

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

Wednesday, 5<sup>th</sup> August 2020

The House met at 10.00 a.m.

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

**PRAYERS**

**Hon. Deputy Speaker:** Hon. Members having confirmed that we have quorum within the Chamber and those other holding areas, we will start business.

**PAPERS LAID**

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

Legal Notice No.128 of 2020 relating to the Civil Aviation Security Regulations and extraneous memorandum from the Kenya Civil Authority.

The first quarterly report covering the period from 1<sup>st</sup> January 2020 to 31<sup>st</sup> March 2020 from the Ethics and Anti-Corruption Commission.

List of nominees to eight constituencies committees from the National Government Constituencies Development Fund Board as follows:

- i. Ainabkoi
- ii. Bomet East
- iii. Buuri
- iv. Dagoretti South
- v. Eldama Ravine
- vi. Kitutu Chache South
- vii. Nyeri Town
- viii. Dagoretti North.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well. Let us move on to the next order.

**ORDINARY QUESTIONS**

*Question No.120/2020*

EMERGENCY RESPONSE FUND COMMITTEE ON  
COVID -19 INCOME AND EXPENDITURE

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**Hon. (Ms.) Martha Wangari** (Gilgil, JP): Hon. Deputy Speaker, I rise to ask the Cabinet Secretary for Health the following Question:

- (i) Could the Cabinet Secretary provide the total amount of money and other forms of donations that have been made so far to the COVID-19 Emergency Response Fund Committee that was constituted by His Excellency the President to respond to COVID-19 pandemic as at 1<sup>st</sup> July 2020?
- (ii) Could the Cabinet Secretary further provide an itemized listing of all the expenditures made from the said Fund as at 1<sup>st</sup> July 2020?

**Hon. Deputy Speaker:** That one will be replied to before the Departmental Committee on Health. We will now move on to the Member for Baringo Central, Hon. Joshua Kandie.

*Question No.139/2020*

MEASURES TO REPAIR KAPKAYO – KAPKELEWA BRIDGE

**Hon. Joshua Kandie** (Baringo Central, MCCP): Hon. Deputy Speaker, I rise to ask the Cabinet Secretary for Transport, Infrastructure, and Housing and Urban Development the following Question:

- (i) Is the Cabinet Secretary aware that the Kapkayo – Kapkelewa Bridge which connects Baringo Central and Keiyo South Constituencies, becomes impassable during rainy season, thereby affecting communications, transport and school going children and business people?
- (ii) Could the Cabinet Secretary state the measures in place to address the above problems?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well. That will be replied to before the Departmental Committee on Transport, Public Works and Housing. Is the Member Sigowet/Soin in?

**Hon. Members:** No!

**Hon. Deputy Speaker:** Let us proceed to the Member for Meru, Hon. Bishop Kawira Mwangaza.

*Question No.146/2020*

POWER OUTAGES IN BUURI AREA OF MERU COUNTY

**Hon. (Ms.) Kawira Mwangaza** (Meru CWR, Independent): Hon. Deputy Speaker, I rise to ask the Cabinet Secretary for Energy the following Question:

- (i) Could the Cabinet Secretary explain the cause of power outages being experienced in Buuri area of Meru County for the last few months?
- (ii) Could the Cabinet Secretary explain the steps being taken to resolve the power outages?
- (iii) When the Ministry is expected to complete the electricity connectivity projects in the Area?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well. That one will be replied to before the Departmental Committee on Energy. We now move on to the Member for Narok South.

Hon. Members such as Hon. Kawira could be given an opportunity to take a seat. She does not have to move out because I can see a few vacant chairs and the Bishop is free to occupy one of the seats.

Okay, let us have Hon. (Dr.) Korei Lemein. You do not seem to have the microphone. What number is that seat? Is it seat No.21? I am unable to see it from here. So, just be patient. You will get your opportunity.

*Question No.147/2020*

DEVELOPMENT STATUS OF EWASO NYIRO SOUTH RIVER  
MULTIPURPOSE DAM DEVELOPMENT PROJECT

**Hon. Korei ole Lemein** (Narok South, JP): Thank you, Hon. Deputy Speaker. I wish to ask the Cabinet Secretary for East Africa Coordination, the Northern Corridor and Regional Development the following Question:

- (i) Could the Cabinet Secretary provide details on the status of development of the Lower Ewaso Nyiro South River Multi-purpose Dam Development Project being one of the flagship projects approved by the Cabinet towards realization of Vision 2030 goals?
- (ii) Could the Cabinet Secretary state whether there is any pending bills and to what extent, in respect to consultancy service for feasibility study and design on the said project? If so, what measures is the Ministry putting in place to settle the said bills to unlock and ensure progress of the said project and by when?

I thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well, that one will be replied to before the Departmental Committee on Defence and Foreign Relations.

I cannot see the Hon. Member for Sigowet/Soin. So that one will be deferred to another day.

*Question No. 041/2020*

STATUS OF CONSTRUCTION OF KAPSOIT - SONDU ROAD

*(Question deferred)*

**Hon. Deputy Speaker:** Let us move on to Statements. On this one, there is a request for a statement by the Member for Mwingi North, Hon. Musyimi Nzengu.

**REQUEST FOR STATEMENT**

OUTBREAK OF KALAZAR DISEASE IN MWINGI NORTH CONSTITUENCY

**Hon. Paul Nzengu** (Mwingi North, WDM-K): Hon. Deputy Speaker, pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental

Committee on Health regarding the outbreak of Visceral leishmaniasis (VL) commonly known as KALA - ZAR Disease in Mwingi North Constituency.

Hon. Deputy Speaker, in the last 4 months there has been over 29 cases (affecting ages from 4 to 28 years) of Kalazar Disease reported in Mwingi North Constituency in areas of Ngomeni Ward and Tseikuru Ward. These cases have been on the rise and pose a serious health challenge to the residents. This disease is fatal if left untreated. It is characterized by irregular bouts of fever, weight loss, enlargement of the spleen and liver, and anaemia and it is one of the top parasitic diseases with outbreak and mortality rate.

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

- (i) What measures have been put in place to urgently contain the outbreak of Kala-Zar Disease to forestall it from becoming an epidemic in Mwingi North Constituency?
- (ii) What steps is the Ministry of Health putting in place to ensure that testing for Kala-Zar Disease is enhanced as per the World Health Organization (WHO) standards?
- (iii) What steps is the Ministry putting in place to eradicate Kala-Zar Disease outbreaks completely as a permanent solution?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** That one is referred to the Departmental Committee on Health. I cannot see the Chair, because I would want to know the time she requires to respond to the Statement.

*(Technical hitch)*

The next request is by the Member for Suna West.

#### TRANSFORMING THE KENYA POLICE FORCE TO THE KENYA POLICE SERVICE.

**Hon. Peter Masara** (Suna West, Independent): Hon. Deputy Speaker, Pursuant to the provision of Standing Order 44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Administration and National Security, regarding the police reforms in the country.

Hon. Deputy Speaker, efforts of transforming the Kenya Police have been ongoing since early 2000, with a range of measures and interventions, new organisational, command structures and laws being introduced over the periods. The initiatives which were ambitious, encompassing and which were designed to transform the security sector had minimal impact. This has become particularly evident when the police being deeply implicated in the Human Rights abuses through police abuse, harassment and brutality of citizens.

As we condemn these actions by the police, there is need to interrogate the contributing factors by reaching out and talking to the different actors including victims, their families, and perpetrators of abuses, human rights defenders as well as police and State officers.

Hon. Deputy Speaker, it is on account of this concerns that I wish to request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security on the following:

- (i) What is the success so far of the ongoing police reform in the country?
- (ii) How is the National Police Service addressing the psychological stress-related problems affecting the officers?

- (iii) Were police officers given any form of training when the police force was transformed from a force to a service?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well. That one is referred to the Departmental Committee on Administration and National Security. I see Hon. Koinange, the Chair is here. Let me get an indication of how long you would require. I know your Committee is extremely busy. What time do you require considering the workload that you have?

**Hon. Paul Koinange** (Kiambaa, JP): Thank you, Hon. Deputy Speaker. We will make a Statement to Hon. Masara's request, that is if you would also know that Hon. Masara is in my Committee. It will take some time because the Committee has been visiting different police stations to get a proper report of what has taken place in the police reforms.

However, if he wishes, I will give him an answer. However, it will not be according to what the Committee wishes to give him because we need to do a lot of investigations and visits to get an accurate report for him.

**Hon. Deputy Speaker:** What is your view Hon. Masara? It is said that you are in the same Committee. The Chair is saying that they may not get it quickly. Would you rather wait for a long time or get a statement of some sort that can address some parts of your request and the rest can be on course. What is your view?

**Hon. Peter Masara** (Suna West, Independent): Hon. Deputy Speaker, I appreciate the sentiments of the Chairman. The fact that I belong to that Committee does not deter me from asking for statements on issues affecting Kenyans.

**Hon. Deputy Speaker:** That is true.

**Hon. Peter Masara** (Suna West, Independent): My concerns are very valid. These issues involve the police officers and the public in general. My major concern is the psychological support given to the police officers, more so at a personal level. As we face the Coronavirus pandemic, you will remember there are very many cases where the public has complained about harassment by police officers. So, this is like an emergency. This is because the people are demanding to know what steps are being taken to ensure their security during such a time.

If you go through the contents of my Statement, it concerns the police officers themselves. Some of the occurrences are as a result of maybe psychological problems affecting these officers. My request is to pursue whatever the National Police Service Commission (NPSC) is doing to correct this matter. This is because these police officers are human beings. If the Chairman is saying it will take time that shows these police officers will continue suffering as well as the public.

**Hon. Deputy Speaker:** Hon. Masara you have been heard. I am sure the Chair is noting. Therefore, he can make a decision on what kind of Statement he can issue and when. In the meantime, I can see the Leader of the Minority Party has something to say.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Deputy Speaker. I want to appreciate what Hon. Masara is asking. I think he has sought a very important Statement and the Committee needs to look at it.

I want to plead with Hon. Masara having listened to the Statement he has requested as important as it is, he should give this Committee enough time so when they bring this Statement it will be comprehensive. This is something that is disturbing Kenyans even in terms of human rights issues. It is so complex because there are issues as he has put it that would involve looking into, for example, how to deal with individual police officers, what their problems are, if it is the terms or the recruitment process. So, this is a very comprehensive Statement, if I appreciate what Hon. Masara sought.

I ask Hon. Masara to allow the Committee, because it needs enough time. That time is what the Chair should tell us, how much time is enough, so that we get a comprehensive answer to that Statement.

**Hon. Deputy Speaker:** As I give the Chair a chance, Hon. Kabinga is interested in putting in something to this one.

**Hon. Josphat Kabinga** (Mwea, JP): Thank you, Hon. Deputy Speaker. I want to add that I am a Member of that Committee and the sub-committee that has been visiting one of the police stations. We have been trying to get the actual data on what is happening in each of the police stations.

The psychosocial effect of our police officers is one of the key things we have been looking at. It is, therefore, important for the Member to give us enough time. This is because he is also a Member of the Departmental Committee on Administration and National Security. The report we are making should be comprehensive to enable this House know what is happening to our officers and police stations in this country.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Okay. From the Chair, we will be interested to know whether he wants to make an interim Statement on it or he can wait. But how long will Hon. Masara have to wait to have this Statement responded to one way or another? For example, what are the timelines of the activity you are now undertaking?

**Hon. Paul Koinange** (Kiambaa, JP): Thank you, Hon. Deputy Speaker. Right now, we have requested to visit Western and Nyanza areas and then we will go to North Eastern. Until we are able to visit, at least, 30 counties in the country, we will not know the extent of the problems our police officers are facing. So, it will take time.

For Hon. Masara, maybe in another two weeks, I can give him a Statement to address his concern. But for the whole House, it will take me, at least, four or five months to give a very conclusive Report.

Thank you, Hon. Deputy Speaker

**Hon. Deputy Speaker:** I think that is okay with you Hon. Masara.

**Hon. Peter Masara** (Suna West, Independent): *(spoke off record)*.

**Hon. Deputy Speaker:** The rest you can do in the Committee. He says in two weeks he will give you a Statement. He is actually giving you a warning that it might not be sufficient. I really do not think there is any problem with that.

**Hon. Peter Masara** (Suna West, Independent): Hon. Speaker, my only concern is that there are parts of this Statement that needs response from the NPSC.

**Hon. Deputy Speaker:** That you will do. You are in that Committee.

**Hon. Peter Masara** (Suna West, Independent): Hon. Deputy Speaker, being in that Committee has given me privilege of knowing what is taking place. That is why I decided to come to the Floor of the House. More so on the budgetary issues. This financial year, the NPSC requested for money to establish centres where psychological services can be offered to these officers. They were denied this money. So, if we will wait for another four or five months...

**Hon. Deputy Speaker:** Hon. Masara, I will not allow you to proceed in that direction. You will be given a response in two weeks. Part of the people who will be facilitating this Report is you because you are in the Committee.

Many of these other issues you can canvass in the Committee and most of what you are raising are issues that should be alive in your Committee on day-to-day basis. Now, that you have

a sub-committee on this particular issue, you will get a Statement in two weeks' time and the rest will be sorted out in due course.

**Hon. Peter Masara** (Suna West, Independent): Hon. Deputy Speaker, I stand guided.

**Hon. Deputy Speaker:** Before we go to the issuance of a Statement by the Chairperson of the National Government Constituencies Development Fund (NG-CDF), I can see Hon. Koros is here. He has given a reason why he could not make it in good time. Ask your Question Hon. Koros.

## RESUMPTION OF ORDINARY QUESTION

*Question No.041/2020*

### STATUS OF THE CONSTRUCTION OF KAPSOIT -SONDU ROAD

**Hon. Kipsengeret Koros** (Sigowet/Soin, Independent): Thank you, Hon. Deputy Speaker. I am sorry for delaying a bit. I beg to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works the following Question:

- (i) What is the status of the construction of Kapsoit-Sondu Road in Sigowet/Soin Constituency?
- (ii) Could the Cabinet Secretary provide details of the company that is constructing the said road, and state the amount of monies paid to them to date?
- (iii) When is the project expected to be completed?

Thank you, Hon. Deputy Speaker.

**Hon. Caleb Kositany** (Soy, JP): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well. That one will be replied to before the Departmental Committee on Transport, Public Works and Housing. What is it Hon. Kositany? What is your point of order?

**Hon. Caleb Kositany** (Soy, JP): On a point of order, Hon. Deputy Speaker. Please allow me to get a letter from my phone. I had asked a Question on the use of COVID-19 funds.

**Hon. Deputy Speaker:** Is that really you? Let me see. Okay, I can confirm it is you.

**Hon. Caleb Kositany** (Soy, JP): You want to see the white beard?

**Hon. Deputy Speaker:** No!

**Hon. Caleb Kositany** (Soy, JP): Thank you, Hon. Deputy Speaker. On 23<sup>rd</sup> April, I requested for a Statement from the Departmental Committee on Finance and National Planning on the use of COVID-19 funds. I asked about seven items for them to respond to especially on the use of the funds, we are receiving from the WHO for COVID-19.

To date, I have not received any response. I can remember when I was at the Dispatch Box requesting for the Statement. None other than the Leader of the Minority Party kept saying I was bringing Jubilee politics at that time. I do not know whether he still holds the same view, now that we have serious exposures on the misuse of money, meant to safeguard the lives of Kenyans through this pandemic.

So, will it be in order for us to know when this response can be given in order to follow-up on the use of COVID-19 funds? On this I also asked why we should finance or give money to the National Intelligence Service (NIS) for contact tracing and yet that is their job. They know who is where every day and already have a budget. That is the clarification I seek to get.

**Hon. John Mbadi** (Suba South, ODM): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Mbadi, I wanted to have Kositany finalise his issue because he also rose on a point of order. What is your point of order?

**Hon. John Mbadi** (Suba South, ODM): On a point of order, Hon. Deputy Speaker. I think you were a bit distracted. But you heard the Deputy Secretary-General of the Jubilee Party insinuating improper motive on me. That, the day he was seeking this Statement, I said he was bringing Jubilee politics.

I cannot remember saying that, but even if I said it, he should have challenged me at that time to explain what I meant because now he is bringing it with an improper motive. He is trying to imply that I am opposing holding Government to account, which is something I cannot do. I am the Leader of the Minority Party. If the Jubilee Party can help my side in holding the Jubilee Government to account, how on earth would I reject that?

So, I want him to explain exactly what he meant by that statement. Was he implying that I am trying to fight accountability in this House? That is not my intention.

**Hon. Deputy Speaker:** I will not give him an opportunity to explain that. I will only say that actually it would have been much better if that intervention was brought forth at that particular day, on 23<sup>rd</sup> April or May, as you have indicated.

However, now that this is water under the bridge, let us leave that alone for now. Let us deal with the most substantive issue as to why you have not received the statement. I am saying that because probably if it was answered then, a question like what I have seen now being asked by the Member for Gilgil would not have arisen. This is because it is almost the same thing. What surprises me is that you sought a statement from the Chair of the Departmental Committee on Finance and National Planning. Why would it not be the Departmental Committee on Health at that point? I thought that is a matter of health. What was your intention?

**Hon. Caleb Kositany** (Soy, JP): Hon. Deputy Speaker, it was the Speaker who was on the Chair then. He directed that the Departmental Committee on Finance and National Planning gives a statement on the use of the funds. I think it is appropriate that way. However, since there has been a change of leadership... When the Leader of the Minority Party says we do not know now which side is minority and which side is majority...

**Hon. Deputy Speaker:** Now you see you are bringing politics again. Hon. Mbadi might have been right at the point. You see, for us as a House, a Chair is a Chair. We really do not care where they come from or which party they represent in Parliament. Let us hear from the Chair of the Departmental Committee on Finance and National Planning, Hon. Wanga. You can see she is probably seated somewhere.

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Thank you, Hon. Deputy Speaker. The Chamber is free seating. Every Member can sit on any place. With COVID-19, the number that you are assigned in the list is the number that you sit on. I would like to say that as the Member has correctly pointed out, there is a change in leadership and, therefore, I just want to commit that aside from the sensationalisation which the Member intends to push, we shall look as a Committee at the question and see whether it is properly before our Committee as far as the questions he is raising are concerned.

However, I just urge the Member to remove the sensationalisation so that we deal with the issues as they are. Even when you see things on the newspaper, you cannot come to the House and use them as a basis for agitation. This is because this House does not allow for us to come and use the newspapers as a basis for sensationalising matters that are otherwise very serious and Kenyans deserve answers. So, I just like the Member to separate the politics from the real issues and he will get an answer that will satisfy not just him but Kenyans who want to know what is happening.



**Hon. Deputy Speaker:** What kind of timelines do you require, Hon. Nyasuna?

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Hon. Deputy Speaker, if we can get the next three weeks given that we are only meeting virtually, we should be able come back with an answer to the Member.

**Hon. Deputy Speaker:** You will respond only to the answer. Forget about the politics because you see this COVID-19 is not political. It attacks anyone, rich or poor and one party or the other. Hon. Kositany, I am sure you will be satisfied with that. Please do not add anything else. Just say yes or no; I am not so sure whether you are going to throw another one.

**Hon. Caleb Kositany** (Soy, JP): No, Hon. Deputy Speaker, I am not throwing another one, but it is good when we get advice from people who have thought us to be sensationalising issues.

**Hon. Deputy Speaker:** You have said that you are comfortable. Let us leave it at that. We go to the next one which is a statement by the National Government Constituencies Development Fund (NG-CDF) Committee Chair who is one of the most senior Members here. Actually I think the NG-CDF Committee has been lucky this term. We have had only senior Members there.

#### FUND ALLOCATION TO CONSTITUENCIES AND STATUS OF DISBURSEMENT

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Thank you, Hon. Deputy Speaker. I will read a Statement on fund allocation to constituencies for the Financial Year 2020/2021 and the status of disbursement for the Financial Year 2019/2020. I wish to inform the House that the allocation of funds to constituencies for the Financial Year 2020/2021 is Kshs41,714,800,000. This means that the fund allocation is 2.72 per cent of the National Government share of revenue and therefore, meets the criteria of a minimum of 2.5% of the National Government share of revenue.

Section 34 of the National Government Constituencies Development Fund (NG-CDF) Act states that the amount be divided equally among all constituencies subject to the provisions of Sections 8(1) and 23(1) of the Act. Following this criteria, each Constituency will then receive a total of Kshs137,088,879.31 inclusive of emergency reserve totalling to Kshs7,192,206.90 for each constituency.

Further, Section 23(1) of the Act states that the expenditure for running the Board and related purposes shall be set aside at the beginning of the financial year and not more than 5 per cent of the total allocation to the fund in the financial year may be used for this purpose, the annual budget of which shall be approved by the Cabinet Secretary with the concurrence of the National Assembly's NG-CDF Committee. Therefore, the allocation to the Board for the Financial Year 2020/2021 amounts to Kshs.1,959,025,000 which is approximately 4.69 per cent of the total allocation to the Fund.

Hon. Deputy Speaker, I now go to the status of disbursement of funds to constituencies as at 4<sup>th</sup> August 2020. May I also inform the House on the status of funds disbursement of funds as at 4<sup>th</sup> August 2020. This is important for Members. There have been a lot of questions. The total receipts into the Fund in the Year 2019/2020 was Ksh28 billion that has been disbursed to the constituencies.

Thirteen constituencies have received full allocation while 271 constituencies have received an allocation of between 50 and 99 per cent. Six constituencies have received an allocation between 36 and 49 per cent. This means that there is a balance of Ksh13.7 billion, which is yet to be received by the Fund from the National Treasury for the 2019/2020 Financial Year. The Fund had pending receipts amounting to Ksh4.97 billion relating to 2011/2012, 2013/2014

and 2014/2015 Financial Years, which has not been received to date. Therefore, the total arrears owed to the Fund by the National Treasury is Ksh18,691,550,000.

Hon. Deputy Speaker, due to the huge amount of arrears owed to the Fund by the National Treasury, the Committee in its last sitting — which took place yesterday with your approval — resolved to invite the Cabinet Secretary and the National Treasury to discuss on the way forward in relation to the mechanisms to release the pending arrears to the Fund.

This morning, I want to confirm that I spoke to the Cabinet Secretary for Finance and National Treasury and he has confirmed another meeting, which we are going to hold before the formal one, next week.

I have annexed details of the allocation for all the financial years to this Statement because it is a long list of all the constituencies, which have not received the Fund. Some constituencies are still owed funds from 2011/2012 and 2013/2014 Financial Years for various reasons. Some of the information I get is that there are certain queries and clarifications that have been sought from the NG-CDF committees, which require to be submitted to the Board and then the funds will be received. So, I want to urge Members to take interest and look at any questions, which have been sought by the Board or the State Department for Planning, so that the funds can be released.

Finally, Hon. Deputy Speaker, I want to ask colleagues, given that now we have the ceiling and the funds that have been provided, to work on proposals expeditiously so that we do not get into the problems of the past and so that the Board can go ahead to act on the proposals and release funds for this financial year. But, as I have said — we have just taken over; this is a new leadership — we will need time to ensure that we do what is expected of us, to see that Members and their respective constituencies get funds to undertake the development they desire. I hope we are going to do this properly.

I thank you. I wish to table this Statement and the Report.

*(Hon. Wafula Wamunyinyi laid the documents on the Table)*

**Hon. Deputy Speaker:** Thank you very much, Hon. Wafula Wamunyinyi.

There is a lot of interest in this particular one and I will be generous with the number of Members who will be making interventions and contributions. So, let us start with Hon. Christopher Omulele.

**Hon. Christopher Omulele** (Luanda, ODM): Thank you, Hon. Deputy Speaker. Before I make my comments on this, I would like to...

**Hon. Deputy Speaker:** Probably, I will be giving about six minutes. So, you could note the issues and then, maybe, respond to it appropriately.

**Hon. Christopher Omulele** (Luanda, ODM): Hon. Deputy Speaker, I would like to congratulate the new Chair of this particular Committee, Hon. Wafula Wamunyinyi, who has received double blessings as it were. He has become the Chair of this Committee and he is also the only party leader that we have in this House having been confirmed as the party leader of Forum for the Restoration of Democracy - Kenya (FORD – K). I am sure...

**Hon. Deputy Speaker:** Hon. Christopher Omulele, let us leave that because there are some things that are too contentious to bring to the Chamber, to the contentions that we already have in here anyway. So, let us allow those other ones to be dealt with appropriately elsewhere.

**Hon. Christopher Omulele** (Luanda, ODM): Thank you for your direction but I wish to congratulate him. I am confident that he is very capable and will do a good job in this particular chairmanship of the Constituencies Development Committee in this House. The Report that he has

given is good. He is new in the office and I am confident, looking at the history of the man that he is going to do a good job.

But, Hon. Deputy Speaker, my concern is that we are now in the 2020/2021 Financial Year. The NG-CDF Board has not received the requisite funds for the 2019/2020 Financial Year from the National Treasury. There is no explanation or reason why this money has not been provided for purposes of NG- CDF. We know what NG-CDF does in this country. And if the Cabinet Secretary in charge of Finance and National Treasury cannot find this particular fact, then he knows he is going to have trouble with this House obviously. I am speaking directly to him. He better pull up his socks and provide funds because this is the Fund that the *mwananchi* in this country sees. We cannot stand here, in this House, legislate and provide funds for anything else if the funds that go to the *mwananchi* in this country and in our constituencies directly is not being provided. I do not think that we will do that.

Having said that, I have also listened to the Chair and he has said that some of the constituencies have received the full allocation from whatever little that has been provided by the National Treasury. The Board needs to explain to us because, as far as I am concerned, all constituencies in this country are equal. And whatever they receive must be distributed to the 290 constituencies on a *pro rata* basis. There is no reason why one constituency should receive the entire amount while another one has received only 36 per cent. I know they will say that they have queries here and there, but I know that none of these Members has received any indication directly from this Board, telling them that you have failed here and there. If they have done so, I wish they could provide that reason to the Members. But, as far as I am concerned, constituencies in this country are equal and there is no other reason why we should have some...

**Hon. Deputy Speaker:** Okay. Let us save time so that we can give more Members. I believe what you are saying, Hon. Christopher Omulele, is that the Members should be given information because they oversee. There is nothing else they are doing other than oversight.

I am trying to see this other side. I have some gadgets nowadays that make it very useful. That should be the Vice Chair of that particular... No, that is a Vice Chair of a different committee. Proceed. Come to the Dispatch Box or we go to the next one.

As you proceed to look for a microphone, let me give an opportunity to... You have it now.

**Hon. Major (Rtd.) Bashir S. Abdullahi** (Mandera North, JP): Hon. Deputy Speaker, I also want to add my voice to this issue. I assure you that we have a very difficult time with regard to the disbursement of the NG-CDF. Unlike most projects by the Government, there is a sense of ownership by the community in regards to NG-CDF projects. The level of project implementation by the community is high. That leaves us in a very difficult position.

Recently, I had a difficult time with some of my constituents. They asked why the implementation of projects A, B and C was not taking place. They were painting a picture that the Member of Parliament is not doing enough to ensure the disbursement of funds or that the funds have been disbursed but he is not doing enough to ensure correct implementation of projects. It is high time that those funds are owned at the grassroots level and are given unique consideration by the National Treasury.

Historically, this Fund has been given special consideration. My sister, Gladys, the Chair of the Departmental Committee on Finance and National Planning, and those who deal directly with the National Treasury such as the Chairperson of the Constituencies Development Fund Committee should walk to the National Treasury and ensure that disbursement of those funds is done as soon as today.

As I conclude...

**Hon. Deputy Speaker:** Let us be brief, Hon. Members, so that other Members can also have an opportunity. I want to give a chance to many Members.

**Hon. Major (Rtd.) Bashir S. Abdullaih** (Mandera North, JP): Uniformity in disbursement must also be observed.

**Hon. Deputy Speaker:** Very well. Let us have Hon. Atandi who is top on the list of requests.

**Hon. Samuel Atandi** (Alego-Usonga, ODM): Thank you, Hon. Deputy Speaker. I will begin by congratulating the new Chair for the Report we have received. It appears that this House got it right when we made the changes in House leadership. It is not like the Senate where everything has stalled. The Senate should have given most seats to the National Super Alliance (NASA). They would not have the problems they are experiencing. We now have strong leadership in our committees.

**Hon. Deputy Speaker:** What does that have to do with the NG-CDF? Why do you not concentrate on the NG-CDF for now then we can discuss the rest during the functions that we have in our constituencies.

**Hon. Samuel Atandi** (Alego-Usonga, ODM): Let me make my point, Hon. Deputy Speaker.

On the NG-CDF, we need to agree with the Cabinet Secretary for the National Treasury that NG-CDF disbursement is done on a quarterly basis. The report is then given to this House. It is not right that some constituencies have received their full allocation while others are yet to receive even half. This is something that the new Chair needs to take up very seriously. The departmental budgets in other areas have been fully disbursed. We have a situation where this House is not respected. The Cabinet Secretary can disburse resources to other projects dealing with roads or health and some of the disbursed funds are stolen. We need to be very serious.

The new Chair and the leadership of this House must ensure that this House is given the first disbursement. We cannot be sitting here to pass Government agenda when our projects have stalled on the ground. The new House leadership needs to be firm. I miss Duale on this one. Duale was very firm. He used to go to the Cabinet Secretary to ensure that we get our money. The new Leader of the Majority Party needs to take up that job and ensure that we get our money on time.

**Hon. Deputy Speaker:** I would just like to inform you that on the first day of his leadership, the Leader of the Majority Party waded into the issue of the NG-CDF. Now that you have mentioned him, I will give him an opportunity to say something to it and then I will come to the Leader of the Minority Party. I will still give a chance to a few more Members.

**Hon. Amos Kimunya** (Kipipiri, JP): Thank you, Hon. Deputy Speaker. Let me start with the last comment. We have a very able chair who will be able to interact with the National Treasury in terms of disbursement. It is not fair to blame the National Treasury for the allocation of money to specific constituencies. That comes with the pace of implementation of projects and the proposals that people have submitted. We are in continuous engagement with the National Treasury to ensure that the money is disbursed to the boards for onward transmission to the projects. It does not make sense to deny funds to other development only to then pile up the money in the constituency bank accounts. We also need to ensure that money is being utilised to achieve development at the constituency level then it can be replenished. That is just one item that I want to comment on.

In terms of going forward...

**Hon. Deputy Speaker:** What is your point of order, Hon. Omboko Milemba?

**Hon. Omboko Milemba**(Emuhaya, ANC): Thank you, Hon. Deputy Speaker. I do not think it is in order for the leader, whom I respect and wish well, to treat Parliament like a school where he is an administrator explaining why the money is not going to the constituencies. The Chair has said that the money has not been taken to the Board for it to disburse to the constituencies. He wants to create a situation whereby it is Parliament or the MPs seated here who are not disbursing the cash.

**Hon. Deputy Speaker:** Both sides are right. The Members must also check what is happening on the ground. Your role is only supervisory.

**Hon. Amos Kimunya**(Kipipiri, JP): Thank you, Hon. Deputy Speaker. We are in the constituencies, so, we know. I want to make two points.

First, the allocations to the constituencies have been increasing over time across the board. The amount that goes to the board is a percentage of the total allocation and has also increased over time. The expenses need not increase over time. It is something that the Committee needs to look at so that we do not end up with... Because we are allowed up to 5 per cent, it should not be 5 per cent. It could even be 1 per cent. With the COVID-19 situation, we know trainings and travels will not take place. I urge the Committee to relook at the 4.9 per cent that has been allocated so that some of that money can go back to constituency work rather than just being carried within the budget of the board yet it may never be actually expended because of the special circumstances we are in.

Secondly, I appeal to the Members. We have 15 million students affected by COVID-19 due to the closure of schools. We are unlikely to achieve social distancing in schools unless new infrastructure is put in place. I urge Members to prioritise that. If you intend to invest money in social issues such as the National Hospital Insurance Fund (NHIF), please, reprioritise that money and expand our primary and secondary schools so that our kids can get back to school in January within COVID-19 friendly facilities. Otherwise, we would have failed in terms of development.

**Hon. Deputy Speaker:** Let us have the Leader of the Minority Party and then I will give an opportunity to a few Members. I can see there is a lot of interest. The Chair should note some of the things that have been said because they are general sentiments. He will then respond with just one word. Those sentiments will buttress your arguments when you meet the National Treasury Cabinet Secretary.

What is your point of order, Member of former Ntonyiri? It is now Igembe North.

**Hon. Maoka Maore** (Igembe North, JP): Hon. Deputy Speaker, I have been the Chair of the Constituencies Development Fund Committee for the last two-and-a-half years. Next week, it will be three years. The problem we have been facing in terms of disbursement and usage of money has been and is the National Treasury. At the close of the last financial year, 231 constituencies had received less than 50 per cent of the disbursement.

**Hon. Deputy Speaker:** Hon. Maore, yours seems to either be a point of information or a contribution. If that is the case, I will give you that opportunity to contribute specifically. You have a lot of facts.

**Hon. Maoka Maore** (Igembe North, JP): The point of order is that the issue was raised by the Leader of the Majority Party. He said that the Members have problems with the utilisation of the money which needs to be corrected. There is nobody who has money in the account today. The money is in the National Treasury. It has not been disbursed. So, we need the National Treasury to own up and disburse the money on time so that Members can use it.

Secondly, there is a lot of Covid-19 pandemic budget. The Cabinet Secretary (CS) for Education should ensure that every school has a minimum of five classrooms before January. This

cannot come from the National Government Constituencies Development Fund (NG-CDF) because it is not enough for such.

**Hon. Deputy Speaker:** Okay. The Leader of the Minority Party, you have the Floor.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Deputy Speaker. I will be very fast. I want my brother, Hon. Atandi, who is my very good friend to be a bit cautious because even Hon. Maoka Maore who is the Deputy Majority Whip did fairly well as the Chair of the Constituencies Development Committee. We do not have much complaints.

The complaints we have regard to disbursement of funds by the National Treasury. That is something that we need to deal with. I have two comments to make. One, the Chair of the Constituencies Development Committee and the leadership of the House can help intervene on this matter with the National Treasury because we did it before. When the National Treasury attempted to reduce NG-CDF by about Kshs9 billion, it took the effort of the leadership of the Leader of the Majority Party, Chair of the Budget and Appropriations Committee and I. We sat with the CS for the National Treasury and agreed on how to correct that error because it was even an error in law. I want to give confidence that we can discuss with the CS for the National Treasury on that.

There is another thing that I want to mention. I want to address the Chair. The Leader of the Majority Party has said that we need to increase classrooms. Some of us have made proposals to transfer money from bursary because we have not disbursed it to building classrooms. You cannot disburse bursaries at this time because it will be misused by schools. So, I want the Chair to follow through that and make sure that is approved in good time because the Board keeps on meeting but it does not deal with that issue. They have other more important agenda to deal with.

Sometimes, what we say here is taken out of context by the public. The people who are responsible for planning and execution of NG-CDF projects are Fund Managers and NG-CDF Constituencies Committees. Our role is to oversee the projects. If we take our time on oversight role, then some of these issues that are coming up here may be addressed. You will be very up-to-date with your constituency in terms of how much has been disbursed and the reasons. If there is no genuine reason, you can raise that matter with the Chair of the Constituencies Development Committee. If some constituencies are being given preferential treatment against others, then that must be corrected. With all due respect to the Leader of the Majority Party, the Board is really trying to make sure that if you still have a balance of more than Kshs10 million, they do not disburse money to your constituency. If you request for more funds, they put pressure on you. It is very rare to find that the availability of excess funds has blocked or stopped a constituency from receiving more money.

Hon. Deputy Speaker, there is something that I have forgotten. Allow me to raise it for one minute. Much as we push for absorption of NG-CDF, all Departmental Committees have a responsibility to make sure that they push for absorption of other Budget lines. We put money in the Budget and at the end of the financial year, the absorption rate is about 40 per cent. Hence, you find that roads are not constructed in constituencies and water that is supposed to be drilled in constituencies is not done. We also expect almost near 100 per cent absorption of all these monies, apart from NG-CDF. There should be a very good reason the absorption rate in other Budget lines is as low as 40 per cent. There should be no reason. Let us not just focus on NG-CDF. It is the job of all Departmental Committees to ensure near 100 per cent absorption rate of the Budget.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Let us now hear Hon. Ogotu.

**Hon. (Prof.) Zadoc Ogutu** (Bomachoge Borabu, Independent): Thank you, Hon. Deputy Speaker. We are discussing the delayed disbursement of funds.

**Hon. Deputy Speaker:** Let us be straight to the point, so that I can give the opportunity to more Members.

**Hon. (Prof.) Zadoc Ogutu** (Bomachoge Borabu, Independent): It is not normal because one of the issues that is troubling this country is opening of schools. We cannot say that we will open schools when we have an opportunity to bring about the change for opening them, and then we delay the disbursement of funds. I am trying to say one thing. The allocation of NG-CDF funds in 2020/2021 Financial Year should equally be released in good time, so that we will not regret for interfering with the studies of our children in January.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Okay. That is good. If you are that brief, we will give an opportunity to more Members. Let us hear Hon. Keynan.

**Hon. Adan Keynan** (Eldas, JP): Thank you, Hon. Deputy Speaker. I am a bit perplexed and disappointed. If Engineer Karue was here today, he would be as disappointed as I am. We are being taken back to pre-1999 era. One of the critical components in the formation of the NG-CDF Board or infrastructure was to enable a Member of Parliament to have a facility that will enable him or her to function independently from the Executive or other arms of the Government.

Why Engineer Karue and those who were there at that time came up with Constituencies Development Fund (CDF)... If you reflect a bit, even for a second and look at the Member of Parliament in 1999 and right now, and compare with what we are complaining about, you will realise that we, as Members of Parliament, have disappointed the 12<sup>th</sup> Parliament. It is not fair to blame Hon. Wamunyinyi. Look at the Budget cycle. We have the Budget and Appropriations Committee, Constituencies Development Committee, National Treasury and NG-CDF Board. The relationship among these different entities is meant to enable the Member of Parliament, and by extension the NG-CDF infrastructure, to get the necessary support.

If Kenyans down there realise that their Members of Parliament are complaining about disbursement of NG-CDF, then we will lose our oversight mandate or role. Therefore, what Hon. Wamunyinyi and his team tabled today should have been the first item after the Appropriation Bill was assented to. That should have come one or two days after His Excellency the President assented to the Appropriation Bill. It has come one month later. This is (*inaudible*).

I want to suggest the following. The National Treasury mandarins will always manage us in line with their wish list in the Budget-making process. However, there are realities which we must also accept. That being the case, we will not accept Hon. Wamunyinyi and his team to come and complain on behalf of the Members of Parliament on the lack of funds. You need to deal with the National Treasury mandarins. Let them enable Members of Parliament, and by extension the Constituencies Development Committee, to get the funds. Let them release the money on time, so that a Member of Parliament is not blamed simply because he or she offers an oversight role in the NG-CDF infrastructure.

**Hon. Deputy Speaker:** Okay.

**Hon. Adan Keynan** (Eldas, JP): Hon. Deputy Speaker, as I conclude, I want to say that we need to internalise our role as Parliament. This House, under the Constitution 2010, provides leadership on very many issues: Budget-making process, oversight role and legislation. If we complain today, how about the millions of Kenyans who expect us to execute the oversight role? That is why I find this debate a bit misplaced. I know that Hon. Wamunyinyi and his team are capable. I worked with them in the past. I worked with Hon. Maore. Please take your functions or

mandates seriously. Let the National Treasury mandarins not reduce Parliament to a begging institution. Let us get what belongs to Parliament.

**Hon. Deputy Speaker:** Okay.

**Hon. Adan Keynan** (Eldas, JP): I expect that facility of the Members of Parliament will remain respected.

Please, go and deal with the National Treasury, so that what remained in last year's Budget is disbursed immediately, so that Members can have these funds.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Haji, you may proceed.

**Hon. Yussuf Haji** (Mandera West, JP): Thank you, Hon. Deputy Speaker, for giving me this opportunity.

We all know that the visible projects in the rural areas are as a result of the NG-CDF. If you compare the NG-CDF projects with the county projects, there is enormous difference in terms of visibility and in terms of people getting their needs felt. So, NG-CDF is that important.

It is very unfortunate when we hear that Kshs18 billion is yet to be released and yet we are in a new financial year. We are supposed to have got all the money from the previous financial years. We should be waiting for the First Quarter disbursement for this financial year. It is unfortunate to hear that the money is still not there. I assure you that the NG-CDF is what matters in the rural areas. There are projects that have been done by the county...

**Hon. Deputy Speaker:** Okay. Your time is up.

**Hon. Yussuf Haji** (Mandera West, JP): Please, add me just one minute, Hon. Deputy Speaker.

There are projects that have been done by counties but the contractors have not been paid for the last three to five years. On the contrast, NG-CDF committees normally give out projects when the money is there and immediately the projects are complete, the money is paid. This reputation is there with the communities. So, that money should come.

**Hon. Deputy Speaker:** Proceed, Hon. Tongoyo.

**Hon. Gabriel Tongoyo** (Narok West, EFP): Thank you, Hon. Deputy Speaker, for giving me an opportunity to support the majority of my colleagues in demanding for speedy release of the NG-CDF funds. It is very surprising that a majority of the NG-CDFs have not received 50 per cent of their previous financial year's allocations. I have consulted with the majority of my colleagues to this end.

We are struggling with the COVID-19 pandemic. The schools have been closed without a clear indication as to when they will be re-opened. There are billions of shillings we are reading about as being wasted, which should be allocated to the constituencies to supplement the NG-CDF funds to help construct classrooms and provide water in schools. These are some of the requirements of the committee that was set up to look into this issue.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Okay. We will leave it at that. Hon. Nyamita, you may have the Floor. I see that all Members seem to be speaking about the same thing. Probably, we will have to close it somewhere.

*(Loud consultations)*

What is this different thing that is not the NG-CDF?



**Hon. Mark Nyamita** (Uriri, ODM): Thank you, Hon. Deputy Speaker. I want to add my voice on the issue of delayed release of funds. I concur with the Minority Leader on the issue of disbursement of funds for other activities. If you remember, at the beginning of this pandemic, this House extensively debated on measures that we would take to address the situation in the country. One of the things that came up is the economic stimulus, which also provided money for us to improve school infrastructure across the country. To date, there is no formula how that is being implemented. There is no activity towards that whereas this House has actually made appropriate resolutions.

So, regarding the delayed disbursement of the NG-CDF funds, it is important to note that many contractors have already completed the work but they have not been paid. Some of them cleared the work as early as April. So, we are talking about four months down the line. There are excuses about Kshs10 million in bank accounts that have been prioritised for bursaries. Therefore, we would not disburse the monies in those accounts. Any re-prioritisation must be done at the Board level. However, the Board is taking forever to implement these requests. Indeed, I want to task the Committee in charge to follow-up this matter with NG-CDF Board to help us absorb these funds. The Committee must push the Board to re-prioritise our requests and also ensure that the Ministry of Education implements what this House passed.

Thank you.

**Hon. Deputy Speaker:** Hon. Washiali, please, take a minute. If we take that short, then we will have more Members.

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Deputy Speaker. Let me congratulate the current Chairman of the NG-CDF and quickly point out that in his Report, he has given us 13 constituencies that got their allocations and 277 constituencies that did not get the allocations. I think he needs to move further and tell us how many of the 277 constituencies that did not get the allocations had requested for and qualified to get the allocations. This is because these are two different stories. This is coming up at a time when there is an aspect of preferential treatment even in allocation of county government funds. I would really wish that the Chair mentions the names of the 13 constituencies that got the funds so that we can know whether there is an aspect of preferential treatment even in NG-CDF disbursements.

Last but not least...

**Hon. Deputy Speaker:** Okay. That should be enough. Hon. Washiali, let us be fair to other Members too.

**Hon. Benjamin Washiali** (Mumias East, JP): This was very important. I also want to add my voice to the issue because we have already finished budgeting for the 2020/2021 financial year. I want to find out from the Chair of the Budget and Appropriations Committee how we handled the money that has not been paid to the constituencies. Is it under pending bills? We need to be told how they will pay this money. As far as we are concerned, this is money that has already been budgeted for but has not been disbursed.

**Hon. Deputy Speaker:** Surely, it cannot be pending bills. A pending bill is something that has been worked for. I do not think this would be pending bills.

Hon. Members, I see that we are all speaking the same language. Let the 10 who have spoken already speak on behalf of the ... May be, I can give chance to the Coast and the other gender.

Let us start with Hon. Tayari.

*(Loud consultations)*

No, it is not you. It is the other member, whom I have already given the Floor. You have not placed a request. Hon. Tayari, you are the one who had placed a request and I have given you the Floor.

**Hon. Benjamin Tayari** (Kinango, ODM): Asante sana Mhe. Naibu Spika. Ningependa kumpongeza Mwenyekiti mpya wa Kamati ya NG-CDF. Ninamwomba heri katika kazi yake.

Kitu ambacho ningependa kuisitiza ni kwamba kuna Maeneo Bunge maskini ambayo yanategemea huu mgao wa NG-CDF. Kusema kweli, hivi sasa watu wengi wanateseka. Hawaoni maendeleo. Wamezoea kuona kazi nzuri inayofanywa na NG-CDF. Pia, ningependa kuomba hizi pesa zitolewe mara moja. Sio kwamba tushiriki ama tuambiwe leo ama keshokutwa. Wananchi wanateseka na wanaomba miradi ifike mashinani mara moja.

Pia, yapo Maeneo Bunge mengine ambayo mpaka sasa Kamati zake hazijapitishwa hapo bungeni. Imekuwa miezi mingi na hatujui sababu ni nini. Kwa hivyo, ningependa kuomba majina hayo yaongezwe kwenye mjadala huu unaouzungumzia mgao wa NG-CDF.

**Hon. Deputy Speaker:** Hon. Chairman, when are you meeting the Cabinet Secretary for the National Treasury? Is it next week on Tuesday?

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Yes, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Then I want to rule that you do not need to make any response today. Let us have you responding on Wednesday with an intention of telling the House what you have agreed on with the Cabinet Secretary, especially in terms of disbursements and so forth. However, you have heard the sentiments of Members. You have a handful of things to look at.

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Hon. Deputy Speaker, it is true. I agree with the Members' sentiments.

**Hon. Deputy Speaker:** The basic issue is disbursement.

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Hon. Deputy Speaker, I would not like to speculate and give reasons before I speak with the Cabinet Secretary. I will be talking to him this afternoon, but we have invited him, as a Committee, next week on Tuesday.

**Hon. Deputy Speaker:** Please, take into consideration all the issues Members have raised as you make your discussion.

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** All these are very important, Hon. Members. We cannot have the whole morning discuss that. I am sure Members have spoken. We have tried to have as many Members as possible to speak on it. So, let us move on to the next Order.

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

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

### IN THE COMMITTEE

*[The Temporary Deputy Chairman  
(Hon. Patrick Mariru) took the Chair]*

#### THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Order Members! We are now in the Committee of the whole House on quite a brief Bill. It has a few Clauses, so, we will move

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fast on it. That is The Parliamentary Pensions (Amendment) Bill, (National Assembly Bill No.45 of 2019).

*(Loud consultations)*

Order Members! Let us now be together in the Committee of the whole House, please.

*Clause 2*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): There is a proposed amendment by Hon. Gladys Wanga, the Chair of the Departmental Committee on Finance and National Planning.

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Thank you, Hon. Chairman. The Whip is harassing me a bit. I see Hon. Haika seated there at the back on what is traditionally referred to as the minority side because of the constraints of Covid-19 and allocation of seats.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): You are properly seated. You are in the proper place. Proceed.

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Hon. Temporary Deputy Chairman, there was an amendment proposed by the Committee to Clause 2 of this amendment Bill.

Hon. Temporary Deputy Chairman, I beg to withdraw the amendment.

The reason is that there is an amendment Bill, Bill No.3 of 2019 that will be moved in the afternoon by Hon. Mwadime. After deliberations and discussions with the Mover of the Bill, we feel that this particular amendment of moving the time a Member has served in order to earn pension from two terms to one term is better situated in the comprehensive amendment Bill that will be moved by Hon Mwadime this afternoon. So, we felt that we should canvass it there.

There is a saying in Dholuo that you only escape from the rain with a light basket. This particular amendment is for older Members who served between 1984 and 2001. So, we feel that we should let them escape the rain with a lighter basket than we deal with the other comprehensive issues within the broader amendment Bill.

So, I beg to withdraw this amendment.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Very well, Hon. Wanga. I could tell the Leader of the Majority Party was wondering where the rain and the basket were. But he seems to have understood.

The amendment is considered withdrawn.

*(Proposed amendment to Clause 2 by Hon. (Ms) Gladys Wanga withdrawn)*

In that case there is no amendment to the Bill.

*(Clause 2 agreed to)*

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

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): What is your point of order, the Leader of the Majority Party? I am sorry. It is not the Leader of the Majority Party but Hon. Aden Duale. I am still living yesterday.

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**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Chairman, a leader is always a leader and I am sitting as a ranking Member. So, you have not committed any crime.

Hon. Temporary Deputy Chairman, I am sorry I came a bit late. I have an interest in this Bill. I want to raise three fundamental issues with a lot of respect to the owner of the Bill.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Order Hon. Duale! Just to be clear, what Clause are you dealing with? We are done with Clause 2 already. We are actually going to the Title of the Bill. Clause 2 is done. For your information, Hon. Wanga had an amendment but she has withdrawn it because she hopes to prosecute the intention of that amendment in another Bill in the afternoon. So, the House has made a decision, Hon. Duale.

**Hon. Aden Duale** (Garissa Township, JP): The matters I am going to raise, Hon. Temporary Deputy Chairman, are of constitutionality and public finance, I will wait for contribution so that I go on record. I wanted to ask the Chair of the Departmental Committee on Finance and National Planning to table the views of the National Treasury in line with Article 114 of the Constitution. But if she has it, I need to get it. Maybe later in debate I need to go on record in as far as this Bill is concerned because it is very important. Meanwhile, you can direct the Chair to give me a copy of what the National Treasury gave when the Committee sought their opinion in line with Article 114 of the Constitution.

I want the former MPs to get money but I do not want the House to act in vain. This is a Bill I have supported with Hon. Mbadi for all those years. I want us to make sure that it does not come back.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Very well, Hon. Duale. Hon. Wanga that is a fair request by Hon. Duale. Indeed, all Members, let that information be available. Let us make progress.

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Members, the Bill was that brief.

Mover, you have the Floor.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Temporary Deputy Chairman. My former classmate had engaged me here. So, I was not following what was going on.

Hon. Temporary Deputy Chairman, I beg to move that the Committee do report to the House its consideration of the Parliamentary Pensions (Amendment) Bill (National Assembly Bill No.45 of 2019) and its approval thereof without amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*(The Temporary Deputy Speaker  
(Hon. Christopher Omulele) on the chair)*

**REPORT AND THIRD READING**

## THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us have the Chairperson.

**Hon. Patrick Mariru** (Laikipia West, JP): Thank you, Hon. Temporary Deputy Speaker. I beg to report that the Committee of the Whole House has considered the Parliamentary Pensions (Amendment) Bill (National Assembly Bill No.45 of 2019) and its approval thereof without amendments.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well. Let us have the Mover of the Bill.

**Hon. John Mbadi** (Suba South, ODM): Hon. Temporary Deputy Speaker, I beg to move that the House do agree with the Committee in the said Report.

I request Hon. Gladys Wanga, the Chair, Departmental Committee on Finance and National Planning, to second the Motion for agreement with the Report.

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

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Hon. Temporary Deputy Speaker, I second.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Is it the view of the House that we put the Question?

**Hon. Members:** Yes.

*(Question put and agreed to)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us have the Mover of the Bill.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Temporary Deputy Speaker. I beg to move that the Parliamentary Pensions (Amendment) Bill (National Assembly Bill No.45 of 2019) be now read the Third Time.

I just have a few comments to make. First, I want to sincerely thank the House for supporting this Bill. Some of the MPs who served from 1983 to 2001 and are pensionable, as we speak, actually earn peanuts in the name of pensions. Some of them earn as low as Kshs6,000 per month and that is why we have brought this to correct that so that, at least, they get Kshs100,000 per month. The money that most of these people need is basically for medication. Many of them are aging and are sickly, but they have nothing to even buy medicine.

I have seen some reports, especially by Mr. Ndugu Wainaina, who wrote about a few things that I think were informed by lack of understanding of what is in the Bill. He was questioning whether the Pensions Act was in existence during the time that the former MPs we are proposing to get pensions were in service. In fact, my answer to him is that that is the reason this Bill is covering that period from 1983. The Parliamentary Pensions Act came into effect in 1983. That is why we could not go earlier than 1983. You could not make MPs who served at a period when the

Act was not in existence to benefit. So, this is not being applied in retrospect. Rather it is being applied to those who are already pensionable. It is only that the amounts that they are getting are too low.

This is also supported by the reports of the two tribunals. This case did not just appear from nowhere. There are two tribunals that were set up by this House through the Parliamentary Service Commission - the Majid Cocker Tribunal and the Akiwumi Tribunal. The two tribunals spoke to this matter and advised that we should consider raising the minimum pension to Ksh100,000. Therefore, going forward, any MP who is pensionable and is getting less than Ksh100,000 should, at least, get Ksh100,000 so that they are able to meet a few of their expenses.

Finally, in terms of burden to the taxpayers, that is one of the reasons we consulted with the Chair, Departmental Committee on Finance and National Planning, the Leader of the Majority Party and even the former Leader of the Majority Party. We were in agreement that these MPs deserve to get backdating of these payments to 2010 because that is the time that Akiwumi Tribunal Report was adopted by Parliament. Sections of that Report have been implemented. It is only this provision that has not been implemented. So, it would have made sense to backdate it to 2010. However, looking at the economic condition of the country and the pandemic that we have, we felt it may not be desirable to backdate. So, we want to plead with these former MPs, wherever they are, that if the President assents to this Bill, at least they will get something per month from the date of assent to enable them meet their basic requirements.

The number of pensionable MPs has now reduced significantly. They are just about 150. I was working on the statistics of their payments. If you work with an average increment of Ksh80,000 per month per Member without even factoring taxation, because this will still be taxed, the country will incur Ksh144 million in the first year. I do not think that is too much pressure on our budget.

I want to conclude by thanking the Members for supporting the former MPs. I know there was the question about those who have served for only one term. Let us consider it in a separate Bill which is coming to this House because for this one, there was only one objective. These former MPs have been crying and they look so miserable. In fact, if you meet them, you will sympathise with them. So, I thank Hon. Members. However, the other matter we can consider is the Hon. Mwadime's Bill. We need to discuss with the Treasury to see if it can be accommodated.

There is something Hon. Duale raised regarding the opinion of the Treasury. This matter came to the Budget and Appropriations Committee as a requirement of Article 114 of the Constitution. Having discussed with the Treasury... Actually, the Treasury was initially opposed to the entire Bill, but we discussed and agreed that we can shelve the arrears up to 2010 to allow these former MPs to benefit.

I saw some analysis in the media that about 130 widows and widowers of the former MPs will also get pensions. I do not know where that opinion is coming from because if you are already dead when the law is amended, you cannot benefit. So, the widows and widowers of the former MPs cannot benefit. That was also misinformation.

Allow me to move and, again, request Hon. Wanga to second. Thank you, Hon. Temporary Deputy Speaker.

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

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to second this very important amendment Bill by Hon. Mbadi, and to thank him for bringing it. This is because, as he has correctly pointed out, if you meet these MPs who

served between 1984 and 2001, this amount we are increasing is basically not to take care of any luxury, but to take care of their basic needs.

As we look at Hon. Mwadime's Bill in the afternoon, that is the amendment No.3 of the...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Hon. Members to the left of the Speaker, you must be alive to the requirements of the COVID-19 rules of this House. You are offending those provisions.

*(Hon. Anthony Oluoch consulted loudly)*

Hon. Oluoch, you must be observant of these rules. Please, just observe these rules. It is important because it will save your life. Proceed, Hon. Wanga.

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Thank you, Hon. Temporary Deputy Speaker. One of the things that we will be looking at is how to set up a contributory scheme for medical purposes for MPs who served in the past and also the ones serving at the very moment so that we can cover that as well.

On the concern of Hon. Duale, and I will avail to him the comments that were made by the Treasury to the Committee, the Treasury, as Hon. Mbadi has correctly pointed out, was concerned about the arrears from 2010 which amount to Ksh1.15 billion. Under the circumstances, this was the major concern for the Treasury and that was the reason we dropped the amendments of the Committee that were requiring that these benefits be backdated to 2010. So, those concerns have been covered and as the Leader of the Minority Party has correctly pointed out, the amount now is not prohibitive.

The other amendment we dropped was the one for reducing the number of terms to be served to qualify a Member to earn pension from two terms to one term. That is also another amendment that we have dropped and we hope to consider it comprehensively when we are dealing with more comprehensive amendments. So, right now, it is only a light basket to take care of those Members who are in a very difficult position at the moment. Let us not misinform the public on this matter by saying that we are trying to award ourselves any pecuniary benefits.

With those few remarks, I beg to second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): I will allow a few comments on this. Hon. Duale had shown a lot of interest. We will start with him.

**Hon. Aden Duale** (Garissa Township, JP): Thank you, Hon. Temporary Deputy Speaker. This is a Bill that I have supported but it is good to look at the Bill from both sides of the coin. First, I want to thank the Committee and Hon. Mbadi for agreeing, at least, to drop that element of backdating it. That was to cost the taxpayer close to about between Kshs1.5 to Kshs2 billion a year. We are not very popular with the people of Kenya. The issue of amending the two terms to one is a very controversial matter. It is very controversial, let us say it. This House cannot act in vain. You remember the Bill on Hon. Wakapee where it is only two clauses and the President rejected both and returned it and the Bill died.

Article 114 of the Constitution requires consultation with the National Treasury. The National Treasury provided a very adverse opinion on this Bill. That is why I was asking the Chair of the Departmental Committee on Finance and National Planning to, at least, provide me with that copy. It should go on record that the opinion they gave is very adverse. So, by the National

Treasury providing that adverse opinion, from my experience as the former the Leader of the Majority Party, a consultation between the Office of the Attorney-General (AG) which is the State Law Office and the Ministry concerned takes place once the vellum has been prepared. If at this stage they have given an adverse opinion, there is high likelihood that they will give a more adverse opinion to the President when it comes to signing this Bill.

Secondly, the element of the financial sustainability is a very crucial thing that we must understand. Taking into account the situation of the economy now, this Bill will cause serious strain to the Exchequer. I think we must live to the fact that this is going to incite all the other sectors within the Civil Service. Like currently, we are increasing for the Members of Parliament (MPs). What will stop a Permanent Secretary (PS) or another civil servant from saying “my pension must also be increased”?

I hope and pray that the Chair of the Committee and the Leader of the Majority Party do a further consultation with the National Treasury once the vellums are ready. That is so that they do not take that same adverse opinion to the person who assents it to law. That is because this Bill will not go to the Senate. In my opinion, this Bill does not concern counties. I think the Senators have only served for one term. They should not be worried. It is the second team of Senators which is now in the House. Because this is a Bill I really wanted and I supported Hon. Mbadi, it is good that I raise these two issues. One, it will create a spiral effect within the Civil Service in that if the MPs can increase their pension to Kshs100,000, what about us? What about those of us who are in the Civil Service? Of course, you know the laws that this House has passed on the fair administration of justice and the provisions in the Constitution on discrimination. We do not want this Bill to die. We want this Bill to survive.

Why did we say that we must increase? If you see some of the MPs currently, those who come around here, they earn about Kshs32,000 to Kshs33,000. Some of them earn Kshs40,000. With the current situation, you know what Kshs32,000 is. It cannot even be fare, if the Member is coming from Migori. Let us say the first Member of Suna, maybe it was not even called Suna East but something else at that time, is coming all the way from there to Nairobi. I do not think whether it will serve him even the transport and the accommodation. That was the reason. You know it is good to protect the dignity of leaders. I hope the leadership and even our Speaker should deal with the matter of the adverse opinion by the National Treasury. We must be alive to the fact that this is going to cost more spiralling within the Civil Service.

But I am very happy that we have dealt with the issue of backdating. It was a very serious issue in terms of sustainability in paying within the Exchequer. I beg to support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us now hear Hon. Ali Athman, the Member for Lamu East.

**Hon. Ali Sharif** (Lamu East, JP): Thank you, Hon. Temporary Deputy Speaker. I wanted to contribute on the last Motion, the one on the NG-CDF.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well, Hon. Athman. We will now move to Hon. Kositany, the Member for Soy. Hon. Kositany is not desiring to be in the House. We shall now move to Hon. Junet Sheikh, the Member for Suna East.

**Hon. Junet Nuh** (Suna East, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to, first, thank the Committee and the owner of the Bill. This Bill is very timely and is going to alleviate problems that we have seen our former colleagues face.

If you look at the age bracket of the former MPs this Bill is targeting, these are people who are in dire need of assistance. Some of them are of old age. They are about 70 and 80 years. I



attended the burial of one or two. They were really in dire need of help. They were buried as destitutes.

Having said that, I want to agree with the former Leader of the Majority Party that it might spiral into other parts of the Civil Service, but the issue of Article 114 of the Constitution is partly an advice. It is supposed to advise. That is why Bills are taken to the Budget and Appropriations Committee so that they decide on the issue properly. If the National Treasury has advised in one way or the other, it is the prerogative of the Committee to either agree with them or not to agree. It is because this is part of the law-making process. It cannot stop at a certain point because of the Executive part of the Government saying that they will not agree. The head of the Executive will in the end have a say in the Bill; he can either agree or disagree with what we pass but the element of the National Treasury is an advisory part.

Having said that, I want to thank the Committee. When some of these former Members of Parliament come here, you will have mercy for them because if you look at their shoes, you will be shocked. You cannot look at them. Remember that one time you will also become a former Member of Parliament. You will even miss money to buy medicines. So, this is one Bill that we must support by all means in solidarity with our former colleagues who are in their old age. Some of them are as old as 60, 70 and 80 years. They are in the sunset years of their lives.

With those few remarks, I support and urge the President to assent to this Bill.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Leader of the Minority Party, you have the Floor.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Temporary Deputy Speaker. I want to inform the House and my Party Whip, who is right that Article 144 of the Constitution says that if it is a money Bill like this one, it must go to the Budget and Appropriations Committee for pre-publication scrutiny. Its publication will only proceed in line with the advice of the Budget and Appropriations Committee after it has consulted with the National Treasury. All this was done. The National Treasury had a feeling that the Bill should not proceed. However, after consulting, certain aspects of the Bill were dropped by the Budget and Appropriations Committee. One of them was backdating the payments to 2010 and including Members who served for one term. The Bill went for publication minus those provisions. So, we met the legal requirements. That is what I wanted to add to what the Minority Whip has said.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Leader of Minority Party, you are on point. However, the pre-publication scrutiny rule is something that this House needs to re-visit. A lot of Private Members' Bills find their graveyard at the pre-publication scrutiny stage, where Members of the Committee sit on other Members' proposals. The Leader of Majority Party, do you have something to say?

**Hon. Amos Kimunya** (Kipipiri, JP): Thank you, Hon. Temporary Deputy Speaker. We are at the Third Reading of this Bill. Unfortunately, so many comments that are coming up now ought to have been canvassed during the Second Reading. Members need to know when to debate a Bill. The House has already decided that it is in the best public interest to have this Bill passed this way. We should not second-guess the actions of the President. Doing so is tantamount to discussing the President in this House – that he is likely to act in a particular manner or not. Let us cross the bridge when we get there. If there is anyone who should be bringing that information, it should be me and not any other person.

(Applause)

So, let us be fair to Members who have served this Parliament. They are pensionable in the first instance. They are already on pension. We are not giving them pension; what we are doing is to bring their pension of Kshs6,000 to its present day value. If somebody was entitled to Kshs6,000 20 years ago, what is the current values of Kshs6,000 today so that they can be cushioned against the vagaries of inflation? They served this country with honour and dignity. It would be unfortunate for us to let them go out indignity. This is something we need to look at not just for Members of Parliament but also for sports people that we see suffering after bringing honour and glory to this country, but whom we abandon at their hour of need.

*(Applause)*

I want to thank the House for this decision, and thank the Leader of the Minority Party and his party for sponsoring this Bill. We can canvass other decisions when we will be looking at the Bill sponsored by the Committee on the Parliamentary pensions, when it will be before the House this afternoon. It is then that we can have a robust debate on the pros and cons of the Bill and what to do in between. On matters to do with what the President is likely to do, I would ask the House to preserve that for me to advise the House.

Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Leader of Majority Party, you want to have the prerogative and the sole space for determining what the President might.... It is the business of this House to think of what the President might do with the laws that we pass here. The last comment will be from Hon. Wanyonyi, the Member for Kwanza.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute on this important Bill.

At the onset, I want to correct the Leader of the Majority Party. This House debates and makes resolutions for the people we represent. Take it from me, the President must be informed. You go there on our behalf. We are trying to help you to get more points to convince His Excellency the President to assent to this Bill.

As it has been mentioned by many Members of this House, our colleagues, former MPs in this country are living in....

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hold on, Hon. Wanyonyi. Chair of Departmental Committee on Finance and National Planning, please go back to your seat.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Yes, social distancing.

Hon. Temporary Deputy Speaker, at one time, the situation was so pathetic that a former MP travelled all the way from Nyanza and when he got here, he could not find his relatives. I had to house him. He was not able to get a place to stay. This Bill is timely. I want to inform the Leader of the Majority Party to get to His Excellency the President and let him assent to this Bill as soon as possible. We need this Bill signed into law because our people are suffering. I have seen you talk to some of them out there.

I am told there are cases of some former MPs not having contributed to the Pension Fund. That is not their problem. The problem is this House, which ought to have passed an Act of Parliament in as far as pensions are concerned. So, we should not have any fear on this one. I want to encourage those going to represent this House that should there be need, I have amendments I have discussed with the Chair of the Departmental Committee on Finance and National Planning, and the Leader of the Minority Party. I have shelved them until this afternoon. I support this Bill, and I hope and pray that it will be assented to as soon as possible.

Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, having confirmed that we have the requisite quorum for purposes of making this decision, I will put the Question.

*(Question put and agreed to)*

*(The Bill was accordingly read  
the Third Time and passed)*

Next Order!

*Second Reading*

THE PUBLIC SERVICE (VALUES AND PRINCIPLES) (AMENDMENT) BILL

*(Hon. Andrew Mwadime on 4.3.2020 - Morning Sitting)*

*(Resumption of Debate interrupted on 4.3.2020 - Morning Sitting)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Maanzo, today you are on that side. You are first on my list.

**Hon. Daniel Maanzo** (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute on this very important Bill. The public service has regulations set by the Head of the Civil Service. Those regulations had for a long time not yet become law. As far as I am aware, those regulations operated as a practice. It is very important to make them law. This also goes to Article 10 of the Constitution. It would be good that we have a legal code of conduct. The regulations just used to be practice and were not based on any law. They were formulated by the Head of the Civil Service. The moment you put it in law, there are expectations of people who serve the public. The main idea is service to the people and to humanity. A lot has been done by people in public service. The people in public service are very educated, experienced and useful to the country for what they do. So, formalising these rules will be good practice. I beg to support.

Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Kaunya Oku, Member for Teso North.

**Hon. Oku Kaunya** (Teso North, ANC): Thank you very much, Hon. Temporary Deputy Speaker. I beg to support this Bill. It is a very important aspect in public service progression. It is important because public service is the backbone of the country's development. Whether we look at issues to do with recruitment or issues to do with progression and welfare in the public service, these regulations will help in improving performance. So I beg to support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Tuitoek, Member for Mogotio.

**Hon. Daniel Tuitoek** (Mogotio, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to comment on these regulations. I support the Bill. We have so many

youths who do not have jobs. Good regulations will enable many people to be recruited on merit and provide an opportunity for diversity. For that reason, I beg to support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Buyu Akinyi, Member for Kisumu.

**Hon. (Ms.) Rozaah Buyu** (Kisumu CWR, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I beg to support. Indeed, values and principles must be the guiding factors in terms of engagement for any opportunities. That, of course, leads to fairness and good practices. I beg to support, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Mizighi, Member for Taita.

**Hon. (Ms.) Haika Mizighi** (Taita Taveta CWR, JP): Asante, Mhe. Naibu Spika wa Muda. Hata mimi naunga mkono. Kwa sasa tunao vijana wengi ambao wanahitaji kazi. Ninaunga mkono kwasababu hii sheria itapatiana mwelekeo mzuri.

Asante.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Were Ong'ondo, Member for Kasipul.

**Hon. Charles Ong'ondo** (Kasipul, ODM): Thank you, Hon. Temporary Deputy Speaker. I am waiting for Order No. 11. Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Passaris Rosanna, Member for Nairobi.

**Hon. (Ms.) Esther Passaris** (Nairobi CWR, ODM): *(off record)*

*(Technical hitch)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well spoken. Very good principles espoused. But I was just wondering: When you come from certain communities—of course we should be inclusive; she has spoken to inclusivity in the nation known as Kenya—the difficulty sometimes comes in when you come from a certain part of the country that is perceived to be partaking of a larger portion of the national cake and you have better qualifications for a certain position than a competitor who comes from a community that is perceived to not be partaking in the national cake. And then you are told to step aside because this person with lesser qualifications has to take the job. It is difficult. It is our challenge. We must face it and make sure that every Kenyan feels that he is a part of the country. Very well spoken, Member for Nairobi.

We will now have contribution from Hon. Hulufu Oda, Member for Isiolo North.

**Hon. Hassan Hulufu** (Isiolo North, KPP): Thank you, Hon. Temporary Deputy Speaker. This is a small amendment. It relates to the amendment of Section 16 of Public Service (Values and Principles Act). It is very much in order. The principal Act in terms of knowing what is supposed to be reported did not provide some crucial information. The amendment which is proposed and which I support, actually, brings in the aspect of reporting annually to His Excellency the President and also, to Parliament. There are specific things which were not in the principal Act which were being proposed to be included in terms of reporting. The important ones are actually the composition of the public service. All the service commissions will be required to report on the number of people who are employed, the agenda and also, their ethnicity and so forth.

As a country, most of the times we complain that certain ethnic groups are nominated in certain commissions or sectors while others are left out. Therefore, when this information is provided by the various commissions - national commissions, county public service commissions

and constitutional commissions - then His Excellency the President and we, Members of Parliament, who undertake oversight role will be discussing these issues from a point of information. This is so that when we say certain ethnic groups or certain regions are underrepresented or overrepresented, we will be arguing from a point of fact. Therefore, the various recommendations which will be put across to correct those anomalies will be guided by facts. This being a short amendment, I wish to support it. It will help us to achieve the values and principles of public service as provided by Article 232 of our Constitution.

Thank you very much. I support the amendment.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Mwirigi, Member for Igembe South. Kindly have the Floor.

**Hon. John Paul** (Igembe South, Independent): Thank you, Hon. Temporary Deputy Speaker. I rise to support the amendment.

In this country, young people are more disadvantaged as far as employment is concerned. It is high time the Public Service Commission annually provided a report of the people or persons who are employed each year so that we can get a clear picture of the employment that takes place in this country.

Currently, people are suffering due to COVID-19 pandemic. There are proposals by the Government to give us employment. However, if you go outside there are very few people who are employed. They are calling upon the Ethics and Anti-Corruption Commission to take up the matter because if you are not inclined to a certain person or area, you are not considered as far as employment is concerned.

Inclusivity during employment is of much importance, regardless of the community you come from. You are supposed to be given the opportunity to get a job. In many cases, some of the people are discriminated against maybe because of their names. We hear that certain communities benefit from some specific employment while leaving out others.

Young people in this country are being discriminated against a lot because of the age and lack of experience. I was elected by the people of Igembe South Constituency having not done any job elsewhere yet I am delivering to them. So, matters experience should be put aside so that, at least, young people can benefit from employment in this country.

When young people are not engaged in activities, they engage in crime. It is not right to see the young people of this country being killed because they have engaged in illegal acts whereas they have the capacity and ability to do something which is beneficial to this country.

With that, I beg to support. Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Wanyonyi, the Member for Westlands Constituency. Kindly have the Floor. Leader of the Majority Party, I have seen you. You will speak after Hon. Wanyonyi.

**Hon. Tim Wanyonyi** (Westlands, ODM): Thank you, Hon. Temporary Deputy Speaker for this opportunity.

The Public Service Commission is a very important agency for employing Kenyans. The people who are left out every time this criterion is followed are persons living with disabilities. We have the Persons with Disabilities Act which provides that 5 per cent of the Civil Service should be given to the people with disabilities. There are people with disabilities who are qualified. Some have everything that meets the criteria for employment but you will find that they are left out. In fact, the environment at the place of work makes employers think that employing a person with disabilities is an expensive affair. I believe that we should critically look into this so that all

Kenyans are given an equal opportunity to access job opportunities. This is an area that makes people to subject them to abject poverty and suffering because of denial to access employment.

The Civil Service is important for improving the quality of life for people. We should, therefore, consider all aspects when employing people and give equal opportunities to Kenyans who have met the required qualifications.

Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Leader of the Majority Party, do you want to weigh in?

**Hon. Amos Kimunya** (Kipipiri, JP): Yes. I would like to join my colleagues in supporting this amendment which aims to further help in accountability on the realisation of the national values as articulated in Article 232 of the Constitution which among other things require that there should be diversity. This not just in terms of regions but also in terms of age, gender and inclusivity. This is so that all Kenyans can be included. However, most importantly, it emphasizes the higher standards of professional ethics, meritocracy and fair competition in recruitment.

It will be good to see how all that has been captured within the reports from each of the commissions, including the service commissions. I am talking about both county commissions and national service commissions. We need to see how those values have been captured in the framework for people who serve this nation.

Hon. Temporary Deputy Speaker, it is obviously a good amendment. We hope it will improve on accountability and force people to think about the future because they will be called to account for their actions.

Hon. Temporary Deputy Speaker, I am taking cue from a comment you may have made in passing. When this accountability is called for, there is also a danger that a report such as this one could easily be used negatively. For example, it could be used to deny certain people who merit appointment that opportunity. They may not be appointed because of having exhausted their quota. I was very keen when Hon. Mwirigi was talking because he is a youth. His emphasis is on the youth. Much as we are told that people who are over 60 years of age are more productive, there is also clamour that we involve younger people. So, if you apply and you are over 50 years you are likely to be told, based on this report, that your age quota has already been exhausted.

I hope to see adverts coming up in future saying that for this position, anyone over 45 years need not apply because their quota has been exhausted. That will obviously counter Article 27 of the Constitution which says nobody should be discriminated on account of their age. So, it is something that we need to look at. It is a good thing but we need to appreciate its importance and use by balancing the various interests. Similarly, there are some communities whose people, because of history, have been recruited on permanent and pensionable terms. Those people are still in service...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Leader of the Majority Party, recently in this House, we had an interesting case of an appointment to the Teachers Service Commission (TSC). I am talking about Counsel Mbage, whom we had sought to discriminate on the basis of age. However, this House agreed unanimously that we should not discriminate on the basis of age. So it is a conundrum really, but proceed.

**Hon. Amos Kimunya** (Kipipiri, JP): Thank you for that reminder. I am bringing this point because when these laws will be subjected to some challenge in future, the courts will then be coming here to ask what the wisdom of this House was in passing this law. It is not, obviously, to bar anyone from being recruited. We are passing this law to enhance the quality of disclosure in terms of how the various commissions have actualised the values. What challenges are they

having? Issues such as persons over the age of 60 years could come up and yet we are not supposed to discriminate against them much as we need younger blood. We should not go against Article 27 of the Constitution.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Leader of the Majority Party, I will give you one minute. You should remember that we have limited the time now. However, you could finalise.

**Hon. Amos Kimunya** (Kipipiri, JP): I still have my 10 minutes.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): You still do? Alright.

**Hon. Amos Kimunya** (Kipipiri, JP): Yes, but I will not take the whole 10 minutes because I want Members to contribute.

I wanted to put the caveat that as we legislate, we must not allow this positive reporting to be used negatively against people that their quota is exhausted either on the basis of gender, age or disability. People must not be turned away because their 5 per cent has already been exhausted.

We are looking at each commission's report. So, we are going to have several reports. I urge that we get the different disaggregated reports from each of these commissions. As a House and for us to appreciate the full picture of the diversity and distribution at the national level, we will need an aggregation of all reports.

There is no law that provides for this but I hope we can have a framework so that we do not make a decision based on PSC or TSC of bringing reports and Nyandarua County Assembly brings a report showing that 70 per cent of the people are from Nyandarua. But, after looking at Nakuru you can balance the different 47 reports and see them in totality.

So, we will need to get an aggregated report that will help us understand how Kenyans are spread in terms of age, gender, ability and people living with disability. This is because as a country we want to ensure that even in line with Sustainable Development Goals (SDGs) nobody is left behind. We want to make sure that everyone is brought into the national service bringing diversity in their contribution.

Hon. Temporary Deputy Speaker, if the caveats can be incorporated somehow into the future in the interpretation, I will support this Bill.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Thank you, Leader of the Majority Party. In SDGs nobody should be left behind. All of us should move together. Hon. Chepkut, Member for Ainabkoi.

**Hon. William Chepkut** (Ainabkoi, Independent): Thank you, Hon. Temporary Deputy Speaker. I rise to support. The public service is the nerve system of this country. I would like to address diversity, distribution, inclusivity, values, principles and great virtues.

We have 43 tribes in this country. It does not matter what tribe you come from. It is all about meritocracy, qualifications, performance, abilities and capacities. Allow me to comment on the Wanyore. My great bosses the late *Waziri* Biwott and President Moi loved the Wanyore people because of trust and performance. The late Permanent Secretary Ambuka who happened to have been the District Commissioner (DC) of Elgeyo Marakwet District was promoted because of his performance.

Today, 70 per cent of the total population of this country is composed of the youth. They do not have experience but qualifications. For the senior positions in this Republic, we should include people aged 60 years and above and 30 years and below. Age does not matter. As you age, the degree of greed is very low. Hon. Temporary Deputy Speaker, you have told us about Karanja Kabange who was appointed at the age of 65 years because of meritocracy and qualifications.

I have been a public servant and gazetted officer of this Republic of Kenya in public administration. Progression is the biggest problem. You stay in a job group for so long without promotion. So, we want progression and motivation. We want the Public Service Commission to inject motivation and progression. Promote people according to their performance. Again, I want inclusivity. I want the 43 tribes to be included.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Member for Ainabkoi, just hold on. There is a point of order from the Member for Kisumu, Hon. Rozaah.

**Hon. (Ms.) RozaahBuyu** (Kisumu CWR, ODM): Thank you, Hon. Temporary Deputy Speaker. Is it in order for the current speaker to actually insinuate that age is the determining factor of greed or corruption given what happens in this country many times?

**Hon. William Chepkut** (Ainabkoi, Independent): Point noted. All I was saying is in employment...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Chepkut, you have corrected yourself. I think greed cannot be associated with any age. I think it is personal. The commissioner you referred to is not Karanja. He is Ng'ang'a Mbage.

**Hon. William Chepkut** (Ainabkoi, Independent): Sorry. I was only corrected.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): All the same, we must condemn greed in whatever age it manifests.

**Hon. William Chepkut** (Ainabkoi, Independent): I condemn it in the strongest terms possible. Leadership is a calling from God to serve humanity with justice, fairness and integrity as opposed to personal greed and sycophancy. I know what is happening in this country. We are facing political turbulence but I thank His Excellency the five star general because he is a great...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Chepkut, you have run out of time. I heard protestations when I gave you the opportunity to speak that you have just walked in. You were actually on top of my list when you got the opportunity to speak. We also try to be fair here. We shall have Hon. King'ola Makau. Hon. Bunyasi I see you. You are very close to speaking. Just hold on your horses. You will speak. Let us have Hon. King'ola.

**Hon. Patrick Makau** (Mavoko, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for allowing me to weigh in on this Public Service (Values and Principles) (Amendment) Bill. I join my colleagues who agree that it is about equity, diversity and equal opportunity for every Kenyan. Public service is the only sustainable job that Kenyans can get. It has security of tenure. If not well distributed, it will go to some sectors and regions and discrimination will arise. We have seen in the past a few accounting officers do not even adhere to the public service principles. They will employ their own without caring. Today in this country we have so many graduates and qualified youth, men and women. However, because of where you come from, it may deny you an opportunity. I think this House has the opportunity to implement and make sure that anybody going against this faces the law accordingly.

Sometimes it takes me aback. You walk into a public office and you find more than 50 per cent of the personnel come from the same region or speak in the same language and yet it is in our Constitution that a certain number of people from the same ethnic group should not work at the same place. However when you walk to these offices, because of impunity and what the previous speaker said – greed – someone fills an office with his relatives and tribesmen. I think it is high time we started fighting corruption from within. The National Assembly and Parliament is the epicentre of fighting corruption. I think this Motion is timely. In a time like this during Coronavirus, there are so many avenues and opportunities that have been given but information on employment opportunities in the public service is not given. So, many Kenyans will not have



access to information. Sometimes it is put in so small adverts in the dailies that you cannot see or if they put it today, tomorrow there are interviews. So, you can image someone who is in Turkana or Lamu and the interviews are being done in Nairobi. How will they participate?

Hon. Temporary Deputy Speaker, it is high time that if there is a public service job opportunity, it is advertised in good time, so that every Kenyan who qualifies can have an opportunity to participate in the selection process. That is the only way we can improve our loyalty. Unless that is done, our youth will grow up with the attitude that you must give something for you to get something. We should streamline our laws so that Kenyans can benefit from the public service. We must have equity and equality put together, so that Kenyans can feel that the national Government is doing justifiable distribution of job opportunities in the public service.

I support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Sakwa Bunyasi.

**Hon. Sakwa Bunyasi** (Nambale, ANC): Thank you, Hon. Temporary Deputy Speaker. I almost thought that my request button is not working but it is actually working.

I do support any move towards strengthening our value system and working within principles. If we followed that, we would not be where we are in terms of the contestation amongst our diversities. Going forward, there is always time to correct ourselves and do things differently. However, if we are going to do that, as leaders we must learn to speak the truth to the authorities and to ourselves. We have come from an era during which political formations prescribed details that distorted any kind of balance.

I would ask that the Registrar of Political Parties, in reviewing coalition agreements, must look into those clauses that say that we shall divide all positions in half. If it is a two-way contest, it means that largely, there will be two communities in it even though they may attempt to increase the communities within the duos that enter these agreements. We must all be restrained explicitly. That is one.

Secondly, the reporting arrangement has to be clear. How shall we know that it is being done even when it is agreed? The reporting arrangement needs to be clear and the violations need to be punished via election officers who manage, sit and preside over arrangements that distort this extremely important, though soft, considerations that this country needs at a time like this. I would expect that other than the Office of the Auditor General that should also look at this, any other agency should also report explicitly on it.

When we do vetting here and accept recruitments, but there is no evidence that this institution is hiring in an efficient and diverse way, the argument that we sometimes get from amongst ourselves – that they are Kenyans – is unacceptable. Of course, they are all Kenyans. In fact, that is really not the issue. The point is that the relevant institutions should report at the end of the statutory period, confirming that they have hired an additional person and indicating what their demographic map would look like in their institutions or looking back into a year from the time they last hired. It is extremely important.

However, I have one concern. We are at a transitional stage as communities in the modern era. We are still exclusively concerned - to a large extent - about where our mothers and fathers came from. That is the thing that defines our ethnicity.

Going forward in the modern economy, we have to think about residence. If somebody is from Nambale in Busia and is a resident of Nairobi or was born in Nairobi, and is applying as a resident of Nairobi, you cannot categorise them or re-categorise them by virtue of their names or where their parents came from. That is retrogressive. We must grow to a point where residence progressively becomes the necessary consideration.

It is possible that you may be Bunyasi born in Nambale but probably moved over to Kilifi. They cannot retrace me back to where I moved from, sold my land and bought land elsewhere. People might say that if we did that, we may be converging into a single ethnicity. I find it completely depressing that if I am from Nambale and I live in Nairobi or Nakuru, I am not considered by virtue of where I live or where I have invested. I am considered by virtue of where my parents were at the time that I was born. That is also retrogressive. We need to have a proper look at it.

Cases where in institutions...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Bunyasi, I will allow you to continue. I do think your time had lapsed. You still had a minute.

**Hon. Sakwa Bunyasi** (Nambale, ANC): That is an ambush.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): I will allow you one more minute.

**Hon. Sakwa Bunyasi** (Nambale, ANC): Thank you, Hon. Temporary Deputy Speaker. That distorted my train of thought.

In the olden days, some institutions could function in a single language. We must move away from that. If we do not, we are headed to a very bad place. The example that has been given about Tanzania is very helpful. We should look at it.

As I conclude, let us temper ethnicity with some other consideration such as residency.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Bunyasi, I always enjoy your contributions in this House. The ethnic fixation of where one comes from runs contrary to what our Constitution states. Every Kenyan has a right to stay in any area of the country. Kenya should have one title deed so that all of us belong to Kenya. That is the title we should protect. Very well spoken, Hon. Bunyasi.

Let us have Hon. Wachira Kabinga, Member for Mwea.

**Hon. Josphat Kabinga** (Mwea, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this chance to contribute to this Bill.

The Bill simply wants to amend Section 232 of our Constitution by introducing a requirement of an annual reporting on our human resource especially in the public service, the county assemblies and the county public service boards. This is a good requirement. It is good for Kenyans to know who is out there.

As many speakers have alluded, it is important that we look at this reporting in a very sober manner so that we do not bring politics into it. Such a report, as alluded to by the Leader of the Majority Party, can be used positively or negatively. It is important for us as Kenyans to know where we are coming from so as to understand where we want to go. This is a country where every Kenyan has a right to choose where to stay. If I choose to stay in Kisumu and I am profiled by my name, I will be discriminated in Kisumu.

It is equally important for us to know that even as you look at the statistics in the public service and those profiled names, you must also, alongside that, equip yourself with the statistics of the population. There can be some people who are too many not only in an office but also out there, including mortuary and those that have been affected by COVID-19. Therefore as we, Kenyans, prepare ourselves to make use of this Report, we must avoid the political economy of the Bill or politicising the Bill. This has been a problem. It is high time that Kenyans started looking at each other as walking alongside each other but not to look behind and blame each other instead of finding ways of building this nation as one. There are some people who keep on looking behind and talking about how there has been or there is marginalisation without facts of the present day.

Hon. Temporary Deputy Speaker, there is a requirement that counties must employ a certain percentage of people from outside their counties. It is now becoming necessary for us to hear from some of the counties that have been complaining in the past to see how they are performing on that particular requirement. If these statistics are used positively, they will start correcting some of those thinkings. Therefore, I urge our fellow Kenyans, and especially those in this Parliament, that whenever a Motion is brought on the Floor of the House, let us look at it in a very sober manner. When we have important Bills, let us not use history and the past to judge the future and present. This is why we have a small problem in our other House because Members are not looking at issues in the present but with some history and baggage that they are carrying from the past. Let us live in the present. Even in this House, I always have a feeling that we need to review some of the things that exist, including our National Government Constituencies Development Fund (NG-CDF) which talks about equality but not equity. When such a debate comes on the Floor of the House, let us look at it in a sober manner but not in the eye of some certain tribes. Let us look at it as Kenyans.

Finally, it is important that we pass a Bill in this House that will ensure that only one language, Kiswahili, is used in some of these public offices, and any other becomes a crime.

I support the Bill, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Wangwe.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. At the outset, allow me to thank Hon. Mwadime Andrew for giving us this wonderful Bill which is timely. I am so grateful to speak on it. Allow me to support it. It comes at a time when statistics are telling us that most of our civil servants comprise of people who are 46 years of age to 60 and most of them have gone home. We are all alive to the fact that there is COVID-19. Most of the civil servants have gone home and they are technologically not very much informed.

Why am I speaking on that? It is because we see a scenario where the youth are likely to be called upon to at least improve the Civil Service or work in the public service. As these people join there, most of them work as interns. Moreover, others will be employed. When this young generation comes in, the letter that begins with your surname should not determine how you will get employed. Let not an “O” mean Odhiambo who cannot employ “K” which means Kimani. Let us hear a scenario where Wafula sits next to Kimani and Odhiambo. Therefore, the Bill is very timely. I urge that it be assented to immediately after this process, so that we can see and enjoy the fruits of this Bill.

Hon. Temporary Deputy Speaker, this Bill speaks to independent commissions, the PSC and to the County Public Service Boards (CPSBs). When you look at the issue from the national angle to the CPSBs, in a county with 12 constituencies like ours, you are likely to find that employment of staff is maybe and most probably favouring a few sub-counties and leaving others.

Therefore, universality of employment is going to be accessed from this House. Once the returns are brought back to this House, at the end of the year, through the Committee on Implementation, we should be able to follow-up and confirm that the situation is corrected and the people who deserve to be employed are rationalised.

Hon. Temporary Deputy Speaker, we want to speak as one Kenya and one people. Why is it that when we go out for sporting, we all celebrated when we saw Mr. Eluid Kipchoge shining at one minute and 59 second? We all become one country and one people. We all united behind Mr. Eluid Kipchoge. We would also want to unite behind all of us in terms of employment and we would not want to see a scenario where a section of the community is favoured against another.

Therefore, this Bill is very timely and it is really good. I would want to support it and urge my colleagues to support it too.

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

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well. Hon. Musimba, you may have the Floor.

**Hon. (Dr.) Patrick Musimba** (Kibwezi West, Independent): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. It is indeed a momentous thing to have a Bill such as this discussing values and principles. The overriding responsibility unto every Kenyan, as you are being employed, is about the lives and livelihoods of our Kenyan people as opposed to where you are coming from and the balances that are there. It is good that the Report calls upon all the service commissions to give us a listing on a year-to-year basis.

However, I want to echo one of the things that Hon. Munyasi said: that equally, there must also be penalties for non-adherence to the law once we pass it. That in the event that a certain service commission be it the PSC, the Parliamentary Service Commission or the Judicial Service Commission (JSC) does not adhere to these principles, then the accounting officer or the Human Resource (HR) officers are held to account.

This leads us to go to the next level where Kenya ought to have one singular hiring body, which is harmonised for all the counties and the service commissions, so that we have a first-in-first-out basis in terms of applications. So that the State corporations and commissions simply make a request and say: we want an engineer of this calibre. Then we go to a unified database and fish out the person. This is so that listed persons living with disabilities (PWDs) and people who are retiring can be captured and balanced in the database. For every person who is about to retire we will know that we are going to hire for the organisation.

We have to respond to emerging opportunities which are coming through all sectors that are not encouraged within our university systems. We had a debate at a point in time saying that particular programmes within our universities ought to be scrapped, but these are critical. We need to encourage people to study psychology and sociology because they are needed for cohesion and better management. We are having increased rate of people committing suicide and others frustrated with diseases that can be cared for. Such frustration within society is heavily limited by having the human resource becoming an amalgamated function that serves Kenyans and looks at communities and says: in such and such a community, do they have engineers, doctors, lawyers, architects, carpenters and plumbers? That way, we then encourage institutions around those communities and societies, now that the Government put up a policy to have a university per county and Technical and Vocational Education and Training (TVET) institutions spread across the country. The people there should be able to fill those spaces. So it is, indeed, timely and we need to encourage it. But, as we move to the Committee of the whole House, we should put in penalties and mechanisms to ensure that we are working towards one cohesive nation that grows its Gross Domestic Product.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, there is still a lot of interest in this matter, but you have run out of time for debate. It is now time for the Mover to reply. The Mover, in replying, may choose to distribute part of his time to Members who are still interested. He has five minutes.

Hon. Mwandime, you have five minutes. You may donate a minute or two to some of these Members.

**Hon. Andrew Mwadime** (Mwatate, ODM): Thank you, Hon. Temporary Deputy Speaker. At the outset before I reply, let me give Hon. Sankok one minute, one minute, one minute (*pointing at some Hon. Members*) and that is it.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): You need to mention the names of the Members. I have only heard Hon. Nyenze.

**Hon. Andrew Mwadime** (Mwatate, ODM): Hon. Oundo.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): We will start with Hon. Nyenze then Hon. Oundo. Hon. Sankok, resume your seat, please.

**Hon. (Ms.) Edith Nyenze**, (Kitui West, WDM-K): Thank you, Hon. Temporary Deputy Speaker for giving me this time and thank you, Hon. Mwadime for donating one minute to me.

This amendment Bill has come at the right time when Kenyans feel very frustrated about jobs. They feel that one has to have a “tall” relative to get a job. Because of that, they have kept applying for jobs, but they do not know who gets the jobs. For example, we have been told about 10,000 teacher interns and 5,000 teachers will be employed. You wonder from which regions these people are employed because people who left college about 10 to 15 years ago have not been employed. So, this amendment Bill has come at the right time when Kenyans feel frustrated especially with the Public Service Commission.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Oundo.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker and my friend Hon. Mwadime for donating time to me and for bringing up the amendment to the Bill.

Truly, the Bill on public service and values is important. However, we have not lived to the letter of the law. We hope these amendments will entrench that particular requirement.

As my colleagues have said, we need mechanisms to punish those who do not comply. A county like Busia with many people of different ethnic groups... It is so unfair to find that all the plum jobs are held by one community at the exclusion of others.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Chair of the Departmental Committee on Administration and National Security.

**Hon. Paul Koinange** (Kiambaa, JP): Thank you, Hon. Temporary Deputy Speaker. First of all, I want to thank Hon. Mwadime for bringing this amendment Bill. I have three things I want to mention.

One, the issue of serving the people of Kenya is very critical even as this amendment is being implemented.

Second is the issue of training of people who serve Kenyans. They need to change their mindset. When you are employed, you do not serve your tribe but you serve the people of Kenya.

Finally, I urge all leaders to make sure that they speak to other leaders in different parts of the Government to care for this country. All we need is one nation and one mind.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Mwadime, finally, one minute.

**Hon. Andrew Mwadime** (Mwatate, ODM): Thank you, Hon. Temporary Deputy Speaker.

At the outset, the objectives of this amendment Bill is to amend the Public Service (Values and Principles) Act to require all State organs in the national and county governments and State

corporations to submit annual reports on details of the human resource in the constitutional commissions and independent offices as well as county public service boards.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Mwandime, you must note that you have only one minute to reply. If you are going to read all those things, I do not think you will manage.

**Hon. Andrew Mwandime** (Mwatate, ODM): Okay. Thank you, Hon. Temporary Deputy Speaker. Actually, it is on inclusivity and diversity of the country.

I beg to reply.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well. Hon. Members, having confirmed that we have the requisite numbers to proceed with this step, I will now proceed to put the Question.

*(Question put and agreed to)*

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, the time being 1.00 p.m., this House stands adjourned until today Wednesday, 5<sup>th</sup> August 2020, at 2.30 p.m.

The House rose at 1.00 p.m.