

PARLIAMENT OF KENYA

THE NATIONAL ASSEMBLY

THE HANSARD

SECOND SITTING

Thursday, 4th June 2020

The House met at 5.30 p.m.

[The Speaker (Hon. Justin Muturi) in the Chair]

PRAYERS

MOTION

REPORT ON BUDGET ESTIMATES FOR FINANCIAL YEAR 2020/2021

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

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Budget Estimates for the National Government, the Judiciary and Parliament for the Financial Year 2020/2021, laid on the Table of the House on Thursday, 4th June 2020, and pursuant to the provisions of Article 221 of the Constitution of Kenya, section 39 of the Public Finance Management Act, 2012 and Standing Orders 235 and 239, approves the issuance of a sum of Kshs1,883,022,058,155 from the Consolidated Fund to meet the expenditure during the year ending 30th June 2021 in respect of the Votes as contained in the Schedule to the Order Paper.

SCHEDULE

ANNUAL ESTIMATES FOR FY 2020/2021 (IN KSHS)

<u>VOTE CODE</u>	<u>VOTE/PROGRA MME CODES & TITLE</u>	<u>FINAL BUDGET ESTIMATES FY 2020/21</u>		
		<u>GROSS CURRENT ESTIMATES</u>	<u>GROSS CAPITAL ESTIMATES</u>	<u>GROSS TOTAL ESTIMATES</u>
	The Presidency	25,138,628,851	11,493,321,015	36,631,949,866

1011	0702000 Cabinet Affairs	1,256,670,590	945,960,000	2,202,630,590
	0703000 Government Advisory Services	618,355,782	86,000,000	704,355,782
	0704000 State House Affairs	3,803,746,694	68,634,280	3,872,380,974
	0734000 Deputy President Services	1,419,842,872	18,000,000	1,437,842,872
	0745000 Nairobi Metropolitan Services	18,040,012,913	10,374,726,735	28,414,739,648
1021	State Department for Interior	125,539,231,363	6,135,000,000	131,674,231,363
	0601000 Policing Services	94,318,819,142	1,638,870,000	95,957,689,142
	0602000 Planning, Policy Coordination and Support Service	22,687,592,293	2,245,130,000	24,932,722,293
	0603000 Government Printing Services	685,716,003	50,000,000	735,716,003
	0605000 Migration & Citizen Services Management	1,926,101,069	867,000,000	2,793,101,069
	0625000 Road Safety	2,293,500,000	100,000,000	2,393,500,000
	06256000 Population Management Services	3,627,502,856	1,234,000,000	4,861,502,856
1023	State Department for Correctional Services	27,317,878,572	784,100,000	28,101,978,572
	0604000 Correctional Services	26,972,520,972	784,100,000	27,756,620,972
	0623000 General Administration, Planning and Support Services	345,357,600	-	345,357,600
1032	State Department for Devolution	930,178,422	4,734,685,699	5,664,864,121
	0712000 Devolution Services	598,940,698	4,730,002,195	5,328,942,893
	0732000 General Administration, Planning and Support Services	297,699,977	4,683,504	302,383,481

<u>VOTE CODE</u>	<u>VOTE/PROGRA MME CODES & TITLE</u>	<u>FINAL BUDGET ESTIMATES FY 2020/21</u>		
		<u>GROSS CURRENT ESTIMATES</u>	<u>GROSS CAPITAL ESTIMATES</u>	<u>GROSS TOTAL ESTIMATES</u>
	0713000 Special Initiatives	33,537,747	-	33,537,747
1035	State Department for Development of the ASAL	980,434,774	8,824,290,786	9,804,725,560
	0733000 Accelerated ASAL Development	980,434,774	8,824,290,786	9,804,725,560
	Ministry of Defence	106,272,956,500	9,208,594,305	115,481,550,805
	0801000 Defence	104,037,000,000	9,208,594,305	113,245,594,305
1041	0802000 Civil Aid	200,000,000	-	200,000,000
	0803000 General Administration, Planning and Support Services	1,835,956,500	-	1,835,956,500
	0805000000 National Space Management	200,000,000	-	200,000,000
	Ministry of Foreign Affairs	14,555,771,675	1,201,400,000	15,757,171,675
	0714000 General Administration Planning and Support Services	1,694,578,092	70,400,000	1,764,978,092
1052	0715000 Foreign Relation and Diplomacy	12,662,542,888	1,031,000,000	13,693,542,888
	0741000 Economic and Commercial Diplomacy	48,692,947	-	48,692,947
	0742000 Foreign Policy Research, Capacity Dev and Technical Cooperation	149,957,748	100,000,000	249,957,748
	State Department for Vocational and Technical Training	18,637,903,522	6,308,000,000	24,945,903,522
	0505000 Technical Vocational Education and Training	18,468,299,164	4,308,000,000	22,776,299,164

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1064	0507000 Youth Training and Development	37,724,162	2,000,000,000	2,037,724,162
	0508000 General Administration, Planning and Support Services	131,880,196	-	131,880,196
1065	State Department for University Education	107,757,158,547	5,555,600,000	113,312,758,547
	0504000 University Education	106,682,230,888	5,510,600,000	112,192,830,888
	0506000 Research, Science, Technology and Innovation	854,866,254	45,000,000	899,866,254
	0508000 General Administration, Planning and Support Services	220,061,405	-	220,061,405
1066	State Department for Early Learning & Basic Education	89,128,982,114	11,650,000,000	100,778,982,114
	0501000 Primary Education	16,953,302,940	3,954,800,000	20,908,102,940
	0502000 Secondary Education	63,343,012,816	7,475,200,000	70,818,212,816
	0503000 Quality Assurance and Standards	4,212,476,454	150,000,000	4,362,476,454
	0508000 General Administration, Planning and Support Services	4,620,189,904	70,000,000	4,690,189,904
1068	State Department for Post Training and Skills Development	150,940,126	-	150,940,126
	0508000 General Administration, Planning and Support Services	97,340,656	-	97,340,656
	0512000 Workplace Readiness Services	40,000,000	-	40,000,000
	0513000 Post-Training Information Management	13,599,470	-	13,599,470
	The National Treasury	63,696,627,400	53,292,129,907	116,988,757,307

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1071	0717000 General Administration Planning and Support Services	59,293,403,100	20,766,190,000	80,059,593,100
	0718000 Public Financial Management	2,848,956,614	32,079,714,907	34,928,671,521
	0719000 Economic and Financial Policy Formulation and Management	1,228,167,686	416,225,000	1,644,392,686
	0720000 Market Competition	326,100,000	30,000,000	356,100,000
1072	State Department for Planning	3,107,642,309	42,453,435,816	45,561,078,125
	0706000 Economic Policy and National Planning	1,459,581,862	41,910,212,816	43,369,794,678
	0707000 National Statistical Information Services	1,317,560,000	491,165,000	1,808,725,000
	0708000 Monitoring and Evaluation Services	64,615,543	52,058,000	116,673,543
	0709000 General Administration Planning and Support Services	265,884,904	-	265,884,904
1081	Ministry of Health	64,450,685,148	47,251,983,849	111,702,668,997
	0401000 Preventive, Promotive & RMNCAH	3,971,480,816	9,954,679,009	13,926,159,825
	0402000 National Referral & Specialized Services	31,569,145,638	10,790,055,655	42,359,201,293
	0403000 Health Research and Development	9,340,213,677	587,510,000	9,927,723,677
	0404000 General Administration, Planning & Support Services	7,287,815,429	1,245,000,000	8,532,815,429
	0405000 Health Policy, Standards and Regulations	12,282,029,588	24,674,739,185	36,956,768,773

1091	State Department of Infrastructure	64,932,476,233	124,640,286,715	189,572,762,948
	0202000 Road Transport	64,932,476,233	124,640,286,715	189,572,762,948
1092	State Department of Transport	9,551,662,662	38,366,800,000	47,918,462,662
	0201000 General Administration, Planning and Support Services	320,940,468	40,000,000	360,940,468
	0203000 Rail Transport	-	23,223,800,000	23,223,800,000
	0204000 Marine Transport	1,169,057,706	14,428,000,000	15,597,057,706
	0205000 Air Transport	8,031,222,671	675,000,000	8,706,222,671
	0216000 Road Safety	30,441,817	-	30,441,817
1093	State Department for Shipping and Maritime	1,667,605,056	850,000,000	2,517,605,056
	0219000 Shipping and Maritime Affairs	1,667,605,056	850,000,000	2,517,605,056
1094	State Department for Housing and Urban Development	1,058,529,759	15,998,721,087	17,057,250,846
	0102000 Housing Development and Human Settlement	531,883,816	3,078,721,087	3,610,604,903
	0105000 Urban and Metropolitan Development	208,547,590	12,920,000,000	13,128,547,590
	0106000 General Administration Planning and Support Services	318,098,353	-	318,098,353
1095	State for Public Works	2,314,516,034	1,184,973,000	3,499,489,034
	0103000 Government Buildings	530,998,707	619,396,502	1,150,395,209
	0104000 Coastline Infrastructure and Pedestrian Access	159,508,628	310,612,828	470,121,456

	0106000 General Administration Planning and Support Services	294,337,104	16,963,670	311,300,774
	0218000 Regulation and Development of the Construction Industry	1,329,671,595	238,000,000	1,567,671,595
	Ministry of Environment and Forestry	10,140,860,321	5,985,090,900	16,125,951,221
1108	1002000 Environment Management and Protection	1,667,487,150	1,546,090,900	3,213,578,050
	1010000 General Administration, Planning and Support Services	326,514,380	-	326,514,380
	1012000 Meteorological Services	1,035,338,832	592,000,000	1,627,338,832
	1018000 Forests and Water Towers Conservation	7,111,519,959	3,847,000,000	10,958,519,959
	Ministry of Water, Sanitation and Irrigation	6,232,606,765	71,472,834,883	77,705,441,648
	1001000 General Administration, Planning and Support Services	765,651,039	40,000,000	805,651,039
1109	1004000 Water Resources Management	1,656,583,376	9,251,000,000	10,907,583,376
	1017000 Water and Sewerage Infrastructure Development	3,066,273,233	39,543,236,763	42,609,509,996
	1014000 Irrigation and Land Reclamation	713,645,712	11,781,598,120	12,495,243,832
	1015000 Water Storage and Flood Control	-	9,079,000,000	9,079,000,000

	1022000 Water Harvesting and Storage for Irrigation	30,453,405	1,778,000,000	1,808,453,405
1112	Ministry of Lands and Physical Planning	2,818,419,339	2,799,000,000	5,617,419,339
	0101000 Land Policy and Planning	2,818,419,339	2,799,000,000	5,617,419,339
1122	State Department for Information Communication and Technology & Innovation	2,510,727,136	11,803,202,512	14,313,929,648
	0207000 General Administration Planning and Support Services	230,879,290	-	230,879,290
	0210000 ICT Infrastructure Development	477,101,658	10,140,385,886	10,617,487,544
	0217000 E-Government Services	795,619,970	1,563,816,626	2,359,436,596
	0221000 Film Development Services	1,007,126,218	99,000,000	1,106,126,218
1123	State Department for Broadcasting & Telecommunications	4,650,505,398	599,000,000	5,249,505,398
	0207000 General Administration Planning and Support Services	201,083,068	-	201,083,068
	0208000 Information and Communication Services	4,247,422,330	530,000,000	4,777,422,330
	0209000 Mass Media Skills Development	202,000,000	69,000,000	271,000,000
1132	State Department for Sports	1,241,514,532	14,155,570,000	15,397,084,532
	0901000 Sports	1,241,514,532	14,155,570,000	15,397,084,532
1134	State Department for Heritage	2,641,053,193	43,100,000	2,684,153,193
	0902000 Culture / Heritage	1,621,946,871	43,100,000	1,665,046,871
	0903000 The Arts	139,614,823	-	139,614,823

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	0904000 Library Services	750,827,027	-	750,827,027
	0905000 General Administration, Planning and Support Services	128,664,472	-	128,664,472
	State Department for Energy	5,911,666,844	66,581,141,377	72,492,808,221
1152	0211000 General Administration Planning and Support Services	399,392,629	85,000,000	484,392,629
	0212000 Power Generation	1,703,476,529	8,689,700,000	10,393,176,529
	0213000 Power Transmission and Distribution	3,592,458,674	54,556,474,055	58,148,932,729
	0214000 Alternative Energy Technologies	216,339,012	3,249,967,322	3,466,306,334
1162	State Department for Livestock	2,486,436,406	3,261,233,000	5,747,669,406
	0112000 Livestock Resources Management and Development	2,486,436,406	3,261,233,000	5,747,669,406
1166	State Department for Fisheries, Aquaculture & the Blue Economy	1,994,874,045	4,964,000,000	6,958,874,045
	0111000 Fisheries Development and Management	1,767,209,803	3,847,000,000	5,614,209,803

<u>VOTE CODE</u>	<u>VOTE/PROGRA MME CODES & TITLE</u>	<u>FINAL BUDGET ESTIMATES FY 2020/21</u>		
		<u>GROSS CURRENT ESTIMATES</u>	<u>GROSS CAPITAL ESTIMATES</u>	<u>GROSS TOTAL ESTIMATES</u>
	0117000 General Administration, Planning and Support Services	132,766,507	-	132,766,507
	0118000 Development and Coordination of the Blue Economy	94,897,735	1,117,000,000	1,211,897,735
	State Department for Crop Development & Agricultural Research	10,948,470,415	30,853,977,392	41,802,447,807
1169	0107000 General Administration Planning and Support Services	4,158,260,471	965,842,873	5,124,103,344
	0108000 Crop Development and Management	1,128,447,983	27,442,602,484	28,571,050,467
	0109000 Agribusiness and Information Management	135,918,593	1,567,032,035	1,702,950,628
	0120000 Agricultural Research & Development	5,525,843,368	878,500,000	6,404,343,368
1173	State Department for Cooperatives	801,329,701	825,220,000	1,626,549,701
	0304000 Cooperative Development and Management	801,329,701	825,220,000	1,626,549,701
1174	State Department for Trade	1,687,924,227	99,500,000	1,787,424,227
	0307000 Trade Development and Promotion	1,687,924,227	99,500,000	1,787,424,227
	State Department for Industrialization	3,228,241,955	6,500,831,000	9,729,072,955
1175	0301000 General Administration Planning and Support Services	374,729,385	1,404,574,458	1,779,303,843

	0302000 Industrial Development and Investments	1,467,157,487	1,898,648,730	3,365,806,217
	0303000 Standards and Business Incubation	1,386,355,083	3,197,607,812	4,583,962,895
1184	State Department for Labour	2,699,327,034	2,509,400,000	5,208,727,034
	0910000 General Administration Planning and Support Services	453,920,351	-	453,920,351
	0906000 Promotion of the Best Labour Practice	660,950,598	115,000,000	775,950,598
	0907000 Manpower Development, Employment and Productivity Management	1,584,456,085	2,394,400,000	3,978,856,085
	State Department for Social Protection, Pensions & Senior Citizen Affairs	31,056,249,554	2,548,230,000	33,604,479,554
1185	0908000 Social Development and Children Services	3,408,690,067	228,730,000	3,637,420,067
	0909000 National Social Safety Net	27,442,304,203	2,319,500,000	29,761,804,203
	0914000 General Administration, Planning and Support Services	205,255,284	-	205,255,284
	State Department for Mining	637,139,810	312,000,000	949,139,810
1192	1007000 General Administration Planning and Support Services	278,804,260	-	278,804,260
	1009000 Mineral Resources Management	296,496,320	199,000,000	495,496,320
	1021000: Geological Surveys and Geo Information	61,839,230	113,000,000	174,839,230

1193	State Department for Petroleum	243,510,778	3,644,000,000	3,887,510,778
	0215000 Exploration and Distribution of Oil and Gas	243,510,778	3,644,000,000	3,887,510,778
1202	State Department for Tourism	8,534,431,979	4,310,800,000	12,845,231,979
	0306000 Tourism Development and Promotion	8,534,431,979	4,310,800,000	12,845,231,979
1203	State Department for Wildlife	10,108,077,510	693,810,000	10,801,887,510
	1019000 Wildlife			
	Conservation and Management	10,108,077,510	693,810,000	10,801,887,510
1212	State Department for Gender	977,986,478	2,374,000,000	3,351,986,478
	0911000 Community Development		2,130,000,000	2,130,000,000
	0912000 Gender Empowerment	690,771,467	244,000,000	934,771,467
	0913000 General Administration, Planning and Support Services	287,215,011	-	287,215,011
1213	State Department for Public Service	7,972,424,343	412,060,000	8,384,484,343
	0710000 Public Service Transformation	7,565,041,866	412,060,000	7,977,101,866
	0709000 General Administration Planning and Support Services	407,382,477	-	407,382,477
1214	State Department for Youth	10,552,388,169	3,294,490,000	13,846,878,169
	0711000 Youth Empowerment	10,552,388,169	3,294,490,000	13,846,878,169
1221	State Department for East African Community	608,015,519	-	608,015,519
	0305000 East African Affairs and Regional Integration	608,015,519	-	608,015,519

1222	State Department for Regional & Northern Corridor Development	1,959,744,036	1,617,450,000	3,577,194,036
	1013000 Integrated Regional Development	1,959,744,036	1,617,450,000	3,577,194,036
1252	State Law Office and Department of Justice	4,476,906,847	185,000,000	4,661,906,847
	0606000 Legal Services	2,007,710,826	-	2,007,710,826
	0607000 Governance, Legal Training and Constitutional Affairs	1,827,061,211	87,000,000	1,914,061,211
	0609000 General Administration, Planning and Support Services	642,134,810	98,000,000	740,134,810
1271	Ethics and Anti-Corruption Commission	3,072,200,000	40,800,000	3,113,000,000
	0611000 Ethics and Anti-Corruption	3,072,200,000	40,800,000	3,113,000,000
1281	National Intelligence Service	39,051,000,000	-	39,051,000,000
	0804000 National Security Intelligence	39,051,000,000	-	39,051,000,000
1291	Office of the Director of Public Prosecutions	2,957,003,322	129,000,000	3,086,003,322
	0612000 Public Prosecution Services	2,957,003,322	129,000,000	3,086,003,322
1311	Office of the Registrar of Political Parties	1,345,791,991	-	1,345,791,991
	0614000 Registration, Regulation and Funding of Political Parties	1,345,791,991	-	1,345,791,991
1321	Witness Protection Agency	472,787,500	-	472,787,500
	0615000 Witness Protection	472,787,500	-	472,787,500

2011	Kenya National Commission on Human Rights	400,704,556	-	400,704,556
	0616000 Protection and Promotion of Human Rights	400,704,556	-	400,704,556
2021	National Land Commission	1,233,325,815	-	1,233,325,815
	0116000 Land Administration and Management	1,233,325,815	-	1,233,325,815
2031	Independent Electoral and Boundaries Commission	4,322,884,842	150,000,000	4,472,884,842
	0617000 Management of Electoral Processes	4,063,340,190	150,000,000	4,213,340,190
	0618000 Delimitation of Electoral Boundaries	259,544,652	-	259,544,652
2061	The Commission on Revenue Allocation	371,975,630	-	371,975,630
	0737000 Inter-Governmental Transfers and Financial Matters	371,975,630	-	371,975,630
2071	Public Service Commission	2,605,760,000	19,280,000	2,625,040,000
	0725000 General Administration, Planning and Support Services	734,174,657	19,280,000	753,454,657
	0726000 Human Resource Management and Development	1,718,263,803	-	1,718,263,803
	0727000 Governance and National Values	114,002,756	-	114,002,756
	0744000 Performance and Productivity Management	39,318,784	-	39,318,784
	Salaries and Remuneration Commission	459,730,000	-	459,730,000

2081	0728000 Salaries and Remuneration Management	459,730,000	-	459,730,000
2091	Teachers Service Commission	265,492,584,137	600,000,000	266,092,584,137
	0509000 Teacher Resource Management	257,373,381,918	600,000,000	257,973,381,918
	0510000 Governance and Standards	1,005,169,877	-	1,005,169,877
	0511000 General Administration, Planning and Support Services	7,114,032,342	-	7,114,032,342
2101	National Police Service Commission	806,327,710	-	806,327,710
	0620000 National Police Service Human Resource Management	806,327,710	-	806,327,710
2111	Auditor General	5,077,965,380	146,670,000	5,224,635,380
	0729000 Audit Services	5,077,965,380	146,670,000	5,224,635,380
2121	Office of the Controller of Budget	622,982,206	-	622,982,206
	0730000 Control and Management of Public finances	622,982,206	-	622,982,206
2131	Commission on Administrative Justice	494,680,726	-	494,680,726
	0731000 Promotion of Administrative Justice	494,680,726	-	494,680,726
2141	National Gender and Equality Commission	424,656,952	5,000,000	429,656,952
	0621000 Promotion of Gender Equality and Freedom from Discrimination	424,656,952	5,000,000	429,656,952
2151	Independent Policing Oversight Authority	802,628,000	-	802,628,000

	0622000 Policing Oversight Services	802,628,000	-	802,628,000
-	<u>Total Executive</u>	<u>1,194,325,630,168</u>	<u>632,869,013,243</u>	<u>1,827,194,643,411</u>
1261	The Judiciary	14,773,000,000	2,701,000,000	17,474,000,000
	0610000 Dispensation of Justice	14,773,000,000	2,701,000,000	17,474,000,000
2051	Judicial Service Commission	576,400,000	-	576,400,000
	0619000 General Administration, Planning and Support Services	576,400,000	-	576,400,000
-	<u>Total Judiciary</u>	<u>15,349,400,000</u>	<u>2,701,000,000</u>	<u>18,050,400,000</u>
2041	Parliamentary Service Commission	6,493,492,220	-	6,493,492,220
	0722000 Senate Affairs	2,783,568,759	-	2,783,568,759
	0723000 General Admin, planning and support services	3,709,923,461	-	3,709,923,461
2042	National Assembly	23,619,613,423	-	23,619,613,423
	0721000 National Legislation, representation and oversight	23,619,613,423	-	23,619,613,423
2043	Parliamentary Joint Services	5,598,359,101	2,065,550,000	7,663,909,101
	0723000 General Admin, planning and support services	5,460,377,851	2,065,550,000	7,525,927,851
	Legislative Training Research & Knowledge Management	137,981,250	-	137,981,250
-	<u>Total Parliament</u>	<u>35,711,464,744</u>	<u>2,065,550,000</u>	<u>37,777,014,744</u>
	<u>TOTAL BUDGET ESTIMATES</u>	<u>1,245,386,494,912</u>	<u>637,635,563,243</u>	<u>1,883,022,058,155</u>

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

Hon. Speaker: Yes, Hon. Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, I need your guidance. After doing some soul-searching and having seen the Chair of Budget and Appropriations Committee table the Report with the Schedule attached...

This is a very important Report that has just been tabled. We need to read it, scrutinise it, look at the Schedule and get the confidence so that when we contribute, we know what we are talking about. So, I ask the Chair, through you, that we continue with the other business, but this Motion be deferred to Tuesday. Under your leadership – and you are the Chair of the House Business Committee (HBC) - I request that the whole of Tuesday morning and afternoon we deal with the Budget and Appropriations Committee Report, which has been tabled this afternoon. Let every Member get a copy by tomorrow, scrutinize and prepare because the Budget is a fundamental function of the National Assembly and we do not want to rush it.

So, I plead with you Hon. Speaker that you give direction.

Hon. Speaker: What is the feeling of the House? Let us have the Hon. Member for Othaya.

Hon. Gichuki Mugambi (Othaya, JP): Thank you, Hon. Speaker. As you are aware, we have done this Budget under very abnormal circumstances. For the first time, we have had this pandemic which has caused healthcare and economic crisis.

Hon. Speaker, this is a budget of its own kind. Therefore, there has been a requirement to do a lot of balancing in so many sectors. It is a very strong point when the Leader of the Majority Party says that Members ought to look at the Budget and internalise it before they contribute. There are many things we have learnt during this moment that have informed the making of the Budget strongly.

However, time will come when we will not fly out. We will have to use our own healthcare facilities and rely on our own products. We have had countries ban exports of crucial products that other countries could have used during this pandemic. They refused to do exports and yet we normally rely on imports for our pharmaceuticals and several other products.

Hon. Speaker, we are in a crisis. Children are at home! Tourism is down! I just wanted to highlight the abnormality...

Hon. Speaker: No. Tourism is not part of what was raised.

Hon. Gichuki Mugambi (Othaya, JP): Hon. Speaker, I support what the Leader of the Majority Party has alluded to and appeal to our Members to take copies of our Budget and spend time reading them so that we can make informed debates next week. I support.

Hon. Speaker: Let us the Hon. Member for Emuhaya.

Hon. Omboko Milemba (Emuhaya ANC): Thank you, Hon. Speaker for giving me this chance. I support the statement put by the Hon. Leader of the Majority Party that we deal with this matter next week.

This morning, I was at the Table Office looking for this Report. Later on, I retreated to my office and told my Personal Assistant (PA) to also call the Table Office and ask for this Report so that we could download it. However, it was not online. That is why we are struggling to put together how we are going to deal with it. We may be having some small notes. I extracted some notes only on the Budget of the education sector, but I had no Report. So, for us to give it the seriousness it deserves, let us have the Report today, work on it over the weekend and then deal with it on Tuesday.

I thank you, Hon. Speaker.

Hon. Speaker: Let us have the Majority Whip.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Speaker. I support what the Hon. Leader of the Majority Party has said, considering that we are undergoing a very unique scenario today with the COVID-19 pandemic. We need to internalise it the way the Budget and Appropriations Committee has done. How have they responded to the current situation? How are they looking into a post-COVID scenario? Therefore, it is important that we look at the numbers for the adage goes that “numbers do not lie”. We do not just want to hurry with the numbers. We should analyse them so that we get the true position on our country and people. So, I support that we consider it on Tuesday. I thank you Hon. Speaker

Hon. Speaker: Let us have the Hon. Member for Kibwezi West.

Hon. (Dr.) Patrick Musimba (Kibwezi West, Independent): Thank you, Hon. Speaker for giving me this opportunity. I just want to echo the words of the Leader of the Majority Party that, indeed, the budget-making process is one of those key tenets that have been given to this House.

This is important and I know there has been a lot of consultations since morning - back and forth. We appreciate the efforts of the Budget and Appropriations Committee in this regard. I think it is only fair that all Members have ample time to scrutinise the same and do justice to this Budget in terms of safeguarding lives and livelihoods of Kenyans.

Thank you, Hon. Speaker.

Hon. Speaker: I can see there are a few more who want to weigh in. Hon. Oluoch.

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Speaker. I support the sentiments by the Leader of the Majority Party. If you look at the Constitution, the budget-making process alongside legislation and oversight are the key pillars or reasons why this House is established.

Even in very unique circumstances of the COVID-19, we must not lose sight of the oversight role that we must play. If you look at the circumstances under which we passed the tax measures, Finance Bill and other interventions made in order to deal with the issue of the COVID-19, we passed them in record time under circumstances where Members were unable to properly apply themselves or even contribute.

I remember sitting in my house and preparing very elaborate notes and before we could go far, Standing Order No.95 was raised and the Question was put. Kenyans are looking at this House to pass a Budget that stands scrutiny in terms of our oversight role. For that reason, I support the Leader of the Majority Party. If possible, we should have more than one day to interrogate this. Thank you.

Hon. Speaker: Yes, Chair Budget and Appropriations Committee.

Hon. Kimani Ichung’wah (Kikuyu, JP): Thank you, Hon. Speaker. I was inclined to object when the Leader of Majority Party rose to speak and was supported by the Whip who has just de-whipped me.

After having listened to Members and appreciating the substance of what we are about to debate, let me support that, indeed, we need to allow Members to scrutinise this Budget. As Members of Parliament, we are here as the people’s representatives with a cardinal constitutional responsibility to allocate and appropriate resources back to our people in areas that matter to them.

It is only fair that we allow Members the long weekend up to Tuesday to scrutinise what we have done through our various departmental Committees and agreed with the National Treasury. I beg Members to agree that we can have this debate on Tuesday. I think I will still be in time within the seven days’ timeline that the Majority Whip has given me to respond. I will still have an opportunity to move this Budget which I appreciate is the last one I will be doing for the last three years.

This is a role I have appreciated and I am very grateful to my party Jubilee, the party leader, deputy party leader and the entire Jubilee membership for the opportunity they accorded me over the last three years. I have learnt and gained invaluable experience which I am certain in the very near future I will be utilising. As the Chair of the Budget and Appropriations Committee, I had oversight over many operations in Government and a bird's eye view of how Government operates.

I truly appreciate and look forward to us discussing this on Tuesday. I agree with the Leader of the Majority Party and all the leaders who have spoken that we can, indeed, allow Members to go through the Report and see the good work this Committee has done. I am very grateful to Members of the Budget and Appropriations Committee. You will be shocked that over the weekend, these Members and our very hardworking staff in the Parliamentary Budget Office were here at County Hall on Sunday going through this Budget.

I appreciate that I can see the Member for Othaya and *Mhe. Mwalimu* Samuel Moroto are still here and, indeed, they have been key pillars in supporting us through this process. It is only fair that we allow other Members to also go through the Report and give meaningful contribution that will also improve the process.

Thank you, Hon. Speaker.

Hon. Speaker: Under the circumstances, I think we do not need to debate this. It looks like it is the view of the majority of the House that we stand down the debate on the Report of the Budget Estimates for the Financial Year 2020/2021, which was to be general debate today being the first allotted day.

In which case Hon. Members, I will request that as many of you as possible familiarise themselves over the weekend so that we may not have to do more than two allotted days which will be Tuesday Morning and Afternoon Sittings. We aim to conclude in order to allow the Cabinet Secretary to incorporate the resolutions of the House in his Budget highlights for Thursday 11th June at 3.00 p.m.

Hon. Members, I think, I do not need to put the Question on this. The Chair agrees and so Hon. Members, we stand down the business appearing as Order No.8 on the Order Paper until Tuesday, 9th June at 10.00 a.m. Let us go to the next Order.

(Motion deferred)

BILL

Second Reading

THE COUNTY OUTDOOR ADVERTISING CONTROL BILL

Hon. Speaker: The Chairperson, Departmental Committee on Communication, Information and Innovation Hon. Kisang.

Hon. William Kisang (Marakwet West, JP): Thank you, Hon. Speaker.

I beg to move that the County Outdoor Advertising Control Bill (Senate Bill No.19 of 2018) be now read a Second Time.

The County Outdoor Advertising Control Bill, 2018 was passed by the Senate on 19th June 2019. The Bill was transmitted to the National Assembly on 3rd July 2019. It was read a First Time in this House on 30th July 2019 and committed before the Departmental Committee on Communication, Information and Innovation for consideration.

Hon. Speaker, the Committee placed an advertisement in the local dairies on Friday, 21st February 2020 inviting the public to submit their views on the Bill on or before 27th February 2020. This is the first Bill we have put an advertisement in the newspapers and only one organisation gave us a memorandum. That is the Outdoor Advertising Association of Kenya. After receipt of the same, the Committee held a total of four meetings to consider the Bill and submissions from Outdoor Advertising Association of Kenya which we have incorporated in this Report.

We expected more people to give us submissions like the Council of Governors (CoG) and other agencies like Kenya National Highways Authority (KeNHA), Kenya Rural Roads Authority (KERRA) or Kenya Urban Roads Authority (KURA). But they did not submit and we only received a submission from the Outdoor Advertising Association of Kenya.

Hon. Speaker, this Bill is an Act of Parliament that seeks to provide a legal framework for the regulation of outdoor advertisement in the counties and for connected purposes. The Bill further proposes to provide for the procedure for the application for issuance of an outdoor advertising licence. The Bill is made up of three parts and 23 clauses. Advertising is a rapidly growing industry and now forms part of everyday culture often adding colour to our streets. If you drive around Nairobi and on roads across the country, you will see very many beautiful advertisements in the streets and this is as a result of outdoor advertising.

Outdoor advertising is a key element of the industry and contributes to the creation of vibrant and competitive economy in our country. However, there is need to balance the requirements of the industry with the protection and, where possible, enhancement of the character and appearance of our counties. As you drive, you do not want to see advertisements that are blocking beautiful views of our country along the roads. Outdoor advertising is a function that is assigned to county governments in accordance with the provisions of Article 186 of the Constitution and paragraph (3) Part 2 of the Fourth Schedule. This is basically a county function. It is important to note that this is purely a county function. So, the other entities like KeNHA, KeRRA and KURA are basically interested parties. But they are not the ones to approve issuance of licences when it comes to outdoor advertisements.

Clauses 1, 2 and 3 of the Bill provides for preliminary provisions and set out the exceptions from the application of this Act. Clause 4 of the Bill provides for the procedure for application of a licence. It provides that the applicant interested in outdoor advertising shall submit an application to the respective County Executive Committee (CEC) member responsible for matters relating to advertising. Basically, the CEC member for ICT or Communication is the one that a particular applicant will apply to. Clause 5 of the Bill provides for the factors to be put into consideration when processing the application for a licence. This is basically to ensure it is very clear so that from county to county, we do not have different procedures on how to process a licence. We are trying to standardise. We know some counties already have their own Bills. This is just an overall framework but each county assembly can have their own domiciled Bill. This is basically giving them a framework.

Clause 6 provides for the issuance of the licence which may be issued within a period of 14 days from the date of application, and approval shall lapse if the advertisement is not erected within six months of grant of the licence. We are saying that if within six months you have been issued with a licence and you have not put up the adverts in that particular space you applied, it will lapse because we do not want those who speculate and would want to sell space when they get those who pay more.

Clause 7 of the Bill provides for consultation by the CEC member to relevant public bodies that have an interest in the safe display of advertisements in considering an application where

applicable. We are saying here that the CEC member in charge of advertisement in the counties can consult other relevant bodies, but this should not stop them from issuing the licence. This is a formality. This is purely a county function. Clause 4 of the Bill says that the CEC member will need to get consent from KeNHA. So, if we say they will need to get consent, it means basically that the CEC member will have to get permission to issue licence from KeNHA. We are saying they only consult but not seek for consent. That is an amendment that we will bring during the Committee of the whole House.

Clause 9 of the Bill provides that the licensee shall not alter, remove, erect or upgrade an advertisement for which a licence has been issued unless with the approval of the CEC. The moment you apply for a licence that you want to put an advert of a particular size on a particular corner of the street or road, you cannot change it unless you get permission from the CEC member because this might also change your licence. You might need to pay additional fees.

Clause 10 of the Bill provides that a licence may be renewed, at least, one month before the expiry and sets out the renewal procedures. The licences that will be issued will last for a period of 12 months and we are saying before the expiry, the applicant or licensee may apply for renewal because it is not automatic that you want the licence to be renewed. Maybe, you want to change or move to a different location.

Clause 11 of the Bill provides for the revocation of a licence by the CEC while Clause 12 provides for review of the decision by the CEC in court within 14 days. We are saying if you have been given space to advertise and maybe you have made changes or you do not follow the procedure as it is put, the CEC member can revoke. But you also have an opportunity to appeal and go to court within 14 days.

Clause 13 proposes that the advertisement should be removed within seven days of revocation or expiry of an advertisement. Hon. Speaker, give me an additional two minutes so that I can wind up. Clause 21 of the Bill provides for legislation. In essence, this clause allows county assemblies to enact their own laws. We are saying this is an overall Bill but each county assembly may enact their own Bills following the framework that we have set herein. Clause 23 of the Bill provides consequential amendments to Section 3 of the Physical Planning Act. This is one of the Acts that will be affected when this Bill is signed into law.

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

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

So, Hon. Temporary Deputy Speaker, as a Committee, we are saying that, during the Committee of the whole House, we will come with some amendments that we have agreed with Members on Clauses 2, 4, 10, 15 and 21. I beg to move and ask Hon. Gathoni Wamuchomba, who is a member of the Committee, to second the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let us have Hon. Wamuchomba Gathoni to second.

Hon. (Ms.) Gathoni Wamuchomba (Kiambu CWR, JP): Thank you, Hon. Temporary Deputy Speaker. Also thank you my Chair, Hon. William Kisang, for the wonderful presentation. I am very excited about this Bill and I look forward to the deliberations from this honourable House. This is because this Bill is going to bring a lot of soberness in the advertisement industry. Currently, we have a lot of confusion along the highways. We have many billboards blocking road

signs, hospitals, police stations, railway lines, waterways and even blocking surveillance services that are normally used by our security bodies.

Therefore, if we harmonise the way we place our billboards, road signs and advertisements, we will be able to make sure that such necessity signs are clear to the users of this country. I would be very keen to convince this House to adopt this Bill because we have had a lot of confusion with the stakeholders who are in the business of outdoor advertising. In the past, most people who have wanted licences to place their billboards along the main highways have had to move from one office to the other looking for licences. You start off with the design. After you design, you have to go to National Environment Management Authority (NEMA) to get a licence for your billboard to be up and after that, you have to go to the county which has to send you again to KeNHA and other government agencies. So, as a businessman and stakeholder, you realise that the process becomes very expensive. Therefore, outdoor advertising in Kenya has become very expensive because of the very many levies that we have been putting in this process. By harmonising this process and making sure that we have a central place where one can get a licence and get facilitated to get all other auxiliary licences that are required, the billboards and outdoor advertising business will become a little bit more affordable to Kenyans and a little bit comfortable even to the users. I would like to appeal to the House to adopt this Bill because of the issues we have had in the past.

Hon. Temporary Deputy Speaker, we are politicians in this House, and we have county governments that are manned by politicians. We have had some governors who wanted to monopolise billboards during the campaign period. Such governors would make sure that their opponents did not advertise using billboards or any other form of outdoor advertising in the counties in order to stifle competition. Therefore, we have had scenarios where billboards were mounted during the day and removed at night by political rivals. I believe we have given a lot of procedures on how one can pull down or protect a billboard.

With those very many remarks, I second the County Outdoor Advertising Control Bill, 2018 and urge the House to find it worth accommodating.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The first to get the Floor is the Member for Ainabkoi, Hon. William Chepkut.

Hon. William Chepkut (Ainabkoi, JP): Hon. Temporary Deputy Speaker, it is true that I support this Bill. It is also true, as stated by Hon. (Ms.) Gathoni Wamuchomba, that during campaigns, some governors tend to monopolise outdoor advertising. Therefore, this Bill has come at the right time.

During the Committee of the whole House, I will introduce amendments. Nevertheless, the Chairperson of the Departmental Committee on Communication, Information and Innovation has done a great job. He is, indeed, very competent. I have no doubt in my mind that he is going to agree with my amendments. I look forward to the Committee of the whole House, so that we can deliberate on the amendments.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Thank you, the Member for Ainabkoi. Next on my request list is the Member for Makueni, Hon. Daniel Maanzo.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this very important Bill.

Hon. Temporary Deputy Speaker, advertising happens all over the world and it is good to have a structured method under law, to monitor this. In fact, Hon. (Ms.) Esther Passaris is an expert in outdoor advertising. I believe when debate on this Bill resumes during the next sitting, she will be very useful as a person who has personal touch and experience with outdoor advertising.

Hon. Temporary Deputy Speaker, other than outdoor advertising, advertising has shifted to social media. Advertising is now more electronic than outdoor. Electronic advertising receives more accolades and support from many people who can now access things online. In fact, online advertising is overtaking outdoor advertising even though the latter will also remain solid for many years to come, just like books - books are now online, but we also have physical books. Libraries are online, but we also have physical libraries with solid books. Probably, the next area to legislate on should be electronic or online advertising.

Hon. Temporary Speaker, while supporting the Bill, outdoor advertising has had a lot of challenges and contradictions. Many are the people who have done this business and have ended up in losses when county governments refuse to pay them or when they have an argument as to the manner of handling and how disputes are sorted out in this particular matter. A lot of them have ended up in court. In many cases, judges have proposed legislation. Clearly, legislation is missing in one way or another. We are now happy to have this Bill, which is going to control this industry, which is big.

Advertising is also one area where business people make a lot of money. Counties come into play very easily. Many times, if you do not follow the laid down procedure or law, which does not exist, you find that after you have invested millions of shillings putting up outdoor advertisements, the next day they have been removed or crashed in a very rude manner by county government officials. Simply, for not paying a very small fee, instead of county government officials getting in touch with you, they demolish your outdoor advertisements, discourage businesses and make you end up in losses. It is heart breaking, especially at a time when employment is very scarce in this country. This is one area which can employ a lot of young and jobless people, because most of the work is manual. It also needs structural engineers. It is an area which employs many people and the country can collect taxes out of it. So, it is very good to regulate outdoor advertisement.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Hon. Members, for your noting, each Member speaking to the Bill under Order 9 will have five minutes. So, please, plan your time.

Member for Lari, Hon. Jonah Mwangi, you have the Floor. I can see he is still consulting. Member for Kaiti, Hon. Joshua Kivinda.

Hon. Joshua Kivinda (Kaiti, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this important Bill. I am a Member of the Committee.

I am happy with this Bill because we have been having a lot of challenges in the advertising industry, especially on the issue of licensing. In fact, the challenge we are facing is that some organisations take you round in circles when you apply for a licence for adverts. With this Bill, we deliberated and discussed more about it and agreed to come to the central point whereby if you want to advertise and you have paid licensing fee in Nairobi and you move to Kiambu or other counties, there is some kind of harmonisation to ensure that you do not pay for a similar licence wherever you go because it can be hectic and expensive to business people.

Hon. Temporary Deputy Speaker, during campaigns, we face a lot of challenges. You may have your billboards put in place, and you may have paid for them, but come the following day,

you find that they have been pulled down and someone has put another billboard there. So, this Bill will solve the challenges that we face with regard to outdoor advertising. We want to put in place a good legal framework to ensure that there will be laws to be followed and make sure that all organisations respect the laws.

We have another challenge where one is required to get a licence from the National Environment Management Authority (NEMA), county government, the Kenya Rural Roads Authority (KERRA), and the Kenya Urban Roads Authority (KURA) when doing business. That is one thing which made us as a Committee to think of having a harmonised law where if I want a licence, I just go to one body, get the licence and do my business without being chased by county officials.

The other challenge that organisations and business people face is that there are no good structures to be followed. That is why we need this Bill to put some structures in place which will be followed to avoid repetition of business licensing. If you are a business person and you go to a county government to get a licence for an advert of a certain product, it could take you a week or 21 days before you get it. There are a lot of delays in processing of licences. We want to put things clearly such that you apply for a licence, get it and start your business.

This Bill is very important to Kenyans. I support it. I thank my Chair who has done a good job and presentation and also Hon. Wamuchomba, who seconded very well, as well as other Members. I urge the whole House to support the Bill for the sake of our business people.

I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Thank you, Hon. Kimilu. It is true that I really appreciate this Bill. I can also see the Member for Kibwezi West. This Bill is about regulations. Makueni County borders Taita Taveta and Mtito Andei. Hon. Musimba, I know you also come from Makueni. Allow me to give an opportunity to the Member for Ruaraka. I can see all of you want to fight for the outdoor advertising revenue for Makueni County.

Let us have the Member for Ruaraka. You are not being heard well. I hope you are on the *Hansard*. Please, check your microphone, Hon. Member for Ruaraka, Hon. Kajwang', so that we can be sure you are on the *Hansard*.

Hon. T. J. Kajwang' (Ruaraka, ODM): Hon. Temporary Deputy Speaker, I just want to quickly say that there is need to infuse some constitutionalism in this Bill. The Constitution states that national roads are owned by the Kenya National Highways Authority (KeNHA). That is missing here. There must be a reflection of that constitutionality in this Bill, so that we see how KeNHA will play with county governments where national roads will pass. Some of the ideas would be some sharing ratio. Regulations can be developed that ensure some sharing of revenue in terms of percentages - perhaps less to the national Government and more to the county governments - which then keeps that constitutionality proportionality going. The Roads Maintenance Levy is an important component of R and A in KeNHA.

Advertisements make a lot of money. They can be a very good source of raising funds for some of those issues we have in road maintenance. Having said that, county governments must account for the money they receive. They have all the licences. They license liquor and dancing places. They literally license everything. The fact that they will license outdoor advertising will not necessarily be the answer to their questions. We need to develop a fund in which this money must go to in every county as direct money specific to that project. In that way, we will have some accountability from the counties, otherwise, we will just be increasing allocation to the county chiefs and giving them more liquidity. At the end of the day, we will still be where we are. If we will oversee this money, then some thought must go into how to create a fund in which county

officials must use that money for development of the roads and nothing more. The funds should not leave that kitty to be used for employment or recurrent expenses.

I support the Bill. However, a lot of thought needs to be put into it by the Committee to redesign how the funds will be used and how the constitutionality of ownership of those roads will be maintained in terms of revenue sharing.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Let us have the Member for Kibwezi West, Hon. Musimba Patrick.

Hon. (Dr.) Patrick Musimba (Kibwezi West, Independent): Thank you, Hon. Temporary Deputy Speaker for this opportunity. You echo it so well when you talk about our concerns regarding boundaries like what we are currently experiencing in Makueni with Taita Taveta. The bone of contention is issues to do with revenue. You will find that outdoor advertising - and I am sure the Committee has captured that - is a business running into hundreds of billions a year in the Republic of Kenya. It could develop into a very sore issue. This Bill is timely.

The issue which I would invite the Committee to venture into is where you want to allow individual counties to come up with their own parallel Bills. That needs to be corrected to simply state that they need to forward harmonised regulations that would take care of unique scenarios. This refers to standardisation in the way we are putting up the infrastructure. You must appreciate that along the highways and within even the localities and county headquarters, those billboards are huge infrastructure that bring into question the issue of safety standards which come under the confines of the National Transport and Safety Authority (NTSA). You do not want a billboard to be so distracting that someone forgets to look at the road and is still staring at the billboard when the lights have gone green and it causes an accident. Some electronic billboards whose lights are so glaring would blind people. Those are the issues which come along in terms of safety. We already have harmonisation committees by the NTSA in conjunction with the county governments that can ably address this and come up with a standardisation mode.

Further to that, you find issues to do with the development which are captured well by Hon. T.J. Kajwang' when he speaks about the constitutionality of who owns what property. We know a lot of budgets of county governments are involved. They are informed by own source revenue. These become contentious issues especially in development of roads when you know highways occupy an eight-metre radius from the middle of the road in each direction. Arguably, you would say that the land where the billboard infrastructure has been put is outside of that confine. Those preambles need to come to forth.

We should also look at the issues of the content, recognition and obligation by companies which are doing outdoor advertising in terms of national concerns. Currently, we have the Coronavirus pandemic. I would have expected a scenario where all billboards come down irrespective of who has put them up and we address that national concern purely as a corporate social responsibility (CSR). It should be what people see so that they are educated and sensitised on something which is very important to the public. On national days, we have had a practice since Independence that all shops display the national flag on them, but you do not see the same being done by outdoor advertising agencies. There is a lacuna there. These are important days to do with patriotism. The preamble of the Constitution calls upon everyone to live a life that leaves Kenya as a going concern. Indeed, foster is for the next future generation. Advertising will always be at the core of this.

I want to applaud the Committee because I have already seen some existing proposals of amendments in the Committee of the whole House stage. I want to see a lot more being done in terms of engagement to align Kenya's best practice with what is occurring internationally.

I thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well, Member for Kibwezi West. We have a Member whose chip is not working well. I prefer that you use a different one. Hon. Ibrahim, Nominated Member, you have the microphone now.

Hon. (Ms.) Nasri Ibrahim (Nominated, FORD-K): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this important Bill. Firstly, it is imperative to appreciate the fact that outdoor advertising is important both to businesses and the Government as a source of revenue. Types of outdoor advertising includes billboards, benches, interior and exterior of buses, taxis and businesses, and signage posted on the exterior of your brick and mortar location.

The outdoor advertising not only captures mass audience, but also targets specific communities, ethnic groups, income levels and age. Cognisant of this fact, there is need to ensure that outdoor advertisement respects amenity, general environment and does not prejudice public safety, including road safety. The proposed County Outdoor Advertising Bill provides a legal framework to the county outdoor advertising in order to achieve a standardised balance between the need to advertise and the protection of the amenity and public safety by regulating the mood and type of advertisement.

Further, the Bill proposes the establishment of the County Outdoor Advertising Committee which will be responsible for the issuance of the advertising licence and application procedure with particular balances between the need to safeguard the environment, amenity and revenue allocation.

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

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The Member for Lamu County.

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): Asante, Mhe. Naibu Spika wa Muda. Nimesimama kuunga mkono Mswada huu na kuipongeza Kamati. Ni vizuri kuwa na sheria za utangazaji au matangazo ya barabarani. Wakati mwingine Kamati ikikaa, ningeomba wafikirie kama haya mazuri waliyopanga saa hii ili wapange katika hizi mabodi za barabarani za kutangaza kusiwe na wale akinamama wanaotumika saa zingine kuonyesha uchi. Saa zingine yale matangazo yanafanya wanawake wanaonekana wakiwa wamevaa nguo fupi sana. Kamati ifuatilie suala hili.

Pia, katika upande wa Lamu Mashariki, hatuna sehemu nyingi za kutangaza kwa sababu barabara ya kutoka ni moja ambayo ni ya Kisiwa cha Pate. Kuna pahali pazuri sana kwa kipandio. Pengine wengine hawataelewa kipandio ni nini. Kipandio ni *bridge* ambayo saa hii inatumiwa na binadamu kwa kutembea. Ikiongezwa kidogo na Serikali, itapita magari. Basi pale kunaweza kutumika kuwekwa mabodi mengi ya kutangazia.

Asante, Mhe. Naibu Spika wa Muda.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hicho ni Kiswahili sanifu. Umetaja mabodi. Very well. That is the Member for Lamu. I have the Member for Kabondo Kasipul, Hon. Obara Akinyi.

Hon. (Ms.) Eve Obara (Kabondo Kasipul, ODM): Thank you very much, Hon. Temporary Deputy Speaker. I too stand to support the Bill. I once worked in an environment where we faced so much frustration with different agencies while working on our billboards and signages. I know many of us, as politicians, have also faced a lot of frustration from our competitors with our posters during campaign times with no clear direction on where we are supposed to take our complaints to.

I am happy because this Bill will now regulate the industry. It has come at the right time. For once, we will work and operate in a structured manner with the roles clearly spelt out. I want to again appreciate the Committee for a job well done and support the Bill.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Hon. Members, there being no other Member on my request list who wish to speak to the Bill, I, therefore, call upon the Mover to reply.

Hon. William Kisang (Marakwet West, JP): Hon. Temporary Deputy Speaker, there is one Member who is here who has requested to speak, but he does not have a card. I can donate one minute to him and then I will have four minutes.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You can donate your minute. The beneficiary of the one-minute donation from the Chair can get the microphone.

Hon. Gichimu Githinji (Gichugu, JP): Thank you, Hon. Temporary Deputy Speaker and the Chair for donating that minute. Let me utilise it well. I support the Bill. It excites me when it gives timelines upon which outdoor advertisement ought to be in place. We have seen some people obstructing or denying others opportunities to advertise by fixing or putting up billboards for over a year. This happens during elections when some people put up billboards for a whole year.

I also support the issue of safety. Billboards ought to take care of the safety of road users, including motorists. If there are many advertisements, it will be imperative and good to be compounded into one major billboard, especially outdoor advertising, instead of every person placing a small board which obstructs others depending on the strength of the advertiser.

It is high time county governments invested this money, because there is a lot of it from the licences, in effective uses that can help the community.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. We will have the Mover to reply. Your one minute has been consumed by the Member.

Hon. William Kisang (Marakwet West, JP): Hon. Temporary Deputy Speaker, I beg to reply. I want to take this opportunity to thank the Members of the Departmental Committee on Communication, Information and Innovation for the tireless time that they put into this Bill. I also want to thank all the Members who have contributed today on this Bill.

It is good to note what Hon. T. J. Kajwang' said on KeNHA. Clauses 4 and 10 of the Bill say that the member of the County Executive Committee (CEC) who is in charge of advertising will consult and get consent from KeNHA. However, it is important to report to this House that in the past, there has been three court cases on this clause, especially on the issue between county governments and KeNHA. The Association of Practitioners in Advertising say that this is purely a county function. At the same time, we also know that the roads are owned by KeNHA. So, there is a conflict. But the courts have already spoken on this. The Advertisers Association of Kenya (AAK) went up-to the Supreme Court, where they won the cases. Therefore, in the Committee of the whole House, we will have to ventilate on how KeNHA is coming in. But we can recommend that regulations are made, so that KeNHA and the counties can work together and agree on a ratio of the revenue. We do not have any issue or objection on that.

Secondly, Hon. Temporary Deputy Speaker, is on harmonised regulations. It important that we will take note of what Members have said, that it is not good to have laws across the counties but each county can come up with their own regulations. In fact, we have put in the Bill what we call "rate-cut". We are saying that each county will have to come up with rates for advertisements for each of the areas within the county, so that the rates are harmonised. Sometimes you are maybe

charged Kshs20,000 per square metre, while other counties will charge Ksh100,000 while others will charge Kshs5,000.

It will be important if they come up with harmonised rates so that it is uniform and the business community will know the rates when they are doing their planning, instead of a haphazard way of charging for licences.

Hon. Temporary Deputy Speaker, I beg to reply and thank this House for supporting. If any Member has any amendments, we can discuss them during the Committee of the whole House and see how we can support them.

Thank you.

The Temporary Deputy Speaker (Hon. Jessica Mbalu): Very well. Hon. Members, I am not in a position to put the question to the County Outdoor Advertising Control Bill, Senate Bill No. 019 Of 2018. So, I order the Question to the same will be put in the next sitting.

(Putting of the Question deferred)

Let us move on to the next Order.

THE REFUGEES BILL

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Where is the Leader of the Majority Party?

Hon. Members, the Leader of the Majority is in the concentration room and I order that Order No.10 is stood down.

(Bill deferred)

ADJOURNMENT

Hon. Members, there being no other business on our Order Paper today for this afternoon, being 6.32 p.m., this House stands adjourned until Tuesday, 9th June 2020 at 10.00 a.m.

I thank you all.

The House rose at 6.33 p.m.