

**PARLIAMENT OF KENYA****THE NATIONAL ASSEMBLY****THE HANSARD**

Tuesday, 16<sup>th</sup> June 2020

The House met at 10.00 a.m.

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

**PRAYERS**

**Hon. Deputy Speaker:** Order Members, we were just confirming whether we have the required quorum. Looking at what we have in other holding Chambers, we have quorum. Therefore, business will begin.

**PAPERS LAID**

**Hon. Deputy Speaker:** Under that particular Order, we have the Leader of the Majority Party starting us off.

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

The Budget Statement for Fiscal Year 2020/2021.

Financial Statement for the Financial Year 2020/2021.

Estimates of Revenue, Grants and Loans for the Government of Kenya for the year ending 30<sup>th</sup> June 2021.

Statistical Annex to the Budget Statement for the Financial Year 2020/2021.

The Budget Highlights, the *Mwananchi Guide* for the Financial Year 2020/2021.

**Hon. Deputy Speaker:** Very well, next Order. Let us start with Statements. We will have the Member for Lafey, Hon. Abdi Mude.

**STATEMENTS****STATUS OF CONSTRUCTION OF ELWAK- FINO ROAD**

**Hon. Ibrahim Abdi** (Lafey, EFP): Thank you, Hon. Deputy Speaker.

Pursuant to provisions of Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding the status of the improvement of Elwak-Fino Road in Lafey Constituency to bitumen standards.

An elaborate and well-maintained road network is an essential infrastructural establishment for facilitating access to social amenities, spurring socio-economic development and opening up regions for investments. The Elwak-Fino Road is a major highway serving the north eastern part of the country. However, the road is in deplorable state, yet in the Budget Estimate for the Financial

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Year 2017/2018, this honourable House appropriated funds for improvement of the said road to bitumen standards.

It is against this backdrop that I seek a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing on the following:

- (i) What is that status of the Elwak-Fino Road considering that the House did appropriate funds for its construction in the Fiscal Year 2017/2018 and the tender advertised thereafter?
- (ii) What plans have the Ministry put in place to ensure that the construction of the said road commences as soon as possible considering that the Mandera-Fino Road is almost complete?

I thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** The Chair for the Departmental Committee on Transport, Public Works and Housing, how much time do you require? You now have the microphone.

**Hon. David Pkosing** (Pokot South, JP): Hon. Deputy Speaker, I thank you. Can I say a week?

**Hon. Deputy Speaker:** I think that is fair. Can we go to the next one? Hon. Member for Isiolo, Hon. Rehema Jaldesa, please, have the Floor. Is she in any other holding area? I cannot see any indication that she is in.

Let us now go to Questions.

## ORDINARY QUESTIONS

*Question No.027/2020*

### STATUS OF CONSTRUCTION OF BARICHO BRIDGE

**Hon. Deputy Speaker:** I am informed that Hon. Aisha Jumwa, who is supposed to ask the first Question, has made a request that it be deferred. I accept her request.

*(Question deferred)*

Let us have the Member for Nyatike, Hon. Tom Odege.

*Question No.026/2020*

### RECRUITMENT OF GENERAL CADET OFFICERS AND TECHNICIANS INTO THE KENYA PRISONS SERVICE

**Hon. Tom Odege** (Nyatike, ODM): Hon. Deputy Speaker, I beg to ask the Cabinet Secretary for Interior and Coordination of National Government the following Question:

- (a) Could the Cabinet Secretary provide a list of all prison officers who have undertaken further studies or acquired specialised training, skills and qualifications, but have been seconded and deployed as technicians?
- (b) Could the Cabinet Secretary justify the recent placement of an external advert calling for the recruitment of 500 general cadet officers and technicians into the Kenya Prisons

Service before an internal recruitment was carried out in line with the Public Service Commission's policy?

- (c) Could the Ministry put in place measures to ensure priority is given to promotion of serving officers who are qualified before recruiting externally, in line with prudent human resource practices?

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

Hon. Chairman, do you wish to say something on that? I think it is okay. We have referred it to the Committee. They will transact that in due time.

We also have the Member for Mathioya Constituency, Hon. Peter Kihara. Kindly have the Floor.

*Question No.063/2020*

OPERATIONALISATION OF NYANGITI BOREHOLE IN GITUGI WARD

**Hon. Peter Kimaru** (Mathioya, JP): Thank you, Hon. Deputy Speaker. I beg to ask the Cabinet Secretary for Devolution and Arid and Semi-Arid Lands the following Question:

- (a) Could the Cabinet Secretary explain why Nyangiti Borehole in Gitugi Ward in Mathioya Constituency which was constructed through public funds in 2017 is yet to be operationalised?
- (b) When will the said borehole be equipped and operationalised to provide safe and sufficient water to residents of Mathioya Constituency?

**Hon. Deputy Speaker:** That Question is to be replied before the Departmental Committee on Environment and Natural Resources.

Members, we had skipped responses by Chairpersons to Statements. We have three of them. Let us start with the response by the Departmental Committee on Administration and National Security to the Statement request by Hon. Robert Gichimu, the Member for Gichugu. Hon. Chair, are you ready for this one? You actually have two. We have one by Hon. Gichimu and one by Hon. Tom Oluoch.

PROVISION OF RELIEF ASSISTANCE TO INFORMAL SETTLEMENTS TO  
MANAGE COVID-19 PANDEMIC

**Hon. Paul Koinange** (Kiambaa, JP): Thank you, Hon. Deputy Speaker. I need to respond to the request by Hon. Gichimu Githinji regarding provision of foodstuffs and other relief supplies to informal settlements across the country in order to manage the COVID-19 pandemic.

The informal settlements are mainly located in the cities and towns of the country. Most people in these settlements are vulnerable largely due to low income. This in turn leads to low purchasing power. The Ministry provides relief supplies to vulnerable persons across the country on a regular basis, but does not specifically target the slums. The food is meant for all persons who are mainly needy and particularly those who have been affected by disasters. The foodstuffs include maize, beans, rice and cooking oil. Non-food items like tarpaulins, blankets and iron sheets, among others, are also provided on a need basis, and in line with the available resources.

Hon. Deputy Speaker, due to the Coronavirus pandemic, the Ministry has however, prepared a database of people in all the counties. The data has been shared with the relevant

ministries that would be involved in implementing the necessary interventions. It includes the Ministry of Interior and Coordination of National Government and the Ministry of Labour and Social Protection among others. The Ministry will work closely with county governments in providing any support that would be needed by persons who would be adversely affected by COVID-19.

The Government, through the existing structures, national and county for managing disasters in the country, has identified vulnerable persons in every county up to the village level. The criteria used to identify vulnerable persons takes into consideration the following: Level of income as provided by the Kenya National Bureau of Statistics; status of an individual employed, unemployed or engaged in any business or farming; vulnerability due to age, disability, or illness and availability, access and utility of food, market prices of goods and services, climatic conditions and its effects on crops and livestock farming.

The Ministry has always distributed relief food to vulnerable people without discrimination, favoritism, wastage or theft. The people targeted for assistance are identified using a community-based targeting and distribution system (CBTD) in which the local leaders and potential beneficiaries participate in identifying those who are needy and deserve relief supply.

The County Steering Group (CSG) co-chaired by the county commissioner and the governor or his representatives oversees the entire process of targeting and distribution of relief food. There are however, occasional cases of theft or diversion of relief food which are dealt with administratively and in accordance with the law. All persons who receive relief food are not only expected to keep social distancing, but must also observe all safety protocols on management of COVID-19 pandemic.

Hon. Deputy Speaker, the Ministry has been running relief programme for many years. At any given time, there are people in the country who require relief assistance because their lives and livelihoods have been affected by disasters. Currently, the Ministry is providing relief assistance to people affected by floods and landslides across the country.

For that, I have attached a list of distribution of food in the month of April and May for the Member to see where the food has been distributed.

Thank you.

**Hon. Deputy Speaker:** Very well, let us see, Hon. Gichimu. I will give the first shot to the Member who requested for the Statement. I do not see him around and, therefore, I will give opportunity to two Members and one of them will be Hon. Wamalwa. Hon. Members, you do not need to put up your hand because even if you do so, I will not recognise you for two reasons: One, I am not supposed to; and secondly, it is difficult to recognise you when you have that gadget on your face. It is very difficult. Therefore, I would rather use the normal gadget that we have here.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): Thank you so much, Hon. Deputy Speaker. First and foremost, I want to thank Hon. Koinange for that wonderful response. It is true that it is now a nightmare when it comes to matters of relief food. I come from Trans Nzoia County and we have seen food being distributed by the Cabinet Secretary in charge of Devolution, but there are many Kenyans who are being discriminated against on political lines. We need to understand. Even regarding the Provincial Administration, we have seen people complaining that chiefs are selling relief food. We also need to know whether this is aligned to a particular political formation. It has been clear in my county that the Cabinet Secretary goes there with food that is available courtesy of Kenyan taxpayers and donors, and it is given to some specific members of county assembly while others are left out. When they ask for the reason, they are told that they are not politically correct. We want clarity. What do we mean by being “politically correct”?

Moreover, is this food supposed to be distributed through MCAs or through the Provincial Administration where it goes to chiefs? In addition, there are some chiefs who have demonstrated clearly that they have sold food to some shops. What action is the Ministry taking against such public officers? What action is also being taken against the Cabinet Secretary who is using food for political reasons or ambitions? The Cabinet Secretary has been seen moving around all over in the name of Luhya unity, distributing food. We need clarification on this and what action is being taken against the particular CS?

*(Loud consultations)*

**Hon. Deputy Speaker:** Hon. Wamalwa, you had actually come out very well initially, but towards the end, you digressed. Again, because that is local politics, it will be difficult for us, as a House, to address that aspect. I am now going to look for someone else. I can see there are many people from that region who are requesting to comment, but I am not going to allow them because they are many. Let us have somebody from another part of the country.

Hon. Nyamai Kaki, proceed.

**Hon. (Ms.) Rachael Nyamai** (Kitui South, JP): Thank you, Hon. Deputy Speaker. When I came in, I found Hon. Koinange giving a response regarding distribution of food. It is true that there is demand for food. There are many people who do not have food because of floods and other natural disasters that happened in some areas. Before I make my comments, I would like to say that I had requested to raise a point of order because Hon. Wamalwa, for whom I have a lot of respect, was disgracing and mentioning the Cabinet Secretary and going down to MCAs and chiefs and thereby bringing local politics into this House. I think he can do it better out there. I would like to say that, yes, there are many...

**Hon. Deputy Speaker:** Hon. Nyamai, you have to make a decision. You know, you are doing exactly the same thing you are accusing Hon. (Dr.) Wamalwa of.

*(Laughter)*

You are also digressing. You are claiming to be raising a point of order when I actually gave you an opportunity to ask your own question. You have to make up your mind on which one you want to deal with. Are you interested in the point of order or you want to make your own contribution, which you actually have?

**Hon. (Ms.) Rachael Nyamai** (Kitui South, JP): Hon. Deputy Speaker, thank you very much for your guidance. I am going to speak to the matters that were raised by Hon. Koinange. It is true that when this food is being distributed, it should not have any political inclinations. That is extremely important to note. I would like to appreciate that I have received food for my constituency. It is important for the Members to know that if you have need for relief food in your constituency, there is a channel you can use to request for some. I am saying this because it is something I have done. I am receiving 500 sacks for my constituency. I have two sub-counties. I made an effort to ensure that I provided information regarding the number of people affected in my constituency and I have been considered. So, distribution of relief food is happening in Kitui South. In fact, the food is issued by the county commissioners and my chiefs. It does not have any political issues. Moreover, when I get an opportunity, I participate in the distribution.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** You will have to stop right there. You have actually taken over from Hon. Koinange and answered Hon. Chris Wamalwa. I think we should leave it to Hon. Koinange. He will do his job well as he normally does. I know there is a Member from the holding areas. I can see the Leader of Majority Party. Do you want to speak to this one? In the meantime, Hon. Pukose from the other holding areas should be ready.

**Hon. Aden Duale** (Garissa Township, JP): Thank you, Hon. Deputy Speaker. I thank the Committee Chair for that very elaborate Statement. As a person who comes from a region that has been a recipient of relief food, and looking at the billions of shillings that we allocate to relief food, this House and the Government generally must now start thinking outside the box. I will be suggesting in future, maybe through the Government and through this House, that we turn the relief food into cash transfers. That would be a better way of dealing with the problem. There is pilferage. Let us not run away from the truth. In terms of relief food distribution, there is pilferage. It does not reach the intended people 100 per cent.

(Applause)

In fact, if we give the people a little cash, they can buy what they want from the nearby shopping centres. That will even improve the economy of those shopping centres in the rural areas. I want to make it very clear, let me not hide, that I have even discussed this matter with the President. We are reading from the same page, that this House allocates billions of shillings to relief food. Why can we not give those billions of shillings to the affected people even if it means every person receiving Kshs3,000 or Kshs2,000? As they buy *unga* and tea leaves at the nearby shopping centres, the economies of those areas will improve. Because we are dealing with the Budget, that should be the route to go for us, as a House, instead of giving our people maize year in, year out. We have been doing so since Independence. If you give somebody maize or rice, what else will he do with it? It is better to give somebody Kshs2,000 or Kshs3,000. We should think outside the box. Our Chairman is here. The Ministry of Devolution and Arid and Semi-Arid Lands should go that route, going forward.

**Hon. Deputy Speaker:** Very well. What the Leader of the Majority Party is saying is that, probably, when you are given Kshs2,000, you could easily buy the seed rather than the foodstuff itself.

Proceed, Hon. Pukose.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Bwana Naibu wa Spika, nashukuru kwa kunipa fursa hii. Nataka kumshukuru Mwenyekiti, Mhe. Koinange, kwa yale mambo ambayo amesema. Jambo kubwa katika ugavi wa chakula tunachosema ni *relief food* nikuwasaidia wanaoumia.

Ninataka kujiunga na mwenzangu kutoka Trans-Nzoia, Mhe. Chris Wamalwa kwamba sisi tuko na shida kwa sababu kile chakula kililetwa kule, hata tunapoongea sasa hivi, Mhe. Koinange, tunaambiwa mafuta iliibiwa - ile ilipelekwa katika Kaunti ya Trans-Nzoia. Na hadi sasa haijapatikana. Chakula cha msaada kinapotolewa, tumeweka mikakati ipi kuhakikisha kwamba hicho chakula kinafikia wale ambao wanakihitaji?

Tuhakikishe kwamba kila mtu ambaye ameathirika anaweza kushughulikiwa vilivyo. Ninajua watu watajaribu kusema pengine tupeane pesa, wengine wanaweza kuchukua pesa hizo na wakafanyia jambo ambalo sio sawa. Wanaweza kutumia hizo pesa kwa kununua pombe. Wengine watachukua hizo pesa na zisifikie watoto na akina mama. Kwa hivyo, tunapopeana hiki chakula, ni lazima tuhakikishe ya kwamba kinafikia wale ambao wameathiriwa kweli. Kwa hivyo, Mhe. Koinange, ningependa kuomba muhakikishe ya kwamba wale wanaohusika na kupeana

chakula cha msaada wanawajibika. Na wengine pia wasitumie chakula cha msaada kwa mambo ya kisiasa. Tupeane chakula kwa wale ambao wameathirika, siasa itakuja baadaye.

Nashukuru, Mhe. Naibu wa Spika.

**Hon. Deputy Speaker:** I can hear the Leader of the Minority Party saying that even the maize can be converted into doing the things you have just said they should not do. Hon. Chairman, there is quite an interest in this and so I will give a chance to two more Hon. Members and then you will respond generally. I will pick on one lady. Let us have the Majority Whip and then I will come to a lady on my left.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Hon. Deputy Speaker, allow me to appreciate the comments from the Chair. As one of the constituencies that have benefited from the distribution, I would like to say that mine went on well. It was organised from my office and that of the deputy county commissioner (DCC). It is important that we get proper coordination and once we do that, we take it from the county commissioner to the DCC and this system can work very well. However, let us not politicise it in between and move on with the distribution. For my case and Kakamega County, we must say it is well done.

I thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Okay. Let us have that lady putting up her hand, the Member for Baringo. You have changed your sitting position and I cannot recognise you. Proceed.

**Hon. (Ms.) Gladwell Cheruiyot** (Baringo CWR, KANU): Thank you, Hon. Deputy Speaker. I also appreciate what Hon. Chairman has brought to us about relief food. What people are trying to say here is that relief food is being distributed, but the people meant to get it are not necessarily getting it. Many times, when you ask the public whether the Government distributes food, they say it does, but the vulnerable people do not get it. So, we need to relook into how we are going to proceed from here. Instead of 100 per cent depending on chiefs, we need to look at the Nyumba Kumi leaders who know the needs of the people down in the village.

Hon. Deputy Speaker, I want to talk about Baringo where we have floods around the expansive Lake Baringo. We have people whose homes have been submerged and up to today, they have not received relief food. I have not seen the Cabinet Secretary for Devolution and Arid and Semi-Arid Lands go there. They have not received any assistance. We hear that food is being distributed, but those people have not received any attention. It has forced me to take some steps and ask for some funding through the National Government Affirmative Action Fund (NGAAF) for some emergency money to assist them. So, it is important to look into that so that Kenyans can feel that this food is going round to all people as the taxpayers without bias on some communities.

**Hon. Deputy Speaker:** Let us have the Minority Deputy Leader but, please, let it be very brief. Actually, that would have been the last one, but proceed.

**Hon. Robert Mbui** (Kathiani, WDM-K): I thank you, Hon. Deputy Speaker. I just wanted to point out to the Chair one of the problems faced in the distribution of this food. The food comes to the local community, but there is no money that is given in order to assist in its distribution. So, some people have to probably fund transportation. In the process, there are those loading and offloading. So, a lot of the food is used to pay the loaders and off loaders. That is how the food is reduced. So, there is need to consider how to do that without spending a lot of money.

**Hon. Deputy Speaker:** Chair, as you respond, you do not need to go to the details. Basically, what the Members were doing is to give you feedback. So, you can pick some of those and make your response better. However, you can briefly and in summary respond to the Members.

**Hon. Paul Koinange** (Kiambaa, JP): Thank you very much, Hon. Deputy Speaker and Hon. Members. I have noted most of the concerns that the Members have especially on the issue

of delivery, problems on the ground and also selecting the people who deserve to get this food. In Baringo, they have delivered quite a number of foodstuffs.

Hon. Deputy Speaker, the issue of political leaning is wrong. We all know that it is written in the Bible that I was hungry and you gave me food. It is very wrong when people brand donations. Food is very sensitive. Just give it from your heart and you do not need any politics to distribute it. That way, you will be blessed even as a Member of Parliament. At times we have gone the wrong direction by politicising food supplies.

On the issue of security of delivery, I will ensure that I notify both the Ministry of Devolution and Ministry of Interior and Coordination of National Government that there is a problem in food delivery. Nyumba Kumi will get more involved in selecting the needy cases. As a matter of fact, we decided against using chiefs because most of the time they favour their relatives. The Nyumba Kumi way will give us better lists and that is what we are using nowadays.

The other issue is what Hon. Duale has said. We should change the way of giving by providing funds right to the ground and we can build those particular areas.

Hon. Deputy Speaker, I would like to present my last Statement if you allow me.

**Hon. Deputy Speaker:** Yes, proceed. Is it the one by Hon. Tom Oluoch?

#### ILLEGAL ALLOCATION OF MATHARE POLICE DEPOT LAND

**Hon. Paul Koinange** (Kiambaa, JP): Yes, Hon. Deputy Speaker. This is from Hon. Antony Oluoch, the Member for Mathare.

Official documents in our possession indicate that the Mathare Police Depot land, LR No.209/8600 measuring 32.65 hectares was set aside for Kenya Police in 1975. The police depot borders Gitathuro River, Kosovo, Mathare IDP slums, the old Mathare Primary School and Mathari Mental Hospital. A copy of the map and allotment letter is attached. I have both the allotment letter and the map.

Hon. Deputy Speaker, the allotment letter was issued on 4<sup>th</sup> November 2010 for a period of 99 years with effect from 1<sup>st</sup> September 1998 and all requisite land payments made (Appendix 2). The police depot comprises of 32 housing units for senior officers, 232 units for subordinate ranks and 29 *mabati* A-frames for civilian officers. There is also a police canteen and an old block that once used to host the Provincial Training Centre.

Secondly, the Mathare Police Depot land is protected under Section 3 of the Protected Areas Act, Chapter 204 of the Laws of Kenya as read with the Sixth Schedule of the Protected Areas Orders. It is described in Paragraph 3 of the Sixth Schedule as Mathare Police Depot and Provincial Police Training Centre at Mathare in Nairobi Area.

The land was gazetted in the *Kenya Gazette* through the Legal Notice No.56 of 1976 L.N.56/1976 and Legal Notice No.11 of 1991 L.N.11/1991. The land was originally fenced, but as time passed, the fence decayed and some portions vandalised leaving the land open. As the land remained open due to lack of budgetary allocation to mend the fence, this led to encroachment on the property by squatters who over time have constructed both temporary and permanent structures.

Thirdly, a committee calling itself Mathare Settlement Scheme formed in 1997 was found to be involved in the illegal allocation of the police land by issuing certificates to unsuspecting land buyers within Kosovo, Gitathuro and Mathare IV slums. Some 41 owners of the buildings on the land were summoned to appear and present their title documents before the National Land Commission (NLC) on 12<sup>th</sup> February 2016 and 26<sup>th</sup> January 2017, but failed to appear. The NLC

in their ruling on 26<sup>th</sup> January 2017 revoked the 41 title deeds and held that the 32.65 parcel of land belong to the Kenya Police Service.

The allegation that residents of Mathare Ward are living in fear cannot be ascertained, since the Kenya Police Service has not engaged them directly or issued eviction notices to them. We cannot confirm when the said residences started existing, but the land invasion happened in the 1990s. The Ministry of Lands can ascertain from documents in their possession.

It is true that youth have been prevented from accessing the playing ground due to the following reasons:

- (i) The playing ground is an open space and is approximately five metres from the administration block and the main armoury.
- (ii) The resident youth had converted the open space as a hard drugs den.
- (iii) At night, the land was used by criminals to plan and coordinate criminal activities within the area.

It is, therefore, our opinion that those who have encroached on the land should be given notice to vacate and forcefully ejected upon the expiry of the notice. The land belongs to the police and the same has been confirmed by the NLC. The land having been allocated in 1975 was not available for private allocation. Hence, all those settled on the land are in illegal occupation.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well. That was a very well detailed response. I will not open it up because it was a response to a specific Member. If Hon. Oluoch is in here, I will give him an opportunity and then we can move on because it is a very detailed response, in my opinion.

Since, he does not seem to be in, we will move to the next one. We will go to the Chairperson, Departmental Committee on Transport, Public Works and Housing who is responding to request regarding forced railing of cargo by the Standard Gauge Railway (SGR) from Mombasa to the Naivasha Inland Container Depot (ICD).

issuing the notice on transit cargo

#### NOTICE ON TRANSPORTATION OF CARGO BY SGR TO NAIVASHA INLAND CONTAINER DEPOT

**Hon. David Pkosing** (Pokot South, JP): Thank you, Hon. Deputy Speaker for giving me this great opportunity. Pursuant to provisions of Standing Order 44(2)(c), Hon. Abdullswamad Sheriff Nassir sought a Statement from this Committee on the following issues:

- (i) What informed the notice on transit cargo by the Cabinet Secretary with regard to current economic problems bedevilling the sector?
- (ii) What is causing congestion at the Port of Mombasa and what plans are there to reduce the congestion as well as address the port efficiency?
- (iii) How is addressing the COVID-19 pandemic a measure of decongesting the Port of Mombasa?
- (iv) Whether a notice on transit cargo issued is contrary to the Competition Act.
- (v) Why could the Ministry not allow cargo operators and clearing agents the option of choosing to use the Naivasha Inland Container Depot or use other facilities?

Hon. Deputy Speaker, the primary reason for issuing the notice on transit cargo was to contain the spread of COVID-19. Let me repeat that this is a very important Statement. There are some issues being raised to insinuate that this was given by an individual for

individual reasons, namely, the Cabinet Secretary, and this is not true. Therefore, the public needs to listen to this very carefully.

The notice was as a result of consultations held by the Heads of State during the Consultative Meeting of the East African Community (EAC) held by video conferencing on 12<sup>th</sup> May 2020, and the subsequent consultation among the partner states' ministers in charge of transport. The purpose of this consultation was to formulate strategies of containing the spread of the COVID-19 pandemic in the East African region, at the same time facilitating smooth flow of people and commerce.

It is after this meeting and a follow-up meeting of the ministers responsible for transport in the four countries that the Cabinet Secretary for Transport issued a statement that transit cargo for those countries should be collected at the Naivasha Inland Container Terminal. This was as agreed in line with the directive by the four Presidents following a visit to the Naivasha Inland Container Terminal and all the countries were expected to issue similar statements.

I need to emphasis what came from the Ministry. The notice on transit cargo is not a negation of the agreement reached earlier with the leaders from Mombasa County, the Kenya Transport Association and my Committee, to withdraw the circular issued in 2019 directing that all cargo from the Port of Mombasa be transported to Nairobi only by the Standard Gauge Railway (SGR). The directive issued by Kenya Ports Authority and the Kenya Revenue Authority (KRA) was withdrawn upon intervention by this Committee, the leaders from Mombasa and the Ministry. The recent directive is on the Naivasha Inland Container Depot and it only affects transit cargo. This directive takes into consideration and accounts to the following:

1. Movement by trucks and related movements by drivers because the movement of persons is the main transmitter of COVID-19 as we have been told in the 3.00 O'clock statement by the Ministry. By shortening the distance, we have addressed the major source of this disease.
2. The shortened distance reduces the damage to the roads and the huge investment required to maintain them.
3. There is reduction of accidents which is a major cost to our economy.
4. There is also efficiency of transport.

Finally, the East Africa States aim to adopt appropriate ways across the border in transportation modalities to prevent the spread of COVID-19 across our borders and ensure that drivers who test positive for COVID-19 are properly treated. There is also need to reduce human interaction along the transit corridors.

Hon. Deputy Speaker, I thank you. I now table the details in terms of figures in the statement for your perusal and that of the House.

*(Hon. David Pkosing laid the Document on the Table)*

**Hon. Deputy Speaker:** That is a detailed one. Let us have Hon. Abdullswamad. What is it, Leader of the Majority Party?

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, I think as a House, we must make a determination. When somebody seeks a Statement, it is important, morally right and decent for him to be here. Otherwise, I think you need to make a decision on that. Chairs cannot be reading Statements and yet the people who sought them are not here. I think going forward, you should be asking if the person is present and if he is not, then the Statement should just be tabled for that person to read. Unless he is playing politics... I thought this was Hon. Abdullswamad's pet

subject. In fact, he has asked for three Statements relating to the same matter. I want the people of Mvita to listen to me. If, indeed, your Member was very serious, he should have been here. The Chair has read a very comprehensive Statement and the first person to have been given opportunity is him.

Secondly, just before Hon. Koinange sat down, it was the Member for Mathare. He sought a Statement, but he is not here. There is also the other one on relief food.

**Hon. Deputy Speaker:** Whereas I agree with you, Leader of the Majority Party, these are extraordinary times. So, sometimes Members could be in other holding areas. Again and most importantly, we will still proceed and have the response to the Statement because once they ask, it ceases to be their own request. It becomes property of the House. However, what I am going to do is to instruct the Office of the Clerk to make sure that all Members who are supposed to receive Statement responses are informed. We might be accusing them... I can assure you many Members will be very happy to be sitting here and listening to the Statement being responded to, but sometimes they have no idea that that will happen.

So, I want to say that these are extraordinary times. Let us treat them a bit more lenient but most importantly, let all the Members whose Statements are due to be responded to be informed. That is a directive so that we can move in a better manner.

However, since the matter is before the House, I will give the Floor to two Members only starting with the Leader of the Minority Party. Do I get an indication that Hon. Sabina Chege wants to say something to this? Okay, it will be the two of you. Yes, I have seen that request. Probably you know it will be closer home. Proceed, Leader of the Minority Party.

**Hon. John Mbadia** (Suba South, ODM): Thank you, Hon. Deputy Speaker. I thank you for the direction that you have given regarding those who have sought Statements that, they need to be informed when the Statements will be answered so that they can make themselves available. They can even request to be considered for allocation of seats. You remember we are only sitting here about 60 of us and those who are sitting in the next room are also equally not many.

Having said that, this is a matter of national importance and I thank the Chair for bringing this Report. It has caused a lot of heat especially in the Coastal region. I think it is a matter that... (*technical hitch*). I totally agree that there are a lot of benefits of transporting cargo by rail because again that is one of the main reasons why we constructed the railway. However, there are two things that need to be done. One, there is need for public participation. We need to engage stakeholders to understand exactly the thinking of the Government and the reasons the Government is making that decision rather than just communicating through gazette notices.

I want to ask the Chair if he engaged the Cabinet Secretary on this one. I do not agree that the best route to take is to collect some signatures. Some funny character here is collecting signatures to remove the Cabinet Secretary. I think this is a matter that can be discussed and agreed on and the stakeholders made to understand what exactly the thinking of the Government is.

Secondly and finally, when you are changing a policy, there are people who are going to be adversely affected by that policy. There are people who are earning a living through transportation. That inefficient system that you are talking about had created livelihoods for some people. So, there is need for the Government to come up with a strategy of how we can help those Kenyans who are earning a livelihood through this system. How are you going to make sure that they continue earning their livelihood especially at this difficult time? I do not know whether they could consider those two issues.

**Hon. Deputy Speaker:** I think you have gone the right direction and Members should pick from it. That when a Statement is read, what you should be doing is to seek clarifications. Some Members find themselves contributing to the Statement rather than seeking clarification.

We go to Hon. Mishi Mboko.

**Hon. Katoo ole Metito** (Kajiado South, ODM): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is it, Hon. Metito? It is very unlike you to rise on a point of order.

**Hon. Katoo ole Metito** (Kajiado South, ODM): It is very true that it is very unlikely for me to do so. I respect my colleagues, but the very able Leader of the Minority Party has said something that should not really go into the records of this House. He said that a funny character is collecting signatures here. I think this is an honourable Member. "A funny character collecting signatures here" is demeaning of a Member. Hon. Deputy Speaker, I request you that you rule that it is out of order.

**Hon. Deputy Speaker:** Leader of the Minority Party, we really do not need to go very far with this. There are no characters here. There can only be Members of Parliament. We should not take a lot of time on it.

**Hon. John Mbadi** (Suba South, ODM): Hon. Deputy Speaker, first of all, I want to tell my good friend, Hon. Metito, that an honourable Member cannot be a funny character. I have never met an honourable Member collecting signatures, but I met some funny character. So, he should have asked me where I met the funny character. It does not have to be in the Chamber or Parliament. Probably I met this funny character in the streets collecting signatures. So, why is he making an assumption that I am referring to an honourable Member? I have actually not met any honourable Member collecting signatures to remove anybody. I just met funny characters.

*(Laughter)*

**Hon. Deputy Speaker:** Let us have Hon. Mishi Mboko. What is it, Leader of the Majority Party? I thought you have made a request to contribute to this matter. So, allow us to give Hon. Mishi the Floor. You are actually the one who said that she should be given the opportunity. I will come to you very quickly. In fact, I want you to be the last one. I might even give an extra Member a chance and you be the last one to summarise. But that does not mean it is going to be Hon. Nyikal.

Proceed, Hon. Mishi. What is the number of your seat, Hon. Mishi? We seem to have an issue with the system. So, probably, you need to come forward to the Dispatch Box or dispatch area. I think the Box was removed.

**Hon. (Ms.) Mishi Mboko** (Likoni, ODM): Asante sana, Mhe. Naibu Spika.

Hata mimi nimesimama hapa kutaka kuongea na Mwenyekiti wa Kamati ya Uchukuzi. Nafikiri Mhe. Abdullswamad Nassir aliuliza swali hili kwa sababu jambo hili limekuwa na utata mkubwa sana. Kama alivyosema Mwenyekiti, tuliweza kuwa na mkutano wa Wabunge kutoka Pwani, wakiongozwa na wa Mombasa, pamoja na Kamati ya Uchukuzi. Vile vile, pia, tukawa na mkutano pamoja na Rais, Mhe. Uhuru Muigai Kenyatta, kwa swala hili. Kwa hakika, swala hili ni nyeti na ni swala ambalo limeharibu ajira nyingi sana ya watu wa Pwani na Wakenya kwa jumla. Wakati kulipotolewa ile tunasema kwa Kiingereza *directive* ya kusema ya kwamba zile shehena zote lazima ziende Naivasha, tulilizungumzia swala hili na kuambiwa ya kwamba maagizo kama haya ama hizi *directives* ziliweza kutolewa na ikawa ya kwamba kazi zitaendelea kama

zilivyokuwa zikifanyika. Lakini, baada ya muda mfupi tu, tumekuja kuona kwamba swala lile limerudi vile vile. Tukiuliza tunaambiwa ya kwamba ni kwa sababu ya janga la COVID-19.

Mhe. Naibu Spika, kweli tunajua COVID-19 iko nchini lakini swala lolote lingefaa watu waitwe mkutano ama wafanye ile tunasema kwa Kiingereza *public participation* na tuambiwe ya kwamba *directives* hizi zimerudi kwa sababu ya COVID-19, zimerudi kivipi, ni kwa muda gani na ikiwa zimerudi, je, tutaweza kufanya njia nyingine mbadala ambazo zinaweza kusaidia wakaazi wa Pwani na hata Wakenya kwa jumla? Kwa hakika, swala hili bado halijamalizika na majibu ambayo ameyatoa Mwenyekiti bado hayajakuwa na ufasaha na bado hawajalieleza jambo hili kwa undani. Kwa hivyo, bado tunataka Mhe. Waziri aweze kuweka kikao, kuja katika Bunge au kwa njia nyingine yoyote, kuweza kuzungumzia swala hili kwa sababu ni swala tata na nyeti na bado mpaka sasa kuna sitofahamu, hivi na hivi na hakuna mwelekeo.

Asante Mhe. Naibu Spika.

**Hon. Deputy Speaker:** Okay, that is enough. Leader of the Minority Party, she said *swala nyeti* not *swala nyati*, you have to be very clear on that one.

Leader of the Majority.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, I really want to thank the Chair of the Departmental Committee on Transport, Public Works and Housing. Just like the Leader of the Minority said, we need to balance. We cannot build a railway and plan to build it all the way to Kisumu and do not carry anything. Times change. In the old days, people used camel transport where I come from, but now they use different means of transport. So, I think as a country, we cannot build a railway, but we must also do public participation.

Secondly, if you allow me, I think Hon. Speaker made a Communication. I really wanted, as a leader, to say this very clearly that the Speaker made a Communication in 2016 - if you do not have a copy, I have a copy in my office - on how to collect signatures. You do not collect signatures in the corridors or at the car park. You put your argument at the reception, Members listen and then they sign for you, and I really agree. So, those who are purporting to collect signatures, first, you are violating the procedure of the House. Secondly, you cannot impeach - and this is for record - a Cabinet Secretary for a decision of the Cabinet.

(Applause)

You cannot impeach a Cabinet Secretary for a decision of the East African Heads of State. The impeachment must be in tandem with the role and function of that Cabinet Secretary as specified in the Constitution. So, I do not want to call it a character, but I want to educate the young Members. Please, read - and I am ready to give a copy - that Communication. It was after Hon. Anne Waiguru's impeachment of 2016.

**Hon. Kathuri Murungi** (South Imenti, Independent): On a point of order.

**Hon. Deputy Speaker:** What is your point of order, Hon. Kathuri Murungi?

**Hon. Kathuri Murungi** (South Imenti, Independent): Thank you, Hon. Deputy Speaker. The Leader of the Majority is my good friend and my senior in politics, but the debate he is canvassing in this House is not before the House. Actually, it is my first time to learn that there are signatures being collected. But honestly, because we have a lot of business to transact, I do not think it is necessary to dwell on issues that are not before the House.

**Hon. Deputy Speaker:** Well, it makes perfect sense, but at least, the Leader of the Majority Party has put down his thoughts on that. So, wind up, Leader of the Majority, because we really have a busy morning.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, I have a lot of respect for Hon. Kathuri Murungi, but when you hold a position of responsibility like Hon. John Mbadi and myself, sometimes it is good to educate our colleagues. It was out of procedure. That is the reason I said the other day that when the Speaker makes a communication, even the first Speaker, the second...

*(Loud consultations)*

That is not procedural, but I am saying that all communications from the Speakers must be respected, even Speaker Francis ole Kaparo's or the first Speaker's communication.

**Hon. Deputy Speaker:** Now, Hon. Members, let us stick to our Standing Orders. We must stick to relevance. I can see many Members making other issues. Let us leave it. We have a heavy morning, Hon. (Dr.) James Nyikal, please, next time.

Let us have the Chair of the Departmental Committee on Transport, Public Works and Housing responding. We have a heavy morning. We will be doing the Committee of Supply and we are actually late. So, in brief, Hon. David Pkosing.

**Hon. David Pkosing** (Pokot South, JP): Thank you, Hon. Deputy Speaker. Again, let me also thank the Members who made their comments, specifically colleagues from Mombasa, Hon. (Ms.) Mishi Mboko, who I trust and we have engaged on this matter.

Hon. Deputy Speaker, let me be clear once again. The COVID-19 pandemic does not affect what was set aside. I think there is confusion. There is a narrative being built that the order that was agreed by the Heads of State for East Africa on transit goods does not affect local goods. That was to treat and mitigate the effects of COVID-19. I plead with our Members to understand that this is a different one. The one that Members from the Coast were engaged in, the one that was issued by KRA and KPA, was set aside. That is still aside. Let us not get confused. My Committee is willing and ready, if you want to re-engage on the one that was suspended, but this is a different order and directive that was being addressed.

As I conclude, it was not an individual's directive from the Cabinet Secretary. He was just implementing an Executive directive from the Heads of the State of East Africa. So, let us not confuse it because when you bring that issue and we misunderstand that it is from an individual, it brings problems. I thank Members for that concern. I have taken notes on behalf of the Committee and we can engage on this matter as we build our country.

Thank you.

**Hon. Deputy Speaker:** Very well. Hon. (Ms.) Sabina Chege to respond to the Statement by Hon. Peter Masara.

#### MEASURES TO MITIGATE COVID-19 RISKS FOR BORDER COUNTIES

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker, I want to respond to the Statement from Hon. Peter Masara, Member for Suna West, regarding the measures to mitigate risks facing residents at border counties with regard to the spread and management of COVID-19. Towards the end of my response, there are some guidelines that I would like to table before the House.

The question was on what measures the Government has put in place to seal all loopholes that may trigger the spread of the virus.

**Hon. Deputy Speaker:** Hon. (Ms.) Sabina Chege, I would really hate to be unfair to you, but do it in summary so that you can do more in responding because I know that will be an area where there will be a lot of interest on issues COVID-19.

Proceed, please.

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): Thank you, Hon. Deputy Speaker. The first question was on the measures the Government has put in place to seal all the loopholes that may trigger the spread of the virus in border counties such as Migori.

The Ministry of Health and the county governments at the border regions have been working closely with each other to ensure that the virus does not spread, especially from neighbouring countries. For the last three months, there has been constant consultation among the East African Community partner states whose objective is to enhance common regional approach in implementation of COVID-19 response measures.

All the partner states recognise that international movement of goods from the coast to inland destinations is a key essential service in the region. However, there is growing concern over truck drivers who form a very big proportion of confirmed asymptomatic cases of the disease and, therefore, pose a risk for further spread of the disease. It was, therefore, agreed that cross-border surveillance should be strengthened and harmonised common protocols, particularly for cars and testing of truck drivers be applied across the entire region. There is an attachment which I will table on the East Africa COVID-19 Testing Protocol.

The Sixth Presidential Address of 16<sup>th</sup> May 2020 directed that there should be no movement at the borders apart from cargo vehicles. This was echoed by neighbouring countries except Tanzania in which movement is still allowed. Other measures to contain COVID-19 in the border countries include new measures of handling truckers at the border points.

Movement of cargo has remained open. This means that the movement of truckers from country to country may pose a risk of transmission. Therefore, the Ministry of Health has developed a protocol where drivers should have a COVID-19 negative certificate prior to boarding their trucks. The Kenya Ports Authority is not supposed to release any cargo to anyone without it. The abuse of this protocol is resulting in a pile up of travellers, but the testing has to be done at the border points. Below there is a table which outlines the number of truck drivers who have been tested so far at the border points.

The East African Community (EAC) developed protocols that govern the inter-country movement of cargo. Kenya, being a signatory, follows the agreed protocols. Neighbouring countries have been sensitised as per the East African Protocol to facilitate their truck drivers to test prior to travel which will ensure that there is no waiting for results at the borders. This could cause congestion and unnecessary interaction. We have seen this happening. Therefore, this poses a risk of COVID-19 infection.

The draft testing protocols are currently being finalised by the East African Secretariat in consultation with technical experts from the respective East African member states. There is also an attachment of East Africa COVID-19 Testing Protocol and Attestation Certificate. They are also utilising the Nyumba Kumi Initiative through which the border population has been sensitised to identify foreigners whose origin is unknown and report to the authorities for appropriate action. There are also quarantine and isolation centres. All the border counties have been instructed to identify quarantine and isolation centres for any cases that may have been exposed and suspect or confirmed cases.

The second question was on what measures the Government is putting in place to control movement of people across the common porous border between Kenya and Tanzania. Regional

and county commissioners are working in conjunction with the regional commissioners across the border to ensure that COVID-19 prevention measures are implemented. The Ministry of Health is, therefore, working closely with the regional commissioners to ensure there is no prohibited movement. Multi-agency roadblocks are mounted at strategic areas to ensure that no one gains in-road access without proper authority and that any movement is through the official border crossings. The Nyumba Kumi Initiative is also in place and communities have been empowered to report any foreigners among them. There are also cross-border surveillance mechanisms between counties on both sides of the border that are monitoring the screening for COVID-19. There is also community education on prevention measures which is also ongoing.

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

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

The other question was on measures the Government is putting in place to ensure that border counties, particularly Migori County, have the capacity in terms of health facilities, equipment and personnel to be in a position to effectively handle COVID-19 cases. All counties have been tasked to identify quarantine, isolation or treatment centres that are capable of handling COVID-19 cases. Migori County has identified Macalder Sub-County Hospital in Nyatike as a treatment centre with a capacity of 17 occupants and adequate staff have been deployed. Three quarantine centres have also been identified for the general public and one for the health workers. The national Government has trained various officers to collect samples from different points within the country and forward them to the Kenya Medical Research Institute (KEMRI) Kisumu for further analysis. A rapid response team is also available at Migori County for the collection of people diagnosed with COVID-19 and also to further quarantine contacts of positive cases.

So far, 26 cases have been confirmed at Migori, nine of whom are Kenyans. The rest are Tanzanians who were handed over to Tanzanian authorities. Among the Kenyans, two have recovered and have been discharged. Additional information is that the country has total bed capacity of 518 in the Intensive Care Unit (ICU). They are distributed in both public and private health facilities across various counties and there is a table outlining the distribution of ICU beds in the country in this Report. Nairobi tops with 258, Uasin Gishu with 55, Mombasa with 36, Bungoma with 23, Kisumu with 21, Kiambu with 19, Nakuru with 19, Nyeri with 14, Kisii 13, Kakamega nine, Garissa six, Kwale six, Meru six, Narok six, Embu five, Kericho five, Machakos five, Kirinyaga four, Makueni four and Murang'a four, with a grand total coming to 518 ICU beds.

On COVID-19 protocols, following the World Health Organisation (WHO) notification of the COVID-19 pandemic, Kenya, through various national technical taskforces and subcommittees, has embarked on developing protocols to facilitate effective response to the disease. The protocols cover key thematic areas crucial to the management of the pandemic. The protocols will be updated continuously based on the evolution of the pandemic and any new findings from the ongoing scientific studies. I will, therefore, table several protocols today.

The first one is a Draft Harmonised Testing Guidelines for COVID-19 for the East African Region. I also have the Ministry of Health Interim Guidelines on Handling of Human Remains Infected with COVID-19 in Kenya. This document will guide all mortuaries both public and private on the guidelines on how to do that. On this one, several Kenyans and families have been harassed by health facilities, especially when a relative who is COVID-19 positive passes on. This

has led to undue stress. We have seen people being forced to bury their relatives at night. It is important for Kenyans to know that when somebody dies of COVID-19, there is no need to hurry to bury. Families should be given an opportunity to observe their culture and religion. We should not have any case of a family being forced to bury. Unfortunately, one of our Members was forced to bury a parent at night. Unfortunately, the test that had been done was wrong. They confirmed that later when we raised the issue with the Government. We discovered that the hospital that purported to test the mother of one of our colleagues gave wrong information that the mother was COVID-19 positive. Later, when the family requested for a second test, it came out negative. The Government took samples and it was negative. It is important for hospitals and health facilities to follow the protocols, especially on testing.

There is also a Protocol on Interim Infection Prevention and Control Recommendation for Coronavirus Disease 2019 in Healthcare Settings. I will also table the Guidelines on Rational Use of PPEs for COVID-19 in Healthcare Settings. I will also table a Comprehensive Guideline on Mental Health and Psychosocial Support during the COVID-19 pandemic. Those are the protocols that I will table today.

I urge Members that the public looks up to us and they seek advice. If something is not clear, get in touch with the Ministry immediately. There is stigma around COVID-19. Whether it is death or people who have been released to go back home, it is important that we let the public know that once a person is released from hospital and has been confirmed COVID-19 negative, they cannot transmit the virus because they are already negative. We should embrace them and treat them normally. For the ones whose kin have passed on for being COVID-19 positive, they should be given time to bury their people with decency. We should not even have any of those night burials that are being done.

Hon. Temporary Deputy Speaker, I submit my Statement.

*(Hon. (Ms.) Sabina Chege laid the documents on the Table)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): You can table your Statement. Thank you. Because it is a very detailed presentation by the Member, I am sure she will table it. I urge all the Members to pick a copy. I can give the opportunity to one Member to contribute. Members, you are aware of the business that is ahead of us. Let me hear the Leader of the Minority Party.

**Hon. John Mbadi** (Suba South, ODM): I thank you, Hon. Temporary Deputy Speaker. Let me first start by thanking the Chair of the Departmental Committee on Health. Previously, we said that the Chair should be giving weekly Statements on the COVID-19 Disease. The Chair is living to that which is commendable. I want to congratulate her on proving to be up to the task of informing this House and Kenyans on our preparedness, what is taking place and what needs to be done.

I have two issues that I want to touch on. First, politicians are failing Kenyans big time. I listened to a vernacular radio station this morning and I heard that 27 Kenyans left Mombasa County with a body and they did not even take the requisite papers. They decided to bribe on the way. They confessed. I heard them confessing what they did. They travelled all the way to Siaya County. Fortunately, the administration in Siaya County got wind of this and held the guys. They were tested and one turned out to be COVID-19 positive later. What got my attention is that two Members of Parliament who were not mentioned, one from Siaya County and another one from Mombasa County, kept on pressurising the authorities to release the 27 people who were put in

quarantine to go back to Mombasa County. That is exactly what the administration did. They released them and they travelled all the way to Mombasa County. When they arrived in Mombasa, the results came out and one of them was COVID-19 positive. That is carelessness and recklessness of the highest order on the part of our leaders, if it is true that they can make calls to expose the lives of many Kenyans to danger just because of personal political interests. I am shocked and I want to know the two Members of Parliament who made the calls.

Finally, because the Chair has constant interaction with the authorities, more particularly the Cabinet Secretary for Health who has done so well so far, I want to tell her that there is need to have a clear coordination of how these cases of COVID-19 are treated in this country, especially burial. The way the Government is treating those who die of other ailments... When someone dies in this country at this point, there should be no panic. Much as we should be cautious, there is no reason at all why the administration should panic and tell people that they have to bury the dead within two hours. They should handle the bodies with care and ask the people who are concerned to plan a burial within a very short time, but reasonably, so that the people who are mourning can have the opportunity to give a decent burial, however few they are. It was communicated that more than 15 people do not need to congregate, but 20 or 30 can be good enough.

As I conclude, we need a coordination of how burials are conducted. If you allow me, what we see in this country is a case where some people are treated specially and others are treated with carelessness. If you are poor, you bury your people differently. Those who are known take a week or two weeks before they are buried. I even see it in our village. There are people who take two weeks before they bury a body. Others are buried the same day. What is this discrimination all about? We are leaders. As we castigate the Government, you should also give us time to talk to our people. Some of them are misbehaving. Even if someone is so popular, God forbid, this is the time that you cannot congregate in thousands and escort the body in a procession and you do not even have masks like what I saw in Kisumu County. We condemn what the police did; burying a person at night and chasing people like rats. However, over 90 per cent of the people who attended that funeral did not have masks. It is carelessness. We are exposing ourselves to COVID-19.

With those many remarks, I thank the Chair of the Departmental Committee on Health.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Thank you, Leader of the Minority Party. You have spoken for most of us. The Chair of the Departmental Committee on Health has listened and taken note of this. I am sure most of the Members are represented. Where is Hon. Masara? Is he in the House because he had sought the Statement?

**Hon. Junet Nuh** (Suna East, ODM): I am holding brief for him because he is my neighbour.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Peter Masara is not in. Hon. Junet, are you holding brief for him?

**Hon. Junet Nuh** (Suna East, ODM): Yes.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Is it official? You come from the same area.

**Hon. Junet Nuh** (Suna East, ODM): We do not come from the same area, but neighbouring constituencies.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Suna East and Suna West.

**Hon. Junet Nuh** (Suna East, ODM): Yes. We all border Tanzania where the Member of Parliament was complaining about.

Hon. Temporary Deputy Speaker, first, I want to thank the Chair of the Departmental Committee on Health for the answers she gave us today. As you are aware, there are no measures

to curb the spread of Coronavirus in Tanzania. In fact, they declared themselves Coronavirus free. Corona is over, done and gone. As per President Magufuli's statement, Coronavirus is still in Kenya. So, people are coming from Tanzania because the borders are not closed. When Coronavirus case was reported in this country, it was thought to be a Nairobi affair and a disease that will always stay in Nairobi with us. As you can see, it has spread all over the counties. Even though health is a devolved function, this is a pandemic. This is a serious disease. Counties are unable to deal with Malaria and Typhoid. If you add them the Coronavirus Disease, they will just close shop.

Through the Chairlady of the Departmental Committee on Health, I urge the Ministry to take the fight against the Coronavirus Disease in counties seriously, especially in the border counties like where I come from. The influx of people from the Tanzanian side everyday is too high. Our police officers are not taking this disease seriously at the border level. A lot of people are crossing over the border. We want more resources to be taken to the counties, so that we can fight the disease at the county level.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Thank you, Hon. Junet. I know that the Chair has taken note of it. She will come back to us with more information after consulting and taking our views to the Ministry.

Hon. Members, because most of the paperwork was tabled, I order that we go to the next Order.

## COMMITTEE OF SUPPLY

*(Order for Committee read being the First Allotted Day)*

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

### IN THE COMMITTEE

*[The Chairman (Hon. Moses Cheboi) took the Chair]*

**Hon. Chairman:** Hon. Members, we are in the Committee of Supply to consider the Budget Estimates for the Financial Year 2020/2021. We will be fairly fast. So, Members, be very attentive, please.

#### VOTE 1011 – EXECUTIVE OFFICE OF THE PRESIDENCY

THAT, a sum not exceeding Ksh36,507,965,986 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the Financial Year ending 30<sup>th</sup> June, 2021 in respect of Vote 1011 (Executive Office of the President).

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

**Hon. Chairman:** What is it, the Leader of the Majority Party?

**Hon. Aden Duale** (Garissa Township, JP): Hon. Chairman, before we begin, I want the Chairman of the Budget and Appropriations Committee to table a letter from the Cabinet Secretary for National Treasury. The letter explains the re-alignment of the Budget to conform with

Executive Order No.1 of 2020. We have a Supplementary Order Paper. For record purposes, it is important that the Chairman tables those two documents.

**Hon. Chairman:** With the difficulties in the seating arrangement, where is the Chairman of the Budget and Appropriations Committee? There you are, the Member for Kikuyu.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Chair *Emeritus*.

**Hon. Chairman:** Did you just say now that we have a Chair called Mary? Or what did you say?

*(Laughter)*

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Chairman, I said: "Chair *Emeritus*."

Indeed, let me thank the Leader of Majority Party because, Hon. Members, you will notice that there is a Supplementary Order Paper.

**Hon. Chairman:** But that should not go on record, Hon. Ichung'wah. That is because if you bring in the issue of the title you are giving yourself, it will become difficult for us to proceed.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Chairman, have I given myself any title? The Minority Whip is the one who mentioned that title.

**Hon. Chairman:** Proceed. I consider the position to be that of the Chairman of the Budget and Appropriations Committee.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): The Chairman of the Budget and Appropriations Committee that the Leader of Majority Party was referring to is...

*(Laughter)*

**Hon. Chairman:** What is it, the Leader of Majority Party?

**Hon. Aden Duale** (Garissa Township, JP): Hon. Chairman, unless he withdraws the statement on "Chair *Emeritus*", he loses the moral authority to respond as the Chairman of the Budget and Appropriations Committee. If he is Chair *Emeritus*, it means he is no longer the Chairman of the Budget and Appropriation Committee. He needs to withdraw that statement, if he needs to respond.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): I am much obliged, Hon. Chairman.

**Hon. Chairman:** You do not even need to withdraw. It will be ignored because as far as we are concerned, we do not have any information on the particular title you are talking about. So, whether you withdraw or not, we will ignore it. It will be expunged from the record. The *emeritus* bit is expunged.

We can now proceed to the other matters.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Thank you, Hon. Chairman. But for the record, let me withdraw that bit. It was on a light note. I was referring to what the Chief Minority Whip whispered, together with Hon. Mule.

Hon. Chairman, let me thank the Leader of Majority because, indeed, Members will notice that there is a Supplementary Order Paper, which has a Schedule that reflects different figures from what was there in the original Schedule that was passed in the Report. This is occasioned by changes that are contained in this letter, which was basically occasioned by the Executive Order from the President that moved certain Votes from one Ministry to another and others from certain Departments. All the changes are reflected in the attached Schedule.

I wish to table the letter dated 8<sup>th</sup> June 2020 from the Cabinet Secretary for National Treasury, Amb. Ukur Yatani. This letter explains the contents of a letter from the Head of Public Service, which basically communicated Executive Order No.1 of 2020. All the changes that Members will notice in the Schedule are as a consequent of this letter.

*(Hon. Kimani Ichung'wah laid the letter on the Table)*

*(Loud consultations)*

**Hon. Chairman:** Well, that is okay. Order, Hon. Wamalwa. The effect of what the Chairman of the Budget and Appropriations Committee is tabling is to, first, justify the need for the Supplementary Order Paper and, secondly, to remove the issues of amendments in due course of our proceedings. That clarifies that bit.

What is it Hon, Wamalwa? We must make progress now.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): Thank you, Hon. Chairman. We are in the Committee of Supply and the Leader of Majority was very clear in terms of explanation for clarity purposes. How I wish that the Chair of the Budget and Appropriations Committee could have gone into the specific figures. This is because when he was moving, he was very specific about Kshs36 billion. What is the implication in terms of figures? He has just tabled and yet, we are interested in figures at this particular time. Would I be in order to request him to highlight the details? We do not have the details.

**Hon. Chairman:** No! No! You do not need to do that. All you need is to catch up with the Supplementary Order Paper. The figures that I am picking are the correct figures from the Supplementary Order Paper.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): We do not have copies of the Supplementary Order Paper, Hon. Chairman.

**Hon. Chairman:** You probably need a Supplementary Order Paper. In any case, it is online. You could actually go to the gadget in front of you. Let us proceed. I had already proposed the Question.

*(The lead Clerk-at-the-Table read out the Programmes under the Executive Office of the President, leaving out Nairobi Metropolitan Services)*

Hon. Members, let me now proceed and put the Question.

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

**Hon. Chairman:** What is it? Let me hear from you before I put the Question.

**Hon. (Dr.) Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Chairman. I want a confirmation because from the reading of the Programmes, Nairobi Metropolitan Services has been left out. Is it one of the Programmes under the Executive Office of the President?

**Hon. Chairman:** That is really a good pick from you, Hon. (Dr.) Makali. It makes it better when you are seated there.

*(The lead Clerk-at-the-Table read out the Programmes under the Executive Office of the President including Nairobi Metropolitan Services)*

That clarifies everything now. So, can I proceed to put the Question?

**Hon. Members:** Yes!

*(Programmes 0702000, 0703000, 070400,  
0734000 and 0745000 agreed to)*

*(Vote 1011 agreed to)*

VOTE 1021 – STATE DEPARTMENT FOR INTERIOR AND CITIZEN SERVICES

THAT, a sum not exceeding Ksh132,114,231,363 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June, 2021 in respect of Vote 1021 (State Department for Interior and Citizen Services).

*(Programmes 0601000, 0602000, 0603000,  
0605000, 0625000 and 06256000 agreed to)*

*(Vote 1021 agreed to)*

VOTE 1023 - STATE DEPARTMENT FOR CORRECTIONAL SERVICES

THAT, a sum not exceeding Kshs28,101,978,572 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent and Development) during the year ending 30<sup>th</sup> June 2021, in respect of Vote 1023 (State Department for Correctional Services).

*(Programmes 0604000 and 0623000 agreed to)*

*(Vote 1023 agreed to)*

VOTE 1032 – STATE DEPARTMENT FOR DEVOLUTION

THAT, a sum not exceeding Kshs5,664,864,121 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June 2021, in respect of Vote 1032 (State Department for Devolution).

*(Programmes 0712000, 0732000 and 0713000 agreed to)*

*(Vote 1032 agreed to)*

## VOTE 1035 - STATE DEPARTMENT FOR DEVELOPMENT OF THE ASAL

THAT, a sum not exceeding Kshs9,804,725,560 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June 2021, in respect of Vote 1035 (State Department for Development of the ASAL).

*(Programme 0733000 agreed to)*

*(Vote 1035 agreed to)*

## VOTE 1041 – MINISTRY OF DEFENCE

THAT, a sum not exceeding Kshs115,481,550,805 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June 2021, in respect of Vote 1041 (Ministry of Defence).

*(Programmes 0801000, 0802000,  
0803000 and 0805000000 agreed to)*

*(Vote 1041 agreed to)*

## VOTE 1052 – MINISTRY OF FOREIGN AFFAIRS

THAT, a sum not exceeding Kshs15,757,171,675 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June 2021, in respect of Vote 1052 (Ministry of Foreign Affairs).

*(Hon. Katoo ole Metito spoke off record)*

**Hon. Chairman:** Just a minute. What is it? Is that Hon. Metito?

**Hon. Katoo ole Metito** (Kajiado South, JP): Yes, Hon. Chairman.

**Hon. Chairman:** Yes, that is Hon. Metito, the Chair... But he has not yet proposed the programme. Can you allow us to propose the programme then I give you time? Propose the programmes.

**Hon. Chairman:** Let us now have Hon. Metito.

**Hon. Katoo ole Metito** (Kajiado South, JP): Thank you, Hon. Chairman. On behalf of the Departmental Committee on Defence and Foreign Relations, and I can see two distinguished Members of the Committee are in this Chamber, that is, the Hon. Vice-Chairman and Hon. Mwathi, the Member for Limuru, it is the considered opinion of this Committee that the budget for this Ministry, the whole of Vote 1052, be ring-fenced for the following reasons.

This is a Vote that is always about travelling in the diaspora. It is about missions. Every time when we have austerity measures, they cut across all ministries and this Ministry gets most

affected. For instance, in the current financial year, personal emoluments were reduced by seven per cent, ONM were reduced by about 21 per cent and the most affected areas are our missions abroad. We were even proposing, as a Committee, that a Vote for Kenyans in distress abroad be provided for all missions.

If you look at the situation during this Covid-19, you will find that very many Kenyans are suffering out there and those missions do not have such a vote. The biggest request of the Committee is that, through you Hon. Chairman, this budget for Vote 1052 be ring-fenced so that it is protected from the normal austerity measures that will come during the Financial Year. I think it will help this Ministry.

Thank you.

**Hon. Chairman:** How do you propose it to be ring-fenced? You know you are a seasoned legislator. You know we cannot do it at this point, especially during this Committee of Supply. I am trying to wonder whether we are going to do it in the Finance Bill or whatever stage but, definitely, not here. What you have achieved here is to create awareness that there is need for some way of dealing with it. I see Hon. (Dr.) Makali who has been a member of the Budget and Appropriations Committee wants to speak. Let me hear what his thoughts on this are. Hon. Metito, I will give you a chance. Let us hear Hon. Makali first.

**Hon. Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Chairman. I think the request is quite genuine, but as you are saying, it is coming at the wrong time. This would have been done when we were doing either the Report on the Budget, so that it would be captured in our Report. The only thing which can happen now is, possibly, a letter to be written to the Ministry of National Treasury and Planning once we get the resources. It will also be very difficult because the reason we do not ring-fence most of the resources is because we cannot release if we do not collect. This should have come at the budgeting process, when we were doing the Budget Committee Report.

**Hon. Chairman:** Let us have Hon. Tong'i and then we proceed because our hands are tied as far as we are all concerned.

**Hon. Richard Tong'i** (Nyaribari Chache, JP): Thank you for the opportunity, Hon. Chairman. I know where my Chairman, Hon. Metito, is coming from. It is the concern of the Committee that the Ministry of Foreign Affairs is most of the time confused with travelling and yet, it's main or core function is to represent Kenya out there. It is the face of the country. Therefore, we thought that most times when somebody sits in the office and they are looking at their travelling expense, the natural place to go to is the Ministry of Foreign Affairs because they do not appreciate the challenges that the Ministry of Foreign Affairs has. So, we hear you. We hear your comments that this is probably not the best forum to bring that issue. However, it is also important for colleagues to understand and appreciate that this challenge is there and the function of the Ministry of Foreign Affairs is out there; outside the country. Once they appreciate that, nobody will be taken by surprise when my Chairman moves the proposal to ring-fence this budget. Nobody will ask why we are doing this and yet, those are people who are busybodies, for lack of a better word, moving all over the country.

**Hon. Chairman:** I hear you. What I am wondering is whether there will be even need to ring-fence it. We only need to make sure that everybody understands the basic workings of every ministry. For example, if we needed to deal with issues of internal security, there are issues which are just there by virtue of that office handling certain matters and so they will be catered for. So, I think you have been heard. We will proceed and put the Question. I think we are okay there.

*(Programmes 0714000, 0715000, 0741000 and 0742000 agreed to)*

*(Vote 1052 agreed to)*

VOTE 1064 - STATE DEPARTMENT FOR VOCATIONAL AND TECHNICAL TRAINING

THAT, a sum not exceeding Kshs24,905,903,522 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June, 2021 in respect of Vote 1064 (State Department for Vocational and Technical Training).

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

**Hon. Chairman:** What is it Hon. Makali?

**Hon. Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Chairman. I want to be very brief. This is the Vote-head where we have the TTIs. This House must ensure there is fairness in the way the TTIs are distributed in the country.

I submit.

**Hon. Chairman:** Okay. You have been heard.

*(Programmes 0505000, 0507000 and 0508000 agreed to)*

*(Vote 1064 agreed to)*

VOTE 1065 - STATE DEPARTMENT FOR UNIVERSITY EDUCATION

THAT, a sum not exceeding Kshs113,132,758,547 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June, 2021 in respect of Vote 1065 (State Department for University Education).

*(Programmes 0504000, 0506000 and 0508000 agreed to)*

*(Vote 1065 agreed to)*

VOTE 1066 - STATE DEPARTMENT FOR EARLY LEARNING AND BASIC EDUCATION

THAT, a sum not exceeding Kshs100,818,982,114 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June, 2021 in respect of Vote 1066 (State Department for Early Learning and Basic Education).

*(Programmes 0501000, 0502000, 0503000 and 0508000 agreed to)*

*(Vote 1066 agreed to)*

VOTE 1068 – STATE DEPARTMENT FOR  
POST TRAINING AND SKILLS DEVELOPMENT

THAT, a sum not exceeding Kshs150,940,126 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 1068 (State Department for Post Training and Skills Development).

*(Programmes 0508000, 0512000 and 0513000 agreed to)*

*(Vote 1068 agreed to)*

VOTE 1071 - THE NATIONAL TREASURY

THAT, a sum not exceeding Kshs116,979,273,493 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June, 2021 in respect of Vote 1071 (The National Treasury).

*(Programmes 0717000, 0718000, 0719000,  
0720000 and 0740000 agreed to)*

*(Vote 1071 agreed to)*

VOTE 1072 - STATE DEPARTMENT FOR PLANNING

THAT, a sum not exceeding Kshs45,667,129,509 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June, 2021 in respect of Vote 1072 (State Department for Planning).

**Hon. Kimani Ichung'wah** (Kikuyu, JP): On a point of order, Hon. Chairman.

**Hon. Chairman:** What is it, Hon. Ichung'wah?

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Chairman, I want to inform the House. I have seen a number of questions as to whether the National Government-Constituencies Development Fund (NG-CDF) Vote was interfered with. As the Budget and Appropriations Committee, we made sure that the NG-CDF Vote remained as it were without the proposed deduction of Kshs9 billion by the National Treasury in the Annual Budget Estimates tabled in this House.

*(Applause)*

We brought back the Kshs9 billion to make sure that we are in line and in compliance with the Act as it is.

I want to inform the National Treasury and the Executive that the NG-CDF is not a Fund for Members of Parliament (MPs), because it relates to the national Government development projects in constituencies. It has nothing to do with MPs. It is important that as we begin the new Financial Year, if there is anything that will help stimulate the economy, then it is money that goes

to the constituencies and the rural areas. The NG-CDF is one of the most efficient and effective funds that gets money to the grassroots. The National Treasury must ensure that from 2<sup>nd</sup> July 2020, the Exchequer releases to the NG-CDF are done expeditiously to ensure that money trickles down to our grassroots to help stimulate the economy post-Covid-19. In the new Financial Year, we will be dealing with the post-Covid-19 economy.

**Hon. Chairman:** Lastly, let us have Hon. Shakeel Shabbir.

**Hon. Shakeel Shabbir** (Kisumu East, Independent): Thank you, Hon. Chairman. I want to congratulate the Budget and Appropriations Committee for doing an excellent job. However, there is the *Uwezo* Fund that falls under the same category. It has taken over a year for an approval of Kshs4 million to be made for release. I am afraid that the same cannot be said on *Uwezo* Fund. I request the National Treasury to tighten its operation on *Uwezo* Fund as it is one of the Big Four Agenda of the Jubilee Administration, to stimulate the economy. The bureaucrats seated here are frustrated by the delays.

**Hon. Chairman:** That is okay the Member for Kisumu East

*(Programmes 0706000, 0707000,  
0708000 and 0709000 agreed to)*

*(Vote 1072 agreed to)*

#### VOTE 1081 - MINISTRY OF HEALTH

THAT, a sum not exceeding Kshs111,702,668,997 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June 2021 in respect of Vote 1081 (Ministry of Health).

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Chairman, please give the Chairman of the Committee a chance.

**Hon. Chairman:** I will not give the Chairman an opportunity now. Let us have the Deputy Leader of the Minority Party. The Chairman of the Committee can wait.

**Hon. Robert Mbui** (Kathiani, WDM-K): Thank you, Hon. Chairman. I want to state that the issue of health has created lot of confusion because health is a devolved function. The programmes listed under that Vote are things that are not done at the county level. The governors have to put infrastructure in place during this period to help the nation because only a few counties seem to be prepared for disasters. I want to urge governors to play their role in health.

Thank you, Hon. Chairman.

**Hon. Chairman:** That is okay. Dr. Pukose, proceed.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Chair. As you can see from the budget for Health, we also have conditional grants to the Level 5 hospitals. We are hoping that this money can be put to better use by the counties. What we have realised in the past is that some of the counties just keep that money and start new projects or they use the money for other purposes, making the Level 5 hospitals to be short on cash. I think it is high time that counties were held accountable for that money so that it is properly utilised.

Thank you, Hon. Chairman.

**Hon. Chairman:** Before I put the question, let the Chair for the Departmental Committee on Health say something.

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): Thank you, Chair. I thank the Budget and Appropriations Committee (BAC) for the support they have given to the Health Committee. It is important to note what Hon. Pukose has said about the money going to the counties. The money that is going to the counties - and we had a meeting with the governors last Friday and even this Wednesday we are going to have another meeting with them - there was an indication that when this money is sent to the county accounts, sometimes, the governors do not even know that this money has come for the purpose of health. So, a lot of times you find that this money does not even go to the health facilities. Our proposal, even to the BAC, was that the money we allocate to the Level 5 hospitals is given to only 11 facilities in the entire nation. It is our proposal that that money should be distributed across the entire country so that all health facilities benefit. So as we move forward and engage further with the BAC, we should make sure that the money for health that goes to counties goes specifically for the purpose of health. A lot of what we reimburse through the *Linda Mama* Initiative and everything else does not get to the facilities, which is a very sad affair. We are trying hard to fight the Coronavirus pandemic. If we implement the Universal Health Coverage (UHC), then it is going to be easier for all of us in the entire nation.

Thank you Chair.

*(Programmes 0401000, 0402000, 0403000,  
0404000 and 0405000 agreed to)*

*(Vote 1081 agreed to)*

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

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

#### VOTE 1091 - STATE DEPARTMENT OF INFRASTRUCTURE

THAT, a sum not exceeding Kshs189,522,762,948 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June 2021 in respect of Vote 1091 (State Department for Infrastructure).

*(Programme 0202000 agreed to)*

*(Vote 1091 agreed to)*

#### VOTE 1092: STATE DEPARTMENT FOR TRANSPORT

THAT, a sum not exceeding Kshs47,555,286,371 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development Expenditure during the year ending 30<sup>th</sup> June, 2021 in respect of Vote 1092 (State Department for Transport).

**The Temporary Deputy Chairlady** (Hon. Jessica Mbalu): Hon. Nyikal, you have the Floor.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Chair, I notice that under these programmes on Vote 1092, there is road safety. But on Vote 1021, there was also road safety. Somebody could probably clarify why these identical programmes are in two different votes and how they are harmonised.

**The Temporary Deputy Chairlady** (Hon. Jessica Mbalu): Let us hear Hon. Makali.

**Hon. Makali Mulu** (Kitui Central, WDM-K): Thank you, Chair. The programme under Vote 1021 is under the Departmental Committee on Administration and National Security. And those are security roles. But in terms of implementation, they will be implemented under oversight of the Departmental Committee on Transport, Public Works and Housing.

**The Temporary Deputy Chairlady** (Hon. Jessica Mbalu): The Member for Nyaribari Chache, you have the Floor.

**Hon. Richard Tong'i** (Nyaribari Chache, JP): My comment is more or less the same as what my colleague Hon. Nyikal was asking. If we are talking of two different votes with the same programme of road safety, and then we get a clarification that they are safety roads, are there some which are not safety roads and which ones are those? We need to clearly understand which ones are safety roads and which ones are not so that we are able to explain to our members.

**The Temporary Deputy Chairlady** (Hon. Jessica Mbalu): Is security not safety, the Member for Nyaribari?

**Hon. Richard Tong'i** (Nyaribari Chache, JP): Yeah.

**The Temporary Deputy Chairlady** (Hon. Jessica Mbalu): With that clarification, Members, I now put the question.

*(Programmes 0201000, 0203000, 0204000,  
0205000 and 0216000 agreed to)*

*(Vote 1092 agreed to)*

#### VOTE 1093 – STATE DEPARTMENT FOR SHIPPING AND MARITIME

THAT, a sum not exceeding Kshs2,517,605,056 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June 2021 in respect of Vote 1093 (State Department for Shipping and Maritime).

*(Programmes 0219000 agreed to)*

*(Vote 1093 agreed to)*

#### VOTE 1094 – STATE DEPARTMENT FOR HOUSING AND URBAN DEVELOPMENT

THAT, a sum not exceeding Kshs17,057,250,846 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June 2021 in respect of Vote 1094 (State Department for Housing and Urban Development).

*(Programmes 0102000, 0105000 and 0106000 agreed to)*

*(Vote 1094 agreed to)*

#### VOTE 1095 – STATE DEPARTMENT FOR PUBLIC WORKS

THAT, a sum not exceeding Kshs3,499,489,034 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June, 2021 in respect of Vote 1095 (State Department for Public Works).

*(Programmes 0103000, 0104000, 0106000 and 0218000 agreed to)*

*(Vote 1095 agreed to)*

#### VOTE 1108- MINISTRY OF ENVIRONMENT AND FORESTRY

THAT, a sum not exceeding Kshs16,250,107,543 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June, 2021 in respect of Vote 1108 (Ministry of Environment and Forestry).

*(Programmes 1002000, 1010000, 1012000, and 1018000 agreed to)*

*(Vote 1108 agreed to)*

#### VOTE 1109 - MINISTRY OF WATER SANITATION AND IRRIGATION

THAT, a sum not exceeding Kshs76,685,441,648 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June, 2021 in respect of Vote 1109 (Ministry of Water, Sanitation and Irrigation).

**The Temporary Deputy Chairlady** (Hon. Jessica Mbalu): I see the Member for Wajir North. Your seat number is?

**Hon. Ibrahim Ahmed** (Wajir North, ODM): 14.

**The Temporary Deputy Chairlady** (Hon. Jessica Mbalu): There you are.

**Hon. Ibrahim Ahmed** (Wajir North, ODM): Hon. Temporary Deputy Chairlady, I have a very strong concern in this area. As you are well aware, water is a scarce commodity in the northern part of Kenya where access to it by both humans and livestock is a difficult process. I am aware of schools that have been closed down as a result of lack of water. However, the most unfortunate thing is that there are cases where allocation is made - especially in my constituency - and a water pan is allocated... The most unfortunate thing is that the Cabinet Secretary (CS) sits in his office and gives direction on where the pan is to be done, instead of considering the views and opinions of the people. A case in point is the CS, East African Community and Regional Development... A

pan of which public participation has already been done... As you are aware, public participation is enshrined in the Constitution under Articles 10, 118, 124, 201, 221 and 232...

The views and resolutions of the people have been ignored. A pan that was well meant for Gurar has been transferred to Resoteno. This is very unfortunate and if we continue with this top-down approach, then project identification, project implementation and ownership will be absent and high levels of conflict will be realised. It is high time that this House got out of its way to ensure that proper oversight and allocation is done, so that a Cabinet Secretary does not just come out of his office and steps on the toes of the citizens.

I thank you.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Okay. You have been heard. Let me have the Member for Seme.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you Hon. Temporary Deputy Speaker. Following on the same, this is an issue of devolution. This is because there are two functions there. There is water where the major services are at the national level, while distribution is at the county level. There is agriculture where irrigation is being managed at the national level to a large extent but, the actual agriculture of dealing with the farmers is at the county level. What needs to be addressed is the harmonisation of those two major programmes and the monies that are going into the same functions, but at different levels. That is important.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Very well. That is a good comment. Let us have the Member for Kathiani. Hon. Mbui.

**Hon. Robert Mbui** (Kathiani, WDM-K): Thank you, Hon. Temporary Deputy Chairlady. This issue that has been raised by the Hon. Member for Seme was also raised by the Budget and Appropriations Committee (BAC). We made that observation that there seems to be many departments given authority to manage the issues of water but, again, it is a devolved function. So, it is important that harmonisation is done. This is because there is a lot of water when we have rains like now. We are complaining of floods and the next minute, we will start crying of lack of water in the nation. So, it is important that this is managed properly in a harmonised manner.

I thank you.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): We are all speaking on the same thing. I can see it is an area of interest as every other constituency has issues with water. For this matter, allow me to put the Question.

*(Programs 1001000, 1004000, 1017000, 1014000, 1015000 and 1022000 agreed to)*

*(Vote 1109 agreed to)*

#### VOTE 1112 - MINISTRY OF LANDS AND PHYSICAL PLANNING

THAT, a sum not exceeding Kshs5,617,419,339 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June, 2021 in respect of Vote 1112 (Ministry of Lands and Physical Planning).

*(Programme 0101000 agreed to)*

*(Vote 1112 agreed to)*

Vote 1122 - STATE DEPARTMENT FOR INFORMATION, COMMUNICATION  
AND TECHNOLOGY AND INNOVATION

THAT, a sum not exceeding Kshs20,007,803,430 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June, 2021 in respect of Vote 1122 (State Department for Information Communication and Technology and Innovation).

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Hon. Chairperson, let me finish the process and then I give you a chance to say something.

*(Programmes 0207000, 0210000, 0217000 and 0221000 agreed to)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Hon. Chairperson, you can say a word on this.

**Hon. William Kisang** (Marakwet West, JP): Thank you, Hon. Temporary Deputy Chairlady. I want to raise a concern. When the National Treasury comes up with austerity measures, one of the areas they target is Information and Communications Technology (ICT) Services and this cut across all the Ministries. The core function of this Ministry is ICT Services. So, it is important that when they are doing austerity measures, they ring-fence ICT Services of the Ministry of ICT because their business is ICT.

Secondly, I want to thank the Budget and Appropriations Committee because we requested it to support our community radio and television stations, especially during this period of Covid-19. They agreed to our request to support the Media Council of Kenya so that it can support community radio stations and Kenya Broadcasting Corporation (KBC).

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Very well.

*(Vote 1122 agreed to)*

Vote 1123 - STATE DEPARTMENT FOR BROADCASTING AND TELECOMMUNICATIONS

THAT, a sum not exceeding Kshs6,228,631,616 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June, 2021 in respect of Vote 1123 (State Department for Broadcasting and Telecommunications).

*(Programmes 0207000, 0208000 and 0209000 agreed to)*

*(Vote 1023 agreed to)*

VOTE 1132 - STATE DEPARTMENT FOR SPORTS

THAT, a sum not exceeding Kshs15,397,084,532 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June, 2021 in respect of Vote 1132 (State Department for Sports).

*(Programme 0901000 agreed to)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Let us have Hon. Makali Mulu.

**Hon. (Dr.) Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Chairlady. It is under this Vote where we have the Sports Fund, which we are all aware has a lot of money. I just want to encourage the Committee to oversee this particular Fund for purposes of accountability. Thank you, Hon. Temporary Deputy Chairlady.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Members, you can still use your cards for me to be able to recognise you.

**Hon. William Chepkut** (Ainabkoi, Independent): Hon. Temporary Deputy Chairlady, sports is, indeed, a great activity. I come from Uasin Gishu County and sportsmen bring glory, honour and recognition to our country. A great example is Eliud Kipchoge. He trains in my constituency at Chirchir Centre. I want Kipchoge Keino Stadium and all the other stadia to be completed. That is because they bring glory to this country. I want the stadia to be completed.

Secondly, the Sports Fund has grant money. I want the Chairman, Hon. Kimani Ichung'wah, to make sure that the Sports Fund is allocated to the Moi Teaching and Referral Hospital, the Kenyatta National Hospital and the Kenyatta University Teaching and Referral Hospital so that they can buy high resolution machines, MRI machines and so on. I want sportsmen who bring glory to be treated. That is my concern, Hon. Temporary Deputy Chairlady.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Let me give an opportunity to the last one. I can see the Members who want to contribute are sportsmen and sportswomen of the House.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Temporary Deputy Chairlady. I feel the same on the issue of sports. The Committee should not just look at football or the stadia. It should go beyond that and look at sporting activities that affect people with disability. We have paralympics. We want to have stadia that can accommodate such kind of people in our society. So, we support it. But let the Committee look at that so that in future, budgets go towards that kind of infrastructure.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Hon. Members, being a genuine programme, I am sure that will be considered and the Chairperson is also part of the House. Let me have the last one from the nominated Member, Hon. Dennitah Ghati.

**Hon. (Ms.) Dennitah Ghati** (Nominated, JP): Thank you very much, Hon. Temporary Deputy Chairlady. I have a very keen interest on this issue of Sports, especially on sports for persons with disabilities in this country. I want the Ministry and the Committee to ensure that for the first time, we see sports for persons with disabilities (PWDs) in this country. Sporting is not just about fun. Sporting, especially for PWDs, is therapeutic. We have never seen a situation where this country invested so much in PWDs. That is why if you look around, you will see that even the facilities that we have at the various stadia are not accessible by PWDs. If you walk around, you will see.

I am seeing a lot of money. A sum of Kshs15 billion is not a mean achievement; that is not little change. We can afford to give PWDs accessible stadia and other beautiful things for them to engage themselves and raise money for their families. This is a Fund I will personally have an interest in monitoring its implementation.

Thank you, Hon. Temporary Deputy Chair.

**Hon. Temporary Deputy Chair** (Hon. (Ms.) Jessica Mbalu): Point noted, Hon. Dennitah Ghati. Thank you also for being there for PWDs.

Hon. Members, with that debating having arisen, allow me to put the Question.

*(Programme 0901000 agreed to)*

*(Vote 1132 agreed to)*

#### VOTE 1134 – STATE DEPARTMENT FOR HERITAGE

THAT, a sum not exceeding Kshs2,722,789,990 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June 2021 in respect of Vote 1134 (State Department for Heritage).

*(Programmes 0902000, 0903000, 0904000 and 0905000 agreed to)*

*(Vote 1134 agreed to)*

#### VOTE 1152 – STATE DEPARTMENT FOR ENERGY

THAT, a sum not exceeding Ksh72,492,808,221 be issued from the Consolidated Fund to complete the sum necessary to meet the Recurrent and Development expenditure during the year ending 30<sup>th</sup> June 2021 in respect of Vote 1152 (State Department for Energy).

*(Programmes 0211000, 0212000, 0213000 and 0214000 agreed to)*

*(Vote 1152 agreed to)*

#### VOTE 1162 – STATE DEPARTMENT FOR LIVESTOCK

THAT, a sum not exceeding Kshs5,991,795,073 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent and Development) during the year ending 30<sup>th</sup> June, 2021 in respect of Vote 1162 (State Department for Livestock).

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): There is a single Programme. Is that Hon. Melly? It is Hon. Kanini Kega. Let us have the Hon. Member for Kieni. What is your seat number? Your card is with the Chairman of the Budget and Appropriations Committee. We are trying to trace your seat. We can only see Seat 162.

*(Loud consultations)*

**Hon. Kanini Kega** (Kieni, JP): Hon. Temporary Deputy Chairlady, my concern is that there was an allocation of Kshs379 million which was transferred from the Ministry of Industry,

Trade and Co-operatives under the Leather Development Council. I wanted to confirm whether it has been captured because this came from the Executive Order that was issued.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Very well. All the adjustments as far as we are concerned at this stage of the procedure were done during the Budget stage. I am sure all the Chairpersons were involved. That is why we were able to move to this point. Your concerns were taken up by the Budget and Appropriations Committee.

**Hon. Kanini Kega** (Kieni, JP): If they have been captured, then that is okay.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): As Hon. Makali put it earlier, at this stage, we are not able to change much.

*(Programme 0112000 agreed to)*

*(Vote 1162 agreed to)*

VOTE 1166 - STATE DEPARTMENT FOR FISHERIES, AQUACULTURE AND  
THE BLUE ECONOMY

THAT, a sum not exceeding Kshs6,958,874,045 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent and Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 1166 (State Department for Fisheries, Aquaculture and the Blue Economy).

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Make a comment.

**Hon. (Ms.) Eve Obara** (Kabondo Kasipul, ODM): Thank you very much, Hon. Temporary Deputy Chairlady. My concern is specific to the lake region. I want to have the comfort that the programmes that have been highlighted here will cover the lake region adequately. The same applies to Vote 1093 on Shipping and Maritime which we considered. I hope that the lake region will be considered through the programmes which are directed towards those areas.

Thank you.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Let us hear the Member for Nyaribari Chache.

**Hon. Richard Tong’i** (Nyaribari Chache, JP): You appreciate the challenges that we have in the lake region. When we speak of the lake region, people assume that it is Luo Nyanza and yet we have such a huge area which is covered by the sea in Kisii County. However, we do not benefit from these programmes. We have River Gucha which can also qualify under this lake region arrangement. We ask the Ministry which is concerned to ensure that the lake region does not confine to one small area, but it covers the entire region. We have facilities and programmes which should be incorporated under this lake region like River Gucha, which has a lot of potential that we need to use.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): The point is noted. I am sure that your people feel represented. The Ministry has heard you.

*(Programmes 0111000, 0117000 and 0118000 agreed to)*

*(Vote 1166 agreed to)*

Hon. Members, following the procedures of the House, it is time to call upon the Mover to report progress.

### PROGRESS REPORTED

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Thank you, Hon. Temporary Deputy Chairlady. I beg to move that the Committee of Supply reports to the House its consideration of the Budget Estimates for the Financial Year 2020/2021 in respect of the following Votes: Vote 1011, 1021, 1023, 1032, 1035, 1041, 1052, 1064, 1065, 1066, 1068, 1071, 1072, 1081, 1091, 1092, 1093, 1094, 1095, 1108, 1109, 1112, 1122, 1123, 1132, 1134, 1152, 1162 and 1166, and its approval thereof without amendments, and seek leave to sit again today.

**The Temporary Deputy Chairperson** (Hon. Jessica Mbalu): Very well. With the Mover moving the Report, Hon. Members, allow me to put the question for reporting.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have the Chairperson.

**Hon. (Ms.) Jessica Mbalu** (Kibwezi East, WDM-K): Very well. Thank you. Hon. Temporary Deputy Speaker. I beg to report that the Committee of Supply has considered the Budget Estimates for the Financial Year 2020/2021 in respect of Votes 1011, 1021, 1023, 1032, 1035, 1041, 1052, 1064, 1065, 1066, 1068, 1071, 1072, 1081, 1091, 1092, 1093, 1094, 1095, 1108, 1109, 1112, 1122, 1123, 1132, 1134, 1152, 1162 and 1166 and approved the same without amendments, and seeks leave to sit again.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well. Let us hear from the Mover.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report. I also request Hon. Samuel Moroto to second the Motion for agreement with the Report by the Committee of Supply on the Budget Estimates for the FY 2020/2021.

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

**Hon. Samuel Moroto** (Kapenguria, JP): Thank you, Hon. Temporary Deputy Speaker. As a Member of this Committee, I want to thank my Chairman, Hon. Ichung'wah and the entire membership of the Committee. I also want to thank the whole House for what they have done and the Speaker for the way you have guided the House.

I second.

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

*(Question proposed)*

*(Question put and agreed to)*

## ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, it is three minutes past 1.00 p.m. This House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.03 p.m.