

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

Thursday, 30th July 2020

The House met at 2.30 p.m.

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

PRAYERS**PAPERS LAID**

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House.

The draft Public Finance Management National Drought Emergency Fund, Regulations and Explanatory Memorandum from the National Treasury and Planning.

The Basic Report 2020 on Informal Sector Skills and Occupation survey (ISSOS) from the Ministry of Labour and Social Protection in the State Department for Labour

The Final Report of July 2020 for the Taskforce on Human Wildlife Conflict and Compensation Scheme from the Ministry of Tourism and Wildlife.

Thank you.

Hon. Speaker: The Reports will be tabled before the various Committees as appropriate. Vice-Chairman, Justice and Legal Affairs Committee, Hon. Dr. Otiende Amollo, have the Floor please.

Hon. (Dr.) Otiende Amollo (Rarieda, ODM): Hon. Speaker, I beg to lay the following Papers on the Table of the House.

Reports of the Departmental Committee on Justice and Legal Affairs on its consideration of the following:

1. Law of Succession Act (Amendment) Bill (National Assembly Bill, No.75 of 2019) by Hon. Peter Kaluma, M.P.
2. The Anti-corruption and Economic Crimes (Amendment) Bill (National Assembly Bill No. 72 of 2019) by Hon. Silas Tiren M.P.

Thank you.

ORDINARY QUESTIONS

(Question No.128/2020)

BENEFICIARIES, BANK DETAILS AND DISBURSEMENT METHODOLOGY

Hon. Joash Nyamoko (North Mugirango, JP): Hon. Speaker, I beg to ask Question No. 128/2020 to the Cabinet Secretary for Interior and Coordination of National Government:

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- (i) Could the Cabinet Secretary provide a list of all integrated Internally Displaced Persons in Kisii and Nyamira counties?
- (ii) Could the Cabinet Secretary give an account of all monies disbursed to the Internally Displaced Persons and a breakdown of the beneficiaries?
- (iii) Could the Cabinet Secretary further indicate the amount paid to each of the beneficiaries, bank details and disbursement methodology?

Thank you, Hon. Speaker.

Hon. Speaker: Very well. That Question is referred to the Departmental Committee on Administration and National Security.

The next Question is by the Member for Kieni Constituency, Hon. Kanini Kega.

(Question No.129/2020)

IMPLEMENTATION OF THE HOUSEHOLD IRRIGATION WATER STORAGE PROGRAMME

Hon. Kanini Kega (Kieni, JP): Hon. Speaker, I rise to ask Question No.129/2020 directed to the Cabinet Secretary for Water, Sanitation and Irrigation:

- (i) Could the Cabinet Secretary provide a status report regarding the programme of implementation of the Household Irrigation Water Storage Programme by The National Irrigation Authority, indicating the constituencies where the initiative has been rolled out and total number of Households that have benefitted under the initiative in each Constituency?
- (ii) Could the Cabinet Secretary explain why households in Kieni Constituency which is regarded as semi-arid area have not benefitted from the programme?

I thank you, Hon. Speaker.

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

The Member for Kisii County, Hon. Janet Ongera. The Members' request for the Question to be deferred is acceded to.

(Question No.135/2020)

PROVISION OF GENDER-BASEDD VIOLENCE DATA

(Question deferred)

Hon. Speaker: The next Question is by the Member for Kwale County, Hon. Zuleikha Hassan.

Question No.136/2020

DISPLACED RESIDENTS OF KWALE COUNTY

Hon. (Ms.) Zuleikha Hassan (Kwale CWR, JP): Thank you, Hon. Speaker. I rise to ask Question No.136/2020 to the National Land Commission.

- (i) When will the residents of Kwale who were displaced by the construction of the Mwache dam, be compensated for their land, crops and properties?
- (ii) How much will the National Land Commission pay compensations for land (per acre), crops (each type of crop/plant) and properties?
- (iii) When will the livelihood projects commonly referred as Project Affected Persons for the community commence, where will they be located and what type of projects has been planned as identified by the World Bank officials and representatives of the Mwache dam supervisors and when will the community be engaged in terms of meetings and other fora.

Hon. Speaker: The next Question is by the Member for South Imenti, Hon. Kathuri Murungi. Have the Floor please. Hon. Members, you appear not to have your cards or what is the problem?

Question No.141/2020

STATE OF IRARU BRIDGE IN SOUTH IMENTI CONSTITUENCY

Hon. Kathuri Murungi (South Imenti, JP): Hon. Speaker, I beg to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works the following Question:

- (i) Is the Cabinet Secretary aware that Iraru Bridge connecting Abogeta, Westand, Igoji West Wards in South Imenti Constituency along Meru-Githingiri-Marimba-Chogoria Road(C363) was swept away by heavy rains and landslides of March to May 2020 thus paralysing transport and communication between the two wards?
- (ii) (ii)What steps is the Cabinet Secretary taking to expedite the construction of the said bridge, when will it commence and when it would be completed?

Hon. Speaker: That Question is to be replied before the Departmental Committee on Transport, Public Works and Housing. The next Question is by the Member for Mwingi West, Hon. Charles Ngusya Nguna. Kindly have the Floor.

Question No.142/2020

STATUS OF ELECTRICITY CONNECTION AND STALLED PROJECTS IN MWINGI WEST CONSTITUENCY

Hon. Charles Nguna (Mwingi West, WDM-K): Hon. Speaker, thank you for the opportunity given to me.

I beg to ask the Cabinet Secretary for Energy the following Question:

- (i) What is the status of electricity connection and stalled projects to all public institutions in Mwingi West Constituency under the Last Mile and Rural Electrification and Renewable Corporation?
- (ii) Could the Cabinet Secretary explain why Kenya power, Mwingi Region has taken long to carry out repairs and maintenance including replacement of faulty transformers which has resulted to frequent occurrences of blackouts in the Mwingi West Constituency?
- (iii) What measures has the Ministry put in place to address the low voltages for some areas in Mwingi West Constituency that persisted since March 2020 to date?

Hon. Speaker: That Question is to be replied before the Departmental Committee on Energy. Next Question is by the Member for Sigor, Hon. Peter Lochakapong. Kindly have the Floor.

Question No.143/2020

ELECTRICITY CONNECTIVITY IN LOMAT AND ANET AREAS IN SIGOR CONSTITUENCY

Hon. Peter Lochakapong (Sigor, JP): Hon. Speaker, I beg to ask the Cabinet Secretary for Energy the following Question:

- (i) Could the Cabinet Secretary explain why the planned electricity connectivity in Lomat and Anet areas in Sigor Constituency has stalled for the last seven years?
- (ii) Could the Cabinet Secretary further explain when the electricity connectivity from Lomatto Anet centres will be constructed and be operational?

Hon. Speaker: That Question is to be replied before the Departmental Committee on Energy.

The last Question is by the Member for Sabatia Constituency. Hon. Alfred Agoi, kindly have the Floor.

Question No.144/2020

LIRHANDA CORRIDOR GOLD EXPLORATION
IN WESTERN AND PARTS OF NYANZA REGIONS

Hon. Alfred Masadia (Sabatia, ANC). Hon. Speaker I beg to ask the Cabinet Secretary for Petroleum and Mining the following Question:

- (i) Could the Cabinet Secretary state and provide details on the areas covered by the Lirhanda Corridor Gold Exploration in Western and parts of Nyanza regions, name the companies prospecting in these areas, their ownership and the process that was used to identify and award rights to prospect gold in the stated areas?
- (ii) (ii)What are the estimated amounts in value and quantity of the Gold deposits in the Lirhanda Corridor and how much royalties or payments to the Government are the companies paying?
- (iii) (iii) Could the Cabinet Secretary explain the mining methods recommended and being used in the mining of the Gold in this particular region and provide the environmental impact assessment that was done?
- (iv) (iv) Could the Cabinet Secretary describe the revenue sharing structure among the National Government, County Governments and the local citizens affected and whether there were any compensations to the residents affected?

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

There had been an indication that the Member for Ainabkoi, Hon. William Chepkut Chirchir, was to ask a Question by Private Notice.

QUESTION BY PRIVATE NOTICE

INCREASED INSECURITY IN AINABKOI CONSTITUENCY

Hon. William Chepkut (Ainabkoi, Independent): Hon. Speaker, I beg to ask the Cabinet Secretary for Interior and Coordination of National Government the following Question by Private Notice:

- (i) Is the Cabinet Secretary aware of the increased cases of insecurity in Ainabkoi Constituency, particularly, in Kapsoya Ward, Ilula? This is where one Ibrahim Hussein Murgor of Passport Identification No. A17633002; the son of the late Charles Murgor; and Presidential Escort Commandant of the late 2nd President of the Republic of Kenya, the late President Moi was murdered on the night of Friday 24th July 2020.
- (ii) What steps is the Ministry taking to ensure security in Ainabkoi Constituency and further, investigate, arrest and prosecute the perpetrators responsible for the murder of Ibrahim Hussein Murgor?

Hon. Speaker, permit me to thank Hon. Paul Koinange, who has assurance as a beacon of hope, with profound respect. Thank you, Hon. Speaker. God bless you.

Hon. Speaker: Hon. Member for Ainabkoi, the Question will be replied to before the Departmental Committee on Administration and National Security as you have said ably chaired by Hon. Paul Koinange as soon as possible. I am informed that you are also a Member of the Committee?

Hon. William Chepkut (Independent, Ainabkoi): Yes, Hon. Speaker.

Hon. Speaker: Very well. However, the Question is by Private Notice and, therefore, you need an answer very quickly. It is only that we are not sitting every day. I would have directed that it be given within three days.

(Laughter)

So, by Wednesday next week, the answer should be available. That is the date when the House next sits. Let us move on to the second part, which is Request for Statements. The first request is by the Member for Mwatate, the Hon. Andrew Mwadime.

REQUESTS FOR STATEMENTS

EXAMINATION MODALITIES BY INTERNATIONAL SCHOOLS IN KENYA

Hon. Andrew Mwadime (Mwatate, ODM): Thank you Hon. Speaker for this opportunity. I am requesting for a Statement pursuant to Standing Order No. 44 (2) (c) on examinations for international schools in the country.

Hon. Speaker, pursuant to Standing Order 44 (2) (c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Education and Research regarding modalities used by international schools offering international curriculum in the country in administering end of course examinations to learners during the COVID-19 pandemic period.

Hon. Speaker, Kenya boasts of a number of private international primary and secondary schools that supplement Government's efforts to actualise the right to basic education for all children as enshrined in Article 53 of the Constitution. These schools offer international curriculum, run a United Kingdom (UK) based academic calendar that differs from the Kenyan

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education system that is popularly known as General Certificate of Secondary Education (GCSE). In spite of the disruption caused by COVID-19 on learning in most other schools, international schools have been able to carry on with learning and final year learners are due to sit the end of course UK-based examinations in October/November 2020 and January 2021 series.

Hon. Speaker, it is against this backdrop that I seek a Statement from the Chairperson of the Departmental Committee on Education and Research on the following:

1. What steps is the Government taking to permit international schools in the country to administer end of course examinations in October/November 2020 to learners in the country alongside candidates in international schools in other countries?
2. When is the Government intending to...

Hon. Speaker, I do not know what is wrong with my eyes. They have refused to see completely.

(Laughter)

I cannot see completely, Hon. Speaker.

2. When is the Government intending to access the physical and logistical capacity that international schools have put in place to guarantee suitability of facilities and compliance with COVID-19 prevention protocols issued by the Government ahead of the exams?

Thank you, Hon. Speaker.

Hon. Speaker: Well, notwithstanding the COVID-19 pandemic, I think I would advise you to seek the assistance of an obstetrician because you appear to be having problems reading. Well the Chairperson of the Committee on Education and Research will give the Statement, as you have requested. I do not know how much time the Chairperson would want to get the response.

(Low consultations)

Hon. Speaker: Give her the microphone.

Hon. (Ms.) Florence Mutua (Busia CWR, ODM): Thank you Hon. Speaker. Despite the fact that we have a very heavy in-tray under our Committee we will try and give the Hon. Member a response in two weeks. Thank you.

Hon Speaker: Very well. Two weeks. The next request is by the Member for Kuresoi South, Hon. Joseph Tonui.

COMMUNITY CONFLICTS IN OLPOSIMORU AND NAROK/NAKURU BORDER

Hon. Joseph Kipkosgei (Kuresoi South, JP): Thank you very much Hon. Speaker for giving me this opportunity to seek for a Statement regarding community conflicts in Olposimoru area and along the borders of Narok and Nakuru counties.

Hon. Speaker, pursuant to Standing Orders 44 (2) (c), I seek to request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding community conflicts in Olposimoru area and along the borders of Narok and Nakuru counties. Hon. Speaker, there have been persistent fights and conflicts between the residents living in Olposimoru area and along the borders of Narok and Nakuru. The latest conflict was on Tuesday 28th July 2020 and tension has continued to date. This has led to loss of over ten lives, over 70

injuries, destruction of properties and 200 houses have been burnt. Further, there have been conflicts for the past several years over the same matter.

Hon. Speaker, it is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Administration and National Security on the following:

1. What are the causes of increased incidences of insecurity among the communities residing in Olposimoru area and its environs along the borders of Narok and Nakuru counties?
2. Why were the police officers stationed at Olposimoru area serving under the anti-stock theft unit withdrawn three weeks ago?
3. What measures is the Ministry putting in place to ensure a lasting solution to the perennial conflict and insecurity in that area?
4. What measures is the Ministry putting in place to ensure that the affected families are duly compensated for the loss of lives of their loved ones, property destroyed, houses and cost of hospitalization of those injured and by when?

Thank you Hon. Speaker.

Hon. Speaker: Very well. Hon. Koinange, how long do you need to give a statement in response to that? Move to the next microphone.

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Speaker, in two weeks time. Already we have visited the area of Narok and so I think two weeks will be sufficient to give the right answer to the Hon. Member.

Hon. Speaker: Very well. The next request is by Hon. James Gichuki, the Member for Othaya.

Hon. Members many of you do not appear to have pressed your cards. It is giving us a lot of problems. Why are you walking form there? You do not have a card? Why are you coming to the Chamber without a card?

Hon. Gichuki Mugambi (Othaya, JP): *(Inaudible)*

Hon. Speaker: How is it that I do not forget mine? Next time Hon. Gichuki, you may have to forfeit your chance but proceed for now.

EVICTON OF LASER EYE CENTRE FROM THE SARIT CENTRE

Hon. Gichuki Mugambi (Othaya, JP): Thank you, Hon. Speaker. I will not forget it next time.

Hon. Speaker, Pursuant to Standing Order 44(2) (c), I wish to request for a Statement from the Chairperson, Departmental Committee on Health regarding the eviction of Laser Eye Clinic by the management of Sarit Centre during the Covid-19 pandemic period.

Hon. Speaker Laser Eye centre is one of the oldest ophthalmology practices in East Africa at the Sarit Centre. It has been evicted by the management of Sarit Centre in Westlands Nairobi. The Sarit Centre Management has disregard the advice of the Ministry of Health and National Environment Management Authority (NEMA) to allow the centre continue operations until the Covid-19 situation improves to enables experts travel to Kenya to dismantle the specialised equipment for relocation purposes. Orders for evictions of the Centre by 31st of July 2020 is impractical and will further deny thousands of Kenyans the specialised facilities offered by the centre.

Hon. Speaker, it is on this background that I seek a statement from the Chairperson Departmental Committee on Health on the following:

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1. What measures has the Government put in place to protect all health facilities from the closure and eviction by landlords or landladies during the prevailing humanitarian crisis that has been caused by the Covid-19 pandemic.
2. Could the Ministry consider investigating into the circumstances that led to the approach taken by the owners of the Sarit Centre towards the decision and manner of eviction of Ms. Laser Eye Centre which may be effectively undermining the Government efforts in combating the Covid-19 pandemic?

I thank you Hon. Speaker.

Hon. Speaker: Chair, Departmental Committee on Health.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you, Hon. Speaker, bearing in mind that we have very few ophthalmologists in this country, my Committee will seek for a period of two weeks and we will report to the House.

I thank you, Hon. Speaker.

Hon. Speaker: Very well. Responses to statements?

First, is by the Chair for Defence and Foreign Relations Committee, Hon. Katoo.

STATEMENTS

CONTINUED HARASSMENT OF KENYANS FISHERMEN IN LAKE VICTORIA BY FOREIGN AUTHORITIES

Hon. Katoo ole Metito (Kajiado South, JP): Thank you, Hon. Speaker. I rise to respond to a statement which was asked by Hon. (Dr.) Wilberforce Oundo, MP for Funyula on 25th June 2020 with regards to the continued harassment of Kenyans fishermen in Lake Victoria by foreign authorities. It is a long statement with attachments and since I have discussed with the Member, I will table it.

However, allow me summarise in one page.

The Government is doing the following to arrest the situation of continued harassment particularly fishermen in Lake Victoria via authorities of the Republic of Uganda and the Coast Guard Service have done the following:

- (i) Establish posts in Kisumu and Port Victoria to enhance surveillance and ensure compliance to Maritime Laws and regulations under its mandate.
- (ii) In collaboration with the Kenya Fisheries Service sensitise fishing communities on the need to comply with the fisheries laws and regulations while in Kenya and Uganda territorial waters.
- (iii) There is continued exchange of contacts with Uganda Law Enforcement Authorities on the Ugandan side of the Lake to make enquiries on the need to know basis.
- (iv) To step up daily patrols within the Victoria counties. Those are Homa Bay, Kisumu, Siaya, Busia among others.
- (v) I would also say that the Government through interagency collaborative approaches have trained Kenyan fishermen through their beach management units on the use of proper fishing gears, observation of the law, security matters, disaster preparedness, resilience and respect for international boundaries.
- (vi) Deployment of fisheries officers -for technical assistance to fishermen.

Finally, the Kenya International Boundaries office has initiated a process of delimitation, demarcation and reaffirmation of the entire Kenya Uganda International Boundary. The two

countries signed a Memorandum of Understanding on the same but could not commence in March this year due to the Covid-19 pandemic.

The Government has also pledged to establish more Kenya Coast Guard posts at strategic points and scale up patrols along the Lake to ensure prompt response to all maritime safety and security. This was the concern of the Member after receiving the Statement.

The Member had also wanted information on matters compensation. Although the requested statement was supposed to be with the Departmental Committee on Administration and National Security because the Coast Guard fall under that committee but since there were other inter agencies issues, the statement was rightfully referred to our Committee.

However, I would also say that the Committee on Administration and National Security chaired by the able Chairman, Hon. Koinange was exploring issues of compensation scheme or mechanisms. We have been briefed that there is no precedent on the same but this could be pursued diplomatically. Where culpability is established, something is done. A lot of facts are here and I table for the Member to see.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Oundo, you have the Floor.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Speaker. I had a discussion with the Chair. The response is more or less satisfactory save for a few issues of clarification which he has tried to do. This is because the patrol unit stationed in Port Victoria is almost 30 kilometres, from the notorious point where Uganda security men normally crossover to harass our people. So, I asked him to kindly request through the Departmental Committee Chair *Mhe.* Koinange for coast guards and probably add an additional speed boat in that section of Lake Victoria. This will enable us to arrest these notorious invaders who come to harass our people.

Secondly, probably this is matter that requires further interrogation. This is because as the response clearly indicates the breeding point for fish is at the mouth of River Sio. They breed and then move upstream. So, honestly speaking, I know this is a complicated matter. When our fishermen go to fish they are simply going for their fish and not anybody else's.

So, the harassment by the Ugandans is a provocation which if not checked, we will retaliate the best way we know. This is because the fish do not have passports to indicate whether they are Ugandan or Kenyan. Otherwise, it is a good attempt to answer the Question. We will pursue the matter from there.

Thank you, Hon. Speaker.

Hon. Speaker: I am glad to know that the fish have no passports and they breed at the mouth of River Sio. This appears to give them some identity of sorts. This is because Hon. Oundo has said that the fishermen from Funyula merely go to collect what belongs to them rightfully. Since they have breed from the mouth of River Sio.

The next Statement is by the Chair of the Departmental Committee on Education and Research in a response to a request made by Hon. Rehema Jaldesa.

PLACEMENT OF STUDENTS FROM ISIOLO COUNTY
INTO INSTITUTIONS OF HIGHER LEARNING

Hon. (Ms.) Florence Mutua (Busia (CWR), ODM): Thank you, Hon. Speaker. I rise to give a response to the request for a Statement regarding Placement of Students from Isiolo County into institutions of Higher Learning by Hon. Jaldesa. Her question was, why is it that over the past

few years no student from Isiolo County, had been admitted to pursue the traditionally perceived lucrative courses such as medicine, pharmacy, law, engineering and architecture among others.

Our response is that all applicants regardless of their counties are given a fair chance to compete for programmes. They submit applications on the same platform and are subjected to uniform criteria. That, notwithstanding it should be noted that the placement of Government sponsored students to universities and colleges is based on merit and applicants listed choices.

It is further determined by the declared capacity in each programme, which limits the number of Government sponsored students that can be admitted in a programme. The fewer the capacities, the more intense the competition gets. Question two reads, what measures has the Ministry put in place to ensure that application and selection of students from marginalised regions and in particular Isiolo County is done fairly including affirmative action and with a view to promote equity and balance for all applicants.

Our response is, the Ministry through the Kenya Universities and Colleges Central Placement Service (KUCCPS), has put in place a placement policy. This ensures that the selection of students is subject to uniform criteria that all applicants must satisfy to be placed in a programme.

The policy also ensures that applicants are ranked in their performance in the Kenya Certificate of Secondary Education (KCSE) examination and placed into programmes of their choice for which they qualify based on merit. In addition, the Ministry through KUCCPS has put in place an affirmative action policy for gender, persons with disability and marginalised regions.

As a result of this policy, applicants from marginalised counties including Isiolo get a concession of up to two points on the cut-off points for various degree programmes after competitive placement. This, therefore, enables the Ministry to create additional opportunities in competitive programmes to applicants from marginalised counties, without exceeding the declared capacity of the programmes by more than 10 per cent. For example, in the past three years 41 students from Isiolo County have benefited from affirmative action. Of these 34 who had been competitively placed and moved to better courses. While seven who had initially missed out on competitive placement secured courses on affirmative action.

Her last question was, what measures is the Ministry undertaking to ensure distribution of such courses is done equitably to students from all areas of the country. Our response is, the placement policy ensures that the selection of Government sponsored students is done on merit and considers applicants listed priorities. In addition, affirmative action is undertaken for persons with disability, gender and marginalised regions.

The affirmative action is as follows; Affirmative action for minority and marginalised regions. This is achieved by lowering the cut-off points for specific programmes for up to two points subject to filling up to 10 per cent above the programmes declared capacity. The regions as previously classified by the Commission on Revenue Allocation (CRA) include Isiolo County and the others are Turkana, Marsabit, Mandera, Wajir, Samburu, West Pokot, Garissa, Tana River, Lamu, Taita Taveta, Kwale, Kilifi and Narok.

Lastly, affirmative action for gender is achieved by lowering the specific programme cut-off point by up to two points. Subject to attaining a representation of a third of either gender and not exceeding the declared capacity of the programme by more than 10 per cent. Affirmative action for persons with disability is achieved by; one, placing all the degree applicants with overall grade of C+(plus) and above under vision or hearing impairments into programmes of their choice. This is subject to meeting the minimum admission required for their choices.

Two, lowering by three points the overall cut-off point for degree programmes for applicants with physical impairment. This is also subject to meeting the minimum admission requirement for their degree choices. For example, in the just concluded 2020/2021 placement cycle a total of 2,648 applicants benefited from affirmative action. Comprising 331 applicants with disabilities, 1,638 from marginalised regions and benefited 679 applicants under gender affirmative action.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Jaldesa, you have the Floor.

Hon. (Ms.) Rehema Jaldesa (Isiolo (CWR), JP): Thank you, Hon. Speaker. Allow me to take this opportunity to congratulate my sister *Mhe*. Florence for being nominated as the Chair of the Departmental Committee on Education and Research.

Hon. Members: Elected!

Hon. (Ms.) Rehema Jaldesa (Isiolo (CWR), JP): Sorry, elected as the Chair of the Departmental Committee on Education and Research.

Hon. Speaker: Do not worry, it could be part of the marginalisation.

Hon. (Ms.) Rehema Jaldesa (Isiolo (CWR), JP): Exactly.

(Laughter)

I would like to say that this response was sent to me today at 1.45 p.m. Therefore, I did not have adequate time to digest it. However, when I perused though it quickly the answer was not very satisfactory to me. I still have hope in *Mhe*. Florence because she is someone I can always interact with and engage further.

The fact of the response does not resonate with what is on the ground. When I was seeking this Statement, I came up with a properly done research on the number of students, for the last four years in Isiolo County who were invited to different universities in the country.

Hon. Speaker, I was able to show for the last four years the kind of qualifications we had from Isiolo and the type of colleges that they were invited to, especially the courses. We felt we were denied our rights. To date, we get doctors from other parts of the country to come and work in our counties. We still engage the services of lawyers from other areas, and yet, we have students who perform better. We have two types of students: we have those who go schools within Isiolo and others who go to schools outside Isiolo. Some even go to schools like Alliance and they come out with As and they are never given a chance to pursue the courses of their choice. I am able to prove that we have students from Isiolo who got A but they cannot pursue a career in Medicine. Therefore, I want the Chair to go back to the Ministry and get me a satisfactory response. Thank you.

Hon. Speaker: I hope you also picked the aspect that students are also required to give their preferences. You could have an A which does not necessarily entitle you to particular courses, but nevertheless after your long discourse, I would advise that you do not send the Chair back to the Ministry but you appear on a day that the Committee is engaging with the Ministry so that then you can place your concerns to the relevant functionaries of the Ministry. You appear to have got thirsty in the process of making your speech.

I see many requests for interventions. What is the intervention by the Member for Mwingi Central?

Hon. Gideon Mulyungi (Mwingi Central, WDM-K): Thank you, Hon. Speaker. I rise under Standing Order No.42 regarding questions which I asked the CS for Health. I asked this

question sometime in March 2020 and I have not received invitation to appear before the Committee. I understand the pressure the Ministry is going through because of COVID-19. This matter regarded one Rachael Kasyoka Kioko who is a person living with disability. It is a matter which also needed to be given attention. Therefore, Hon. Speaker, I seek your guidance on how to proceed with that Question.

Similarly, there is a Question which I asked under private notice which is actually overtaken by events but I just wanted to bring it to your attention so that similar events do not occur. I asked this Question during the census period and it was not answered within the three days which you directed. I raised the matter again here on the Floor of the House a month later and you ruled that the relevant CS should answer me but despite several attempts to approach the then Chair of that Committee, I was not called to appear before the CS. Therefore, I seek your guidance on those two issues. Thank you.

Hon. Speaker: First, given the period which we are and I kind of alluded to it when the Question is asked by Private Notice... Since we will be sitting only on Wednesdays morning and afternoon, you need to always rise in your place on that next sitting day if the answer has not been provided. There is the other one you said you had also raised I do not know which year. You said you remembered after a month. You see if you also remember after a month you will be guilty of latches. I can see the Chair of the Departmental Committee on Health is here. She can respond on the one that revolves around the person living with disability. Let us have Hon. Sabina Chege.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you, Hon. Speaker. This afternoon I was ready with one statement and there are several questions that have been answered. The questions are directly sent to Members. During this COVID-19 time, my secretariat has had issues inviting Members and they are not able to either join virtually or come to the meeting. When others are contacted, they are far away in the villages where they claim there is no network. I have just gone through the Questions that we are ready because other Members might arise. The ones that are ready are for Hon. David ole Sankok, who had two. There is also one for Hon. Safia Sheikh Adan and one for Hon. Janet Nangabo Wanyama. I am ready with the statement sought by Hon. Wamaua. I have just texted my secretariat just to know the status of that Question and why it is not among the three questions that have been answered. However, I can commit. I have a meeting right away after this. We can liaise with the Hon. Member immediately after this and I will be able to give him full details on his Question. If it has not been answered by the ministry, I commit within one week's time we will be done with the Question. Thank you, Hon. Speaker.

Hon. Speaker: More importantly, with regard to the one you sought about the former chairman or chairperson, I do not know which Committee it was addressed to. Hon. Mulyungi, perhaps you can liaise with the current Chair to appraise the chairperson so that they can see how best to respond.

Hon. Members, we have not changed our practice. If you look at the way the Questions are styled, they are to be responded before the Committees and not here in the plenary. So, if you ask a Question, please appear before the Committee. It is there before that Committee. Whenever that Committee will be sitting, the response will be given and not in the plenary. Here we only allow the statements requests and responses. Do not make it a habit that chairpersons are going to answer questions from the Floor of the House. So, Hon. Mulyungi, liaise with the Hon. Sabina Chege. Because you did not tell me which Committee you addressed the other Question to, also liaise with the new chairperson. That is the best we can do at this point.

I also see intervention from Hon. Nyikal.

Hon. (Dr.) James Nyikal (Seme, ODM): Hon. Speaker, I wanted to comment on the response from Hon. Metito, if you can allow me, regarding...

Hon. Speaker: No! No! No! We do not want those comments. The Member for Funyula said he is almost satisfied. He talked about where the fish were breeding. That should be satisfactory. Let us have Hon. Eseli. There is something wrong with your microphone.

Hon. (Dr.) Eseli Simiyu (Tongaren, FORD – K): Thank you, Hon. Speaker. I think I fall in the same category with Hon. (Dr.) James Nyikal because I wanted to comment on what Hon. (Ms.) Florence Mutua had given about what is perceived as marginalization of Isiolo. I was going to urge the Chair to probably do a thorough study of these admissions to universities because I have gone through the same in Bungoma County, starting from my constituency to the wider Bungoma County. I actually found that our best performing students are not getting the courses they wanted. They are not getting the top courses like architecture, medicine, pharmacy, dentistry and so on. So, there is, indeed, a problem and the Chair of the Departmental Committee on Education and Research needs to study the matter more closely before we dismiss Hon. (Ms.) Rehema Jaldesa's Statement off hand.

I thank you.

Hon. Speaker: Let us not also trend the Chair on a wild goose chase. There must be specifics. If you tell the Chair to just go and find out what happens, can you imagine how many students... Give us specifics so that she is able to go, investigate, and come and make an appropriate response.

There is another intervention from Hon. Makali Mulu.

Hon. Makali Mulu (Kitui Central, WDM – K): Thank you, Hon. Speaker. My intervention relates to the Questions. I just wanted to seek your guidance because when the last session expired, a number of Questions actually expired with the session. I remember I had a Question on Model and Evaluation Policy, which was Question No.5 of the current Session. As you have said, up to now, I have not even been consulted. But I would propose, if it would be okay, that once the chairpersons of committees get the response, they could also give us hard copies so that we can read and see whether they are convenient for the reasons why we asked them. At times, we ask these Questions just to get the status. The issue of the monitoring and evaluation policy in the country is a big one. So, I would wish that the new Chair of the Departmental Committee on Finance and Planning could support us and get that response.

I thank you.

Hon. Speaker: Indeed, just to echo what Hon. Makali Mulu has just stated, I would want to encourage the chairpersons even when there are requests for Statements and even before you come to read the Statement here, it is desirable that you reach out to the Member who made the request. You can do it even one or two days before if you have the Statement. Discuss with the Member. You may find that the Member will give you so much information that you may just come here and say, we have discussed with the Member, and we have agreed that I go and seek further information.

That is a better way so that the Statement which will be tabled here, will in the first instance meet the expectations of the Member making the request. Do not just keep it to yourself because you are not the author of the Statement. So, if you keep it to yourself without discussing with the Member, you will come here... I am very glad that Hon. Katoo ole Metito had already said that he had already discussed with Hon. (Dr.) Wilberforce Oundo. That is the practice that we should adopt and chairs particularly.

Get the response, even if it is a Question or a request for a Statement, call the Member who made the request, show them, in fact, give him or her the copy, and discuss with the Member. Find out whether it meets their expectations. That way, we will reduce a lot of these allegations that, I am thanking the Chairperson but the Statement does not meet my expectations. You could have discussed that out there in the streets. You could go and have a cup of tea and discuss that. We would want to encourage a situation whereby, because there are no Cabinet Secretaries (CSs) here... So, even when you come and start castigating the chair of a committee, it is like you are talking to yourself because you know the chairperson is not the author of the Statement.

On the part of the chairpersons, always adopt it as your practice to reach out to those who ask the Questions when you have the answers, and try to see whether the responses you have gotten, meet the expectations. Hon. (Ms.) Rehema Jaldesa says that she received a Statement at 1:35 p.m. but, at least, the Chairperson — Hon. (Ms.) Florence Mutua — had reached out to you to give you a copy of the Statement. We should encourage that because it helps us to also allow the chairpersons more time to further interrogate the various functionaries to whom Questions or request for Statements may be made. So, they say, *kazi kwenu wenyeviti*.

I see there are too many interventions. The Member for Royal Suburbs. Many of you may not know that the Constituency called Roysambu is the Royal Suburb, like Hon. David ole Sankok knows. I can see even Hon. (Dr.) Chris Wamalwa is surprised.

Hon. Isaac Ndirangu (Roysambu, JP): Thank you, Hon. Speaker. It is true that, that name arose from the settlement by the Government for the soldiers who fought in the First World War. That is where the Europeans were settled by the colonial Government.

I rise to seek a further intervention from you with regard to a Report that was laid to this House on 5th December 2019 by the Departmental Committee on Lands. The Report was on the recommendations and findings of a petition that had come through your office through Order 225 Petition No.62 of 2019. When the Report was tabled, that was seven months ago, it has not been debated to date for adoption. Recently, I wrote to your office requesting how your office can help us to have this Report debated as fast as possible, and you directed the Committee to act accordingly. Until today, I have not seen any response from that Committee. So, my plea for you, as the Chair of the House Business Committee, and for the people of Roysambu is that this Report be prioritized for debate as fast as possible, as it discusses matters of public utilities in Roysambu. That is a place we can build a secondary school, a Technical and Vocational Education and Training (TVET), a market and a bus park, to solve the rampant congestion, particularly during this time of COVID-19.

Hon. Speaker, among the recommendations that had been made by the Committee was that, the Permanent Secretary (PS) in the Ministry of Lands, County Government of Nairobi, and the National Land Commission (NLC) should move fast to complete the titling process, particularly, for the public utilities and to provide titles for the former employees of the late Jacob Samuels. So, I stand to plead with your office to intervene, so that this Report can be brought in as a Motion for adoption through debate. That is my plea. I have a copy of that Report with me and it is very voluminous. I thank the Chair of that Committee for working almost on eight sittings to come up with a very prudent Report.

I thank you.

Hon. Speaker: Hon. Nyamai, do you have any objections to the Report being debated? I can see Hon. Nyamai although today she is not sitting at her usual place.

Hon. (Ms.) Rachael Nyamai (Kitui South, JP): Hon. Speaker, I had made a request earlier because I wanted to comment on the matter that had been raised by Hon. Jaldesa. I am aware of a

student from my constituency who was invited by a university to take a degree called financial engineering after getting an A grade. This is a matter that needs to be discussed further. That is why I had raised an intervention.

Now that you have given me an opportunity to comment on the matter raised by the Member for Roysambu, we do not have any objection with regard to this matter being debated on the Floor of the House. We also seek your guidance as regards this matter.

Hon. Speaker: The Clerk should schedule that Report of the Committee for debate when the House next sits.

Hon. Nyamai, Hon. Eseli, Hon. Jaldesa, and I can see several other Members, given the concerns that you have all raised, there may be need for one of you to frame and style a Motion to discuss that particular issue rather than asking question after question. They may not address the issue. To be a bit more holistic, I suggest that many of you sit with Hon. Florence Mutua and agree on some form of a Motion that would address those issues so that the House can then make informed comments.

From that debate, the *Hansard* will show Hon. Eseli, Hon. Nyamai, Hon. Jaldesa and many others making their claims. When you pick the *Hansard*, you will have something more holistic which will address the issues so that even the Committee will be able to make a good follow-up. I encourage any one of you to come up with a Motion which can be prioritised because it is a matter of national concern. Hon. Eseli, Hon. Jaldesa, Hon. Nyamai, and I see the Member for Nyando was about to say something, if it came by way of a Motion and proper targeted resolutions, it may in a way address the concerns that you have raised. That kind of Motion can even be party-sponsored so that it gets priority. That would be my advice for now.

I am sure everyone would say that they also have a boy or girl who got an A from various schools. It would be difficult even for the Chair of the Committee or even the Committee as a whole to address if it becomes so scattered. Any of you are encouraged to come up with a Motion. Think through it so that the resolutions will be implementable.

There was an intervention from Hon. Zuleikha.

Hon. (Ms.) Zuleikha Hassan (Kwale CWR, ODM): Asante sana Bwana Spika kwa nafasi hii. Nataka kuuliza ni wapi Ripoti ya malalamishi ya wafanyakazi wa kampuni ya Kwale International Sugar Company imefikia.

Tarehe 27, mwezi wa nane, mwaka wa 2015 katika Bunge iliyopita nilipokuwa Mbunge Maalum, nilileta malalamishi haya ama *Petition* na ukaambia Kamati ya Leba ishughulike na hiyo *Petition*. Walitoa ripoti halafu wakaipa Kamati ya Utekelezaji, ama *Committee on Implementation*, kuhakikisha kuwa yale mambo waliyoambia Kampuni ifanye yanafanywa. Lakini tukaenda kupiga kura mwaka wa 2017. Bahati nzuri nikarudi kwenye Bunge la 12 na nikafufua tena Ripoti hiyo. Kamati ya Utekelezaji ikaanza kuita mikutano ya wahusika kuwahoji hapa Nairobi. Hawakurithika na majibu hayo na wakaamua kuenda Kaunti ya Kwale tarehe 29, mwezi wa tatu, mwaka jana.

Saa ni mwaka mmoja tangu Kamati ya Utekelezaji ifike Kwale kwenda kuangalia hali ya wafanyakazi. Hadi leo, bado ripoti haijafika hapa Bungeni licha ya kuwa nimeshafuata viongozi wa Kamati hiyo mara kwa mara kuwaulizia kuhusu Ripoti hiyo. Nimeambiwa kuwa kwa sababu ya ugonjwa wa Covid-19, Kamati haijaweza kukutana. Lakini mwaka mmoja kabla ya Coronavirus kufika Kenya ndiyo Kamati ilienda Kwale kuchunguza zaidi na hadi leo sijapata jibu mwafaka. Nimekuwa na subra sana lakini leo nimeona huenda pia tukaongeza muda mwingine mpaka mwisho ama ikaja Bunge lingine.

Kwa hivyo, naomba unisaidie kwa jambo hili.

Hon. Speaker: I had seen the Chair of the Committee on Implementation here. Hon. ole Kenta. Apparently also due to Covid-19, the Chair is absent. Hon. Zuleikha, let me advise you to raise that issue again on Wednesday next week. The Chair of the Committee on Implementation should be ready to give an answer as to what is happening. The Report had been adopted.

Hon. Sankok, what is your intervention?

Hon. David ole Sankok (Nominated, JP): Hon. Speaker, my issue was overtaken by events. I wanted to talk about the clashes in Olposimoru which have caused the loss of 10 lives and have left 70 others injured. We are very pained by those issues. Hon. Koinange is here. We have discussed the issue in detail and we will know how to tackle it.

Hon. Speaker: Hon. Members, there are so many requests. Are we just going to deal with requests and interventions? We will never get to business.

Let us have Hon. Wamalwa.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD – K): Thank you, Hon. Speaker. My issue has been overtaken by events. It was pertaining Jaldesa's concern where she talked of As. An A normally starts from 70 per cent to 90 per cent. When it comes to university placement, we have cluster points per subject. Every university has its own cluster points cut-off. The cluster points cut-off in the University of Nairobi is higher than that of Chuka University for instance. They need to know those differences. That will help them get placements.

Hon. Speaker: That is advisory. Member for Nyatike, what is your intervention?

Hon. Tom Odege (Nyatike, ODM): Thank you, Hon. Speaker. Two months ago, I asked a question in the House directed to the Departmental Committee on Administration and National Security on issues related to prisons. I was once summoned to appear before the Committee and on arrival, I was told that the Committee had sent me a message the previous night not to come because the Ministry was not ready. It has been one month and the Ministry is still not ready.

Last month during a sitting, I issued a request for a statement related to Utalii College. Up to now, the Committee is silent. I have not heard anything about it. I want to inform the House that...

Hon. Speaker: Did you issue a Statement or make a request?

Hon. Tom Odege (Nyatike, ODM): I made a request for a Statement. Thank you very much, Hon. Speaker, for the correction. You directed that it should be investigated and inquiries would be done. So, I expected the witnesses who are the people I contacted and I to be given room to present the evidence we have, so that we can support the allegations raised. Up to now, the Committee is silent. They have not reached me.

Hon. Speaker: Which Committee is this?

Hon. Tom Odege (Nyatike, ODM): The Departmental Committee on Sports, Tourism and Culture. I want to conclude by saying that in most cases, we lose some questions. I do know whether it is by design or calculative move to make some concerns to be irrelevant. Let me reserve my question on the Committee Chairs.

Thank you, Hon. Speaker.

Hon. Speaker: I said earlier that questions will not be responded to in the Plenary. It is only a request for a Statement. There is a new Chair of the Departmental Committee on Sports, Tourism and Culture, Hon. Patrick Makau, the Member for Mavoko. Please, look for him. He is not very short. I am sure you will identify him.

Hon. Tom Odege (Nyatike, ODM): I can see the able Chair of the Departmental Committee on Administration and National Security. Why is he quiet about my concern?

Hon. Speaker: I told you about questions. The other one is a request for a Statement. The one on the question, approach the Chair of the Committee and agree when it will be responded to. It will not be responded to here.

Hon. Tom Odege (Nyatike, ODM): Hon. Speaker, we are supposed to be notified to appear before the Committee.

Hon. Speaker: Go and discuss with him.

Hon. Tom Odege (Nyatike, ODM): Thank you.

Hon. Speaker: He will tell you when whoever is coming to respond to your question will appear before the Committee. Let me get the Chair of the Departmental Committee on Health to make a response of a Statement.

HOME BIRTHS AND IMMUNISATION FOR CHILDREN DURING COVID-19 PERIOD

Hon. (Ms.) Sabina Chege (Murang'a (CWR), JP): Thank you, Hon. Speaker. I would like to give a Statement from the Departmental Committee on Health regarding home births and routine immunisation for children during Covid-19 pandemic period.

Hon. Speaker: How long is it likely to take?

Hon. (Ms.) Sabina Chege (Murang'a (CWR), JP): It will take a maximum of three minutes. I will summarise it.

Hon. Speaker: I expect that you have given a copy to the Member who sought the Statement. Have you shared the Statement with her?

Hon. (Ms.) Sabina Chege (Murang'a (CWR), JP): The Clerk shared it with Hon. Wamaua. I will also take it as my personal responsibility to reach out to her.

Hon. Speaker: Go to summaries.

Hon. (Ms.) Sabina Chege (Murang'a (CWR), JP): Okay. The Statement was sought by Hon. Mary Njoroge Wamaua, the Member for Maragwa Constituency. The first issue was on the status of hospital visits, vaccination of children and births by expectant mothers as compared to the same period last year and the comparative status of skilled delivery which was given by the Ministry.

There was no decline in skilled deliveries in 2020 compared to 2019 for each corresponding month, including the months since Covid-19 started, that is from March 2020. Her other concern was the impact on immunisation performance from January to June 2019 and 2020. There is a marginal reduction of absolute number of children who reached for immunisation services to a monthly average of 107,300 last year to an average of 98,000 children, after the onset of Covid-19 pandemic. Overall, 606,000 children were vaccinated between January and June 2020 compared to 643,000 children who were vaccinated during the same period last year. It is expected to decline again moderately in the face of the above challenges and vaccine supply issues.

The other issue was what measures has the relevant Ministry taken to support expectant mothers who opt to give birth at home, including access to medical assistant or referral services after births. The Ministry has put measures in place to encourage and ensure continued access to skill deliveries in health centres. The Ministry of Health strongly discourages home deliveries for many reasons. One of them is that Kenya does not have a human resource and productive commodity support system in place to manage home deliveries or handle emergencies that can routinely arise from any birth occurrence, including what may begin as a normal delivery.

Two, home deliveries pose a particular high risk of Covid-19 infection and transmission as the home environment is not designed or suited for the necessary full infection prevention

protocols or infectious birth waste handling. These are only possible within a health facility setting. Three, home deliveries pose grave risk both to the mother and newborn, including death from complication that cannot be attended to in a timely manner and by persons with correct skills. Evidence has shown that skilled delivery which is synonymous with health facility delivery in Kenya is a proven intervention of preventing mother and newborn deaths. The Ministry has reached out to all players to facilitate pregnant mothers to access skilled delivery in health facilities. It is continually innovating to use progressive platforms to ensure all women in the nation can reach the nearest health facility safely and as needed during the period of Covid-19 pandemic and beyond.

The Ministry has also executed its constitutional mandate and developed guidelines. It is continually building capacity across the country to ensure maternal health services are prioritised as essential services that must continue to be provided safely both to the mother and healthcare workers. Mothers are particularly encouraged to enroll for Linda Mama Universal Insurance Programme, once they establish that they are pregnant. This is a Programme that guarantees free access to skilled care when they are pregnant and after birth throughout the country. This also goes to the teenage mothers who are on increase at this time of Covid-19 pandemic.

The status of the routine immunisation services countrywide during the Covid-19 pandemic was her other concern. The question was which immunisation services are being provided. Restrictions of movement of people, limits on capacity of vehicles, restriction of movement out of and into specific areas and the curfew initially affected ability of health workers and clients to access health facilities, last mile distribution of vaccines and related logistics, scheduling of shipments, clearance of vaccines and related logistics in the country. However, the restriction of meetings and the need for social distancing means that most planned immunisation strengthening activities were put on hold. Most of the activities which involve community mobilisation, health workers engagement, outreaches, micro planning meetings and other supplementary immunisation activities were also put on hold. Most of them would be done remotely.

Prioritisation of Government expenditure to support Covid-19 response and emerging issues slightly impacted vaccine financing which affected the operations. The School-based Programme, especially related to the Human Papillomavirus (HPV) vaccine, has been greatly impacted due to the closure of schools and restriction of gatherings. The re-allocation of staff for immunisation services delivery to Covid-19 response has slightly weakened the country's immunisation capacity.

There are steps that the Government has taken to improve the immunisation coverage of children. Recognising the challenges that the Coronavirus pandemic poses to the healthcare system and immunisation in particular, the country, through the National Vaccines and Immunisation Programme, has put in place a raft of measures to address these challenges which include dissemination of policy guidelines to all stakeholders and service providers to facilitate continued routine immunisation amidst Covid-19 pandemic. Any disruption of immunisation services even for short periods can result in accumulation of susceptible individuals and increased likelihood of vaccine preventable diseases outbreak. Such outbreak may result in deaths and an increased burden on health system that is already strained by the response to the Covid-19 pandemic.

Reviewing the guidelines in line with Covid-19 infections have ensured that existing guidelines on Covid-19 infection prevention measures during immunisation sessions are adhered to. There is physical distancing and avoiding crowding in waiting rooms through scheduling staggering of immunisation visits in the day. The health facilities ensure that there are well ventilated areas and adhere to social distancing protocols to protect the caretakers and children

waiting for immunisation. This includes dedicating separate specific rooms for sick visits away from the well visits and immunisation, and making provision for assessment and performance of triage to immunisation clients and their key caregivers for acute respiratory systems and risk factors for Covid-19 first to minimise chances of exposure.

Early communication is clearly given to the caregivers on Covid-19 measures like the importance of social distancing and the rationale for inclusion of immunisation which is one of the priority health services during the Covid-19 pandemic.

There is also the issue of enumerate cohorts of children who may have missed their vaccine doses. The Ministry will develop an action plan to catch up with vaccination. There is also the issue of observing septic techniques during the immunisation sessions and perform hand hygiene with alcohol-based hand rub before and after all patient contact with potentially infectious material. If the hands are visibly soiled, there is the use of soap and water.

There is supported timely procurement and distribution of all vaccines by the Ministry to service delivery points to ensure that they run an uninterrupted availability of immunisation commodities. There is plan for a national accelerated medication and rapid response initiative to reach the children who were missed in order to respond to the heightened risk of vaccine preventable diseases.

Finally, there is closely monitoring of vaccine uptake, stocks and respond appropriately and timely to any emerging issues.

I submit. On the attachment there are also answers for the Members I had mentioned earlier: Hon. Janet Nangabo Wanyama on the Question that she had raised, Hon. Sankok who told me that I should be referring to him as ‘Nominee 001’ and Hon. Safia Sheikh Adan.

Hon. Speaker, I submit.

Hon. Speaker: Now, it looks like in future, when you get long Statements, take the salient points, the sub-heads and then summarise. Where is the Member who made the request? Hon. Mary Njoroge Wamaua? Hon. Janet Nangabo?

Hon. (Ms.) Janet Nangabo (Trans Nzoia CWR, JP): Thank you, Hon. Speaker. As you earlier ruled, it is better for the Chairperson to be calling us to the Committee because we have a lot of information and that is why we have raised such questions. So, for now, I do not want to comment on it because I was not invited and I do not have any other communication apart from what I heard from the Chairperson here. If you can give me time so that I talk to her, I would appreciate. The people of Trans Nzoia County are facing a lot of problems as a result of this pandemic. They are just dishing out food without even involving the local leaders.

Thank you, Hon. Speaker.

Hon. Speaker: The Questions will be responded to before Committees. You can only come to say that you have not been called upon, in which case, our obligation is to encourage the Chairpersons to invite you.

For a request for Statement, it is only fair that such a lengthy and detailed Statement should be shared. You cannot interrogate it on the basis of just listening to it being read out. So, Hon. Sabina Chege, when you have these kind of requests, share with the Member in whichever method. Hon. Sankok, did you also want to comment on this?

(Hon. David ole Sankok spoke off record)

I am told that Hon. Koinange also has some response.

Hon. Paul Koinange (Kiambaa, JP): Yes. Thank you, Hon. Speaker. First of all, I want to assure you that with Hon. Oundo and Hon. ole Metito, we will sit together and address the issue of coast guards in the lake region. Also, I will speak to the Hon. Member regarding the prison, to see the way forward.

Hon. Speaker, I have two Statements which I wish to make, if you allow me. They are both very short.

Hon. Speaker: Very well, you may proceed.

REGISTRATION OF PERSONS IN GARISSA AND WAJIR COUNTIES

Hon. Paul Koinange (Kiambaa, JP): The first Statement is a response to a request by Hon. Aden Duale, the Member for Garissa Township. He had sought a Statement on registration of persons in Garissa and Wajir counties. He particularly sought to be informed on one, when the youths will be issued with identification cards; two, the timelines for the implementation of presidential directive on registration of persons in the affected areas; and three, what the taskforce did after the verification was completed.

Hon. Speaker, I wish to state that in the 1990s, some residents of Wajir and Garissa counties were registered as refugees in Ifo and Dadaab refugee camps. Their fingerprints were therefore captured in the refugee's database, which has made it very difficult for them to acquire national identity cards. Following the President's directives, the Government formed an inter-ministerial taskforce to come up with strategies to verify the claims. The taskforce developed guidelines and consequently the verification exercise for persons from Garissa and Wajir counties was launched on 8th November, 2019 and verification commenced immediately.

The vetting teams at the sub-county level handled a total of 19,272 applicants, in which, 4,792 were from Wajir County and 14,480 from Garissa County. As stipulated in the guidelines, after the initial identification, the application forms need to be verified by the County Security and Intelligence Committee. However, the exercise was slowed down by the COVID-19 pandemic. Once the exercise is completed, the eligible youth will be issued with identity cards.

I want to state that I was on the ground in Dadaab with my Committee when we presented the Refugee Bill and I promised the elders and the opinion shapers in that area that once everything is in place, these things will be concluded. So, I want to assure Hon. Aden Duale that this matter will be concluded once this vetting process has been done.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Duale, you may have the Floor.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, as you said earlier, this is the problem of a presidential system of government. You know, Hon. Koinange is just a colleague like me. I wish that the substantive Cabinet Secretary (CS) was sitting here, I would grill him. I totally agree with what the Chairman has said. These are 19,272 Kenyans who are stateless in courts because they cannot access basic education, employment and they cannot even move from Garissa to Migori or Nakuru because they are undocumented.

Hon. Speaker, verification was done at the chief's office, the way we do identity card registration across the country. Normally, there is the presence of the District Officers (DOs), someone from the Intelligence Service, someone from the Directorate of Criminal Investigations (DCI) and the elders from that location to verify information. All this was done and now it looks like the only reason why the process has not been completed is because of COVID-19 pandemic. This has now become a reason that is issued everywhere. Even the Chairperson of the National

Government Constituencies Development Fund (NG-CDF) needs to tell this House if it is because of COVID-19 pandemic that NG-CDF resources are not being channeled to constituencies. Maybe that is what he will be told when he goes to the National Treasury - that there is no NG-CDF money because of COVID-19 pandemic.

So, I will wait because the Committee on Implementation, which has now been left to Hon. Koinange, is responsible for scrutinising the resolutions of the House, including adopted committee reports and submitted Statements like this one. I will always pray that this COVID-19 pandemic's curve flattens so that the over 19,000 Kenyans who are stateless get their status as citizens of this country.

Hon. Speaker, I really want to ask Hon. Koinange since he has been to those areas and met those parents and youths, to make a definite responsibility to follow up with the Ministry of Interior and Coordination of Government and more so the Director General of Registration of Persons so that these Kenyans can get registered. I will follow up maybe before the end of the Session this year so that the Chairperson of the Committee on Implementation can follow up whether this thing has been implemented or not.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Sankok, I hope you have something on this not for purposes of something called *Mzalendo*.

Hon. David ole Sankok (Nominated, JP): Hon. Speaker, the answer from Hon. Koinange, who is my good friend, is not satisfactory. When he says that these people registered with the refugee camp, how did the Government of Kenya allow them to register? It is only in Kenya where a person born through the assistance of registered Kenyan medical personnel is taken to the Kenya postnatal clinic, goes through schooling in Kenya and then after attaining the age of 18 years, is subjected to verification to confirm whether he or she is a Kenyan. Surely, they are being verified from the time of being born to the time of attaining the age of 18 years. We need to give our Kenyan citizens from northern Kenya, just like any other person from other parts of this country, proper and timely documentation.

On the issue of being registered to become refugees, they should have been denied the opportunity of becoming refugees because they were known to be Kenyans since they were born in Kenyan hospitals.

Thank you, Hon. Speaker.

Hon. Speaker: You got it absolutely wrong. Had you first of all listened to the request by Hon. Duale, you would have been in a position to understand the Statement. That is why I said that sometimes some of these comments by "Hon. *Mzalendo*" do not help the country. Hon. Duale has been answered because, first of all, in his request for Statement, he actually laid down the reasons for what happened to those people to end up being registered as refugees. In the response, Hon. Koinange has also said that from around some date in November, the process of verification and other things... Everything has almost been concluded. So, when you now talk about people being born, being taken to... These are stories which are not helpful.

Hon. Chachu, are you also not satisfied? You can proceed, Hon. Chachu Ganya.

Hon. Chachu Ganya (North Horr, FAP): Hon. Speaker, I just want to comment briefly on the issue that was raised by the Member of Parliament for Garissa Township, Hon. Aden Duale. It is a unique issue because it involves refugees. However, the issue of vetting of Kenyans along the borders of Mandera, Marsabit or Turkana is a serious issue and Kenyans have really suffered for too long. We are subjected to many layers of vetting. Somebody can wait for up to six, eight or

even 10 years because the process is so long and sometimes it is a deliberate strategy to deny those Kenyans identity cards. So, I really want the Chairperson to look at this issue critically.

I know this is unique because of refugees' status, but it is an issue even for other Kenyans. For instance, our children who are born in the hospitals here in Nairobi and originate from districts in Marsabit County are subjected to serious vetting and so much undue time is wasted for them to acquire identity cards. We should critically think about this and look for a solution to these Kenyans.

Hon. Speaker: May I also advise you, Hon. Chachu, that you should propose an appropriate amendment to the Registration of Persons Act so as to tackle that issue because even if you tell the Chairperson to go and... I do not know where you stand because now we are dealing with slightly different issue. That matter can be addressed if you bring an appropriate amendment to the Registration of Persons Act so that, that kind of problem is solved.

Hon. Chachu Ganya (North Horr, FAP): Thank you, Hon. Speaker. I am well guided.

Hon. Speaker: You had another response, Hon. Koinange.

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Speaker. Maybe before I read the second Statement, I wanted just to make a small clarity. The issue of the people who went to the camps, they went there because they were hungry and needed food, so they registered there. Now they have a problem to reregister and become Kenyans. That is the reason they do not have identity cards. Already in the last Budget, we provided a bit of money which would help Kenyans without identity cards to be issued with the same. So, I am sure if the process is followed, people will be given identity cards.

MEASURES TO STOP SALE OF ILLICIT BREWS ACROSS THE COUNTRY

I wish to respond to a Statement by Hon. (Prof.) Jacqueline Oduol. The ambit of the Coronavirus pandemic has presented unprecedented challenges to the people of Kenya. However, the Government has not relented in its endeavour to provide a safe and secure environment for the citizens. Since the pandemic was declared in the month of March 2020, the national Government administration officers formed a multi-agency team to deal with both pandemic and crime, key among them, proliferation and consumption of illicit brews.

Following the efforts made by the national Government, I wish to table data on the arrest and destruction of illicit brews across the country for the period between March 2020 and July 2020. I also wish to table data on proliferation of Simba Waragi sachets in Nyanza and Western regions.

The Ministry has taken the following measures to curb the sale of illicit brews:

(i) Intensifying day and night patrols in areas suspected to have illicit brews and to ensure that all bars and other outlets remain closed during the curfew hours.

This has been overtaken by events and all the bars have been closed indefinitely.

(ii) The national Government administration and the *Nyumba Kumi* community policing initiative have been sensitizing the public especially the youth on consumption and effects of illicit brews.

(iii) Conducting frequent raids at *chang'aa* dens.

(iv) Encouraging economic empowerment and adoption of legal means of business by the brewers and consumers through collaboration with the Government and non-governmental organizations (NGOs).

The Government also has taken the following measures to ensure that illicit brews are not sold to underage youth:

- (i) Involvement of village elders and *Nyumba Kumi* Initiative to sensitize the bar owners and illicit brew dealers on sale of alcohol to the youth.
- (ii) Monitoring the activities of the youth both in the rural and urban areas.
- (iii) Regular operation in bar premises and illicit brew dens.
- (iv) Encouraging parents, guardians and the clergy to sensitize the youth on morals. For now, churches have been opened and they are encouraged to do that and help the youth.
- (v) Use of the media to sensitize youth on effects of alcohol to their lives.

Finally, the Government has taken the following measures to curb the smuggling of Simba Waragi sachets in Kenya:

- (i) Intensified sharing of information between the security and law enforcement agencies and the members of the public.
- (ii) Preventive measures including *ad hoc* police barriers and patrols to check on cross-border smugglers operating in Kenya and neighbouring countries.
- (iii) Impromptu raids on businesses suspected to be dealing with Simba Waragi sachets.
- (iv) Holding of regular cross-border meetings and collaboration with the neighbouring countries.

I wish to table the data for Simba Waragi sachets and also the people who have been arrested for getting involved with illicit brews during the wrong hours or sale of alcohol to underage youth.

Thank you, Hon. Speaker.

(Hon. Paul Koinange laid the documents on the Table)

Hon. Speaker: The Hon. (Prof.) Jacqueline Oduol. That was a response to your request. You do not have a card.

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): I have a card. I am in seat No. 47 but I have a card. Thank you, Hon. Speaker.

I would like to appreciate the response to my request by the Chair on the sale of illicit brews. However, in keeping with very useful directions that you provided, I was not aware that this Statement was going to be given today. Given the manner in which the Chair had indicated that I had provided very clear pointers and he was going to work on it, I came to the House today hoping that it was going to be responded to. I was among those who put in interventions seeking to try and get this done. It was in the spirit of seeking to pursue this response. I had to make a turn around because there is a special meeting of the Inter-Parliamentary Union on issues of Beijing Plus 25 where I am going to present. So, I would like to seek your direction and indulgence.

I have not really heard most of that response. I know I can get a copy. Going forward, I hope that if there is going to be a response to a request by a Member, at the very least, the Member could get to know that it was going to be presented and perhaps be given a copy. In this regard, I would like to appreciate the response but indicate that I am not really in a position to indicate whether that Statement has been responded. This is because the only bit I heard was on Simba Waragi. The major gist of this request for Statement was the blatant sale of illicit brews that is going on in my county of Siaya as I speak. It is in the Township Ward, in Ombwede Village where I am from.

So, I would like to seek your direction but also request that I really would have liked an opportunity to make a response or determine whether the response was satisfactory, if I had had a chance to listen.

Hon. Speaker: Well, I recall that you were in the Chamber quite early, almost near your usual position. I noticed that you were here. More importantly, I wonder whether Chairs feel challenged. It is because the best thing would be that these Statements, if for one reason or other you are not able to get the Member, make sure that there is a copy or copies at the Table Office. It used to be called Room 8 long ago. It is now called the Table Office. That is so that Members who have sought Statements and also asked Questions but have not appeared before committees can be told to go to the Table Office where you will find the responses. That is so that, even as the Members come to Parliament, they first pass through the Table Office. It looks like an ambush, in fairness. There is a Statement which has been read here. I almost stopped the Chair who was reading it. It was too long and detailed. It was about breastfeeding, injection and vaccination, a lot of stuff. Now you cannot know which Question you will be asking about vaccines or who was giving birth, antenatal and all those things. A lot of stuff – postnatal, antenatal. You do not even know because you just come and hear it here.

If the Member who had requested the Statement had been given the opportunity to pick that Statement from the Table Office, he would have read through and even prepared himself to ask questions relating to areas which he felt have not been covered. Now you come and read for 20 minutes a Statement which touches virtually all manner of clinical medicine. It becomes very difficult.

The Statement that Hon. Koinange read, I am sure if Hon. (Prof.) Oduol was around when you began, you would specifically go to some of the areas about what she has just said about the sale of liquor. She would, of course, also have known that part of it has been addressed by the closure of bars, as you have said in your Statement. Then, professor would have been asking you about other areas. You see now, she did not know that you are going to read out the Statement. It was not provided there in the Table Office. I think it is going to be a directive now. All these Statements must have a copy or copies in the Table Office. In fact, not a copy but a few copies because it may be necessary that other Members who may be interested can also get a chance to read through them. In fact, the Office of the Leader of the Majority Party, the Office of the Whip, the Office of the Leader of the Minority Party, the Office of the Deputy Leader of the Minority Party and all of them may wish to also know what it is that has been provided. That way we will be doing service to the House and these processes.

Henceforth, the Clerk will issue that instruction to all the Chairpersons – whenever there is a request, make sure there are copies. That must be communicated. The Chairperson has the obligation, both yourselves, the Leader of the Majority Party, the Leader of the Minority Party and the Whips to communicate also to the ministries that those Statements must be provided in good time so that there will be sufficient copies made in the Table Office. That is so that as many people as desired can get a chance to read them.

More often than not, there should almost invariably be a copy to the Office of the Leader of the Majority Party and the Whips. It is important. That is how you will be able to coordinate the things that are happening here which will eventually land here but are coming from the Executive.

The Clerk is directed to make sure that instruction is followed.

Hon. Wanga, do you want an intervention?

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Yes, Hon. Speaker. Thank you.

I want to thank Hon. Koinange for that response. I think where the point misses a bit, you know when Hon. (Prof.) Oduol is talking about Alego, Siaya, you find young people waking up in the morning and going into homesteads and saying “remove the lock for me. *Min Akinyi*, remove the lock for me” or “unlock me”. So, it is not really in bars. It is people selling illicit brews in homesteads. So, they are actually in homes. I think the context is a bit different. The more you lock the bars, the more they do it in the homesteads. They are unlocking in the homesteads. So, I wanted to just make that note. Because professor was not here earlier, she probably did not listen to the earlier part but I had the privilege of listening. So, I just wanted the Chairman to take note of that even as he discusses further with the honourable professor.

I also wanted to comment on his earlier Statement, especially on the coast guards because he said he was going to consult with Hon. Oundo and the others. I also wanted to add that please also consult with us leaders from Homa Bay because we also have a very big problem. There should be a base. We were promised a base of the coast guards in Homa Bay. When you have that consultation, please also consult with us because Ugandans are really terribly harassing fishermen. At the same time, fishermen fall in the lake. It happens a lot. When people go fishing at night, they fall into the middle of the lake and there is no way of retrieving the bodies. We have too many bodies in the deep lake without any divers who can help retrieve them. That is a serious problem we are facing at the moment.

With those remarks, thank you.

(Laughter)

Hon. Speaker: Please make sure that you engage Hon. Koinange. I am sure he will communicate the issue of those locks and padlocks. Maybe the local administration through *Nyumba Kumi* or those other outfits can try to locate the padlocks and ensure they are permanently locked so that you do not unlock or unblock.

Member for Nyatike, do you want to comment on the same?

Hon. Tom Odege (Nyatike, ODM): Hon. Speaker, I just want to add that when discussing Lake Victoria, we must note that Migori is in Lake Victoria and it borders Tanzania and Uganda. We must not leave Migori out.

Hon. Speaker: Member for Emuhaya, do you also have a problem of padlocks?

Hon. Omboko Milemba (Emuhaya, ANC): Hon. Speaker, I do not have any lake. I want to thank you for the ruling you have made on the Statements and demystification of the same. It is true that when a Chair is going to give a response to a Statement sought by a Member, the relationship you have is that he has an important document in a file that you must not see until when we get here. I must thank you for that. We must demystify the Statement so that we discuss it overly before it is presented in the House.

I want to add on the Statement given by Hon. Koinange regarding people who sell alcohol inside villages as noted by Hon. Wanga. I want to thank him for assuring us that there are measures being put in place to ensure that alcohol is not sold to the underage.

I want to thank His Excellency the President for putting in measures through the Ministry of Education that ensure Board of Management (BOM) teachers are paid. They will be teaching students around where they are in sets. This will ensure that students are busy and do not go for the illicit alcohol.

Thank you, Hon. Speaker.

Hon. Speaker: Let us not have anything that is too secret. In the old system, Hon. Kimunya and Hon. Wamunyinyi will tell you that answers would be out there in Room 8. It helps the person who makes the response to discuss the contents of the Statement with the person making the request. We need to encourage that a lot more. We will have to implement this.

Hon. Mbui, is it about the same issue? Do you also have an issue of padlocks?

Hon. Robert Mbui (Kathiani, WDM - K): Thank you, Hon. Speaker. I want to thank you for the direction you have given because that is one of the challenges that Members have been facing. However, I am looking at it from this perspective: Once we have gone through these Questions early enough and have an opportunity to discuss them, I think we will generally be raising supplementary questions that Committee Chairs will not be in a position to answer. I would like to request you to give a further direction on what happens when we raise Questions that Chairs do not have answers to because it is going to the Executive. That is a challenge we have faced in this system of Parliament.

Hon. Speaker: Please find out from those who were here when we had the Question and Answer sessions. A Minister who needed to be effective on the Floor always found it most useful to call a Member and share the answer given by his officers. This is because you will have questions about villages in Nyatike, Siaya and Kwale. The Ministers would have to rely on their various functionaries in those levels. You may find that whatever the Minister has been given from the ground is totally incongruent with the facts the Member has. An effective Minister would always want to call a Member and share the answer given and find out whether it meets their expectations. I do not want to name people but there were Ministers who would say that since the Question is listed for say, tomorrow, they would request the Speaker that it be taken out so that they get to the bottom of the matter and give a satisfactory answer. That used to happen in the former system. I expect that to happen in this system that after the Chairperson receives an answer, they discuss with the questioner to find out whether their expectations have been met. The questioner can then discuss with the Chairperson and if the answer is not satisfactory, they can agree to request the Speaker to give him more time to respond. I am sure the Member making the request would not object because the idea is to find an answer that makes sense. We are not coming here to settle scores because the person reading the Statement is not even the author. Hon. Mbui, if we adopt this, I am sure it will help and we will go a long way in serving our people.

Member for Tigania West, have you put an intervention?

Hon. John Mutunga (Tigania West, JP): Thank you, Hon. Speaker. I want to join my colleagues to point out two issues. First, the issue of locking and unlocking is all over the country. It is even worse in my place. The unlocking process does not end and it takes the whole day to remove a lock. We are losing our youth to alcohol and unfortunately some of them are very educated. It is a very bad example for the young people that it is those with university degrees who are getting wasted. We need a serious solution to that problem.

Secondly, in connection to what the Head of State said today regarding paying the BOM teachers, I want to bring to the attention of the Government that it is not only the BOM teachers who are suffering. There are no teachers and children who are private in this country. I want to declare an interest that I run a school and I can assure you that...

Hon. Speaker: You want to make it clear to the Government? Where is the Government in this plenary? These are Statements for the *Mzalendo*.

Hon. John Mutunga (Tigania West, JP): Hon. Speaker, I want to say that since the BOM teachers are being paid, the Government should also look into the plight of teachers in private schools

Hon. Speaker: Why do you not make a request? The others made requests. You are now saying that you want to tell the Government but I can only see Hon. Florence Mutua, Hon. Millie Odhiambo, Hon. Wanga and Hon. Wamunyinyi.

Hon. John Mutunga (Tigania West, JP): I am sure the relevant Committee will look at it.

Hon. Speaker: Hon. Mutunga, make a request.

Hon. John Mutunga (Tigania West, JP): I want to make a request that the issue of teachers in private schools be looked into. If they are given half or quarter salary, I am sure that they will survive during this period. They are really suffering.

Hon. Speaker: Hon. Koinange, you want to say something before we move to the next business?

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Speaker. I just wanted to make a humble request that you direct that when Members make requests for Statements, below their names they should put the telephone number on which they are available. That will make it easy for the Clerk to reach them.

Thank you, Hon. Speaker.

Hon. Speaker: That is a fair request. So, if you are making a request for a Statement, indicate your contacts so that the Chairperson could reach out to you. It is a fair request. As we say, we serve the people of Kenya, so do not hide yourself even though there is social distancing. Hon. Millie Odhiambo, indicate your contacts and address. That is what Hon. Koinange is requesting. I am not saying that you never indicate, Hon. Millie. I can see you are suddenly shocked.

The Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Speaker. Before I read the formal Statement, on your guidance on Statements, now with electronic systems, there is absolutely no reason why the Table Office cannot upload the statements so that Members can download them from wherever they are and read. We can work on that.

The other thing of locking and unlocking, perhaps Members may want to know the genesis of that. There are no padlocks, as Hon. Wanga would imagine. In the normal plumbing system, when water flow to a house is cut off, usually you get an airlock in the system until water is refilled again. That is when the airlock disappears. So, when you hear them talking of *kutoa lock*, they are basically saying that because of an interruption of the flow of liquids in their systems by sleep, they have suffered an airlock that they now need to remove. 'Removing lock' is actually removing the airlock within a human being's plumbing system because of an interruption of the flow of fluids by sleep or something else.

BUSINESS FOR WEDNESDAY, 5TH AUGUST 2020

Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(a), I rise to give a Statement on behalf of the House Business Committee (HBC), which met today, Thursday, 30th July 2020, to prioritise business for consideration. In the Morning Sitting of Wednesday, 5th August 2020, the House will consider the following:

1. The Second Reading of the Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 17 of 2019);
2. The Committee of the whole House on the Parliamentary Pensions (Amendment) Bill, 2019 by Hon. John Mbadi;

3. The Report of the Departmental Committee on Environment and Natural Resources on inquiry into the encroachment of riparian areas in Kenya; and
4. The Report of the Departmental Committee on Environment and Natural Resources on inquiry into the death of 11 black rhinos after translocation to the Tsavo East National Park sanctuary.

On Wednesday, 5th August 2020, in the Afternoon Sitting, the following business is scheduled:

1. The Second Reading of the Parliamentary Pensions (Amendment) (No. 3) Bill (National Assembly Bill No. 57 of 2019), which is a Bill by the Parliamentary Pensions Committee;
2. The Report of the Public Investments Committee on the audited financial statements for State corporations;
3. The Report of the Special Funds Accounts Committee on the audited financial statements of the National Government Constituencies Development Fund (NG-CDF) for the constituencies in Kiambu County; and
4. The Report of the Public Investments Committee on the special audit report on procurement of pre-export verification of conformity to standard services for used motor vehicles, mobile equipment and used spare parts by the Kenya Bureau of Standards.

In addition to the above, Hon. Speaker, as guided by yourself this afternoon, we will also be looking at the matter of petitions by Hon. Waihenya, which will be included in the business for the Afternoon Sitting.

The HBC has taken a deliberate decision to prioritise consideration of Private Members' Bills and Committee reports that have been pending, as from next week, so as to clear the huge backlog. On this note, I would like to ask Members who have individual Bills that are still pending before Committees to liaise with the Chairs of those Committees so that they can accelerate the processing of the Bills. This is because unless the Committees have brought reports here, the House cannot debate the Bills. So, both the Chairs and the sponsors of the Bills should accelerate that process in the Committees so that the business can come to the Floor of the House.

The HBC will reconvene on Thursday, 6th August 2020, to consider business for the week beginning on 11th August 2020.

I now wish to lay the Statement on the Table of the House.

Thank you.

(Hon. Amos Kimunya laid the Statement on the Table)

Hon. Speaker: I can see the indomitable Member for Suba North suddenly wants to say something.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Speaker, for giving me the opportunity. Sorry, earlier on you caught me off-guard; I did not know what you were taking about. But I am sure it must have been something good; you never say anything bad.

I want to thank the Leader of the Majority Party for raising concern about Private Members' Bills. I have raised the issue several times before. Therefore, I am happy. I have three Bills that have been pending since we first came to Parliament. They are Bills which I actually drafted in the last Parliament, so they are not new. Sometimes it is discouraging because we have other Bills which we want to bring yet we cannot even process the previous ones. And yet every day we sit

and process Private Members' Bills from the Senate. I have given a perfect example that there is a Reproductive Healthcare Bill in the Senate and I also have a Reproductive Healthcare Bill, so I have to withdraw mine because the Senate one has gone ahead. I think it would not be very fair because mine has been pending for quite a while. So, I think we should follow your direction and work with the respective Committees. I just want to say I am happy.

Hon. Speaker: Chairs of Committees, you better check with the Director of Committees to know which Bills are before you. There are some which the only reason they cannot be processed here is because the Committees have not brought their reports after engaging various stakeholders. So, Chairpersons must prioritise that. We would want to clear as many Private Members' Bills as possible. I am on record saying recently that most of the Bills that come from the Senate, about 99.7 per cent of them, are Private Members' Bills. The Senate has only 67 Members; the National Assembly has 349 Members. So, when we consider one Private Member's Bill from the Senate, we should be able to process another five or six Private Members' Bills of the National Assembly. That is an element of equity. As rightly observed by Hon. Millie Odhiambo, indeed we have processed quite a number of Private Members' Bills in the recent past emanating from the Senate, not least, of course, the one that is likely to be considered in the next Order.

As Hon. Kimunya, the Leader of the Majority Party, has indicated the HBC has deliberately today taken the decision to prioritise most of those reports, I think 18 or so that have been tabled, so that the individual sponsors can also begin to prepare. I can see an intervention. Hon. Pukose, have the Floor.

Hon. (Dr.) Robert Pukose (Endebess, JP): On a point of order, Hon. Speaker. On the same breath as Hon. Millie has stated, some of the Members' Private Bills have actually... For example, for my Bill on the Kenya Food and Drugs Authority, the Departmental Committee on Health has stayed on it for close to a year because at one stage my Bill was actually stepped down so that we could have consultations with the Ministry of Agriculture and Health. They even organised for us to go on a trip to the United States of America (USA) to look at the model which is practised there – the USA Food and Drugs Authority. They agreed to even give us guidance on supporting this Bill. The Committee has overstayed in tabling its report. Some reports are ready but, for my Bill, it had even been put up for Second Reading but the Committee, up to date, has not tabled its report. It is an issue of concern.

Thank you.

Hon. Speaker: Just liaise with the Committee. I hope they do not tell you that they are only dealing with COVID-19 issues. I hope they can afford to deal with all the other Bills. There are several Bills which are before that Committee. We do not want to be told about COVID-19 because we are still doing other businesses notwithstanding COVID-19.

Hon. Wamunyinyi, do you also have an intervention?

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): On a point of order, Hon. Speaker. Yes, a small one, Hon. Speaker. I am not quite sure but I recall that at some point, you had indicated in some instances where Committees have failed to bring reports to the House, Members would be allowed to prosecute the business. For example, some Members have Bills which have stayed since 2018 and even before. I appeal that you relook at the issue and provide guidance as to whether we should continue to peg the progression of the business of Members' Private Bills on reports by the Committee or that progress can still be made without the report. I know the Committee report will always give informed debate on any particular Bill but, when it is not forthcoming, do we hold

Members to ransom permanently or we ask you to reconsider this position and maybe provide guidance?

Hon. Speaker: Appropriate directions will be given. To also inform you, your Bill is pending before the Committee and no report has been provided. So, you may wish to engage the new Chair of the Departmental Committee on Agriculture and Livestock to fast-track so that it can be tabled. It is an old one. It should be fast-tracked but, appropriate directions will be given because if we find that it is not possible to get those reports, we would have to proceed with the debate.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Thank you, Chair.

Hon. Speaker: Member for Homa Bay Town, what is it that you appear to have forgotten your card today?

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Speaker, I am on Seat No.52. If Hon. Millie would not have been in the House, I would have said where my card remained but, Hon. Millie Odhiambo is my niece, so I keep a bit of these confusions private.

This issue of delay in transacting legislative proposals is affecting so many legislative proposals by Private Members. That is why I was seeking to intervene. In the last Parliament, we had a lot and active engagements on Members' Private Bills. Indeed, a number of Members just come to the House to intervene in terms of legislation in a particular area. We know Judge Njoki Ndungu now in the Supreme Court for the Sexual Offences Act. We still remember Hon. Mungatana. It is very frustrating when you bring up a Bill and it is stuck before a Committee of fellow Members. I was burning to say something because I am a Member who has up to seven legislative proposals pending before various Committees. Most of these are legislative proposals which just lapsed in the last Parliament. What I see before whenever I go before a Committee is a challenge with our Standing Orders. The Standing Orders' provision which introduced this requirement that we have committees' scrutiny before publication of a Bill did not time it. I think it is something for the Procedure and House Rules Committee to take up. It can be provided for within the Standing Orders that a Committee will have this amount of time to transact the process of scrutinising a legislative proposal.

The other challenge I have seen in the Standing Orders is the criterion to guide a Committee in evaluating a legislative proposal before publication. It is not clearly set out in the Standing Orders. I know that in the Departmental Committee on Justice and Legal Affairs, as long as a Bill or a legislative proposal is not outrightly unconstitutional or in conflict with some law or public policy, you have your day in the plenary as a Member to persuade your colleagues to pass or reject the Bill. But, I have gone before Committees where your legislative proposal is either being torpedoed, rejected or getting stuck because of questions on the merits of the Bill which you should be explaining to the Members here to pass it. As the Procedure and House Rules Committees is considering this provision, it is something we need to do so that it is a clear criterion which even the legal assistants in a Committee can guide on so as to ensure that these things move. Sometimes you get recommendations which you cannot reconcile with the fact of mere legislative scrutiny. When we then invoke your powers to enable a legislative proposal to be transacted and it is taking time, I urge that beyond your intervention... I know you have done some rulings on what the Committee should consider, but it is still a problem. Because of that a number of Bills are going to lapse in this Parliament which ought to have been transacted. I request that beyond such directions as you would give in your Communication to the House, let the Procedure and House Rules Committee under your leadership, also, in considering amendments, make clear the criteria for evaluation or assessment of legislative proposals coming from Members before the Committee.

Thank you, Hon. Speaker.

Hon. Speaker: Well, that is an important issue to be considered by those who are in the Procedure and House Rules Committee. Hon. Soipan is one of them and the Deputy Speaker. Hon. T.J. Kajwang' is not in the House. He is one of the very active Members of the Procedure and House Rules Committee and Hon. John Olago Oluoch. Those are all matters that we need to... Hon. Robert Pukose is also in the Committee?

Hon. (Dr.) Robert Pukose (Endebess, JP): Yes.

Hon. Speaker: Great. I think you take on board those things that are your concern as well so that in the process of allowing Committees to scrutinise proposals we do not appear like we are putting a roadblock to our Members' efforts.

Sorry Members, we must now do business. Hon. Pukose, let us do business now.

Hon. (Dr.) Robert Pukose (Endebess, JP): This is very important, Hon. Speaker.

Hon. Speaker: Which is this very important?

Hon. (Dr.) Robert Pukose (Endebess, JP): Hon. Wafula Wamunyinyi is the new Chair of NG-CDF Committee and I know he is still on honeymoon. However, I wanted to remind him that he is supposed to have tabled the estimates for all the 290 constituencies so that Members can start budgeting for this financial year. Therefore, I think that is a very important thing, Hon. Speaker.

Thank you.

(Laughter)

Hon. Speaker: You say he is on honeymoon?

Hon. Wafula Wamunyinyi, do you want to confirm whether you are on honeymoon?

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Hon. Speaker, I am not on honeymoon but it is something I think I am going to comment on a little later. However, let me - because he has raised it - say it is a problem for a newly elected leadership in the process of taking over and familiarising with the issues within the Committees. I have noted that one of the big issues is non-disbursement or delayed disbursement of funds to the constituencies.

In addition, we are making every effort, as one of the things we are doing before anything else to ensure that funds are disbursed. Therefore, I think I want to assure the Member that we are going to work together with other colleagues. If there will be a problem, of course, we will bring it to the Floor of the House and we should find a way forward. However, it is a big problem to the tune of about Ksh14 billion from the previous financial year which has not been disbursed to the constituencies. Therefore, it is a serious thing that we will need to tackle. It is on our table. We are yet to conclude the taking over, Hon. Speaker but we will deal with it.

Hon. Speaker: You are just in the process of taking over and not on honeymoon?

(Laughter)

Next Order!

BILL

Second Reading

THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL

Hon. Speaker: The Chairperson, Select Committee on National Government Constituencies Development Fund. Hon. Wamunyinyi you are to move away from the honeymoon.

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Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Hon. Speaker, we have not been there.

(Laughter)

Hon. Speaker I wish to seek your indulgence to have the House to stand over this Bill before the House. As I said earlier, I was in the process of familiarising with the issues. I have noted that there is a report which is ready for this particular Bill but the Committee members have not adopted it. Therefore, I wish to request that the matter before the House is stood over for at least one or two weeks so that we can have the report adopted and presented to the House then listed for debate.

Hon. Speaker: Very well. That is a rare and fair request. Therefore, Order that business appearing as Order No. 8 at the request of the Chairperson be taken out of the Order Paper for the next two weeks. However, within those two weeks make sure that you adopt the report and then we can proceed.

(Order No. 8 stood down)

Next Order!

MOTION

AUDITED FINANCIAL STATEMENTS OF THE COMMODITIES FUND

Hon. Speaker: Chairman of the Committee on Special Funds Accounts, Hon. Kathuri Murungi.

Hon. Kathuri Murungi (South Imenti, Independent): Thank you, Hon. Speaker. Today you have made a lot of recommendations that Hon. Chairs of Committees should adopt and I hope that - because majority were not in the House this afternoon- maybe the Office of the Clerk will communicate that important message to the Chairs.

I beg to move the following Motion:

THAT, this House adopts the Report of the Special Funds Accounts Committee on its consideration of Audited Financial Statements for the Commodities Fund for the years ended 30th June, 2016 and 30th June, 2017, laid on the table of the House on Tuesday, 29th October, 2019.

Before I proceed further, I want to thank the three outgoing Members of my Committee who have joined other Committees. These are: Hon. Rehema Jaldesa, the Member for Isiolo County, Hon. (Dr.) Irene Kasalu Member for Kitui County and Hon. Githua Wamacukuru, the Member for Kabete Constituency. I have worked with these Members and they were key members of my Committee.

Hon. Speaker, maybe for the smooth progress of Committees, the leadership of the House can also be consulting Members especially to give recommendations on who should be moved either out or in because sometimes Committees are affected when active members are moved, especially at the peak of a Session.

Moreover, on the same breath, Hon. Speaker, I want to welcome the three other Members who have joined my team who are Hon. (Dr.) Robert Pukose, Member for Endebess, Hon. (Dr.) Kibunguchy, Member for Likuyani and Hon. (Ms.) Faith Gitau, Member for Nyandarua County. So, these other three Members have joined us. So far I can see Hon. (Dr.) Pukose has joined us and because I have interacted with him for the last two weeks since he joined our Committee, I

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can see he is a new force. He is a new Member who is very active and I can see he is also very ready to contribute to this Report.

So, Hon. Speaker, the Special Funds Accounts Committee is one of the three watchdog committees of this House. I want to thank you before you leave the Chair, because the Special Funds Accounts Committee is your brainchild. We have really worked tirelessly for the last two years to bring reports to this House and on the backlog that was there in so many unaudited reports, we are doing our best as a Committee to ensure that we catch up.

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

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

Therefore, noting that we had no Auditor-General for the last couple of months, I want to first thank His Excellency the President for appointing Madam Nancy Janet Kabui Gathungu as the Auditor-General. Moreover, I want to thank her predecessor, Dr. Edward Ouko who we have worked with for the last three years and he has really supported our Committee in so many ways. In addition, I want to wish him well wherever he will be serving Kenyans.

Madam Nancy Janet Kabui has committed herself to work with a lot of independence, which is key especially in the audits. In addition, she has vowed to work with credibility, relevance and accountability. Moreover, I have no doubt that she will be able to carry herself and fit better in the shoes of Dr. Ouko, her predecessor. This name ‘Janet’ because I have also lived with such a name in my house for the last I think now 17 years, I have no doubt that Madam Janet will be able to work. Yes, that is a milestone. So this name does not disappoint. I am very sure that she will carry herself far. In this House, we have similar names. The Member for Trans Nzoia is Hon. Janet Nangabo, the Member for Turbo Constituency is Hon. Janet Kepkemboi and the Member for Kisii County is Hon. Janet Ongera. These are Janets who are doing their best in this Republic. So, I have no doubt also this Madam Nancy Janet will work well in the Office of the Auditor General.

Our Committee’s key mandate is to look at the Equalisation Fund, Political Parties Fund, Judiciary Fund, the National Government Constituencies Development Fund (NG-CDF) and such other funds established by law as the Hon. Speaker may direct. So far he has directed us to look into more than 70 other funds which we are looking at.

During the examination of the Auditor General’s Report for Commodities Fund which is one of the mandates of the Committee as provided under Standing Order No. 205A (2)(e), my Committee ascertained whether public funds were utilised in lawful, authorised, effective, efficient, economical and transparent manner in line with Article 95(4)(c) of the Constitution. This article gives this House power to oversee national revenue and its expenditure and Article 229(8) mandates the House to consider reports from the Auditor General and to take appropriate action.

Hon. Temporary Deputy Speaker, when Members of this House hear of Commodities Fund, they do not know what this fund entails. This fund was established under Section 9 of Crops Act, No. 16 of 2013 which was a merger of the defunct Coffee Development Fund and the Sugar Development Fund. This is the fund that most of the Members here especially from Western, Nyanza and parts of the Coast Region should be interested in. They should seek to understand its operations especially in sugar development.

This fund is very key in supporting farmers, especially cane and coffee farmers.

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

Hon. Kathuri Murungi (South Imenti, Independent): No. I am just starting, Hon. Temporary Deputy Speaker

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): You are just starting?

Hon. Kathuri Murungi (South Imenti, Independent): Let me try my best to summarise.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): You only have 10 minutes and you can see the yellow light is on.

Hon. Kathuri Murungi (South Imenti, Independent): I can summarise some of the issues please especially on...

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon Kathuri, let us agree that you only had 10 minutes and they are finishing up.

Hon. Kathuri Murungi (South Imenti, Independent): I seek your indulgence to add me 10 more minutes.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Ten? No, I will add you five more minutes. You spent time talking about Janets and forgot you only had 10 minutes.

Hon. Kathuri Murungi (South Imenti, Independent): Hon. Temporary Deputy Speaker, please do not be misled by my friend Hon. Mbui, just make your decision and see the best you can do...

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon Kathuri, you know the timelines are based on the resolutions of the House. Therefore, they are very serious but since your moving of the Report is very critical, I will give you not more than five minutes.

Hon. Kathuri Murungi (South Imenti, Independent): Okay. Hon. Temporary Deputy Speaker, thank you for your indulgence. So, let me go straight to the issues raised by the Committee especially on transfer of assets and the abilities of the defunct Sugar Development Fund.

Hon. Temporary Deputy Speaker, our findings are that under the Sugar Development Fund, the money that was lent to most of the factories was not well defined. One of the recommendations that we have made is that the Cabinet Secretary, Ministry of Agriculture, Livestock and Fisheries should ensure that the handover of assets and liabilities to Commodities Fund from the Agriculture and Food Authority is completed in a lawful manner within three months after adoption of this Report. Also because there were so many loans which were disbursed even after this Commodities Fund came into place, we request that the Ethics and Anti-Corruption Commission (EACC) investigates all loans disbursed by the Agriculture and Food Authority after the Commodities Fund was established and whose documentation is available.

On loans and advances from exchange transactions totalling Kshs7.7 billion, my Committee recommends that the accounting officer continues pursuing the outstanding loans to ensure funds are recovered and that is self-revolving.

In addition to this, the Board of Trustees Commodities Fund ensures proper repayment plans are put in place for any loan advanced and proper securities placed by borrowers to guarantee the loans. We also recommended that the Board of Trustees in consultation with the parent Ministry and approval by the Cabinet Secretary, National Treasury to consider writing off loans advanced to outgrowers that were inherited by Commodities Fund based on their low capability in accordance to Section 69 of the Public Finance Management Act 2012.

Lastly, we also recommend that the House allocates seed capital to the fund to enable it revolve and finance the operations. Hon. Temporary Deputy Speaker, as I conclude allow me to thank your office and that of the Clerk of the National Assembly for the support extended to this

Committee during consideration of the reports and also extend my sincere thanks to the Committee for the work they did. We also thank all stakeholders we summoned to appear before the Committee and they did. I assure you, Hon. Temporary Deputy Speaker that my Committee is very keen on the accounts for the year ended 30th June 2018 and 30th June 2019 so that we can streamline and support this fund so that they can move in the right way.

With all these remarks, I beg to move and request Hon. Erastus Nzioka Kivasu to second the Report. I thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Give the microphone to the Member seconding.

Hon. Erastus Nzioka (Mbooni, Independent): Thank you, Hon. Temporary Deputy Speaker for the opportunity to second this Report which was well presented by my able Chair. I am a Member of the Special Funds Committee and I participated during the examination of these financial statements of 2015/2016, 2016/2017 of the Commodities Fund.

Two issues came up during that examination basically on the handover and the loans disbursed within a given period. The Commodities Fund was established under Section 9 of the Crops Act, No 16 of 2013 which was a merger of the Coffee Development Fund and the Sugar Development Fund. The two things that came up from the Coffee Development Fund, all the assets and the liabilities were handed over to the Commodities Fund but during examination, the Committee realised that the Sugar Development Fund did not hand over the assets and the liabilities. Some of these included short term deposits of Kshs4 billion and Kshs7.8 billion loans that were made in respect of provisions for non-performing loans which were advanced to various companies which were already under receivership. These companies include Chemelil, SONY and Mumias Sugar companies.

Thirdly, the same Sugar Development Fund continued to recover loans repayment from some of the companies and equally continued to distribute loans to a tune of Ksh2.8 billion within the periods of 2014 to 2017 when already the Commodities Fund was established. That is between 2013 through 2016. The Commodities Fund was established between 2013 and 2016 when it was made autonomous after amendments to the Crops Act, 2016. It is in this breadth that the Committee recommended three things.

One, for the Cabinet Secretary to ensure there is proper handover from the Sugar Development Fund to the Commodities Fund of the assets and liabilities. Two, the EACC to ensure it investigates all the loans disbursed so that they can be recovered especially after the Commodities Fund was established. Three, for the Commodities Fund to pursue all the outstanding loans so that they can recover them. This will help them carry out their mandate to provide sustainable, affordable credit and financial advances to the agricultural sector for various services including farm operations, farm improvements, agricultural infrastructure development, support for agricultural value addition initiatives, price establishment and capacity building.

With that Hon. Temporary Deputy Speaker, I beg to second the Adoption of the Sixth Report of the Special Funds Accounts Committee on the Audited Financial Statements for the Commodities Fund for the Financial Years 2015/2016 and 2016/2017. Thank you.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): I want to remind Members that each of you will have five minutes to contribute to this Motion. We will start with the Member for Molo, Hon. Kimani Kuria.

Hon. Kimani Kuria (Molo, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this well-done Report by the Special Funds Accounts Committee.

I have very few and critical points. One of them is that in the Report there is a Ksh7.8 billion provision for non-performing loans that were advanced to the defunct companies such as Muhoroni, Chemilil, SONY and Mumias. These companies are under receivership. The question about the sugar industries and their revival has been the discussion of almost every political regime. When you follow the politics of this country, the politics of sugar is a critical element of the Western bloc. That is why everyone who aspires for a national position will use this as a basis for their campaigns.

One key thing I would want to see from the Report is who exactly are these people who owe money to the tune of Ksh7.8 billion and it has not been recovered. This comes at a time when as a country we are unable to agree on how to share the revenue between the national Government and county governments. Yet, Ksh7.8 billion is lying with people who had borrowed this money, are not willing and have refused to pay it back. As a result, this issue has been recurring since 2017/2018, 2018/2019 and 2019/2020.

So, there is need for the said agencies to act in speed and ensure that the people who owe this money get to pay it back. We cannot keep talking about how we do not have money to develop our country and yet, this money is lying in the hands of Kenyans. For example, we have students who have taken Higher Education Loans Board (HELB) loans but their failure to pay them within one month attracts serious penalties.

We have people who take simple *Fuliza* loans and get knocks on their doors every time being asked to pay these loans. Then, we have this other groups of Kenyans who have Kshs7.8 billion owing to the Government and they do not pay.

I also note that the Report submitted today is from 2017 to 2020. This therefore begs the question about the usefulness of this Report in terms of our policy-making. This leads to the other conversation we were having when the Chair mentioned that the delayed hiring of the Auditor-General could have led to this.

This explains that as Parliament we are very quick to look for sources of money but, when it comes to accounting, auditing and ensuring it is spent correctly, that is where the lag is. We need to fix this if this country has to move forward not just for ourselves but, for the next generation.

With those many remarks, thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Dennitah Ghati.

Hon. (Ms.) Dennitah Ghati (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker for the opportunity to support this Report by the Special Funds Accounts Committee on the Adoption of the Report of the Financial Statements for the Commodities Fund.

I belong to this Committee and took part in the interrogation of these Report. As my colleague has just mentioned the issue of sugar in this country is political. We saw this from the mere fact when the Commodities Fund appeared before the Committee and said the whole issue of handover was not done well by the Sugar Development Fund.

That is why even after the purported handover by the Sugar Development Fund to the Commodities Fund, the Sugar Development Fund still continued collecting money and loans it was owed by various people and millers. So, it was not very clear why within that time they were still collecting loans and yet, the Commodities Fund had taken over. So, there was a clear problem with handover.

As you are aware, I come from Migori County and my people are sugarcane farmers. SONY Sugar Company has suffered under this kind of arrangement. You will realise that in Migori we have struggled to see how to save the farmers. The problem is between the Fund and the people themselves. That is why the Committee saw that the Ksh7.8 billion was serious money that could not be wasted.

One of the recommendations the Committee brought on board which I wish to support, is that this board should see how it can write-off these loans. I like the word 'writing-off' because our farmers are suffering. They are unable to come into terms with the pricing of a tonne of sugar. That is why every time, in and out we see sugar farmers from SONY in Awendo, Chemilil and other sugar millers struggling to stay afloat and are unable to take care of their children.

I support the recommendation the Committee has suggested that this board should consider writing-off loans previously advanced to farmers so that they can recover. I am speaking passionately about SONY Sugar Company because I come from Migori County. Sugarcane farmers in my county are suffering. SONY Sugar Company is not even able to pay the suppliers and yet we have Kshs7.8 billion that the Sugar Development Fund was not able to recover adequately from whoever they had advanced. I support this Report. I also support the idea of having the Sugar Development Fund investigated to really understand how this amount of money was lost during that period. This is a recommendation that the Committee where I sit recommended. We are saving the farmer of SONY, Chemelil and so many other farmers that are not able to harvest or to even take their children to school because they are not being paid. These are cane farmers who are suffering.

Hon. Temporary Deputy Speaker, allow me to say that I do support wholeheartedly this Report from the Committee that investigations must be carried out at the Sugar Development Fund to understand how Kshs7.8 billion was not recovered from wherever they had advanced that money. That is the money that is not able now to enable the Commodities Fund to undertake its duty to build the capacity of farmers and undertake so many other responsibilities.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Your point is made, Hon. Ghati. Let us have the Member for Kathiani, Hon. Mbui.

Hon. Robert Mbui (Kathiani, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for this opportunity to also rise and support the adoption of the Report of the Special Funds Accounts Committee on its consideration of the audited financial statements of the Commodities Fund.

I wish to begin by saying that the Chair has alluded to the fact that, of course, there have been many changes in the Committee. I just wanted to tell him that it is not the leadership of the House that made all those changes. Some of the Members of your Committee actually made requests to move to other committees. This is not to say that the Committee is junior to others but sometimes after a while Members just want to get a change. A change is as good as a rest. So, Chair, the Member from my party requested to move on and he still supports what you are doing.

This Fund basically, from what I understand, deals with coffee and sugar development. I have a number of concerns the first one being the speed in the clearing of the backlog of the audited accounts because we are talking about the returns for 2015/2016 and 2016/2017 yet we are now in 2020. I want to understand why we are not doing maybe 2018/2019. That should have come out in the Chair's communication to the House because when we talk about audits, we are basically saying that the auditor is trying to check whether the money is being spent prudently. If there is any negative use of money or misappropriation then action needs to be taken. So, if you are talking about misappropriation that occurred in 2018/2019 and the reports are not even here, then we are

talking about the reports coming in another three or four years. We will encourage those people that are stealing from these funds that they know they have two to three years to create a defence. I am saying this because we know the sugar industry has been subjected to a lot of abuse. In fact, I would tell a story of one of my neighbours.

Hon. Temporary Deputy Speaker, I will not name the names now but I can tell you when we are together alone. One of my neighbours a number of years back was trying to sell his land. In fact he was saying that he could not afford to maintain his five acre piece of land. Then he got recruited into one of those sugar boards in a good capacity. I can tell you within a year he had bought off all the neighbours. I think I am the only one who remained. Clearly we could tell this money was not from his salary. When this is happening the farmers are suffering. So, it is important that we hasten the process of getting our audited reports so that we can deal with that and take care of our poor farmers.

Finally, I would like to ask the Committee to also interrogate, in the process of audit, the fairness in the distribution of these funds. For example, when you talk about coffee, a lot of times people think of central Kenya. We have coffee even in lower eastern. It is important to check how this Fund is spent. Is it being fairly distributed? Are people from across the country benefiting from this Fund or was it just being given to one side? That is all part of audit that you have to deal with.

With those few remarks, I support the Report of the Committee.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Let us have the Whip of the Majority Party, Hon. Wangwe.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. At the outset, allow me to support the Report and confirm that I am one of the farmers and I represent sugarcane farmers as well. What has touched me in the report is the revelation that Kshs4.2 billion was collected as deposits and it is still not forwarded to the Commodities Fund.

I was the Vice-Chairperson of the Departmental Committee on Agriculture until one month ago. When we were doing the Budget for this year, the Commodities Fund sought for Kshs30 million just to support themselves in terms of operation. We declined but we gave it at the later stage. What is putting us into this position is that AFFA retained the collections that they got and did not forward it to the Commodities Fund. I would want to put my question to the Committee on Implementation. The PFM Act clearly stipulates that you cannot direct or spend public money where the law is not set. That Kshs4.2 billion was supposed to have gone to the Commodities Fund because it was the inheritance organisation that took over the functions of the Sugar Development Fund jointly for coffee and sugar.

Therefore, there is a lot of criminology that AFFA and the Ministry have played around. I support the recommendation of the Committee that let there be investigation. I stand here to really support that so that once investigations prove the allegations, let any officer that might have committed an offence be held accountable so that farmers of this country who I represent and who this National Assembly speaks for should not suffer yet they have put somewhere where they are supposed to collect.

With that, I wish to support the Report.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Next is Hon. Obara Akinyi, the Member for Kabondo Kasipul.

Hon. (Ms.) Eve Obara (Kabondo Kasipul, ODM): Thank you very much, Hon. Temporary Deputy Speaker. I too stand and support the Report. I was born and raised in a sugarcane growing area, that is, Muhoroni. I actually went to school to a large extent from money generated from

sugarcane. It is sad to see that almost all factories have stalled in the sugarcane growing area. The discussion that has been in the country about the sugar industry has been a very sad state of affair. So, when we look at a report that has Kshs7.8 billion in terms of money that is owed or nonperforming loans, it worries some of us who are actually here or went to school because of the same sugarcane. My question has always been: Are these figures real? When I look at the budget that we were presented with, that is, from 2015/2016 up to 2016/2017, I am almost certain that it is a carry-over from many years. These are the figures that we have been repeatedly presenting every year. We really need proper audit of these figures. Sorry to say this but as a country, we have had instances where there are what you call ghost accounts and when you write off from these ghost accounts, you know what happens.

So, I agree with my friend and colleague who said that you find somebody buying tracks of land and you wonder where this came from. In Government this is what could possibly be happening. So, I too would wish that we really get to the bottom of this. I am sure, because I come from that area, that many of the farmers have probably died because of poverty and money that has stuck in these factories that they have never been paid. Even as we talk about loans that they have not paid, they, themselves have never been paid for their deliveries, including my mother who is still alive. So, I too support the recommendation that the loans be written off, just like in other commodities that this has been done, so that we can start again afresh when these factories are revived, as it looks like it is going to be the case.

I thank you very much. I support.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): It is hard to know on which side Members are seated. So, on this side let us have Hon. William Chepkut. Is Hon. William Chepkut in the House? Hon. (Dr.) Robert Pukose, I can see that you are on that side.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Temporary Deputy Speaker. I want to thank my colleagues who before me, were able to prepare this Report. If you look at the Report, you will find that there were many interested people who made their presentations before this Committee.

The Commodity Fund was created through an Act of Parliament through an amendment of the Crops Act in 2013 and it became operational in 2016. During this time, when you are expecting to operationalise it, that is supposed to be the transitional period... That is when all the books are supposed to be cleared and all assets are supposed to be properly transferred. Looking at the Report, even as late as 2019, there is no proper transfer which has occurred up to date. And when you look at the Committee's recommendations — of which I am a Member — the Committee recommends that within three months, the Cabinet Secretary (CS) should ensure that we have proper transfer of the funds, liabilities and assets of the defunct Coffee Board and Kenya Sugar Board.

These are things that, if we want to make sure that we have a smooth running of credit facilities and improvement by both the sugar and coffee farmers, then the CS for Agriculture, Livestock and Fisheries must be able to lean these Agriculture, Fisheries and Food Authority (AFFA) functions, which were supposed to belong to the Commodities Fund. AFFA is still operating the accounts for the Commodities Fund, yet, that function is supposed to be transferred to a board of trustees that is supposed to run the Commodities Fund. So, I think it is very important that we look at the agricultural sector especially coffee and sugar, which are key commodities within the sector for earning of foreign exchange.

Hon. Temporary Deputy Speaker, it looks very unfortunate that we have to import sugar from our neighbouring brothers Uganda and other countries, yet our own sugarcane farmers are

planting the same commodity. We have our own factories. So, this is something that we are hoping that the CS will take very seriously. The Ethics and Anti-Corruption Commission (EACC) should also pursue those who are responsible for looting the money of coffee and sugarcane farmers.

With those few remarks, I support the recommendations of the Committee.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. (Ms.) Sophia Noor, the Member for Ijara, you have the Floor.

Who are you pointing to be out of order and no one has spoken apart from me, Hon. Odhiambo-Mabona? Is it the Hon. Member for Ijara? Hon. Odhiambo-Mabona, you have the Floor.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker.

Sometimes, when you raise a point of order, it is not necessarily that a Member is out of order. I just wanted to know — especially when we are in difficult times like Coronavirus times, there are things that we are usually able to determine without seeking your intervention. Like now, I just wanted to know — because I am not able to see the screen and I am not keen on this current Motion but I am interested in the riparian one — how I can utilise my time given that we have multiple roles. If you could just give an indication whether the interest is large enough or whether we are likely to reach the next one.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Odhiambo-Mabona, do you want to disappear?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Yes, I do.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): We only have two other Members apart from Hon. (Ms.) Sophia Noor. So, you can be patient. We do not have such a large interest in this one.

Hon. (Ms.) Sophia Noor (Ijara, PDR): Thank you, Hon. Temporary Deputy Speaker. Equally, I had not prepared for this and I have not gone through the Report of the Special Funds Committee. But listening to the Chair when he was presenting the Report, I felt that there are critical issues that we need to support in the Committee's Report.

The Committee has looked into sectors that are affected badly in this country which are the coffee, tea and sugarcane sectors. I support that, because I believe that we need to mobilise and support every Kenyan wherever they are in their line of work. We need to look into capacity building and empowerment of every farmer, both agro and pastoral. Listening carefully, there is an account that has been audited and there are issues that have been raised including a lot of misappropriation of funds and cleaning up, so that we could prepare for smooth takeover by the Commodities Fund, which I support.

However, I have a small concern that made me to contribute to this Motion this afternoon. When we are looking at and addressing funds that are supposed to engage and give capacity to Kenyans, we need to look at a holistic approach in trying to address issues that affect Kenyans. We do not need to look at one part of Kenya and forget about the rest of the country. I do not mean, particularly, to this Committee but I am looking at a bigger picture of this country. This is because if we devolve our industries wherever we are, those small industries will empower the people and give the picture and face of this country. That will in turn give us revenue that can transform this country in a big way.

Hon. Temporary Deputy Speaker, look at what Botswana is doing with their livestock. They are earning foreign exchange because their livestock industry has been empowered in such

a way that they are able to export and utilise their livestock within their country. They use those resources to do other development projects in their country. They even have surplus. For a long time, the livestock industry has been forgotten in this country. We need to give the capacity and resources to the sector so that we can give the pastoralist communities the empowerment that they deserve.

With those few remarks, I support the Committee's Report.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): That was a good one for thinking on your feet. Let us have Hon. John Mutunga.

Hon. John Mutunga (Tigania West, JP): Thank you, Hon. Temporary Deputy Speaker. I would like to support the Report as I also associate myself with the comments made by Hon. Wangwe. We sit in the same Committee and this issue came up during the Budget-making process.

I was one of those Members who formed the Commodities Fund. I will state the history of what happened. If all value chains were organised as in coffee and sugar, it is possible for us to form agricultural and even livestock funds. Money is generated from levies. These levies are deductions from the farmers' supplies to the millers or the factories where coffee is concerned. It would be good if we can recommend that all value chains are involved.

All crops should benefit. The idea of calling it a Commodities Fund is not to associate it with just coffee and sugarcane. It is for all commodities. All commodities should be able to access those funds so that they can develop. I do not think we have reached there yet. The Committee can look into that issue because it is for all agricultural commodities under the AFFA.

The levies held by AFFA should be progressively released to the Commodities Fund so that it can budget for the year. That is why they were requesting for only Kshs30 million instead of Kshs3 billion to form a Commodities Fund. When levies are kept at AFFA, they do not serve their purpose.

The payments that have been done in the past were still reflected at the formative stage. Some of the coffee-related payments and the sugarcane-related payments were already there. We transferred this burden. We indicated that this burden should have been sorted out before the Commodities Fund was managed. Therefore, the Fund should be used to increase acreage where possible and intensify agricultural productivity so that we can generate more revenue.

There is insufficient knowledge about this Fund across the country and the farming domain. It is important for sensitisation to take place so that everybody knows the Fund exists. The conditions of access are made very clear.

There are two Bills which are trying to expunge some of the commodities under AFFA. As we move in that particular direction which is regrettable, we should not touch the Commodities Fund. We should leave the Commodities Fund to serve all the commodities in the country and not take out any of them.

Finally, when it comes to paying off the loans, we need to check which loans can be forgiven and which ones must be paid because some loans are actually payable even at this point in time.

I support the Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Let us have Hon. Eseli Simiyu. He is not in. Let us have Hon. Kamuren Tuitoek.

Hon. Daniel Tuitoek (Mogotio, JP): Thank you, Hon. Temporary Deputy Speaker. I will pass on this one. However, I would like to rise on Standing Order No.95 to ask that the Mover be called upon to reply.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): That is quite in order. It coincides with the end of interest to contribute to the Motion. I will skip the putting of the Question to request the Mover to reply because we do not have any more Members who want to contribute. Let us have Hon. Kathuri.

Is that Hon. Nyenze? You do not appear on my list. I can also see Hon. Sahal. I had called you but you were not there. Hon. Kamuren, let these two Members contribute and then we can call the Mover to reply. Let us have Hon. Nyenze then Hon. Sahal. Your card is not showing here so you need to check with the IT people.

Hon. (Ms.) Edith Nyenze (Kitui West, WDM – K): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to support the Committee for its deliberations on the Report.

Agriculture is one of the items which highly contributes to our economy. The Government should take it seriously especially the sugar industry. It is really wanting to see that even at this time, we are still importing sugar while we have very good farms, especially in western Kenya, which produce sugar. I support the Committee.

I used to work in the pensions industry. I happened to visit the Sony, Muhoroni, Chemelil and Mumias sugar companies. They were in a very pathetic state. It was very bad for the employees. The factories were run down. The employees were nowhere in the factories. After contributing to their pension, it was not being remitted for them to get something even when they were laid off. That is a very fertile land, especially for growing sugarcane. As a Government, we have not been serious enough to wake this sleeping giant which can contribute so much to our economy.

I also found that farmers were not being paid for their deliveries. Since the farmers were not being paid for their deliveries, it is good to write off the loans to the farmers. We should check which loans they had taken and find out how much they are owed so that it cancels out and the companies should pay.

I support the Committee. It is my hope that in future, the reports on the audited accounts will be interrogated and worked on in time. Many times we get the report but it is not implemented. We should ensure that the reports are implemented accordingly.

With that, I support the Report.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Sahal, were you prepared for this one?

Hon. (Ms.) Nasri Ibrahim (Nominated, FORD – K): Thank you, Hon. Temporary Deputy Speaker. I have not prepared for the Report. I am here to contribute to the encroachment of the riparian areas.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Okay. With that, I will now call upon Hon. Murungi to reply.

Hon. Kathuri Murungi (South Imenti, JP): Thank you, Hon. Temporary Deputy Speaker.

As I reply to this Motion, I thank the honourable Members who have taken their time this evening to contribute to this important Report. I am also happy that the Chair of the Departmental Committee on Agriculture and Livestock is also in the House because with the issues raised by the Members of the Committee, including the Majority Whip, he will have a lot of interest in this Fund. Even as we dismantle AFFA, we will be able to protect the Fund and ensure that it is able to move.

I hope the Committee will be able to help the Commodities Fund sort out the issues it has with AFFA, especially the Kshs4 billion which AFFA collected and has so far not handed over to the Commodities Fund.

As I mentioned while I was moving the Report, we will ensure that also we look into the 2017/2018 and 2018/2019 financial years so that we help this Fund move smoothly. It is not that my Committee has not been able to do that. The issue is that those reports have not been brought before the Committee. We will be able to follow that up with the Office of the Auditor-General. We now have an Auditor-General in office so those reports can be brought to us.

I hope that Hon. Kenta's led Committee on Implementation will take over any other issues that are in our recommendations from where we have left, so that they can assist in the recommendations, including ensuring that the EACC play their role to investigate the loans that have not been paid, including whether some of them should be written off, especially those owed by the public facilities.

Hon. Temporary Deputy Speaker, I want to thank the Members and still give my commitment as the Chair of the Special Funds Account Committee that we shall not only oversee Commodities Fund but also others. Before Special Funds Account Committee came into being, all these Funds were under the Public Accounts Committee (PAC) which was overwhelmed by their work. Therefore, we shall ensure that we look into all the Funds that are in our Committee between now and 2021, so that we can also leave some legacy as Special Funds Account Committee.

With those remarks, Hon. Temporary Deputy Speaker, I beg to reply.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Very well. Hon. Members, we have come to the conclusion of this debate. We shall defer the putting of the Question until when it comes next in the Order Paper. Let us move to the next Order.

INQUIRY INTO ENCROACHMENT OF THE RIPARIAN AREAS IN KENYA

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Chachu, you take the responsibility as it has been duly delegated to you by the Chair.

Hon. Chachu Ganya (North Horr, FAP): Hon. Temporary Deputy Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on its Inquiry into the Encroachment of the Riparian Areas in Kenya, laid on the Table of this House on Thursday, 19th September 2019.

Riparian areas or land refers to a terrain that is adjacent to rivers and streams and subject to periodic or occasional flooding. The plant species that grow in the riparian areas are adapted to tolerate conditions of periodic waterlogged soils. For all riparian wetlands in the field, these zones of moisture and vegetation gradients occur in an overlapping, intergrading fashion, and the plant species are distributed in varying degrees throughout the riparian zone.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Chachu, for purposes of planning your moving of the Report, you have 10 minutes.

Hon. Chachu Ganya (North Horr, FAP): Hon. Temporary Deputy Speaker, I know that and I will live to that.

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

Hon. Chachu Ganya (North Horr, FAP): Hon. Temporary Deputy Speaker, they are recognised as interfaces where uplands and aquatic areas meet to form intermediate ecosystems

that are unique in their diversity, productivity and function. They also provide significant economic benefits by minimising flood and erosion damage.

On 24th April 2018, the Committee was considering Question No. 010/2018 by the Member for Homa Bay Town Constituency, Hon. Peter Kaluma, on conservation and protection of riparian land. The Chief Administrative Secretary (CAS) in the Ministry of Environment and Forestry, Hon. Mohamed Elmi, appeared before the Committee on behalf of the Cabinet Secretary (CS) to respond to the concerns which were raised by Hon. Peter Kaluma. The said questions triggered an inquiry by the Committee due to the negative effects of encroachment into the riparian areas. In conducting this inquiry, the Committee was guided by the following objectives:

(i) To establish the extent of encroachment into the riparian areas and effect of encroachment;

(ii) Recommend mechanisms and ways of protection of the riparian areas.

When the Committee was writing its Report, it conducted inspection visits to various encroached areas in Nairobi and Mombasa counties and also had boardroom meetings with various stakeholders. At the start of the exercise, the Committee resolved to conduct inspection visits to encroached riparian areas within Nairobi City County and Mombasa County. The inspection visits within Nairobi City County were conducted on Tuesday, 22nd June 2018 and Thursday, 28th June 2018. The following sites were visited:

(i) Fuata Nyayo Estate, South B;

(ii) South End Mall, Langata Road;

(iii) Taj Apartments, Kileleshwa near the Arboretum;

(iv) Gem Suites, Riverside;

(v) Alina Villas, Spring Valley;

(vi) Village Market, Limuru Road; and

(vii) Ukay Centre, opposite West Gate Mall, Westlands.

The Committee also conducted a similar inspection visit in Mombasa on Sunday, 29th July 2018. The areas that we visited in Mombasa are Kibarani Dumpsite, Makupa Transit Shade CFS and Multiple Hauliers East Africa (EA) Limited. Our findings are in the Report. The Committee held consultative meeting with the Ministry of Water and Sanitation and the Ministry of Environment and Forestry on 10th July 2018 on the encroachment of the riparian areas. It was resolved that the Ministry of Environment and Forestry provide a Report containing the following information by 24th July 2018:

(i) All buildings that are listed for demolition in the country for being in the riparian areas;

(ii) The list of the already demolished buildings;

(iii) The list of those not demolished and the reasons for non-demolition; and

(iv) The names of the developers or companies involved in each case above.

Hon. Temporary Deputy Speaker, the Ministry provided the Committee with the information as required. The Committee also held meetings with various stakeholders who had allegedly encroached into the riparian areas. Among these are Green Hill Investment Limited, Village Market; Gemsuite Investment Limited, Multiple Hauliers EA Limited, Kento Enterprise Limited, Ukay Centre, Makupa Transit Shade CFS, Civicon Limited, Mombasa Cement Limited, National Environment Management Authority (NEMA), Water Resources Authority (WRA), Kenya Forest Services, Kenya Maritime Authority (KMA), National Land Commission (NLC), Kenya Ports Authority (KPA) and Dig ship Environment Committee Organisation. These are in Mombasa, as well as in Nairobi.

Arising from these inspection visits and the interaction we had with the stakeholders, the Committee made observations and recommendations which are in this Report. I will only highlight a few of these observations and recommendations. We observed that Makupa Transit Shade CFS and Multiple Hauliers EA Limited in Mombasa are collaborating with KPA to establish container freight stations in the area as part of KPA master plan to decongest the port. However, there is need to consider environment conservation and marine life protection in their quest to support KPA activities. For instance, Multiple Hauliers EA Limited stores clinker which is a dangerous pollutant. In addition, the design of the bridges linking Makupa Transit Shade CFS and Multiple Hauliers EA Limited to KPA were wrongly designed as they affect marine life, since the area is a fish breeding ground. There is need to demolish them as they adversely affect marine life.

Reclamation of land from the sea is allowed by law. However, only activities which relate to water use are permissible on such land by law. The developers reclaim the ocean and use the land for alternative purposes like construction of offices, stores and yards.

Hon. Temporary Deputy Speaker, Multiple Hauliers East Africa Limited was one of the facilities with the special-use licence given by the Forest Service within Makupa Creek. The company leased 9.6 hectares for 30 years. One of the conditions for the licence was the requirement to rehabilitate 40 acres of mangrove area adjacent to licensed area within Makupa Creek in conjunction with the local community groups, spearheaded by the Kenya Forest Service (KFS) and community forest associations.

The National Environment Management Authority (NEMA) and the Water Resources Management Authority (WARMA) should ensure demolition of the bridges linking Makupa Shade CFS and Multiple Haulier East Africa Limited to Kenya Ports Authority (KPA) within six months of adoption of this Report by National Assembly. The bridges were wrongly designed and hence adversely affected marine life, especially the area being a fish breeding ground. Equally, they were posing life threatening dangers to the fishermen due to the interference with tidal waves.

Hon. Temporary Deputy Speaker, on NEMA and WARMA we made the following observations: NEMA failed to cooperate with other government agencies such as WARMA during the environmental impact assessment processes instead of having a structured consultation and seeking its concurrence as a key government agency. This was causing conflict between the two agencies as they issued conflicting licences to projects proponents.

In addition, NEMA found out that there was dumping in the ocean as attempts to decommission Kibarani dumpsite got underway. It issued restoration orders to Mombasa County Executive Committee Member (CEC) in charge of the Environment, which was ignored. The dumping and pushing of the solid waste into the ocean continued unabated. NEMA had therefore failed in its duties by not stopping the dumping of the solid waste into the Indian Ocean during the decommissioning of the Kibarani dumpsite.

NEMA approved reclamation of land from the ocean at Kibarani but failed to follow up to ensure that the licensees stuck to the conditions of the licences, including the approved sizes for reclamation. This is a clear dereliction of duty. There appears to have been laxity on the part of NEMA after issuing conditional licences to developers. There was no proof of follow-up inspections and monitoring to ensure that the conditions set in these licences were adhered to.

In accordance to Section 143 (1) (b) of the Water Act 2016 and the Sixth Schedule, Part A of the Water Resources Management Rules 2007, WARMA issued order No. 002680 dated, 8th July 2018 to stop levelling and pushing of the garbage into the sea. However, the said orders were ignored.

The WARMA denied issuance of licence for canalisation at Ukay Center and South End Mall. However, clear records by proprietors of the Ukay Center indicated that the agency had licensed the canalisation.

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

Hon. Chachu Ganya (North Horr, FAP): Yes, I am. There appeared to be a conflict between NEMA and WARMA.

Hon. Temporary Deputy Speaker, there are a number of recommendations that we have given in the Report; it is very clear. But the major problem is the legal framework. The laws in this country are really conflicting. It was evident that a number of legislations with a bearing on riparian reserves management, provide different distances depending on the sector's mandate and priority. This has therefore jeopardised the enforcement of these laws and therefore causing encroachment to the wetlands and the riparian areas. The overlaps in the various laws with respect to the definition of riparian areas was causing a major...

(Hon. Chachu Ganya's microphone went off)

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Chachu, I will give you a minute to wind up. We already gave you some bonus minutes but you have one more minute to wrap up.

Hon. Chachu Ganya (North Horr, FAP): Thank you, Hon. Temporary Deputy Speaker for your generosity. On the issues of the overlapping laws which is a major problem, we are calling upon the Ministry of Water and Sanitation and other stakeholders between the Nairobi City Council, the Attorney-General and others to really come together and ensure that they have managed our loss as far as the conservation of riparian land is concerned.

I beg to move.

The Temporary Deputy Speaker (Hon. Soipan Tuya): Do you have a seconder?

Hon. Chachu Ganya (North Horr, FAP): Yes, I call upon Hon. (Ms.) Sophia Abdi, the Member of Parliament for Ijara and who is the Vice-Chairperson of the Committee to second.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. (Ms.) Sophia, you may proceed.

Hon. (Ms.) Sophia Noor (Ijara, PDR): Thank you, Hon. Temporary Deputy Speaker, I stand by the Report on encroachment of riparian areas by the Committee on Environment and Natural Resources. I would like to thank the Committee members and particularly those who are here up to now. I know that some of them are even fasting.

The Committee in conducting the inquiry into this was guided by various principles and objectives. One of the objectives that guided this inquiry was to establish the extent of encroachment into the riparian land and the effects of the encroachment. How far has that caused a problem in this country? What are the solutions and what can we do together holistically? The other objective was to recommend mechanisms and ways of protection of our riparian and wetlands areas.

Hon. Temporary Deputy Speaker, when we started the inquiry, the Committee resolved to conduct inspection visits into riparian areas particularly within Nairobi City and Mombasa County. We had various stakeholders' meetings to discuss and forge a way forward on the problems facing this country.

One particular case that I am concerned with that touched my heart is that, Mombasa is an island and because of the encroachment and reclamation of the Indian Ocean, we are about to lose the status of being an island. As the Mover rightly put, it is legally allowed to reclaim a land from an ocean or the sea. But the purpose of how you will use that land must be very clear and well defined and it must be in relation with water use. It cannot be that you will have reclaimed land that you will use for office, storage buildings and other things. That is not right and is a major problem in Mombasa.

Hon. Temporary Deputy Speaker, we have many contradicting laws and policies in this country. In every organ, we have NEMA that has its own environment that it is working with, we have the WARMA that has its own regulations and the City Council that has their own regulations. All these conflicts each other and do not meet at any given time to have a structured manner of engagement. When the owners of Ukay Center visited us, they had letters, certificates and licences from all these bodies that they brought before us. Some of the witnesses who were seated there are the ones who signed some of the licences that were brought forth.

When we do not engage each other as a country and contradict each other by giving out documents left, right and center on riparian land and wetlands and punish the same people who have invested there, the investors will leave. We must be very clear. When we are providing these licences, we must have a collective understanding among all actors and all stakeholders. We also need to streamline all these laws for us to come up with proper laws in this country.

Hon. Temporary Deputy Speaker, as I have indicated, when NEMA gave out the licences, particularly to those who were reclaiming the land, they had terms and conditions on those licences but NEMA never followed those terms and conditions.

They were moving...

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. (Ms.) Sophia, I will give you a minute to wind up and put it on record that you are seconding.

Hon. (Ms.) Sophia Noor (Ijara, PDR): Thank you, Hon. Temporary Deputy Speaker. When NEMA gave licences to the land that was reclaimed from the Indian Ocean, they had terms and conditions. Their work was to follow up and see that the people who were given those pieces of land use them in line with the terms and conditions that were provided in the licences.

I beg to second. Thank you.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Let us start with Member for Suba North, Hon. (Ms.) Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity. Let me just take this opportunity to also remind the House that it is one year since we lost Hon. Joyce Laboso and Hon. Ken Okoth. We continue to pray that the Lord may comfort their families. While I was sitting here, I also learnt of the loss of a very strong woman who has been fighting for issues of women's rights and especially on HIV/AIDS called Ms. Inviolata Mbwavi. May her soul rest in peace.

Having said that, I support the Report. All politics is local and that is why I supported the earlier Report that has to do with tea and sugar, but when you hear water, that is where I am. Water is me and I am water by representation. Since we do not have much time, I would like say, very shortly, that I am glad because I was listening very keenly to the Committee and they have actually acknowledged the main problem which is that there is no proper legal framework. Since there is

no proper legal framework, you will find that there is a lot of pollution, emission of toxic materials and raw waste that endanger lives. That is why even the cases of cancer have gone high.

There is diversion of the natural course of rivers, encroachment into riparian lands and also reclamation in some instances which are not legal. Sometimes people also do things erroneously without information. For instance, I was building a very good facility and I informed my own community where they need to build it, but for them they thought it was more practical to build it by the lake. Right now, the lake has reclaimed the place. The reason why that is there even though we have the legal framework is because they are all clashing. We do not even have one definition of what a riparian land is. Therefore, it means that at some point when we want to reclaim riparian lands you find that some people really followed the law even when they were building right next to a river. They used one piece of law against the other.

What I was hoping for is that the Committee would have made a very strong recommendation that we need to reclaim riparian lands even though I know we have difficulties with that. However, if we do not do that we will experience problems like the one of the children who were caught up in floods in Langata a few years ago and it happens in Nairobi all the time because of the way people have diverted the course of the river and all that. In reclaiming riparian lands, we must also take into account the people who are not aware about these laws which we call, in law, the third-user without notice. I was hoping that the Committee would come with a draft law. Therefore, I encourage the Committee to come up with a law so that instead of just lamenting, we have the power, as the National Assembly, to deal with this problem that has bedeviled us for years once and for all.

So, I am putting back to the Committee to kindly come up with a draft law that would help us sort out this issue. Otherwise, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Let us have, Hon. Kamuren.

Hon. Daniel Tuitoek (Mogotio, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I rise to say that I support the Report upfront. This issue of encroaching on riparian lands is an issue which is really serious in Kenya. We know, as my colleague, Hon. Millie, has said that the boundaries are not very clear in various areas especially the water bodies like rivers or even wet lands and all that. I know that NEMA has not been doing a good job. As we have heard, once in a while, they give out licences to investors then they come back later and tell them to demolish the properties.

So, this particular Report is good. I have looked into it a little bit. They are trying to address various issues. They have singled out a few establishments in which they want things to be set right, specifically, things which are touching on public utilities, dumpsites and water bodies like encroachment of the ocean. Specifically, they have discussed the role of NEMA and WARMA. These are two agencies from different Ministries and even though they are not from the same Ministry, they do the same thing. So, these particular two institutions should consult closely although NEMA has a bigger role. Before they approve any construction, they need to make sure that all relevant licences, physical plan and all the approvals from the other agencies which are required are given. So, NEMA actually needs to take up their role seriously by not allowing any construction before the approval of other relevant bodies.

The Ministry, as we have seen, needs to coordinate all the other bodies so that we clearly come up with the framework on this issue of riparian lands. The National Land Commission (NLC) needs also to be roped in because they assist in terms of survey work and to know where the boundaries should lie. If there are clear laws, they can be brought to this House so that we can approve them as far as water bodies and wetlands are concerned. Even here in Nairobi, we are

actually seeing a serious problem where people are encroaching on rivers or special drainage areas with buildings. Therefore, we need to be very serious such that we save investors and also safeguard our heritage in terms of coming up with clear laws to govern the riparian areas.

With that, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. (Ms.) Sahal Ibrahim, the Floor is yours.

Hon. (Ms.) Nasri Ibrahim (Nominated, FORD – K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this important Report. As a Member of this Departmental Committee on Environment and Natural Resources, from the presentation by the various stakeholders and representatives of Government agencies in the Ministry who were interviewed, it was clear that there was need to have a structure and harmonise collaboration to ensure sameness management of riparian areas in the country.

From the evidence presented, it was evident that NEMA and WARMA provided conflicting legal definitions of two developers making implementation a challenge. I support the Committee's recommendation that NEMA and WARMA should have a structured and documented consultation where NEMA should issue licences on environmental impact assessment or, initially, environmental audit for already existing projects to developers. This will ensure proper coordination and management of matters relating to riparian lands. While appreciating that, laws enacted are not applied retrogressively. There is need for NEMA and WARMA to embrace a robust monitoring and evaluation mechanism to ensure continuous improvement of projects, environmental management plans and compliance to the licence conditions. There is need for NEMA and WARMA to embrace a reversed monitoring and evaluation mechanisms to ensure continuous improvement of project environmental management plans and compliance to the conditions of the licence.

Hon. Temporary Deputy Speaker, it is also established that Government agencies issue licences without regarding the existing procedures and guidelines. We have as a Committee recommended that the Directorate of Criminal Investigations (DCI) investigates NEMA and WARMA officials who may irregularly issue developers with licences and/or may fail to follow up on the conditions issued at the point of licensing. If criminal culpability is established, they should be prosecuted. This is aimed to restore investors' confidence by guaranteeing them seamless processes at Government agencies. The investors' confidence is critical in the realisation of the economic pillar of affordable housing in the Big Four Agenda.

Lastly, on the Makupa Shade CFS and Hauliers East Africa Limited projects in Mombasa County, I strongly support the Committee's recommendation that NEMA and WARMA ensures demolition of the bridge connecting the two to KPA because it is a wrongly designed plan adversely affecting the marine ecosystem, affecting the fish breeding grounds and the danger it exposes to the fishermen due to interferences with the tidal waves.

I support.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Hulufu Oda.

Hon. Hassan Hulufu (Isiolo North, KPP): Thank you very much, Hon. Temporary Deputy Speaker. I also stand to support the adoption of this Report.

I am a Member of this Committee. I would like to appreciate the good work our Committee has done. We have tried as much as possible to inquire into encroachment onto riparian areas. When we talk of riparian areas, these are lands along rivers, lake shores, oceans and so on and so forth. These areas are important. They enable our water systems to breathe. When we allow illegal development in these areas, what we are basically doing is constraining our water systems not to

breathe and we are also exposing those who have settled in these areas to risk, especially during heavy rains because when there are floods and when the water systems are constrained when we encroach on riparian areas, one of the most obvious repercussions is that we are going to have floods. These floods normally pose risk to investments, human life and so on.

Also, the encroachers are also to a large extent responsible for polluting our water systems. For Lake Victoria, for example, the various rivers are polluted. Most of these rivers, particularly Sabaki, Athi and many other rivers which pass through Nairobi serve so many people in the lower parts of Eastern and Coast. Therefore, the pollution by the encroachers has health consequences for people who live downstream. Some of the heavy metals for example from industrial effluents can get into our systems through food chains and cause diseases, including cancer.

In the Report, we have tried to highlight various areas where encroachment has taken place. For example, in Mombasa County, we have seen how various developers with conditional licences which in some cases seem to be issued contrary to provisions of the law, have encroached on the ocean and how they have reclaimed the ocean contrary to the laws regulating the oceans and how, for example, mangroves have been cleared to make way for constructions and so on and so forth.

As I wind up, I would like to particularly talk about restoration of the Nairobi Dam which is one of our key recommendations and also for the Nairobi City County to extend sewer lines to the Village Market which at the moment is having sewer treatment works in a wetland.

Thank you, Hon. Temporary Deputy Speaker, for the time.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): The Hon. Member for Kasipul, Hon. Ong'ondo.

Hon. Charles Ong'ondo (Kasipul, ODM): Thank you, Hon. Temporary Deputy Speaker, for the opportunity. I rise to support the comprehensive Report and research by the Committee of which I am a Member.

The encroachment and riparian issues was born out of the question which was brought up by Hon. Kaluma. Later on, the Nairobi regeneration committee came in. The key issues in this Report are encroachment into riparian areas, canalisation and land reclamation. It is true land reclamation is allowed by law. But, the way it was done in Mombasa is contrary to the law. It promoted pollution. It also brought about the release of toxic particles into the ocean. So, truly, it was really against the reclamation laws because the best materials should be used when reclamation is being done. We also noted, for my first time I did not know, that even up to the sea there are some persons who can have a title, even up to the ocean. Those ones were also found.

On canalisation, it is allowed by the law. If I could give one example of the Ukay, they got the approval for canalisation. The required fees were paid to the NEMA, WARMA and the City Council by then. Now, it was even passed in the Cabinet Paper. Later on we wondered what happened. The only issue which arose which was good to some people, it was selective. The way NEMA did it, the marking in Nairobi, was selective. You can even remember the former Governor of Kiambu at one time made a joke when we were heading towards Kiambu that rivers should be diverted even to the hilly areas so that some of the premises could not go down. You even remember when the issue of water from Murang'a was coming up, the Governor of Murang'a was even threatened that "should you deny Nairobians water, we can consider because one of your buildings is within riparian areas."

So, the key thing here is the legal framework. We cannot implement, the Committee cannot implement, anything if laws are contradicting. Therefore, I support the enactment or stakeholders coming together so that we come up with a common law which will clearly define what a riparian

area is. Some Acts define a riparian area as six metres and some 10 metres. Implementing it becomes a challenge.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): And now the Member for Kabondo Kasipul, Hon. Obara.

Hon. (Ms.) Eve Obara (Kabondo Kasipul, ODM): Thank you. Yes, we have Kasipul and Kabondo Kasipul.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): It is always hard to distinguish between the two.

Hon. (Ms.) Eve Obara (Kabondo Kasipul, ODM): Yes. It was previously what was known as Kasipul Kabondo, a bit confusing but that is what it is.

Thank you very much, Hon. Temporary Deputy Speaker. I too stand to support. Each time this word “riparian” comes up, it reminds me of the destruction or the demolition of multibillion properties that happened in this country. This is something that we would not wish any other person to go through. The question that came to mind at the time of the demolition is how come, when you saw a building like what we have at the T-Mall, you wonder how come somebody would go on and build that kind of a building worth billions without proper authorisation or approval.

So, I am happy that the Committee has come up with this. Therefore, I support your Report. You are recommending that proper coordination must be done between NEMA, the National Land Commission (NLC) and all the relevant regulatory agencies. Land reclamation is not new. It has been done in Netherlands and the UK as mentioned by my colleague. We are not reinventing the wheel but we must have a proper legal framework to support our investors and the local people so that we do not have destruction of their investments. While seated here, I have seen that schools and hotels such as Soy Lodge in Baringo are flooded up to the first floor. This is as a result of building too close and as licences were being given, probably no one took proper attention to the consequences of such actions. Officers who deliberately violated the law and gave authority knowing that they were not right should be prosecuted. That should be a recommendation in the Report.

I support.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): There is no further interest from Members to contribute to this Motion. I have just the name of the Member for Kasarani appearing on the screen. Hon. Mercy Gakuya, do you want to contribute to this Motion?

Hon. (Ms.) Mercy Wanjiku (Kasarani, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support the Report of the Committee on riparian land. I want to state that this has been a big issue in Nairobi County. If we do not have proper laws that safeguard any improvement that is done within the county, then people tend to do their own things. I am a host of the largest and the only sewer plant in the capital city of Kenya in Ruai. Along the Nairobi River all the way to Ruai, there is a lot of encroachment. I am not sure about the action to be taken on those people who have built there. There should be a law to safeguard any further development. It is quite painful that people spend their resources to develop but after a change of guard, new rules are put in place and whatever was there is null and void. It is one thing to have a good document and another one for it to be implemented. We must ensure that whatever is on paper is implemented. We have good policies but they do not work. In the case for Ruai Sewer, we do not benefit much as a constituency. If proper guidelines had been followed in those areas, then we would not have encroachment. In my constituency, we have two challenges; there is a lot of encroachment and it will be a big loss. I want to request the Committee to move with speed because more encroachment within the stadium is ongoing under the watch of the administration. We need action and find out

what is happening in our environment and Kasarani is not even 15 Kilometers away from here. The Report of the Committee should be implemented and not just end up in the shelves.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Member for Baringo Central, Hon. Joshua Kandie.

Hon. Joshua Kandie (Baringo Central, MCCC): Thank you, Hon. Temporary Deputy Speaker. I stand to support the Report of the Departmental Committee on Environment and Natural Resources. It is quite unfortunate that the Member for Kabondo Kasipul has left the Chamber because she made a comment on Baringo floods and I wanted to clarify something.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Is someone's phone ringing in the Chamber?

Hon. Joshua Kandie (Baringo Central, MCCC): She has left. I want to make it clear that whatever is happening in Baringo has nothing to do with encroachment of the riparian land

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Kandie, what did you say she has left?

Hon. Joshua Kandie (Baringo Central, MCCC): I am saying that the Member for Kabondo Kasipul....

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Are you referring to the Member?

Hon. Joshua Kandie (Baringo Central, MCCC): Yes, Hon. Temporary Deputy Speaker. I was referring to the Member who made a comment on Baringo floods. It has been raining in Baringo for the last three weeks. The businesspeople have not encroached on the riparian land. The lake is swelling. It is flooding and it has affected many businesses. I just wanted to clarify that. I want to state that I support the Report of the Departmental Committee on Environment and Natural Resources.

Hon. Temporary Deputy Speaker, the problem in Kenya is corruption and if that is not addressed, then we will continue having these problems. I want to appeal to the Departmental Committee on Environment and Natural Resources to come up with a Bill so that we can have law that ensures that anyone encroaching on riparian land is punished.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): There being no other interest, I want to call upon Hon. Chachu to reply.

Hon. Chachu Ganya (North Horr, FAP): Thank you, Hon. Temporary Deputy Speaker. I want to thank all the Members who have contributed; Hon. Sophia, Hon. Kamuren, Hon. Kandie, Hon. Millie, Hon. Hassan Hulufo, Hon. Were and Hon. Mercy Gakuya.

As a Committee, we want to call upon the DCI to ensure that all Government officials either in NEMA or WARMA involved in issuing licences to Kenyan developers and later on disown them are brought to book. If found guilty, they should face the law. We also want all entities that have acquired titles on riparian land to be investigated and the law of the land followed to ensure that fairness and justice prevails.

As I wind up, I want to call upon the Committee on Implementation to ensure that our recommendations even on timelines are implemented once the Report is adopted by the House. This can only be done by the relevant Ministries and Government agencies, but the Committee on Implementation is best placed to ensure that recommendations passed in this House are not in vain but we see serious action by the Executive.

With those few remarks, I beg to reply.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): For obvious reasons, we shall defer the putting of the Question until when the Motion comes back on the Order Paper. Let us move to the next Order.

(Putting of the Question deferred)

INQUIRY INTO THE DEATH OF 11 BLACK RHINOS AFTER
TRANSLOCATION TO TSAVO EAST NATIONAL PARK SANCTUARY

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Chachu Ganya, is it you who should move the Motion?

Hon. Chachu Ganya (North Horr, FAP): Hon. Temporary Deputy Speaker, Hon. Hassan, a member of the Committee, will move the Motion.

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

Hon. Hassan Hulufu (Isiolo North, KPP): Thank you, Hon. Temporary Deputy Speaker. I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on its inquiry into the death of 11 black rhinos after translocation to Tsavo East National Park sanctuary, laid on the Table of the House on Thursday, 19th September 2019.

In our country, Kenya Wildlife Service (KWS) is the authority that is mandated to conserve and manage our wildlife. It is in line with that mandate that we expect KWS to conserve the biodiversity of our country, both flora and fauna. They happen to also manage most of our parks. Black rhinos are one of the rare species that we have in our country, and they belong to the category of endangered species, which require extra protection. In our country, the population of black rhinos declined drastically in the 1970s and 1980s as a result of poaching and illegal trade in their horns. Consequently, the population dropped from around 20,000 in the 1970s to around 400 in the 1980s. I am providing this background so that it can help us appreciate why the death of the 11 black rhinos was such an important thing for us as a country and globally.

The KWS has been developing an action plan on conservation of this endangered species. And the latest plan to guide conservation of black rhinos runs from 2017 to 2021, with support of donors, mostly the World Wide Fund (WWF). Over the years, with the support of donors, KWS has translocated rhinos from areas where their population has grown to other suitable areas across the country, including to private sanctuaries, community land and protected areas such as national reserves. In July 2018, there was an outcry which followed the reported death of 11 black rhinos which were translocated to Tsavo East National Park. Pursuant to Standing Order 216(5)(e), the Departmental Committee on Environment and Natural Resources resolved to conduct an inquiry into the circumstances of the death of those rhinos. The objective of the inquiry by the Committee were two: to investigate the circumstances that led to the death of the black rhinos; and to recommend remedial action to forestall any such future death of black rhinos due to botched translocation.

In the process of the inquiry, the Committee was able to meet the Cabinet Secretary for Tourism and Wildlife and his team from the Ministry. We were also able to meet the Kenya Union of Veterinary Practitioners and the Kenya Veterinary Association. We also met the WWF Kenya Office, which is a major donor for the exercise. We were also able to meet the former KWS Board

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of Trustees, because at the time of inquiry there was no Board of Trustees. The term of the former Board had expired and the CS had not appointed a new Board. Therefore, we had to engage former members of the Board of Trustees. We also had a meeting with the management of the KWS and suspended officers.

Through our interactions and receipt of both written and oral submissions from these agencies, we were able to make some observations as a Committee. One of the key observations is poor coordination between teams involved in the translocation. We realised that as a result of the lack of Board of Trustees at that particular time, there was poor coordination within KWS. We also realised that before the term of the former Board ended, it created some powerful offices which were reporting directly to the Board Char, in a way creating parallel reporting structures and creating confusion. This has also contributed to poor coordination and poor information sharing. We also observed that because KWS is poorly funded by the Exchequer, it is dependent to a large extent on donor funding. To that extent, sometimes donors have undue influence in terms of pushing them to do what they may not be willing to do. On the same issue, as the agency which is solely mandated with conservation of wildlife, pressure from donors should not have been an excuse for the Ministry to agree to a relocation which has led to the death of the rhinos.

As a result of what we gathered, the deaths resulted from salt poisoning. The rhinos were provided with soft water after they were offloaded to the new site, but as a result of the breakdown of the water bowser which was fetching soft water, we realised that the rangers decided to fetch salty water from a borehole. Therefore, largely the deaths are attributed to consumption of that salty water. As we went further to establish why such a thing could happen, we realised that the officer who had information on the quality of water from that particular borehole, a borehole which was specifically sunk to provide water to the translocated animals, did not provide that report to the veterinarians and rangers. It was only discovered during the inquiry into the death of the rhinos that actually the main cause of the deaths was not poisoning. The water had three times more salt compared to acceptable limit suitable for the rhinos.

We have made a number of recommendations on the basis of our observations. Among our recommendations is that one Dr. Mohamed Omar, on suspension then, who was responsible for ecosystem monitoring and who did not provide information on the quality of water to the team that was handling the translocation should be held accountable. The Cabinet Secretary for Tourism and Wildlife should also take responsibility for the death of the rhinos because he delayed to appoint a new Board. The Board was not in place for three months. But after the death of the rhinos, the Board was constituted. Therefore, absence of the Board at the time of translocation was largely responsible for the laxity and poor decision-making. The former Board had actually postponed the translocation until certain conditions were fulfilled: conditions on the health of the range where the wildlife were to be relocated to and the quality of water.

We have also recommended that KWS should develop policies that will help them to engage donors in such a way that they retain their mandate of conservation without necessarily yielding to undue pressure from donors.

Hon. Temporary Deputy Speaker, we have also realised that in the process of amending legislations, sometimes we have created problems. We realise that the veterinarians working for KWS are uniformed officers and sometimes, even when they feel that the decisions by their superiors are not technically sound, they are constrained from countermending the decisions of their seniors. Therefore, there is also need to reconsider inclusion of Kenya Veterinary Board in the Board of Trustees of KWS.

I beg to move.

The Temporary Deputy Speaker (Hon (Ms.) Soipan Tuya): Have you finished?

Hon. Hassan Hulufu (Isiolo North, KPP): Yes.

The Temporary Deputy Speaker (Hon (Ms.) Soipan Tuya): Your seconder is Hon. Ong'ondo. We are out of time. So, you have an option to just second without making any remarks then you shall reserve your time to contribute when it comes next in the Order Paper if that is agreeable to you. Just nod.

Hon. Charles Ong'ondo (Kasipul, ODM): Thank you, Hon. Temporary Deputy Speaker. I second.

ADJOURNMENT

The Temporary Deputy Speaker (Hon (Ms.) Soipan Tuya): We have no more time left. Hon. Members, the time now being 7. 01 p.m., this House stands adjourned until Wednesday, 5th August, 2020, at 10.00 a.m.

The House adjourned at 7.01 p.m.