Hon. Deputy Speaker: Hon. Alice, I had given you a microphone. Press it again. It does not seem to be working for you. Interestingly, you had spoken using it earlier. What seat number is that? You might have to come to this one here.

(Hon. Alice Wahome approached the Dispatch Box)

Hon. (Ms.) Alice Wahome (Kandara, JP): Hon. Deputy Speaker, with great respect to the Leader of the Majority Party, the way he has given caution that this House will be watching the Chair of the Budget and Appropriations Committee could be interpreted as a threat and intimidation to the Chair. Is the leader of the Majority Party in order to do that?

Thank you.

Hon. Deputy Speaker: The Leader of Majority Party, you have the Floor.

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, you know if one wants to support their *Tangatanga* friends, they can do it outside, not inside the Chamber. What Hon. Alice is trying to do is to support one of her senior *Tangatanga* Members. Let me withdraw the word “watching”, but the law will be watching...

Hon. Deputy Speaker: Hon. Duale, what is wrong with the word “watching”? I thought that is the business of every Member, particularly the leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Yes, Hon. Deputy Speaker. As Members, we will be watching. We will be looking at the law, whether the Chair will violate the PFM Act and the Constitution. That is our business. To Hon. Alice Wahome, happy birthday to you. If you want to support your *Tangatanga* friends, I have no problem, but please do it outside the Chamber.

Hon. Deputy Speaker: Hon. Mishra, what is it? Are you having an issue with birthday issues?

Hon. Swarup Mishra (Kesses, JP): Thank you, Hon. Deputy Speaker. *Tangatanga* is not parliamentary language or word.

Hon. Deputy Speaker: Let us start afresh. What did you say?

Hon. Swarup Mishra (Kesses, JP): *Tangatanga* is not parliamentary language or word. Can it be withdrawn with immediate effect? Tomorrow we will...

Hon. Deputy Speaker: Hon. Mishra, I am following you and I am only getting the issue of withdrawing. I want to know what is supposed to be withdrawn. What did you say again?

Hon. Swarup Mishra (Kesses, JP): You see, politics is different from governance. So, Hon. Duale should withdraw the word *Tangatanga* immediately. We are in Government and we are governing in Parliament and not politicking.

Thank you.

Hon. Deputy Speaker: Actually, I have not followed you at all.

(Laughter)

You know the Leader of the Majority Party has better ears. Hon. Ichung'wah, I will give you an opportunity because you have been mentioned. What is your issue?

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Deputy Speaker, I have no problem with the Leader of the Majority Party using or mentioning *Tangatanga*. That is an *unbwogable* movement of the hustler nation and like-minded Kenyans. What I have a problem with is the Leader of the Majority Party, seemingly imputing improper motives on the Chair of the Budget and Appropriations Committee.

Hon. Deputy Speaker: In what manner, Hon. Ichung'wah?

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Deputy Speaker, he is a stickler to procedure and rules of this House. Therefore, I do not know what the Leader of the Majority Party is basing his insinuations on. Maybe in the afternoon sitting, there may be things that might be done. Unless there is something he wants to do, but it cannot be the Chair of the Budget and Appropriations Committee. I beg that he withdraws anything that imputes improper motive on the person of the Chair of the Budget and Appropriations Committee.

Hon. Deputy Speaker: I did not follow the point of order of Hon. Mishra. So, I am not going to pursue it. The problem with Hon. Mishra is the kind of face mask he is wearing.

(Laughter)

I think it is sound proof. We want Members to be using only virus proof face masks, not sound proof. Hon. Mishra, I tried three to four times to follow what you were saying. Ordinarily, you are clear. Today, you were not audible and I realised that your facemask is sound proof. Now, if you really have to wear a sound proof face mask, you should not request for an opportunity to speak. I

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cannot read your mind, but I can only hear your voice unless the Leader of the Majority Party can read signs. I can see some signs given by Hon. Mishra, the indomitable Member for Kesses Constituency. He is standing again. Do you want to clarify something?

Hon. Swarup Mishra (Kesses, JP): Hon. Deputy Speaker, this mask is from Rift Valley. It may not be from Nairobi. It is a special one.

Hon. Deputy Speaker: Well, Hon. Mishra says it is a local one, but the person who made it most likely made it with voice in mind and not the virus. Maybe it serves both. That will be good. The Leader of the Majority Party, what is it?

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, before I second, you know without the mask, it is always difficult to hear what Hon. Mishra says. Now with the mask, it has even complicated the matter. The quality of the mask he has looks like a piece of carpet.

(Laughter)

It is so thick that nobody can hear what he is saying. He has said that I withdraw the word *Tangatanga* which I have no problem doing.

On the point of order of the Chair, Budget and Appropriations Committee, I will be the last person to impute improper motives on the Chair. Hon. Mbadi and the Members who were in the 10th Parliament will agree with me. I have seen more than four chairs of the Budget and Appropriations Committee; Hon. Ogindo, Hon. Mbau, and Hon. Mutava Musyimi. He is the fourth one and he is one of the best, and I can confirm that. Outside his competency, I can judge him the way I want. I have no amendment to this Bill. The House adopted the Supplementary Appropriation Report. This Bill is a reflection of that Report. So, for anything outside the Report, the House must be convinced this afternoon. I am only cautioning him. I do not want him to go into headwinds.

Hon. Deputy Speaker: The only problem I have with you, the Leader of the Majority Party and the Chairman of the Budget and Appropriations Committee, is that in his own wisdom, the Chair of the Budget and Appropriations Committee felt that you are the one who is supposed to second. I thought you had consulted and thrashed any thought that there could be anything in the afternoon that is new. This is a Bill the Chair has moved and you are seconding. So, you must read from the same page.

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, it was part of the notes I prepared just to caution the House. Hon. Deputy Speaker, next time you need to give Members wearing heavy masks specific microphones so that you can hear them, because you kept saying you could not hear what Hon. Mishra was saying, yet he is one of the best performing Members of Parliament.

With those many remarks, I beg to second.

(Question proposed)

Hon. Deputy Speaker: The Leader of the Minority Party, do you want to speak to this?

(Hon. John Mbadi spoke off record)

We will start with the Leader of the Minority Party, then I will come back to the rest of the membership. That is as per our Standing Orders and the rules we made.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Deputy Speaker. As I support, if you listened to the Chair of the Budget and Appropriations Committee, you must have noticed he did not have much to say regarding the Bill. This is purely because the Bill is a reflection of the Report that this House passed. The exchange between the Leader of the Majority Party and the Chair of BAC is just to reinforce the provisions of both Articles 221 and 223 of the Constitution. It is clear that once this House approves the report on Supplementary Estimates, that report is supposed to be converted into a Bill. That Bill is then debated. Therefore, I do not want to go into the details of this Supplementary Appropriations Bill, because all the issues that are covered in it were discussed when we were discussing the report of the Committee.

I just want to talk about two things. Number one is regarding provision of resources towards COVID-19. When we were discussing the report, what we received from the Treasury fell short of our expectations as a Committee. Only Ksh40 billion—now it is Ksh43 billion because we added Ksh3 billion—which was targeted towards the fight against COVID-19. What stands out in this Bill and in our report, is that a significant amount of money has been provided towards payment of pending Bills and also to help KRA pay tax refunds. That will help in stimulating economic growth, which is on its knees. Our economy right now is on its knees.

With regard to the other amounts that are allocated to the fight against COVID-19, I want to again plead with the Departmental Committees. I have a problem that this House has not been giving enough attention in terms of oversight role. It is one thing to provide resources and it is another thing for those resources to be spent prudently, efficiently and appropriately.

If you go back to previous parliaments—especially the 9th and 10th Parliaments—you will find robust reports from Departmental Committees on amounts appropriated under each budget line. We were holding Cabinet Ministers and Permanent Secretaries who were the accounting officers to account. Hon. Keynan is here. He will tell you that when he was chairing the Departmental Committee on Defence and Foreign Relations, we had a report in this House which indicted a Cabinet Minister and he left his job because of that report. But right now, since the beginning of this Parliament, I am yet to see any single report from the Departmental Committees indicting or exposing the rot in various Ministries. Do you want to tell me that since the 12th Parliament, the government has become so efficient that all the thieves have left government and that now Parliament appropriates funds and they are spent prudently?

What I am trying to say is that, let Departmental Committees, which have the oversight responsibility, and the Public Accounts Committee (PAC) take their responsibilities more seriously, so that this House executes its oversight function. We have three main functions: legislation, representation and oversight. You can also add appropriation. As the 12th Parliament, we are not up to speed and up to standard on the function of oversight. Therefore, I challenge Hon. Sabina Chege, who chairs the Departmental Committee on Health, to oversee these amounts that we have allocated to the fight against COVID-19, whether they are resident in the National Intelligence Service (NIS). Quite a bit of money has been allocated to NIS, and we know the opaqueness of this agency. But again when we are convinced as a budget committee that this is in the interest of the security of this country, our role is to allocate money and expect the relevant Departmental Committee to oversee the use of that amount of money.

That is what I wanted to say on this Bill, because we have discussed almost everything in this Bill. May you allow me to say that I know the Chair will bring some amendments, but the

amendments that he is likely to bring will mostly seek to reduce the deficit even further; in fact, I do not think there is any amendment that seeks to increase expenditure. We are just trying to manage the deficit. That is in the interest of the people of this nation.

Thank you, Hon. Deputy Speaker. I support.

Hon. Deputy Speaker: Was it Hon. Odoyo? I will then consider Members in other seating areas.

Hon. Jared Okelo (Nyando, ODM): Hon. Deputy Speaker, firstly, let me thank you for giving me this opportunity. In the same breathe, let me delve into the fears that the Leader of the Majority Party harbours. Being a ranking Member, he must have spoken out of experience. Certain times, even though this House moves with speed to pass very pertinent legislative agenda, at the end of the day there could be other quarters that interfere with what has been passed by this House by introducing extraneous matters that were not part of the piece of legislation.

As we support this Bill, we also have to take cognizance of the fact that this is an unprecedented matter, brought about by the emergence of COVID-19. Fundamental questions arise. We know that every Kenyan is paying for their own face masks at the moment. We only hope that this Supplementary Appropriations Bill will cushion Kenyans against monies that they are spending at the moment to buy face masks and other PPEs. It is important that we realise that at the moment Kenyans are really suffering. Actually, they are not feeding from hand to mouth, but from finger to tooth. Therefore, we must use these monies appropriately to salvage them from the current status they are in.

Mass testing is necessary so that we can with certainty determine the number of people who are suffering from Covid-19. We know that on a daily basis the Ministry of Health, and at certain times the President of this country, releases figures of confirmed cases. But those figures are based on those who have been collected, quarantined and tested. However, you can imagine the number of people suffering out there who have never been subjected to any kind of test. I would, therefore, appeal that the money we are passing, perhaps, this afternoon or few days to come, helps carry out mass testing to the suffering people of this nation.

Hon. Deputy Speaker, we know of those who have been isolated and forcefully quarantined. It is absurd. At the end of the day, they are compelled to pay for staying in facilities that the Government chooses for them. Let us hope that this money will help Kenyans, including those who are indigent in various ways to alleviate them from the kind of punitive measures currently employed by the Government.

I represent Nyando Constituency. Besides struggling ...

Hon. Deputy Speaker: Hon. Okello, you have a minute and some seconds. In the meantime, let us have Hon. Gitonga and Hon. Odanga from the other holding areas.

Hon. Jared Okello (Nyando, ODM): I thank you, Hon. Deputy Speaker. Even though we are currently experiencing a deluge in my constituency, and given that we also have people in evacuation centers, we are trying to prevent people from being in close contact with each other. We are practising social distancing. I hope that the flooding being experienced currently in the country will also be considered in this Supplementary Budget.

There are those who are due for retirement. You will wonder why the Government would pursue retirement benefits of civil servants at this time. I would, perhaps, recommend that we add them a few more days to be in service so that they do not go back to the villages and expose our people to COVID-19.

As the Leader of the Minority Party has stated, we also hope that this money will be used prudently so that in a few months to come we do not hear about people who have squandered this money and hence give the DCI an additional responsibility.

Hon. Deputy Speaker: Your time is up!

Hon. Jared Okello (Nyando, ODM): I thank you for giving me this opportunity.

Hon. Deputy Speaker: Is Hon. Gitonga in? I do not see him. Meanwhile, let us have Hon. Chepkut.

Hon. George Gitonga (Tharaka, DP): I am in!

Hon. Deputy Speaker: Okay. Jst hold on there. In the meantime, Hon. Chepkut can speak. Have the Floor please.

Hon. William Chepkut (Ainabkoi, Independent): Hon. Deputy Speaker, I rise to support the Supplementary Appropriation Bill. I want to plead with the Chair of the Departmental Committee on Health, Hon. Sabina Chege and the Chair of the Budget and Appropriations Committee, Hon. Kimani Ichung'wah. The Leader of the Minority Party, I salute you.

Indeed, you are committed to providing leadership towards addressing the COVID-19 challenges in this nation. Chairman of the Budget and Appropriations Committee, I had mentioned to you that there is no money allocated to Moi Teaching and Referral Hospital (MTRH). We want the highest resolution machines.

I come from Uasin Gishu and the MTRH is in my own constituency. It is serving this country. Out of the 47 counties in this Republic, we are serving 22 counties. You allocate a lot of money to other hospitals like Othaya Level 6 Hospital and Kenyatta National Hospital but there is no money in MTRH. I want you to move with speed and allocate money to MTRH for expansion and buying of high resolution machines and equipment. We also want MRI machines. I already mentioned that to the Minister for Health.

I also want to talk about the Sports Fund. It is grand money. They have more than Kshs4 billion. We wrote a letter to the Permanent Secretary detailing the same. I have also talked to the Cabinet Secretary for National Treasury. He told me those issues are within the jurisdiction of the Chair of Budget and Appropriations Committee and that of the Departmental Committee on Health. I want the Leader of the Majority Party to be very objective and constructive. I want us to tolerate each other. Let us not quarrel in this House. I subscribe to unity and diversity.

Hon. Deputy Speaker, you are a good man. I do not quarrel and neither do I encourage quarrels in this House. I want harmony. Let us not become cheap. I do not want us to be petty. I want us to be mature and provide dynamic leadership in this nation. Let us support His Excellency the President because he is number one – the five-star general in this country.

(Applause)

There is a time for everything in life. God's favor and grace surpass all human understanding and instruments of power. Leader of the Majority Party, I am happy. I talked to Hon. Raila himself and he is supporting this country. Hon. Ruto is also supporting this country. And so is everybody else. I do not subscribe to petty issues. I am above that. I have had experience during the late President Moi's regime.

Hon. Kimani Ichung'wah, please, move with speed and allocate enough money to MTRH because we support more than half of the counties in this Republic. Hon. Deputy Speaker, I plead with you. MTRH is key.

With those few remarks, I believe in unity and diversity. Let us encourage the spirit of working together. God says, “What does it benefit a man to own the whole world and lose his own soul?” Dreams cannot become a reality through magic. It takes God’s prayers, sweat and challenges. If you want lemon, you must squeeze the lemon to get lemonade.

(Laughter)

Let us be consistent. Let us encourage commitment, networking and, of course, competence. I do not want culture. Culture is the one killing this country. I want us to be disciplined all the time.

(Applause)

Hon. Deputy Speaker: Hon. Chepkut, your time is up. In this era of COVID-19, I can see that you have been really reading the Bible a lot and also drinking lemonade to add vitamin C. Let us have Hon. Gitonga on the Floor. Which seat are you in? Probably, you need to move to the Dispatch Box.

(Loud Consultations)

Hon. George Gitonga (Tharaka, DP): Thank you, Hon. Deputy Speaker. My surname is Murugara. We have Hon. Kitonga Maanzo, but I am Hon. Gitonga Murugara. The problem is the letters K and G. With the knowledge that you guys come from down the Rift valley, sometimes it is difficult to make the distinction.

I rise to support. It is vitally important that we now commit the last phase of these funds to the Government so that it is able to render services to the people. These are extraordinary times. We have the pandemic that is bedeviling the country and money is required as a matter of urgency. We have been told that about Kshs40 billion have been set aside for this matter. The reason we have not seen this money trickling down to *mashinani* is because we have not given the nod. Today, we should give that nod so that we are able to move forward.

Out of the Kshs40 billion, it is good to acknowledge that this House - the House of Parliament - has contributed about Kshs2.5 billion by forfeiting travels and most allowances. As we fight the pandemic, it is important to remind the Executive that we must at all times work within the parameters of the law because we have seen the curfew laws and, the laws that control the movement of the public so as to prevent the spread of the COVID-19 disease.

Unfortunately, it is important to point out that some of the laws being enforced have been made pursuant to old colonial acts, relics of colonial rule and those regulations actually contravene the Constitution. We will be bringing those to the attention of the relevant Government agencies when we meet them because we feel in trying to enforce some of these regulations, the rights of citizens are being contravened. It is important to point out that as I sat over there waiting for the good eye of the Speaker to catch me, I received a note from a leader of interns in the country who tells me that since they were recruited they have not been paid.

I single out the Teachers Service Commission (TSC) which has recruited interns. I believe this is the money they are waiting for so that the welfare of these young people can be taken into consideration. They are paid whatever stipends they are supposed to get so that they can also live

descent lives especially during these very difficult times. We have been told about austerity measures. We have accepted them as a country and we know we have to reduce taxes so that citizens get some relief in their lives. Unfortunately, this House must stand to guard this money which we are giving to the Executive and which will eventually go to the counties because we know some of these county governments try to divert monies meant for projects to other useless ventures.

Finally, once we give the nod and the President assents to this Bill, as the National Assembly, we plead that monies be taken to all the agencies where we have pending work to be done and where citizens are waiting upcountry to receive services from the Government. Let me be specific that Kenya Rural Roads Authority (KERA) is waiting for money so that it is able to work on the KERA Roads which are supervised by area Members of Parliament. It is vitally important that as soon as we do these appropriations, KERA is well funded, and roads that have been dilapidated because of the torrential rains are brought to standard so that even those who live in rural areas can feel that they are part and parcel of the Government.

It is important to talk about my own constituency because it is waiting for its roads to be fixed; Tharaka is waiting for its roads to be fixed. The roads in Tharaka are quite different from roads in the rest of the Mount Kenya region because of one reason or the other, the tarmac level is extremely low. I have always told Hon. Ichung'wah that as we prepare the next Budget, he should remember 20 kilometers of tarmac for Tharaka.

With those remarks, I beg to support.

The Deputy Speaker (Hon. Moses Cheboi): I have to look out for the other gender. We have not really given them an opportunity.

Hon. (Ms.) Rehema Jaldesa (Isiolo (CWR), JP): Thank you, Hon. Deputy Speaker. I had put an intervention to draw your attention, but I am glad you saw it.

I also want to support the supplementary budget. However, I want to echo what was raised by the Minority Leader. He spoke for many of us and for many people out there, especially on the need for accountability and for this House to take our oversight role very seriously. I am saying this because in this House we do quite a lot, yet the impact is not felt on the ground. We have just allocated massive amounts to fight the COVID-19 tragedy in terms of intervention, yet Kenyans are suffering. They are suffering on top of their already existing situation. They are forced to wear masks, which of course we agree it is a necessity, but I am so disheartened to see *boda boda* riders, especially from my constituency who cannot even make Kshs100 per day being arrested because they cannot afford to wear a face mask. We have allocated Kshs43 billion and we have seen all these private companies donating, yet I have not seen a single donation in my county.

I must thank Kenya Pipeline Company (KPL) because it is the only organization that gave us a hand sanitizer. Other than that, we have not received anything else even from the county. I can say my governor has not given a single face mask and yet we are in this House approving huge amounts of money. Let the Budget and Appropriations Committee or the National Treasury not take advantage of the situation to sneak in inequality in this budget allocation. I have gone through the document. Actually for the first time I read it item by item. When I looked at the amounts from the development partners, and I want Members here to critically look at them, there is a lot of inequality and inequity. Most of those funds are going to very few areas in this country. Therefore, we do not want to be seen as a House that serves the interest of few.

(The Deputy Speaker (Hon. Moses Cheboi) left the chair)

(The Temporary Deputy Speaker

(Hon. Christopher Omulele) took the Chair)

We want to have equity in funds; they should be distributed fairly in this country. The vulnerable members of this community are suffering. In all this fight against COVID-19 I have not heard a serious intervention going to people living with disability. I have not heard a specific intervention for widows and single mothers. I am a senior member of those vulnerable groups; I am a single mother and we must speak for them. I really want to appreciate the effort being put by the Government through the Ministry but we want to see more. I want to urge my brother, the able Chair of the Budget and Appropriations Committee to take cognizance of my concern.

Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Kioni, you have the Floor.

Hon. Jeremiah Kioni (Ndaragwa, JP): I know we are talking about COVID-19 and that is the problem we have. However, as we get consumed by COVID-19, in Ndaragwa we are being consumed by locusts. It is important that even as we do the supplementary budget we do not forget the difficulties that this country went through and is likely to go through given the reports that we have been receiving from the World Health Organisation (WHO); that is, we are likely to be attacked again by the locusts. If that happens, the issue of food security will be badly compromised. It is important that the Government prepares for the same.

Equally, we are getting used to this new behaviour and guidelines in trying to combat Covid-19. But we also need to look for ways of getting back to normalcy as soon as possible. When you look at what is happening to other countries, it is important that we escalate testing and contact tracing. Those are the two things that will help us get back quickly to the new way of doing things.

Hon. Temporary Deputy Speaker, I heard what the Leader of the Minority Party said. That is crucial. We have been exposed more than before during this period of Covid-19. Parliament has been muted. Saying “No” to something does not make one become a bad person. It gives hope to Kenyans. The 12th Parliament is likely to go down in history as one of the Parliaments that were completely dead on issues of oversight. We are just here to rubber-stamp. Of course, the person who takes the credit is the Leader of the Majority Party, who has mustered the trade. Other than the Leader of the Majority Party and the Leader of the Minority Party, we are just here like bus conductors. We are just following what is being done and yet, we need to behave like a parliament. Parliamentary oversight is dead in Kenya. We just come here and rubber-stamp decisions that have been made elsewhere. The Cabinet Secretary for the National Treasury has already published a Bill seeking to take away some money that has been allocated to the county governments. That money can only be re-allocated through an amendment to the County Allocation of Revenue Bill 2020. First, that Bill is unconstitutional. We are likely to come here and purport to pass unconstitutional things. We should say it is wrong from the beginning.

Hon. Temporary Deputy Speaker, we have given the National Government Kshs40 billion for intervention on Covid-19. However, if what we are seeing happening at the county level is

what the national Government is going to do, then we are losing the battle against Covid-19. There is an example of a county which, to-date, has received only 15 sets of personal protective kits, 10 overalls, 200 pieces of surgical masks, 1,000 pieces of N95 masks and 230 packets of surgical gloves. If those are the kinds of things that they are sending to the county governments, we are losing this battle. I have not been a supporter of the way the county governments manage their funds but, they are the ones who can help us get to the people. They are nearest to the people. They have the infrastructure that would enable us to know who are starving, who require medical attention and where they need to intervene quickly so that we reduce the pain that Kenyans are going through. We should be very careful. We should not reduce funding to the county governments.

Secondly, the Departmental Committees ought to wake up. I know we are going into a Committee of the whole House, and I will say the same. If you are not overseeing, let us ask questions. Do not ask us to come here and pass funny reports. In as much as it is a matter of mitigation on the spread of Covid-19, the arrangement of having only 62 Members sitting in the Chamber at any given time is not good. We must look for a way of resuming normalcy. As it is, a sitting of the National Assembly looks like a press conference where a few people talk, we okay the Bills and move on. I know that we have to abide by the Covid-19 guidelines, but let us look for ways of getting back to normalcy as quickly as possible. We need to talk to the Ministry of Health and other stakeholders to help us get there.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Let us have Hon. (Dr.) Pukose.

Hon. (Dr.) Robert Pukose (Endebess, JP): Hon. Temporary Deputy Speaker, with all due respect to hon. Members, the Report had been tabled in this House. We are just discussing it and repeating ourselves over and over again. We may be saying the same things in different ways, but we are still repeating the same message. Will I, therefore, be in order, under Standing Order No. 95, to request that the Mover be now called upon to reply? That is because matters of Covid-19 will be discussed in the afternoon.

(Loud consultations)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Order, Hon. Members. Hon. (Dr.) Pukose is perfectly within his rights to raise it. You are the ones who will make that decision. I will allow you to do so right away.

(Loud consultations)

Hon. Members, just hold your horses. I have looked at the interest in this matter. Right now, we have 35 Members who are interested in speaking on this debate. I think it is fair for Members' voices to be heard on this debate. So, I will overrule you, Hon. (Dr.) Pukose, so that we proceed.

(Applause)

The next Member who is going to have the microphone is Hon. Oluoch, whom I am told is in some waiting area outside the Chamber. Is he here? He may proceed.

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Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Temporary Deputy Speaker, for the directions that you have given. Indeed, even as we deal with this health pandemic, the constitutional mandate of this House to debate matters as serious as the Budget must not be subjected to this kind of omnibus called “Standing Order No.95”. You have read the mood of the House correctly on this one. When it comes to matters of the Constitution and budget-making, there can never be a more important task and duty in this House than what we are transacting today.

I want to make two points as I support this Bill. First, is in terms of what is going into social protection. I thank the Committee and the House for agreeing to forfeit some money that should have gone to the Parliamentary Service Commission for our foreign travel. We have agreed that this money should go towards ring-fencing our frontline health workers from the Covid-19 hazards, and that the oversight should be undertaken by this House directly. That is very important. Therefore, we support what the Leader of the Minority Party said about direct oversight.

However, in terms of social protection, I wish we could add more funds and enhance oversight on the Kshs10 billion that is going towards cash transfers so that we can expand the bracket of who constitutes vulnerable members of the society. At the moment, when we talk about vulnerable people, there is a category of people in the informal settlements, especially youths who are unemployed. We need to know how we are going to protect those people if they are not benefitting from what we are putting together in terms of social protection.

Lastly, on oversight, when we talk about the data, there is a duty for the Departmental Committee on Labour and Social Welfare to require that the data be published. Who are the beneficiaries of those funds? Are we using the data from the Huduma Number registration exercise that was conducted recently or the statistics obtained from the last census? If we do not, as a House, get these things done correctly, this could end up becoming another National Youth Service (NYS) scandal or Ruaraka land purchase scandal.

My second point is on access to water. We have been told to wash our hands, wear face masks, stay at home and keep social distance. However, in informal settlements, like my constituency, there are lots of problems in terms of accessing water. I want to find out whether we have allocated enough money to the Ministry of Water so that we can have water storage facilities and boreholes. I want to find out whether we have allocated enough money to the Ministry of Water so that we can have water storage facilities, boreholes, tanks and other items.

Last week, I had proposed an amendment to the Tax Laws (Amendment) Bill. In my interaction with the Leader of the Majority Party, he assured me that my amendment would be put in the Finance Bill. I hope this will be done so that, as we tell our people to wear face masks and wash their hands, they have water. Lastly, as my time winds up, I want to speak on the issue of mental health. Last year, I think the Departmental Committee on Health allocated Kshs100 million to Mathari Mental Hospital, which was removed.

Let us take into account the mental health status of our frontline health workers, people in quarantine and those in isolation in terms of how we can protect the mental health of the nation during this time. I wish we allocated more money to Mathari Mental Hospital so as to expand mental health care to our people.

My last point is on the Supplementary Budget as a means of budgeting. We must not replace the norm of budgeting through the main budgeting process with supplementary budgeting. This will encourage corruption, avoiding the main budgeting process and enter into a process of budgeting through the medium of Supplementary Budget.

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

Hon. (Ms.) Odhiambo-Mabona (Suba North): Point of information, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Let us have Hon. Kabinga Member for Mwea. As he contributes, Hon. Rono is outside and should prepare to come in and give his speech. Who do you want to inform, Hon. Millie Odhiambo?

Hon. (Ms.) Odhiambo-Mabona (Suba North): I wanted to inform Hon. Oluoch.

The Temporary Deputy Speaker (Hon. Christopher Omulele): He has finished. You are out of order. Hon. Kabinga proceed.

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Temporary Deputy Speaker. I stand to support this Bill. As I do so, I want to caution that these are extraordinary times when we, as Parliament, need to act in a more serious manner. This is the time we are likely to invite illegalities in the execution of the Budget in this country.

I know we are in a rush to ensure we fund the necessary areas to fight Covid-19. But, as we do so, we need to act more seriously, especially in the area of oversight, as alluded to by the Leader of the Minority Party. We are just about to discuss our third budget and, in every budget discussion, we talk about oversight. We have not seen any action being taken. This means something is lacking. It is high time the Liaison Committee held a special sitting to look into the challenges the various departmental committees could be facing in their execution of oversight.

In this Supplementary Budget, we have provided sufficient funds to fight Covid-19 in the short-term. It is high time we looked at some of the vulnerable areas, ensure they receive serious interest and are fully catered for. It is in the interest of this country to ensure people like *boda boda* operators are well taken care of. In the money we have provided, I am persuaded that this country can afford to provide, at least, 10 masks for every *boda boda* operator in this country to ensure that they are well protected because it is in our own interest.

As I was doing my normal checks in my constituency, I realized that *boda boda* operators are suffering. Some of them are using handkerchiefs as masks, just to ensure that they are not caught by the police. Some of them are going a whole day without a single cent. Yet, we expect them to buy masks. We have provided money and it is high time we ensured the money is used to provide masks. Masks cost very little and yet, this is a group that can cause real problems in this country.

As I conclude, this is the time we need to ensure that the Executive, in its execution of the budget, does not violate any law - especially the Public Finance Management (PFM) Act, Section (44)(1), where they overspend and come to Parliament in the name of this particular section. In the same way, they are using the Constitution in Article 223 where they spend money outside the budget because it is provided for. It is important for us to ensure that money which goes to pay outstanding bills is checked and we do not just pay. We do not want Coronavirus entrepreneurs to spring up out of this Supplementary Budget we are providing.

I strongly feel that oversight is an area which this Parliament has diluted to an extent that we have sold out our respect. As I have said, we should let the Liaison Committee sit down and come up with tangible suggestions on how the various departmental committees can go back to their roots and execute the mandate of oversight in this country.

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

The Temporary Deputy Speaker (Hon. Christopher Omulele): Has Hon. Rono come? Hon. Kabinga finds a lot of favour with me because the police have taken it up among themselves,

to operate like the Constitution of this country has been suspended. This is also true for the people of Luanda, where the police have taken to breaking the legs of *boda boda* boys every day. Yet, there is no court to listen to those people. The Constitution is still in place. Kenyans must be protected. The police must know that their work is to protect Kenyans. Hon. Rono, proceed.

Hon. Daniel Rono (Keiyo South, JP): Thank you, Hon. Temporary Deputy Speaker. Apparently, I am not used to this mask because it is choking and suffocating me. But I will make do with it as I make one point on my County of Elgeyo Marakwet. I support this Supplementary Budget.

Hon. Daniel Tuitoek (Mogotio, JP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): What is out of order, Member for Mogotio.

Hon. Daniel Tuitoek (Mogotio, JP): (*spoke off-record*)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Yes, Hon. Rono, you have complained the mask is choking you but, this is the tragedy of the time. You have to bear and get used to it.

Hon. Daniel Rono (Keiyo South, JP): I am within the social distance rule. In fact, he is miles away from me. I request you to tell him to shut up. In the meantime, may I continue.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Proceed.

Hon. Daniel Rono (Keiyo South, JP): I come from Elgeyo Marakwet where floods are wreaking havoc. As we focus our attention on Covid-19, let us not forget to focus on what is wreaking havoc. Death is death. Death through Coronavirus or through floods is death.

Let us salvage our people. The whole place, all the way from Pokot, Marakwet and Keiyo where I come from, floods are wreaking havoc. In the Supplementary Budget, I did not hear of money being set aside to salvage this situation. Our people live in the upper area in the escarpment and when floods come, they are washed away.

We want to change those areas and plant trees. There is no way trees can thrive comfortably more than human beings. It is unfortunate. We have forests like Kaptagat and Kipkabus where we can actually interchange the trees with people. We want those people moved from the upper areas where floods are wreaking havoc to where the trees are thriving comfortably.

We have also touched on the issues of masks. We, as a country, can afford masks for every individual. It is so disheartening to hear that there are people who have no masks because they cannot afford them. For example, a *boda boda* rider who carries an individual for Kshs50 is expected to buy a mask for Kshs50. How on earth can that happen? Can the Government please provide free masks? That way, we will actually be somewhere fighting the Coronavirus other than just talking endlessly.

Lastly, we have heard of Kenya Pipeline Company (KPC) donating sanitizers in some areas. I do not know if there is a plan for that or it is only choosing where they want. It is only fair that they actually have to donate with a plan so that every corner of this country can actually get that donation. They should not only be donated to particular areas. They should be fairly distributed everywhere. Otherwise, I belong to the Public Accounts Committee (PAC). I am warning the people who are handling that money that we are keeping our eyes open. We actually want that money to be well utilised. Not a single cent should be misused. I support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Rono, you have spoken well for your people of Marakwet, the people of Chesogon. Their case is one that the Government must take care of also. Those are people who have died from a tragedy of nature. We

will now have contribution from Hon. Maanzo Kitonga. As Hon. Maanzo Kitonga contributes, Hon. Ochanda who is out in one of the holding rooms should prepare to come to make his contribution next.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to contribute to this very important Motion. It is clear that we are passing a Supplementary Budget which is going to help fight the Covid-19 pandemic.

There have been donations and there is an emergency team that has been set up to deal with those donations. We are aware that the first time we sat in this House; the Co-operative Bank first gave Kshs100 million. Quite a number of other organisations have been making contributions and now the Government of Kenya is also going to play a key role to make sure that we fight this pandemic financially. Woe unto people who are waiting to reap out of this kitty that is being put together by us and the Government. There was even talk that Parliament was doing very little to fight this pandemic initially but now, every Kenyan is clear that Parliament is doing its best and it has the task to oversee that money. We have the Departmental Committee on Health which is very active. We have the Committee on Delegated Legislation which I sit in and it is doing a lot of work on this particular matter. We also have other committees who do oversight as a Parliament to make sure that the particular kitty that we are setting up today goes to do the right job and serves the people.

The plight of the people with disabilities has really been lost between the county governments and their emergency kitties and also the national Government. We need to have a clear guideline on how the people who are suffering from disabilities in the country – and who are over one million - are supposed to be taken care of in these special times of fighting the Covid-19 pandemic. That is one team which has been abandoned completely and it seems to be lost between the two sides.

As much as we are fighting this disease, the Constitution of Kenya has not been suspended. The Constitution having not been suspended, then we expect the rule of law to be followed. I also commend the Government and the people of Kenya for having done very well so far to contain the virus and for people having co-operated. However, there is one major thing that we must do - prevention. This can best be done by people keeping social distancing and, more importantly, wearing masks.

Hon. Temporary Deputy Speaker, it is our duty, as a House, to make sure that the masks are fairly distributed. This will help prevent the spread of the Coronavirus by at least 50 per cent. Water and sanitizers should also be supplied mostly to the *boda* riders and people in the transport industry. That is because most parts of the country do not have clean water for people to wash their hands regularly. Therefore, the provision of sanitizers is key. Indeed, that has been provided for in this Budget. I am aware that other Members want to contribute. So, I support these provisions that we allocate money to fight the pandemic and ensure that other Government processes go on.

As I finalize, Hon. Temporary Deputy Speaker, the move to allocate money that is meant for payment of pending bills to business people who have made supplies to various Government departments, especially to the Prisons Service and even counties, is very important. This is what will stabilize the economy which has been hurt by the pandemic.

I thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, after Hon. Gideon Ochanda has had an opportunity, we will see how to proceed. Come to the front, Hon. Gideon Ochanda.

Hon. Gideon Ochanda (Bondo, ODM): Thank you, Hon. Temporary Deputy Speaker. I want to remind the Leader of the Majority Party, the Chair of the Budget and Appropriations Committee and the leadership of the House generally that, last week, we passed the Division of Revenue Bill with the amendments from the Senate. In that Bill, we agreed that the money moves to the county fund and then to each county. From there, it is when the Nairobi Metropolitan Services is supposed to get its money. That is exactly what we passed. Therefore, I am trying to remind the leadership that we need to check this again. The Supplementary Appropriations Bill is bringing back Ksh1.65 billion for purposes of Nairobi Metropolitan Services whereas in the Report that we passed, it was Ksh3.7 billion. This needs to be checked and harmonized so that we can be sure that now, the Nairobi Metropolitan Services can get money directly from the Exchequer or the National Treasury without its money necessarily going to Nairobi County.

Hon. Temporary Deputy Speaker, this Supplementary Appropriations Bill is basically “a 'Covid-19 supplementary’”. We need to check what amount of 'Covid-19' is in that Supplementary Budget. This is the biggest problem that we need to face. If you look at it critically, you will realize that, that is not it. But there are portions and percentages that go towards Covid-19 of about Kshs10 billion to Ksh40 billion. However, I want to remind the House and the nation that there is reason for collecting data, and conducting census. Right now, we know that Kenya has a population of 45 million people. We are also aware that Nairobi has a population of 4 million people. From that data, we are also aware that about 60 per cent of Kenyans live below a dollar a day. So, when we are distributing resources that we have - whether in the name of Covid-19 or anything else - where is the 60 percent? At the moment, for example, the President has directed that Kshs8 million should go to Nairobi. Therefore, if 60 per cent of 45 million people are poor Kenyans, it means that there are 27 million of them. If you took it that the entire population in Nairobi County of 4 million people is poor, then you take away the 4 million people from the country's 27 million poor, you will be left with 23 million people. So, the 23 million Kenyans are poor. Why target 4 million Kenyans and leave out 23 million? There are hard questions that we must ask. There are some 23 million Kenyans elsewhere. Our data indicates that they are poor and vulnerable. The data also indicates exactly where they are. The Kenya Bureau of Statistics knows exactly where they are. They even know where what we call the poverty pockets are. Even if Limuru is the richest area, they know where the poverty pockets in Limuru are. Why are we not using that data such that my Bondo poor and vulnerable can get a percentage and portion of this money?

I also wanted to raise the issue of accounting and oversight. There are those departments that we oversee because we approve them here. They are overseen by the departmental committees. There are those that are outside and are sometimes bigger than what we have here. How are those resources going out? Every day, the CS for Health gives us an update of cases, new discoveries, number of people in quarantine and all that. Can he also give us data in terms of how the resources are going out for purposes of Covid-19? We need to do this as a nation so that little bits of things that are heard here and there are properly coordinated. As a Member of Parliament, I need to know where the support for Bondo is from the national basket and the well-wishers that have been contributing for purposes of the pandemic. I agree that the virus is concentrated in certain areas. It has been scientifically indicated that Mombasa and Nairobi have challenges. But we need to know how we benefit from those resources. There is a problem.

Lastly, we are currently budgeting for Covid-19. In the last Budget, we set monies aside for contingencies and disasters. Where are those monies? There are a lot of things happening. Down at the lake region, the lake is swelling and engulfing large amounts of land. People are losing

their livelihoods and homes. We need those resources to be used for the disasters that they were meant for.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Ochanda, you have spoken for all these Members.

Let us have Hon. Moses Kuria. You have a point of order. Give Hon. Moses Kuria the microphone. The system seems to have a problem. Hon. Tong'i, I just saw you walk in. You cannot talk about suffering. I saw you. The Speaker has eyes.

Hon. Moses Kuria (Gatundu South, JP): Hon. Temporary Deputy Speaker, I rise under Standing Order No.95 and beg that the Mover be called upon to reply.

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

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, I beg to reply.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House today by leave of the House)

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

THE SMALL CLAIMS COURT (AMENDMENT) BILL

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, I beg to move that The Small Claims Court (Amendment) Bill (National Assembly Bill No. 4 of 2020) be now read a Second Time.

This is a very small Bill. It has only three clauses. I do not want to take a lot of time. It is a Bill that is part of the business laws that we passed. This Bill seeks to strengthen the framework of enforcing contracts. It has three clauses. One, currently, the amount that the small businesses can take to the small claims court is Kshs200,000. We want to amend it to Kshs1million, so that more cases can be finished at that court.

Two, we have taken care of the advocates who represent those small traders. Three, advocates are known, and with a lot of respect to advocates who are seated in this House, for adjourning cases for many reasons. In this Bill, we are saying that adjournments can only be three and not more than that to make sure that Kenyans get justice. Justice delayed is justice denied. As we speak today, it is estimated that Kshs380 billion is stuck in commercial disputes in courts. I really want the Vice-Chair of the Departmental Committee on Justice and Legal Affairs to listen to me. A sum of Kshs380 billion is stuck in commercial disputes in courts today. About 75 per cent of that belong to Small and Medium-Sized Enterprises (SMEs). This involves disputes between Kshs1million and Kshs800,000. That is where the majority are. If we enact this law, what will happen? There will be speedy hearing and determination of matters that do not exceed Kshs1 million within an acceptable time limit in the spirit of the Act for the benefit of our SMEs.

A limit of the number of adjournments for small claims is in line with global best practice. I am sure that the Chair will agree with me that the Judiciary wrote, and I can table it, that they are

in agreement with the Law Society of Kenya (LSK) that we increase the amount that can be taken to the Small Claims Courts from Kshs200,000 to Kshs1 million.

Lastly, there will be release of tied up economic capital. Once adjudication is done fast, a lot of money, families and small businesses will be saved. This will help us. Let me look at what the World Bank says in the ease of doing business. It takes 465 days to file, hear, make a determination and enforce a commercial dispute of a small claim in nature across the world. In our country, to file, hear, make determination and enforce a commercial dispute of below Kshs1 million sometimes takes three to four years. I really want the House to agree that we enact this Bill, so that it can help our people.

I beg to move and ask the Chair to use less time to second. Hon. Cheptumo is a very good lawyer. So, he might talk for long. I want him to summarise so that we can go to the other business. I beg to move and ask the Chair to second.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well, Hon. Leader of the Majority Party. Hon. William Cheptumo, you may second. You can come to the front. Now you have the microphone. Proceed.

Hon. William Cheptumo (Baringo North, JP): Thank you, Hon. Temporary Deputy Speaker. I arise to second and thank the Leader of the Majority Party for moving this Bill.

Very briefly, let me say that the whole idea of the Small Claims Court (Amendment) Bill (National Assembly Bill No.4 of 2020) is to allow access to justice to Kenyans in a quick responsive, inexpensive and formal process. This Bill was passed in 2016 and it is to be amended now so that it guarantees the right to access to justice and the right to fair hearing pursuant to Articles 48 and 50 of the Constitution, respectively.

Hon. Temporary Deputy Speaker, the law as it is now, denies the lawyers the legal representation of citizens, if they want to engage a lawyer. The Bill is such that it cannot allow a litigant to appoint a lawyer to act for him or her in those Small Claims Courts. That is in contravention of the Constitution which guarantees Kenyans the right to access to justice and representation, pursuant to Articles 50 and 48 of the Constitution.

The other issues I want to say before I go to the specific provisions are that those courts were meant to be established in every sub-county and wards. Those are courts that are dealing with small claims. The law as it is now provides that the pecuniary jurisdiction of the courts be limited to Kshs200,000. This could have been done better if we were to have those courts established in our sub-counties and wards so that Kenyans are able to access services directly.

Let me go to some specific amendments which are very important because this House should be informed about those specific sections. Section 12 of this Act provides for the pecuniary jurisdiction of Kshs200,000. There is a proposal in the Bill to increase it to Kshs1 million as said by the Leader of the Majority Party. The stakeholders who appeared before us, for instance, the Law Society of Kenya (LSK), supported that. Lawyers should now be allowed to represent parties in courts. The Ministry of East Africa and Regional Development supported the proposal. The legal practitioners did not support this proposal because they felt that Kshs1 million is not a small claim in our economy.

The Judiciary initially gave us the impression that they were comfortable with enhancing the pecuniary jurisdiction from Kshs200,000 to Kshs500,000. However, we later got further communication from them that they now agree with enhancement to Kshs1 million. As a Committee, we had agreed on the Kshs500,000. Maybe, in the Committee of the Whole House, we will be able to deal with that issue.

The other issue which I wanted to deal with is Section 20(2). Under the Bill, we intend to delete Section 20(2) so that lawyers can now be allowed to represent parties in those courts. By and large, I must say that the Committee had enough time to look through this Bill and received submissions from the public through various stakeholders. We are agreeable to that amendment under Section 20(2) and also Section 20(3) of the same Act so that we can have that amended as per the Bill.

As I conclude, there is an intention to introduce an amendment to Section 34 of the Bill.

With those remarks, I beg to second and request Members to support this Bill.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Cheptumo, you must advise the Leader of the Majority Party that lawyers are not fond of adjourning matters, but it is their clients who adjourn those matters.

(Question proposed)

Hon. Members: Put the Question!

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, is it the mood of the House that I proceed to put the Question?

Hon. Members: Yes!

(Loud consultations)

(Question proposed)

Hon. Members: Put the Question!

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, it is good to follow the procedure because Mr. Okiya Omtatah will go to court and we will have problems. I hope you have captured it properly.

I beg to reply.

(Question put and agreed to)

(The Bill was read a Second Time and committed

to a Committee of the whole House tomorrow)

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

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

The Temporary Deputy Speaker (Hon. Christopher Omulele): Yes, the Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, under Order No.12, the Public Finance Management (Amendment) Bill (National Assembly Bill No.2 of 2020), I cannot see the Departmental Committee Chairman in the House and yet, there is an element of borrowing in the Bill that needs some consultation this afternoon. I want to request that it be stepped down until this afternoon or on Wednesday, next week.

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The Temporary Deputy Speaker (Hon. Christopher Omulele): I direct that the business listed as Order No.12 be deferred until such a time when the relevant Committee will set it for consideration again.

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL

(Bill deferred)

SPECIAL MOTION

APPROVAL OF TSC NOMINEES

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

THAT, taking into consideration the Resolution of the House made during the Morning Sitting of Wednesday, 22nd April, 2020 rejecting a Special Motion proposing the rejection of nominees for appointment to the Teachers Service Commission, and taking cognizance of the provisions of Articles 250(2)(b) and 259(11) of the Constitution and pursuant to the provisions of section 8 of the Teachers Service Commission Act, 2012, this House now approves the appointment of the following persons as Members of the Teachers Service Commission:

- (i) Mr. Mbage Njuguna Ng'ang'a; and,
- (ii) Ms. Leila Abdi Ali.

Hon. Temporary Deputy Speaker, I do not want to talk much on this because the Report of the Committee was discussed extensively, and the House made a decision. The Committee did not find anything to disqualify Mr. Ng'ang'a and Madam Leila, or anything that is contrary to the Constitution, the Teachers Service Commission (TSC) Act and the Public Appointments (Parliamentary Approval) Act.

On Mr. Ng'ang'a, they raised an issue of age, but that is not found in the Constitution, the TSC Act or the Public Appointments (Parliamentary Approval) Act. When Mr. Ng'ang'a served as the Chairman of the Kenya Law Reform Commission, he participated in the drafting of the TSC Act and, therefore, by being appointed a commissioner, he will add value.

For Ms. Leila, the issue was on dual citizenship. If you read Article 78 of the Constitution and the court has made a ruling, the only people who cannot hold dual citizenship and still take up State jobs are those serving in Defence and the Foreign Service.

With those many remarks, I beg to move and ask Hon. Mbadi, the Leader of the Minority Party, to second.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Temporary Deputy Speaker. This House had pronounced itself on this matter very loudly by rejecting the Report of the Committee when we negated it. In essence, what we were saying is that we want this gentleman and the lady to serve as commissioners in the Teachers Service Commission (TSC). The Committee surprised this House, especially in the case of Njuguna Ng'ang'a, by saying that he did not show knowledge of matters TSC. We should not cannibalise some of our best brains in this country. This is someone who has even chaired the Law Reform Commission which is the body that drafts pieces of legislation in this country. Was the Committee expecting teachers to be in this

Commission? Those who know a lot about teaching are teachers, but that does not mean you cannot be in the commission responsible for matters teaching if you are not a teacher.

Again, the Leader of the Majority Party has talked about age. The lady we have talked about had previously been approved for other appointments by this House, meaning she had competence in many areas. So, some of us get into positions if we are intelligent and sharp enough. None of us had ever legislated in this Parliament before we were first elected. However, we came, learnt and some of us have come out as the best legislators.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, I see some of you carrying your hands up and trying to disrupt Hon. Mbadi from proceeding. He is seconding. He cannot be disrupted when he is doing this. Allow him to finish and then you may have a chance to contribute.

Hon. John Mbadi (Suba South, ODM): Who is that who wants to disturb or disorganise my presentation?

(Laughter)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Do not worry, Hon. Mbadi. That is why the Speakers rise.

Hon. John Mbadi (Suba South, ODM): I do not want to speak much because we had said almost everything on this matter. I just want to plead with the Committee to agree with the House and support. We cannot all be wrong. As I was saying, this idea of saying one lacks passion or interest is superfluous. It is because, as I put it, none of us here had legislated before we were elected. We came here and some of us have become good and better legislators. So, let us allow those two Kenyans to serve.

One thing I did not like about Leila is dual citizenship. We must discuss this issue of dual citizenship as a country. If we are allowing Kenyans to possess dual citizenship, let us allow them to also work. What is the essence of allowing me to possess dual citizenship and I cannot get a job when it comes to appointments? I would rather be denied that dual citizenship.

With those many remarks, I second.

(Question proposed)

Hon. Members: Put the Question!

The Temporary Deputy Speaker (Hon. Christopher Omulele): Is there interest in this from Hon. Wanga Nyasuna?

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Hon. Temporary Deputy Speaker, looking at the time, I support this Motion by the Leader of the Majority Party. Let the two individuals be given a chance to serve. The Report cannot be a paradox where one person is being denied for being too old and another person for being too inexperienced. That does not make sense. I support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Adbullaih Sheikh, you have the Floor.

Maj. (Rtd) Bashir S. Abdullahi (Mandera North, JP): Hon. Temporary Deputy Speaker, I rise under Standing Order No. 95. Last week we debated this matter and rejected the Report. This

is trying to sanitize what the Committee has done. I urge the House under Standing Order No. 95 to put a closure to this debate.

Thank you.

(Loud consultations)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, it is only fair that we allow the Chair of this Committee to say something. Hon. Melly, the Member for Tinderet, you have the Floor.

Hon. Julius Melly (Tinderet, JP): Thank you, Hon. Temporary Deputy Speaker. I want to put it on record that the Departmental Committee on Education, Research and Technology did a good job. I want to point out that Members who have rejected the Committee's Report have selectively given wrong information to the House. We asked the two nominees questions. I want to be clear that it is in the committees that the debates of the House take place. We are constitutionally mandated, as a Committee of the House, to vet, on behalf of the House. We gave valid reasons why we did not accept the two nominees. On the level of understanding, what were we to do as a Committee when an individual failed to demonstrate understanding of the TSC?

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Melly, you are now swimming in dangerous waters.

Hon. Julius Melly (Tinderet, JP): Yes, I know that.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Melly, just hold on. I will give you direction.

(Loud consultations)

Order, Members! Hon. Melly, I am directing you that the House has expressed itself. The House can negate a report of a committee in plenary, which it has done. So, you cannot be at war with the House.

Hon. George Gitonga (Tharaka, DP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Gitonga, do I hear you as having a point of order?

Hon. George Gitonga (Tharaka, DP): Hon. Temporary Deputy Speaker... *(technical hitch)* ...to go back and discuss the Report. The Chair is out of order. *Res judicata* means these matters came before the House, they were discussed and a valid decision was made in one way or the other. So, Hon. Temporary Deputy Speaker, under Standing Order No. 95, I request that you allow the Mover to reply then we move on.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Order! Do I hear Members expressing support to Hon. Gitonga that the Mover be called upon to reply?

Hon. Members: Yes!

The Temporary Deputy Speaker (Hon. Christopher Omulele): I will put the Question.

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

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

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, I beg to reply.

(Question put and agreed to)

(Loud consultations)

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Christopher Omulele): Order, Hon. Members! The time being 1.00 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.