

# PARLIAMENT OF KENYA

## THE NATIONAL ASSEMBLY

### THE HANSARD

Thursday, 24<sup>th</sup> September 2020

The House met at 2.30 p.m.

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

#### PRAYERS

#### PETITIONS

#### RE-ALIGNMENT OF EMBAKASI WEST BOUNDARIES

**Hon. George Theuri** (Embakasi West, JP): Thank you Hon. Speaker. I, the undersigned, on behalf of the people of Embakasi West Constituency draw the attention of the House to the following:

THAT, Article 10(2) of the Constitution identifies inclusiveness as one of the aspects constituting the national values and principles of governance;

THAT, Embakasi West Constituency, Embakasi South Constituency, Embakasi North Constituency, Embakasi Central Constituency and Embakasi East Constituency were hived off from the then Embakasi Constituency, which covered a massive area of 208 km<sup>2</sup>;

THAT, as a result of the split of the then Embakasi Constituency, the residents of Embakasi West Constituency have been experiencing numerous unjustified inconveniences when seeking public services on account of administrative and jurisdictional boundaries due to the location of various public institutions and offices in areas outside the jurisdiction of the constituency;

THAT, those challenges are exemplified by the fact that, for example, the offices of the Ministry of Education as well as those of the Ministry of Interior and Coordination of National Government still use pre-2010 Constitution boundaries to manage the affairs pertaining to Embakasi West Constituency;

THAT, as a result, various regions of the constituency fall under the jurisdiction of different sub-counties, with examples being Mowlem Ward which falls under Njiru Sub-County, Kariobangi/Uhuru Ward which has some of its area falling under Kamukunji Sub-County, Umoja One and Umoja Two wards which fall under Embakasi Sub-County;

THAT, in addition, several schools established within the jurisdiction of the constituency fall under other sub-counties. They include Buruburu One Primary School which is in Makadara Sub-County, Kariobangi South and Supaloaf Primary Schools which are in Njiru Sub-County as well as Uhuru Primary which is in Kamukunji Sub-County;

THAT, these overlaps in the jurisdictional and administrative boundaries continue to inconvenience and negatively affect thousands of Embakasi West Constituency residents when seeking public services, particularly with respect to services under the National Safety Net

Programme, including the Cash Transfer Programme for Orphans and Vulnerable Children (OVC), Cash Transfers for Persons With Severe Disabilities (PWSD) as well as disbursements under the Older Persons Cash Transfer (OPCT) Programme primarily because the Social Development Office in-charge of Embakasi West Constituency is situated in Njiru Sub-County which is in Kasarani Constituency;

THAT, efforts to address this matter with relevant authorities have not borne much fruit; and,

THAT, the matter in respect of which this Petition is made is not pending before any court of law or constitutional body.

Now, therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Administration and National Security:

- (i) Inquires into the matter with a view to securing harmonization and jurisdictional alignment of National Government offices and other affected public institutions in Embakasi West Constituency; and,
- (ii) Makes any other appropriate recommendations it deems fit in addressing the circumstances that have been raised in this Petition.

Thank you.

**Hon. Speaker:** The next Petition is to be presented by the Member for Igembe South, Hon. John Paul Mwirigi.

#### MEASURES TO RESOLVE ISSUES AFFECTING MIRAA FARMERS

**Hon. John Paul Mwirigi** (Igembe South, Independent): Thank you, Hon. Speaker.

I, the undersigned, on behalf of Kimathi Munjuri, National Chairman of the Nyambene Miraa Traders Association (NYAMITA), a registered association fronting the interests of *Khat* (Miraa) crop and industry stakeholders draw the attention of the House to the following:

THAT, thousands of families in the larger Meru region growing *Khat* (*Catha edulis*) popularly known as Miraa have been earning a living through the sale of their crop to local and international markets in the East African region;

THAT, following the declaration of Covid-19 as a global health pandemic and subsequent closure of international borders, the Miraa crop lost its regional market, particularly in Somalia;

THAT, locally, a number of county governments such as Tana River, Mombasa, Lamu and Malindi have imposed exorbitant and prohibitive levies and fees for the crop to transit through their jurisdictions or be sold in the markets within the counties without regulation by the Ministry of Agriculture as provided for in Section 17 of the Crops Act;

THAT, the Ministry of Agriculture has been diverting funds allocated to support the development of Miraa to the activities of the other crops. For instance, in the Financial Year 2019/20, Kshs60 million under Vote D1165 State Department for Crops, Sub-head 1165103902 Miraa Crop Revitalization Project, Vote lines 3111300, 3111400 and 3130100 for the development of the Miraa Research Institute and Miraa research activities such as propagation of certified Miraa seedlings, was diverted to buy macadamia seedlings;

THAT, the Kshs1 billion granted by the national Government in 2016 to cushion Miraa farmers and traders after Miraa was banned in Europe, including the Kshs1 billion allocated in the budgets of Financial Years 2017/2018 and 2018/2019 for improvement of Miraa farming have not been realized;

THAT, in the Financial Year 2020/2021, the Ministry of Agriculture has reduced the allocation to Miraa to a paltry Kshs200 million despite having a huge backlog of unmet expenditures overflowing from the previous financial year;

THAT, despite the Miraa Community in Nathu, Igembe North Constituency Meru County donating 50 hectares of land with the approval in writing by the County Government of Meru to the Principal Secretary for Agriculture, the land remains idle;

THAT, Miraa farmers do not have a single market outside of Kenya after access to Somalia, the last such international market for the crop, from March 2020 to date; and when Somalia reopened its borders for international travel, its Government permitted the entry of other crops, but excluded the Miraa crop;

THAT, whereas Section 8 of the Crops Act directly charges the Ministry of Agriculture with the responsibility to source for markets for the crop, other prospective markets such as Djibouti, Somaliland, Mozambique, Yemen, Israel and the Democratic Republic of Congo that were identified by the Miraa Taskforce Report Implementation Technical Team as having real demand for Kenyan Miraa have not been followed up;

THAT, further, the research on Miraa by KEMRI that was sanctioned by Parliament itself in 2014 and the development of the Kenya Miraa Marketing Strategy by the Ministry of Agriculture that would have been the blueprint for international marketing of Miraa appears abandoned;

THAT, while other Miraa growing countries in the region, particularly Ethiopia that trades with Somalia is gaining comparative advantage after it opened up its boundary to facilitate Miraa trade, the prolonged closure of Kenya-Somalia border has made overland trading of Miraa across the border impossible, leaving farmers frustrated and impoverished for lack of other sources of livelihood;

THAT, on two occasions in July 2020, we had aircrafts transporting Miraa to Somalia, having been duly cleared by the relevant authorities in Kenya and Somalia, returned with the Miraa cargo, hence occasioning huge losses amounting to almost Kshs20 million;

THAT, on numerous occasions, the Petitioners and other partners in Miraa business have been engaging the concerned authorities, including the Cabinet Secretary for Agriculture, county governments and political leadership in the region to cause the national Government to engage the Government of Somalia and negotiate an agreement for resumption of Miraa exports when the corona pandemic situation normalizes, their efforts are yet to bear any fruit;

THAT, the issues in respect of which the Petition is made are not pending before any court of law, constitutional or legal body.

THEREFORE, your humble Petitioner prays that the National Assembly, through the Departmental Committee on Agriculture and Livestock:

(a) Engages the relevant national Government Ministries responsible for Agriculture, Trade and Industry, Transport, Interior and Foreign Affairs with a view to seeking to reopen the border with Somalia so as to have Miraa trade with Somalia resumed forthwith;

(b) Intervene through the Ministry of Agriculture to ensure that the recommendations of the Miraa Taskforce Report Implementation Technical Team are implemented, the research on Miraa by KEMRI sanctioned by the National Assembly in 2014 is completed and the Kenya Miraa Marketing Strategy is developed as a blueprint for the development of Miraa farming and expansion of local and international marketing of Miraa;

(c) Inquire into the utilization of funds allocated for development of Miraa farming through the Ministry of Agriculture since 2016 with a view to establishing the purposes for which such

funds were utilized and whether or not whole or part of the funds so allocated were diverted to other crops;

(d) Engage with the relevant Ministry to establish the extent of the utilization of the allocation for Miraa research in 2019/20 Vote D1165 Sub-Vote 1165103902, Vote lines 3111300, 3111400 and 3130100 with a view to recommending appropriate action; and,

(e) Intervene through the relevant ministries to ensure that restrictive levies imposed on Miraa trading in the country comply with the law and are harmonized across the counties.

And your Petitioners will ever pray. Thank you.

**Hon. Speaker:** To which Committee do you direct the petition?

**Hon. John Paul Mwirigi** (Igembe South, Independent): The Departmental Committee on Agriculture and Livestock.

**Hon. Speaker:** Okay. Hon. Members, I chose to have both the two petitions read out so that we can spend the time allocated for comments on both of them. It could well be that your comment is directed about this one or the previous Petition by Hon. Theuri. We will start with the Member for Kilifi North.

**Hon. Owen Baya** (Kilifi North, ODM): Thank you very much, Hon. Speaker. On the Miraa petition, this is an important crop for the people of that region. I raised a petition here on cashew nuts the other time. When I requested you that I should re-submit it, you gave direction to the Chair to start working on it. I think it is almost 100 days since and nothing is forthcoming. I have not heard any communication or anything. I even talked to the Chair, Hon. Tiren, but I do not think that they are serious about that Petition. If they could not handle the one on cashew nuts, will they handle the one on Miraa? And why would they do so?

**Hon. Speaker:** Let us also appreciate that I am aware that the Departmental Committee on Agriculture has been quite busy. Indeed, they have even sought extra sittings, even when there are plenary sittings because of the workload they have. Is the Chair here? Should they find it necessary to seek for extension of time, they should come and make the relevant application and move the appropriate Motion for extension of time. Now that the Chair is not in the Chamber, I am unlikely to be of any assistance.

**Hon. Owen Baya** (Kilifi North, ODM): Would you advise that I re-submit the petition?

**Hon. Speaker:** When did you first bring it?

**Hon. Owen Baya** (Kilifi North, ODM): It was sometime in May. Then when we opened, I made a request. You said that the Chair is new. That is the time when there were changes. The Chair was new but is seized of the matter and will work on it. I think now he is beyond being new. We need to re-focus and you probably give new directions on the matter.

**Hon. Speaker:** Where is the Chair? I think you approach the Leader of Majority so that he can get in touch with the Chair so that he can respond to it next week. Specifically, about that one!

**Hon. Owen Baya** (Kilifi North, ODM): Okay.

**Hon. Speaker:** While at the same time referring the one by the Hon. John Mwirigi to the same Committee...

**Hon. Owen Baya** (Kilifi North, ODM): Okay.

**Hon. Speaker:** Yes.

**Hon. Owen Baya** (Kilifi North, ODM): Much obliged, Sir.

**Hon. Speaker:** Hon. Mbarire.

*(Hon. (Ms) Cecily Mbarire spoke off-record)*

**Hon. Speaker:** But then you are not coming to the Chamber.

**Hon. (Ms.) Cecily Mbarire** (Nominated, JP): Sorry, Hon. Speaker. I have looked at my card. I do not know where I misplaced it. I am trying to replace it. However, let me thank you for giving me this opportunity to contribute to the Petition by Hon. John Paul Mwirigi, the Member for Igembe South and thank him for bringing this very important Petition.

Hon. Speaker, I come from Embu County where *iraa*, but whose name is *Muguka* is produced in large volumes. In addition, we also add our voice to this Petition by saying that there is really a need for the Ministry of Agriculture, Fisheries and Livestock to take this crop more seriously. We are aware that there was a Taskforce whose Report is known and is before the Ministry. However, we feel that whatever recommendations the Taskforce came up with will not be implemented unless money is actually allocated to those programs.

Moreover, Hon. Speaker, from where I sit, *Miraa* is the next biggest thing in terms of economic support to the farmers in our region, especially so in Embu, Tharaka Nithi and Meru counties. Therefore, I am really hoping that the Committee will do justice to this Petition but, more importantly, that the Ministry of Agriculture will take this matter very seriously. There is need to allocate a lot of money towards its marketing. There is need to even improve on the value of the crop by the time it gets to the farmers so that even the issue of cooling, providing coolers for those crops before they get to the market and transporting them in proper air conditioned trucks like those that do horticulture. This is so that we do not have to use small cars that drive so fast and cause many accidents on the road. Therefore, I really look forward to this engagement with the Committee. Furthermore, I want to thank the MP once more for realizing that it is really time for us to push this crop to the next level so that it can get proper Government recognition and budgeting.

Thank you Hon. Speaker.

**Hon. Speaker:** Let us now hear the Member for Ndaragwa.

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Thank you Hon. Speaker. I want to contribute to this Petition by the Hon. Member from Meru and I appreciate that *Miraa* is....

*(Hon. (Ms.) Mbarire and Hon. Duale consult loudly)*

Hon. Speaker, Hon. Cecily and the Former Majority Leader are engaged on the issue of *Muguka*. However, I want to say that I appreciate how important this crop is to the people coming from that region. I hear that it is, perhaps, the second most important agricultural crop. I think it is also good to appreciate that this thing in our area - Ndaragua, Nyandarua - to us it is a drug. We are actually losing the young people whenever they consume it. In fact, it is very close to *Bhang*. I say this because we are losing very many young people in our region. In addition, even as the Committee engages on how they can make it useful to the people of Meru, we need to engage on how we can make it safer if it has to be consumed. It must be consumed in a safe manner. We must have guidelines if it is something that the health professionals have passed that it can be consumed by people. I believe that it should not be consumed. In any case, I have not seen any Member of Parliament for Meru consuming it here if it is that good.

*(Laughter)*

If it was that crucial, I think it would be good to see them consuming it also. Crucially, the vehicles transporting *Muguka* and *Miraa* in our region are the major causes of accidents along the

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

highway. If we cannot address this issue on the number of people we have lost because of that transportation... I like what has been proposed by Hon. Cecily that, perhaps, we need to help them with vehicles that have cooling mechanisms so that they can stop disregarding all the traffic laws. I do not think they believe that there is any law that exists along the road. The way they drive *ni kama ng'ombe wote hawako kwa barabara*... It is very bad and I think it is important that the Committee also pays attention to that. That is because you have to be very careful when you are driving along Thika Road. You have to avoid the hours that they are on that road. Otherwise, you can actually die any minute. This is a very crucial thing and I think we need... I know it is a political hot potato but, let us look at it soberly. It is also causing deaths. *Inaua vijana!* We cannot even reproduce in our area because of this *Muguka* and *Miraa* business. In addition, it is not that sweet to us.

(Laughter)

**Hon. Speaker:** The Member for Igembe Central, you have the Floor.

**Hon. Kubai Iringo** (Igembe Central, JP): Thank you Hon. Speaker for giving me this opportunity to contribute to this Petition.

**Hon. Speaker:** Please, we are not contributing!

**Hon. Kubai Iringo** (Igembe Central, JP): Sorry, to comment.

**Hon. Speaker:** Yes, just comment.

**Hon. Kubai Iringo** (Igembe Central, JP): Hon. Speaker, before I comment, let me take great exception from the immediate speaker and confirm here in this House that I chew *Miraa* every weekend and I am sober. When we talk of *Miraa* being a drug, that one I would disagree with because, in essence, every other person in Meru - especially Nyambene area - have *Miraa*. I have a *Miraa* plantation. We chew *Miraa* and people there are doing their work like any other person. If you want to take exception, take exception with *beer*, *chang'aa*, *bangi* and the like. *Miraa* does not affect anybody's health. Even *matatus* get accidents.

Having said that, this Petition is very timely and I even have a question on the same. The people from Igembe North, South, Central and some parts of Imenti are suffering because this is the most income-generating crop. The markets have been closed. Some counties are closing the same because of the views of my brother from Ndaragwa. However, be informed that this is a cash crop like any other. The President assented to it in 2016 and it is just like sugar-cane or any other crop. Therefore, if we have to tame the situation, we have to tame the people who misuse or who are not doing it properly, but not to condemn the crop. This is because the crop is there and those are the sentiments that are making other counties close the markets.

We are seeking the Government to intervene and have the markets open so that people do not suffer. Instead of killing people now, we will be creating thieves and destitutes if the crop does not get a proper market.

**Hon. Speaker:** Member for Endebess. No! All these are just comments. Let me just give this guidance. In this House - and you better look at your Standing Orders 225 and 226 - the time allocated for comments, clarifications, further information on matters to do with Petitions howsoever presented, is only thirty minutes.

Standing Order No.226 reads:

“The Speaker may allow comments, observations or clarifications in relation to a Petition presented or reported and such total time shall not exceed thirty minutes.”

That is why I put the three petitions together. Therefore, you cannot speak for too long. Usually, if you want to debate petitions, which have just been presented, it cannot be here.

Let us have Hon. (Dr.) Pukose.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Speaker, for that guidance. In the last Parliament, we formed a Committee here to look into the issues affecting *Miraa*, which was led by Hon. Kajuju at that time. In addition, at that time, I was also in the Committee on Health where we set aside some money - around Kshs100 million - for the Kenya Medical Research Institute (KEMRI) to do a research for *Miraa*. That research came up... *Miraa* is actually a drug, as we know it.

(Applause)

It causes some element of euphoria and excitement. Sometimes you can see the excitement when it comes to the discussion on *Miraa*.

So, Hon. Speaker, I urge the Committee to look at the Report that was done by Hon. Kajuju's team and also look at the research that was done by the Kenya Medical Research Institution (KEMRI). Otherwise, the House will spend a lot of time discussing the Petition by the Hon. Member and yet, the House has done a similar thing. It will be good to have a look at those reports so that it can assist in the report preparation that will be tabled in his House.

With those few remarks, I support.

**Hon. Speaker:** Let us have Hon. Nassir.

**Hon. Abdullswamad Nassir** (Mvita, ODM): Ahsante sana Mhe. Spika. Hili jambo kuhusiana na maswala ya miraa ni jambo ambalo ni tetesi, lakini nataka kukubaliana na mwenzangu, Mhe (Dr.) Pukose alivyozungumza kuwa, twawaomba na twawasihi ndugu zetu wale watakuwa wanatengeza hii ripoti, waangalie na athari zake. Upande moja ni kweli wenzetu wanaitegemea kwani ni kitegemeo cha uchumi, lakini kwingine, yafaa mkumbuke kwamba vijana chipukizi wanapoteza maisha yao kwa sababu ya haya mambo.

Hususan siku hizi unapata muguka kipakti kimoja hivi kinakupeleka mbio na ni shilingi ishirini peke yake. Shilingi ishirini inakupeleka mbio ukajionakuwa wewe ni multi-millionaire na tunawasihi wanakamati, hii Kenya ni yetu sote. Ikiwa mnaangalia upande moja na upande mwingine hauangaliwi, itakuwa vibaya. Lazima tujue kuna athari hii na ni njia ipi tutahakikisha kuwa athari ile isiweze kufika katika maeneo mengine ya Kenya.

Ahsante Mhe. Spika.

**Hon. Speaker:** Let us have Hon. Sossion.

**Hon. Wilson Sossion** (Nominated, ODM): Thank you, Hon. Speaker. I thank the Member of Parliament (MP) for Igembe South for coming up with this Petition, which is triggering a lot of debate whether it is a drug or not. We all know miraa within the region is classified as a crop.

I remember Hon. Speaker during my training, one of my classmate did a field attachment in the miraa-growing region of Meru as a crop. In fact, it is a crop classified as a stimulant just like tea and coffee, which have caffeine. This is a reality and from our economic data, when you check with the National Bureau of Statistics, even tobacco has its own contents. All those are stimulants. The question is: Is miraa a legitimate crop in this country? Yes, it is and so, we do not need to debate about it.

How it is abused by the consumers is none of our business. That invites other forms of regulations. If somebody over-smokes for example, that is a different problem because that product is legitimate. The level of consumption is a different story and we do not need to argue over it. I

think the substance of the Petition is protecting the interest of the farmers who are growing that crop knowing that it is a legitimate crop and an income generating earner.

Hon. Speaker, we do not need to deviate by making comments that are legitimate because we have farmers in Igembe who need to earn a living. We all know within this country that miraa has been a very good foreign exchange earner, with markets as far as the UK. This is a legitimate Petition that needs to be treated together with the Petition that had been done before or a Report. That Report can form an annexure for this Petition. As a democratic country, we should accept the diverse heritage of our country and legitimate crops that are classified as lawful such as miraa.

Hon. Speaker, miraa is a legitimate crop.

**Hon. Speaker:** Let us have Hon. Koros Kipsengeret, the Member for Sigowet/Soin.

**Hon. Kipsengeret Koros** (Sigowet/Soin, Independent): Thank you, Hon. Speaker. First, I would like to comment on the Petition because I happened to have been part of the study team from KEMRI that studied miraa. I want to tell this House that miraa is a drug. We did household interviews and most ladies said that their men were no longer sexually active. Studies have even shown that the sperm count for those who take miraa are low. Now, if we do a sperm count for my colleagues who are taking miraa here, you will find they are below the target. So, miraa is a drug.

I thank you, Hon. Speaker.

*(Laughter)*

**Hon. Speaker:** Let us have Hon. Mbadi.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Speaker. It is very difficult to contribute after Hon. Koros, but I just have the following comments to make.

Hon. Speaker, probably we need to ask the Committee to go a step further and delve into the issues that we are raising today. My concern is that we are discussing something that this House has already pronounced itself on. This House had actually classified miraa as a crop through a Motion. We went ahead and allocated money in this House to promote it. But now, when we are doubting miraa and calling it a drug, my concern is that this House has legislated to promote the production of a drug. So, if we have to change our decision as a House on miraa, then there should be a further report from this House to make a decision on. This is because probably majority of Members in the 12<sup>th</sup> Parliament are not in agreement with the Members who made a resolution then that miraa is a cash crop.

Otherwise, I think we will be contradicting ourselves if we continue discussing whether miraa is a crop or drug and yet, we had already pronounced ourselves on the same. I do not know whether miraa is a crop or a drug but, what I know is that I cannot give it to my children. That one I cannot do. I cannot encourage my children to take it, but the decision had already been taken. By the way, it is not just Miraa that I do not take! I also do not take coffee and tea because I feel they are harmful to my life.

So, it does not mean anything that I do not take is a drug. However, when I feel something is not right with my health, whether it is *ugali*, I stop taking it. There are too many people who do not take beef in this House since they think it will bring them cancer. I eat beef and it is not a drug. So, let us not classify anything that we feel is uncomfortable with us to be a drug, especially where we had already pronounced ourselves - like in the case of miraa.

Thank you, Hon. Speaker.

**Hon. Speaker:** Well, I do not know whether all of us listened to the contents of the Petition. It was not addressing the issue whether it is a drug or not. The 11<sup>th</sup> Parliament in 2016 passed a

law here, The Crops Act, classifying miraa as a cash crop. So, if you want to rescind that decision, just move an amendment to the Crops Act. The issue that Hon. John Paul Mwirigi has raised is the one to do with the allocated funds. What he said is factually correct and I know one person who will speak to this, because the amount of money that he has spoken about was a public pronouncement and it was voted for by this House. It was Kshs1billion. So, the issue that the Member has raised is not the one I see you addressing about potency and impotence. We may not deal with that for now. This is because the comments on the Petition should be on this issue; that you, as a House, even appropriated funds. But should it be necessary, any Member is at liberty to propose an amendment to that legislation so that you can express yourselves appropriately. Hon Duale, you have the Floor.

**Hon. Aden Duale** (Garissa Township, JP): Thank you, Hon. Speaker. Let me go on record that the 11<sup>th</sup> Parliament, at the tail-end, passed an amendment making miraa a cash crop. Also, the 11<sup>th</sup> Parliament appropriated close to Kshs1 billion for its marketing. Even a task force was formed and the Report must be in this House. A select committee led by Hon. Kareke Mbiuki tabled it.

The Member is right because he is following up on those pledges. There are three crops in this country which are politically sensitive. They are maize, miraa and sugar. I can give my history that miraa also gave us a problem when we were passing the defence agreement between Britain and Kenya. In fact, Hon. Kajuju was the only Member who was allowed to form a select committee in the 11<sup>th</sup> Parliament.

This House has a moral duty. Why did Somalia and the British Government stop miraa? This is because they want to protect their people. There are those of us in this House who are producers and consumers. So, he is speaking for the producers and I have the right to speak for the consumers. Let us be very honest. This thing has destroyed people. Even if the 11<sup>th</sup> Parliament made a mistake, we will not. When the Government formed a taskforce, one of the recommendations was to give the farmers an alternative to miraa farming. We should follow this.

But Hon. Members from Meru, with a lot of respect, I will ask every day for miraa to be banned and not go to my constituency. Just walk to Eastleigh or any urban centre. In fact, the *muguka* you are talking about is cheap. It is Kshs20. I think what the Member is asking is right because he is following the recommendations of the taskforce and the money budgeted by this House. He has legitimacy because it is this House that made it a cash crop.

So, you are right and I think the Committee must answer those questions. Then, somebody else must also bring this because Hon. Pukose as a medical practitioner, there is no doubt... Let me disclose that the time we were making it a cash crop, it was just close to the elections. As Jubilee, we could not penetrate the Meru region. Those are the things we thank God for. Even when the maize people brought... We thank God. At the end, the moral and religious question we must answer is: miraa affects the social, economic, family set-up, traffic flow and accidents in Kenya. This is a story for another day.

Even when the locusts went to Meru and fed on the miraa on their way to Uganda, they all died. You check just to prove that this is a drug. The locusts moved from Isiolo to Marsabit and by the time they reached Meru and fed on the green leaves of *muguka* on their way to Uganda through Kitale, they all died. In fact, the Government did not invest anymore in spraying them. I think one way of controlling locusts is to use miraa.

I think the Member has legitimately stated, according to the provisions of the Standing Orders. He has asked the Committee three key questions. What happened to the money? Where the task force report recommendations are? Is miraa a cash crop? I think as Hon. Mbadi has said,

he will not allow his children to eat miraa. We should not allow the children of Kenya... I think Hon. Kubai must have had miraa because...

With those very many remarks, I support the petition.

**Hon. Speaker:** Sorry, Hon. Members. I told you - and you can look in your Standing Orders - only 30 minutes are allowed to make comments and seek clarifications. This is not business. Just because somebody has read out a petition, we cannot spend time and the rest of the afternoon discussing it. The Petition is referred to the Departmental Committee on Agriculture to deal with it as provided for in Standing Order 227. The one by Hon. Theuri is referred to the Departmental Committee on Administration and National Security.

Hon. Members, if you desire, you can petition the Procedure and House Rules Committee to amend the Standing Orders so that, when a petition is read out here, it becomes business. So, we do not do anything else but just make comments which do not go anywhere. That is because the Committee will deal with the petition. When a Committee finds it necessary to table the report in the House, it can. Then, perhaps, we can allocate it time for debate.

Remember the other method of disposing of petitions is that a Committee is at liberty to make its findings and after tabling the report, the Clerk is required to write and forward that report to the petitioner. Business is not just about petitions.

Next Order! Leader of the Majority Party!

### 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.184 relating to the Public Finance Management (Parliamentary Car Loan (Members) Scheme Fund (Amendment) Regulations, 2020 and the Explanatory Memorandum from the Parliamentary Service Commission.

Legal Notice No.185 relating to the Public Finance Management (Parliamentary Mortgage (Members) Scheme Fund (Amendment) Regulations, 2020 and the Explanatory Memorandum from the Parliamentary Service Commission.

Legal Notice No.186 relating to the Public Finance Management (Parliamentary Car Loan (Staff) Scheme Fund (Amendment) Regulations, 2020 and the Explanatory Memorandum from the Parliamentary Service Commission.

Legal Notice No.187 relating to the Public Finance Management (Parliamentary Mortgage (Staff) Scheme Fund (Amendment) Regulations, 2020 and the Explanatory Memorandum from the Parliamentary Service Commission.

Sessional Paper No.02 of 2020 on the National Co-operative Policy from the Ministry of Agriculture, Livestock, Fisheries and Cooperatives.

National Government Budget Implementation Review Report for the FY2019/20 from the Office of the Controller of Budget.

The Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June, 2019, and the certificates therein:

- a) Kimira Oluch Smallholder Farm Improvement Project-ADF Loan No.210015001296 from the State Department for Regional and Northern Corridor Development; and,
- b) East African Portland Cement PLC.

Hon. Speaker, just for the interest of Members and some of the people who are likely to misquote the papers we have laid, Legal Notice No.184 all the way to 187 referring to the parliamentary loan schemes is purely to make them *sharia* compliant. I request Members that it is changing interest to administrative cost. I invite Members to familiarize themselves and the media not to misrepresent what they entail. Thank you, Hon. Speaker.

**Hon. Speaker:** Next Order!

### QUESTION BY PRIVATE NOTICE

*QPN 027/2020*

#### OWNERSHIP STATUS OF KABIANGA APPLE FARM IN KURESOI NORTH CONSTITUENCY

**Hon. Moses Cheboi** (Kuresoi North, JP): Hon. Speaker, pursuant to provisions of Standing Order No.42A(5), I rise to ask the Cabinet Secretary for Lands and Physical Planning the following Question:

- (i) Could the Cabinet Secretary provide details of the ownership status of Kabianga Apple Farm, L.R. number 10694/3 in Kamara Location in Kuresoi North Constituency?
- (ii) When will the Ministry issue title deeds to the owners of the said parcel of land?
- (iii) Could the Cabinet Secretary facilitate the conversion of the parcel of land from leasehold to freehold?

**Hon. Speaker:** To be replied before the Departmental Committee on Lands. The next Question is by the Member for Igembe South.

### ORDINARY QUESTIONS

*Question No. 209/2020*

#### PROVISION OF ELECTRICITY TO INSTITUTIONS IN IGEMBE SOUTH CONSTITUENCY

**Hon. John Paul Mwirigi** (Igembe South, Independent): Hon. Speaker, I rise to ask the Cabinet Secretary for Energy the following Question:

- (i) When will public institutions in Igembe South Constituency including Kalamane Dispensary, Akui Primary School, Thubai Primary School, Gatai Tea Buying Centre and Auki Dispensary be connected to the National Power Grid in line with the Government Policy under the Last Mile Connectivity programme?
- (ii) What measures have been put in place to ensure that all the public institutions in Igembe South Constituency, which are yet to be connected to the National Grid are connected as soon as possible?

**Hon. Speaker:** To be replied before the Departmental Committee on Energy. The next Question is by the Member for Sigowet/Soin, Hon. Kipsengeret

*Question No.221/2020*

## PROVISION OF POLICE VEHICLES TO SIGOWET/SOIN CONSTITUENCY

**Hon. Kipsengeret Koros** (Sigowet/Soin, Independent): Hon. Speaker, I rise to ask the Cabinet Secretary for Interior and Coordination of National Government the following Question:

- (i) What is the current status of the leases for police vehicles being used in policing operations in the country?
- (ii) Could the Cabinet Secretary give a breakdown of the distribution of police vehicles in Sigowet/Soin Sub-County in Kericho County?
- (iii) Could the Ministry consider facilitating and providing the Officer Commanding Police Division (OCPD) in Sigowet/Soin Sub-County with an office, adequate personnel and a police vehicle to enable him execute his duties effectively, given the sensitive and demanding nature of his area of jurisdiction?

Hon. Speaker, I want to bring to your attention the slow pace in which these questions are being responded to. That is because so far, I have asked more than four questions and I have not received any communication from the relevant committees. I have Question No.49 of 2020, 41 of 2020 and 159 of 2020. Thank you, Hon. Speaker.

**Hon. Speaker:** Let me just make what I can. I do not know to which those questions you have talked about were directed. It is good to do just like what Hon. Owen Baya did earlier. I think committee chairs are encouraged to make sure that Members' questions are responded to in good time. Of course, we do know that there have been those challenges in the past about the social distancing and the like. That can no longer be used as an excuse now.

Maybe, Hon. Koros, what you could do is to raise individual questions, but for this one, it will be responded to before the Departmental Committee on Administration and National Security.

These directions are translated through the various heads of committees and the clerks who clerk those committees. I think in appropriate times, perhaps, if you get time, you could check either in the Table Office or with the Director of Committees so that those clerks can also be reminded. I do know now those other four questions were to which committee. This should be a wakeup call to chairs of committees. We should develop a mechanism of naming and shaming lazy committees or committee chairs. This is because it is not fair that you do not respond to questions that your colleagues have raised or to appear to treat them casually. There is no Member who will come to ask a question here for the sake of it. The question is raised on behalf of the constituents. Maybe, Hon. Koros, if you know to whom you had directed those ones you can say. Why do you not say?

**Hon. Kipsengeret Koros** (Sigowet/Soin, Independent): Question 49 of 2020 was directed to the Ministry of Interior and Coordination of National Government. Question No.41 of 2020 was directed to the CS for Transport and Infrastructure. Question 159 of 2020 was directed to the CS for Health. I also have one to the Ministry of Energy and Petroleum.

**Hon. Speaker:** Where are those chairs? Does Hon. Koinange have a deputy? Who is the Vice-Chair of that Committee? It is Hon. Fatuma Gedi. We have said it, time and again, it is only fair that the chair of a committee should look at the Order Paper. The people who clerk your committees should always draw your attention to the questions that are on the Order Paper so that either the chairperson or the deputy is present in the Chamber. You see this is the problem. What is it that Hon. Koros and Hon. Pkosing want to say?

**Hon. Kipsengeret Koros** (Sigowet/Soin, Independent): Hon. Speaker, since I have heard some of my colleagues talking of Hon. Waluke, I think as a House we should also see what we can do. He could have been here answering these questions.

**Hon. Speaker:** Since when? Your other Question was to the Departmental Committee on Transport. Where is Hon. Pkosing? Where is his Vice-Chair? The Vice-Chair was here. She has already finished her Sitting for the day. Now this is the problem. I remember we were discussing this yesterday. The other one was to the Ministry of Energy. Where is Hon. Gikaria? Where is the Vice-Chair? Hon. Omboko Milemba, what do you want to say?

**Hon. Omboko Milemba** (Emuhaya, ANC): Hon. Speaker, I want to say that almost half of time of Parliament before Covid-19, you had tuned the chairs and they were coming to the House. Probably, you need to again tune these chairs after Covid-19. Most of them came around during Covid-19. You need to sit them down so that they can start taking the business of the House seriously. The other ones before these ones were tuned up. You have to again, sit with them so that they can attend to the business of the House.

Thank you.

**Hon. Speaker:** They were inducted. I think the House should develop a way of dealing with Chairs who are not taking the work of the House seriously.

**Hon. John Mbadu** (Suba South, ODM): Hon. Speaker, that is exactly what I wanted to say. Probably, we will have to develop a way of reprimanding these Chairs. In the previous dispensation, it was very easy. If a minister or an assistant minister does not address or answer a question, he was barred from doing anything in the House. Anything from that Ministry could not be dealt with in the House. Now we have the ministers out there and the chairs here, we need to find a way. It is not just the questions. Even the Bills!

We were discussing this yesterday in the House Business Committee. Some Bills, like the one for Hon. Millie Odhiambo, which was brought here for the First Reading in June 2019, and the Committee is not done with the Report, so we cannot proceed to the Second Reading with the same Bill. It is disheartening when you find Members coming up with Private Members Bills and Motions and we are here dealing with Senate Bills from Private Members. Yet, our own Members from the National Assembly are being neglected just because some of the committee chairs... It is not all of them. There are some hardworking committee chairs in this House. We should not just guillotine and lump them together. But there are some who have issues.

It is high time Leader of the Majority Party, we need to highlight, bring to shame the Chairs who are not taking their work seriously. These Members are ready to serve as chairs of committees. If you are overwhelmed, please go and do your business out there. There are Members who are doing business. They are also Members of Parliament and they want to be in leadership. If you have too much on your plate, leave others to do the parliamentary work. Maybe, the Committee on House Procedures can take this up and develop some ways of dealing with these chairs. I know the Deputy Speaker has been trying. In fact, this is the most active Liaison Committee. I did not want to push the blame to him. He has tried, but these Members do not just want to obey.

**Hon. Speaker:** Well, I think you have just said what we needed to say. The Chairman of the Liaison Committee... At least, I know he is a Chairman not a Chairperson. The Chairman of Liaison Committee, who is in the Chamber, will take up the matter at the next meeting of the Committee and read the riot act to those Chairs. Hon. Koros, just liaise with the Deputy Speaker who is the Chair of the Committee on Liaison and that matter can be discussed there. The Committee is at liberty to make recommendations which the HBC will consider and an appropriate Motion may be brought here for the House to resolve that if a Chair does not respond to a question

or a statement request from a Member within some specified period, or respond to your petition within a specified period, does not bring a report on a Bill within a specified period, certain sanctions shall automatically befall him or her. I think that should be the road because that issue can be done by the Procedure and House Rules Committee. But I think it should come after a meeting of the Liaison Committee so that the Chairmen and Chairpersons will be in that meeting and then the matter can be escalated to another level. What Hon. John Mbadi has said is true. It is not right and we will revisit this matter in the HBC. We have several legislative proposals, some of which have gone up to the level of publication and First Reading, but we cannot prioritize them for debate in the House because...

*(Hon. Elisha Odhiambo consulted loudly)*

This new Member for Gem, it is not done that way. Not just when you are relaxing you just want to start talking. Hon. Elisha Odhiambo, we cannot engage that way. You are now being out of order and you know the consequences.

What we are saying is that this matter has reached us and it is not right. Chairs of Committees, it is not right. Remember our Standing Orders. After two sessions, that legislative proposal dies. Is it fair even as you sit on those Bills, that your colleagues have proposed to make laws and you are the gatekeepers of some sort and then you are sitting on them. The Bill by Hon. Millie Odhiambo has been lying there for a long time because of the Departmental Committee on Health. Please, Chairs of committees, I want this matter to be discussed first at Liaison Committee and then we will bring it up.

Now the Member purporting to address me while seated has not even pressed the intervention button. Now that is what is called the intervention button.

**Hon. Elisha Odhiambo** (Gem, ODM): Hon. Speaker, I want to share the same sentiments that you are sharing in the House this afternoon. I have two Bills that are pending before the House. One is in the Committee in charge of ICT and it has gone through the First Reading. Sometimes, I imagine the chairmen are sleeping with the very entities that they are supposed to oversight. You wonder why there should be procrastination.

**Hon. Speaker:** Let us not go the route of casting aspersions because even yours, we discussed it yesterday in the HBC and we were asking Hon. Kisang where that Bill is.

**Hon. Elisha Odhiambo** (Gem, ODM): The second one, Hon. Speaker, is the one for Agriculture - the Kenya Tea Bill. It was the first one and it was going to resolve those issues that the country is discussing in terms of addressing the farmer's needs. It has taken two years before being addressed.

**Hon. Speaker:** And now there is another Tea Bill which I am sure is at the advanced stages where the Committee is taking views before it goes to the Committee of the whole House stage. It is from the Senate.

**Hon. Elisha Odhiambo** (Gem, ODM): The KICA Bill was going to redress the Kenyans who...

**Hon. Speaker:** Do not worry. We do not want to know what you wanted. Hon. Kisang, can you respond to that. Why is it not coming up?

**Hon. William Kisang** (Marakwet West, JP): Hon. Speaker, I had pressed the intervention button. I wanted to say that most of the Chairs are in the House right now. Hon. ole Kenta and Hon. Wanga are here. Most of us are here. One of the reasons why some Chairpersons are not here is because of the way we book the seats. So, it is good to notify Members. That is because we got

a Short Message Service (SMS) yesterday saying that now, the seat allocation is on a “first come first get basis”. Maybe, it is good that you do a communication so that the Chairpersons can know that you do not have to book.

Hon. Speaker, on the “Kicker” Bill by Hon. Elisha Odhiambo, we have invited him. He has come to our Committee. We have had engagements and public participation was done. What we will be doing, in the next one week or so, is to adopt and table the Report.

**Hon. Speaker:** Very well. I am wondering, Hon. Members, whether we will ever get to the business. We are not even through with the Questions. Hon. Odhiambo-Mabona, can I finish with the Questions and then...

The next Question is by the Member for Runyenjes, who wrote to indicate that he is not present. But I have seen Members who write and then appear suddenly. I hope Hon. Eric Njiru is not here. Is he? So, his request is granted.

*Question No.223/2020*

STATUS OF COMPLETION OF TUCHI DAM

*(Question deferred)*

**Hon. Speaker:** The next Question is by the Member for Igembe Central, Hon. Kubai Iringo.

*Question No. 224/2020*

SOURCING OF MARKETS FOR MIRAA

**Hon. Kubai Iringo** (Igembe, Central): Thank you, Hon. Speaker. As you have said, today is a miraa day. So, I have come again with another issue about miraa.

Hon. Speaker, I beg to ask the Cabinet Secretary (CS) for Industry, Trade and Co-operatives the following Question:

- (i) What steps is the Ministry taking to market miraa, commonly known as khat, particularly, within the country, in Somalia, in the Eastern African Region and the European Markets, considering it is the main source of livelihood for the residents of Igembe Central, Igembe North and Igembe South constituencies?
- (ii) What steps is the Ministry taking to ensure that the Somalia market is opened as a matter of urgency?
- (iii) Considering that the Crops Act, 2013, as amended in July 2014 included miraa as a cash crop and it was subsequently gazetted as a scheduled cash crop in 2016, what measures have been put in place by the Government to cushion farmers from losses suffered as a result of lack of markets?

**Hon. Speaker:** Very well. It should be replied to before the Departmental Committee on Trade, Industry and Co-operatives. Next Question is by Hon. Ali Adan. You see, Hon. Members, even though Hon. William Kisang has said that there was a notice which was put in the Bunge Website, my expectation is that every Member is able to read it. But let me take this opportunity to inform the House that, for the time being, we intend to do away with the tents, out there, on an experimental basis, so that Members can come into the Chamber. If we cannot fit in, we will go to the Members’ Lounge, next to the Chamber; and the one next to the Dining, for the time being. As

you can see, there are very many empty seats. I believe nobody is in the tents now. Everybody will get a seat when they come in. Member for Laisamis, Hon. Marselino Arbelle, you have the Floor.

*Question No.225/2020*

CLOSURE OF SCHOOLS IN LAISAMIS CONSTITUENCY

**Hon. Marselino Arbelle** (Laisamis, JP): Thank you, Hon. Speaker, for giving me this opportunity. I beg to ask the Cabinet Secretary for Education the following Question:

- (i) Could the Cabinet Secretary explain the circumstances that led to the closure of two primary schools in Laisamis Sub-county namely Loglogo and Losidan primary schools, which were closed under unclear circumstances before the outbreak of Covid-19 pandemic?
- (ii) What measures have been put in place to curb rising cases of indiscipline among students and teachers in schools in Laisamis Constituency?

Hon. Speaker, I also would like to add a comment in regard to the Question directed to the Departmental Committee on Administration and National Security. The fact that our Chairman, Hon. Paul Koinange, is not present in the House...

**Hon. Speaker:** Please, you stood to ask a Question. It will be replied to before the Departmental Committee on Education and Research. Next Question is by the Member for Kabondo Kasipul. Hon. (Ms.) Eve Obara, you had indicated something. Could you please say what it is?

**Hon. (Ms.) Eve Obara** (Kabondo Kasipul, ODM): Thank you, Hon. Speaker. I have noted that in my Question, as presented in this Order Paper, there has been a bit of a mix up. I, therefore, request that I withdraw it today for redrafting. I thank you.

**Hon. Speaker:** Very well. The Question will be withdrawn and redrafted, and if you complete in good time, to be on the Order Paper next week.

*Question No.226/2020*

SORTING OUT OF KENYA POWER PROBLEMS IN KABONDO KASIPUL

*(Question withdrawn)*

The Next Question is by the Member for Subukia, Hon. Kinuthia Gachobe.

*Question No.241/2020*

IRREGULAR DISCONNECTIONS OF POWER IN SUBUKIA

**Hon. Kinuthia Gachobe** (Subukia, JP): Hon. Speaker, I beg to ask the Cabinet Secretary for Energy the following Question:

- (i) Could the Cabinet Secretary explain why the Kenya Power and Lighting Company has been interrupting and disconnecting customers' electricity supply for days in Subukia Constituency, without prior notice for the last three months?

- (ii) What steps has the Government taken to ensure that Kenya Power does not breach contractual obligations with its customers?
- (iii) What measures has the Government put in place to ensure that consistent provision of electricity by Kenya Power especially during the Covid-19 pandemic period?

I thank you.

**Hon. Speaker:** The Question will be responded to before the Departmental Committee on Energy. The last Question is by the Member for Garissa Township.

*Question No.242/2020*

LIST OF BENEFICIARIES OF GOVERNMENT SCHOLARSHIPS

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I beg to ask the Cabinet Secretary for Education the following Question:

- (i) Could the Cabinet Secretary provide the categories of scholarships, both locally and internationally, that Kenyan students have accessed through the Ministry of Education and the Ministry of Foreign Affairs indicating the number of available spaces under each category?
- (ii) How many scholarships were offered between 2013 and 2019 to students across the country?
- (iii) Could the Cabinet Secretary provide a list of students from the pastoralist communities, specifically from the counties of Samburu, Turkana, Wajir, Marsabit, Mandera and Garissa, who have benefited from the scholarships offered by the Government from 2013 to date, indicating the names of the beneficiaries and the type of scholarships offered?

I thank you.

**Hon. Speaker:** The Question is to be replied to before the Departmental Committee on Education and Research.

Hon. Members, the next segment is going to be rearranged only to the extent that the second part, where the Chairperson of the Departmental Committee on Labour and Social Welfare and the Chairperson of the Departmental Committee on Education and Research were to give responses. They will not give those responses today for the convenience of the House. I am informed that a number of committee members are travelling for various engagements – to do with committee work – and later this evening, and there is urgent business that we need to conclude. So, I will only allow the first part.

The request is by the Member for Mvita, which request you cannot spend more than three minutes! Please, do it very quickly.

**REQUEST FOR STATEMENTS**

STATUS OF KPA, KRC AND KPC

**Hon. Abdullswamad Nassir** (Mvita, ODM): Ahsante sana, Mhe. Spika.

Kupitia Kanuni za Bunge 44(2)(c), ningependa kuuliza Kamati ya Uchukuzi, kuhusiana na madai au ukweli wa kuunganishwa kwa mashirika ya bandari (Kenya Ports Authority), Shirika la

Reli (Kenya Railways Corporation), na Shirika la kusafirisha mafuta (Kenya Pipeline) chini ya usimamizi wa shirika jingine la Industrial and Commercial Development Corporation (ICDC).

Ningependa kuzungumzia Amri Kuu ya Rais ya tarehe 7 Agosti 2020 kuhusu mpangilio huu. Inasemekana kuwa muungano huo ni wa utendakazi peke yake wa mashirika husika. Tatizo ni kuwa Wakenya hawajahusishwa na mambo hayajawekwa wazi. Kwa hivyo, tunaomba tujulishwa kupitia Bunge hili ikiwa hili jambo ni kuunganisha ama ni jambo gani ambalo lilifanywa. Ikiwa ni masuala ya kuunganisha, basi wananchi walihusishwa kwa njia ipi kupitia yale matakwa ya Katiba, halmaarufu “*public participation*”?

Najua umenipa dakika tatu. Jana, Kamati husika ya Uchukuzi ilileta ripoti kuhusiana na masuala ya *Standard Gauge Railway* (SGR). Ripoti hii ni ile tulizungumzia. Nimeisoma tayari. Ningeomba Kamati iharakishe ili tuweze kuimaliza na liwe jambo la kisawasawa.

Pengine tuwaombe wale ambao hudandiadandia kule nje katika vibaraza waje hapa ambapo kanuni zinatengenezwa. Tuwafunze kuwa badala ya kuzungumzazungumza huko nje kuhusu mambo ya SGR, tuwaonyeshe njia ambayo sheria zinatengenezwa. Ni kazi ngumu lakini hayo ndiyo majukumu Wakenya walitupa.

Tunashukuru tumefika kikomo lakini sasa tunaomba upeane nafasi ya haraka ili tuizungumzie Ripoti. Waswahili wanasema “mbuzi jamvi ashalila, Hasidi hatujui atakaa wapi sasa.”

**Hon. Speaker:** To the extent that you made reference to the said Executive Order, that request is directed to the Departmental Committee on Finance and National Planning for a response.

Let us have the Leader of the Majority Party. Sorry, I am being reminded that the Question by the Member for Mosop, Hon. Vincent Tuwei, had not been asked. The Member being absent, the Question is dropped.

## ORDINARY QUESTION

*Question No.239/2020*

DELAYED CONSTRUCTION OF KAIBOI-CHEPTERWAI-KAPKATEMBU-KIPKAREN RIVER ROAD

*(Question dropped)*

## STATEMENT

BUSINESS FOR CONSIDERATION ON 29<sup>TH</sup> SEPTEMBER AND 1<sup>ST</sup> OCTOBER 2020

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Speaker, pursuant to the provisions of Standing Order No.44 (2) (a), I rise to give the following Statement on behalf of the House Business Committee which met on Wednesday, 23<sup>rd</sup> September 2020, to prioritise business for consideration:

On Tuesday, 29<sup>th</sup> September, the House Business Committee prioritised consideration of the County Allocation of Revenue Bill, 2020 in all stages if it is received from the Senate today and depending on what we also do this afternoon. This is an important Bill meant to ensure that the Kshs316.5 billion allocation that has been approved in the Division of Revenue Act, 2020 is

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

divided amongst the 47 county governments pursuant to Article 218 (1) (a) of the Constitution of Kenya.

We shall also continue the Second Reading of the Public Participation Bill (National Assembly Bill No.69 of 2019) should it not be concluded today along with other Bills. The House Business Committee has also prioritised the Report of the Public Investments Committee on the Special Audit Report on the Kenya Bureau of Standards and the Report of the Committee on Implementation on the Status of Implementation of Legislation, Petitions and Resolutions for debate should they not be concluded today.

It is anticipated that we shall also consider the Refugee Bill, 2019 and the Gaming Bill, 2019 in the Committee of the whole House. I urge the Departmental Committee on Sports, Culture and Tourism to table the addendum to the report on the Gaming Bill as soon as possible to allow the House to debate from an informed point of view.

In accordance with the provisions of Standing Order No.42A (5) and (6), I wish to convey that the following Cabinet Secretaries are scheduled to appear before the departmental committees as follows:

- (i) The Cabinet Secretary for Interior and Coordination of National Government will appear before the Departmental Committee on Administration and National Security on Wednesday, 30<sup>th</sup> September 2020, to answer Questions from the following Members:
  - (a) Hon. Robert Mbui;
  - (b) Hon. Kimani Ichung'wah;
  - (c) Hon. James Kamau Wamacukuru;
  - (d) Hon. Tom Odege;
  - (e) Hon. Gideon Keter;
  - (f) Hon. Paul Nzengu;
  - (g) Hon. Vincent Kemosi;
  - (h) Hon. Joash Nyamache;
  - (i) Hon. Tindi Mwale;
  - (j) Hon. Joseph Kipkosgei;
  - (k) Hon. Abdi Koropu Tepo;
  - (l) Hon. Caleb Kositany; and
  - (m) Hon. Sylvanus Maritim.
- (ii) The Cabinet Secretary for Lands and Physical Planning will also appear before the Departmental Committee on Lands on Tuesday, 29<sup>th</sup> September to answer a Question from Hon. Ali Menza Mbogo and the Question by Private Notice by Hon. Cheboi which was added today;
- (iii) The Cabinet Secretary for the National Treasury and Planning will appear before the Departmental Committee on Finance and National Planning on Wednesday, 30<sup>th</sup> September 2020, to answer Questions from the following Members:
  - (a) Hon. (Dr.) Makali Mulu;
  - (b) Hon. Gitonga Murugara; and
  - (c) Hon. Paul Katana.

The House Business Committee will reconvene on Wednesday, 30<sup>th</sup> September 2020, to consider business for the coming week.

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

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

### COMMUNICATION FROM THE CHAIR

#### CONSIDERATION OF AMENDMENTS TO THE SPECIAL AUDIT REPORT ON THE KENYA BUREAU OF STANDARDS

**Hon. Speaker:** Hon. Members, before we go to the next Order and because after conclusion of that Order we will be considering other business, I wish to give guidance on consideration of amendments to the Motion on the Special Audit Report on Procurement of Pre-Export Verification of Conformity to Standard Services which is Order No.15 on the Supplementary Order Paper.

Hon. Members, I have received a number of amendments to the Motion appearing as Order No.15 on the Supplementary Order Paper, namely, the Motion for the Adoption of the Report of the Public Investments Committee on the Special Audit Report on Procurement of Pre-Export Verification of Conformity to Standard Services by the Kenya Bureau Standard (KEBS). The said amendments are proposed by the Member for Homa Bay Town, Hon. Peter Kaluma, and the Member for Makueni, Hon. Daniel Maanzo, and are published as notices in the Supplementary Order Paper.

My guidance relates to part of the amendments proposed by the Member for Makueni, Hon. Daniel Maanzo. To begin with, the proposed amendments by Hon. Maanzo were in two parts being (a) and (b). Having considered the proposals and found the first part of the proposed amendments as being admissible, I approved its inclusion in the Supplementary Order Paper for this sitting. However, I found the second part shown as (b) of the proposed amendments as being inadmissible and, therefore, declined to that part for consideration by the House.

For the information of the House, the said second part of the proposed amendments read as follows:

“That, the House recommends that the Ethics and Anti-Corruption Commission should investigate the circumstances relating to the special audit on the procurement of pre-export verification of conformity standard services for used motor vehicles, mobile equipment and used spare parts by the KEBS and, more specifically, whether QISJ invited and facilitated visa processing, travel and accommodation for Mr. Fredrick Odhiambo from the Office of the Auditor-General, Ms. Catherine Mwasho from KEBS, Mr. Brian Thuku from KEBS and George Ng’eno from KEBS towards the audit and to report findings to the Director of Public Prosecutions and the National Assembly within 90 days for appropriate action.”

Hon Members, some of the named officers are staff of the Office of the Auditor-General and the others are from KEBS who led in carrying out the special audit. I find the proposed recommendations inadmissible for the following reasons:

(i) The matter contained in the proposed amendment was conclusively canvassed by the Committee as evidenced in the Report of the Committee on pages 59 and 60;

(ii) The power of the Auditor-General to undertake audits, including special audits of public entities, is provided for under Article 229 of the Constitution and Sections 7 and 49 of the Public Audit Act, 2015.

The Auditor-General's audit work at that time was with regard to the KEBS. It will therefore be unlawful and very usual for Parliament to seem to want to punish or cause investigations on the Auditor-General for exercising his powers under the law. For these reasons, this part of the proposed amendments has not been included in the Supplementary Order Paper and will therefore not be considered by the House. The House is at liberty, however, in debating the Report, to make its findings as it chooses. It can either agree or disagree with the Committee in which case vote against that particular recommendation.

The House is accordingly guided. I thank you, Hon. Members.

Next Order!

### SPECIAL MOTIONS

#### APPROVAL OF THE THIRD BASIS FOR SHARING OF NATIONAL REVENUE ALLOCATED TO COUNTIES

THAT, pursuant to the provisions of Article 217 (1) and (4) of the Constitution on Allocation of the Share of National Revenue among the counties, this House concurs with the Senate and approves the Third Basis for the Annual Allocation of the Share of National Revenue to the county level of government for the Financial Years 2020/2021 to 2024/2025, which shall consist of the Allocation Ratio and the Formula, where -

- (i) Allocation Ratio = the shareable revenue allocated to the counties in the financial year 2019/2020.
- (ii) Formula =  $0.18 * \text{Population Index}_i + 0.17 * \text{Health Index}_i + 0.10 * \text{Agriculture Index}_i + 0.05 * \text{Urban Index}_i + 0.14 * \text{Poverty Index}_i + 0.08 * \text{Land Area Index}_i^1 + 0.08 * \text{Roads Index}_i + 0.20 * \text{Basic Share Index}_i^2$

<sup>1</sup> Land Area capped at 7%

<sup>2</sup> The formula will use the 2019 population and 2015/16 KIHBS poverty statistics

Where,

Parameter	Indicator of Expenditure Need
Health services	<p>Health index- health facility-gaps (20%), three years average number of primary health care visits to levels 2 and 3 health facilities (60%) and three years average in-patient days in levels 4 and 5 hospitals (20%)</p> $\text{Facility gap factor}_i = \frac{\text{Facility gap funding in county } i}{\sum_{i=1}^{47} \text{facility gap funding in county } i}$ $\text{Primary health care factor}_i = \frac{\text{No. of primary health care visits in county } i}{\sum_{i=1}^{47} \text{No. of primary health care visits in county } i}$ $\text{In - patient days factor}_i = \frac{\text{No. of in - patient days in county } i}{\sum_{i=1}^{47} \text{No. of in - patient days in county } i}$
Agriculture services	$\text{Agriculture Index}_i = 0.005 * \text{Minimum Share index} + 0.095 * \frac{\text{Rural households in county } i}{\sum_{i=1}^{47} \text{Rural households in county } i}$
Other county services	$\text{Population index}_i = \frac{\text{Population in county } i}{\sum_{i=1}^{47} \text{Population in county } i}$

Minimum share	Basic share index $= 0.19 * \text{Equal Share index} + 0.01 * \frac{\text{inverse of population in county } i}{\sum_{i=1}^{47} \text{inverse of population in county } i}$
Land	Land area index <sub>i</sub> = $\frac{\text{Land area in county } i}{\sum_{i=1}^{47} \text{Land area in county } i}$
Roads	Roads index <sub>i</sub> = $\frac{\text{Rural access index in county } i}{\sum_{i=1}^{47} \text{Rural access index in county } i}$
Poverty level	Poverty index <sub>i</sub> = $\frac{\text{No. of poor people in county } i}{\sum_{i=1}^{47} \text{No. of poor people in county } i}$
Urban services	Urban Index i = $\frac{\text{urban household in county } i}{\sum_{i=1}^{47} \text{Urban Household in County } i}$

AND FURTHER RESOLVES THAT, the Third Basis for allocating among the counties the share of national revenue that is annually allocated to the county level of government for the financial years 2020/2021 to 2024/2025 shall be applied as follows-

- a) Equitable Share for 2020/21  
County Allocation = Allocation Ratio + 0(Formula).
- b) Equitable share for 2021/2022 to 2024/2025 of Kshs.370 billion and above  
County Allocation = 0.5 (Allocation Ratio) + (((Equitable Share - 0.5 (Allocation Ratio)))\*(Formula)).

PROVIDED THAT, for the duration of the operation of the Third Basis for allocating revenue among the counties, no county shall receive in any financial year an amount of shareable revenue that is less than the amount of shareable revenue received by the county in the Financial Year 2019/2020.

*(Hon. Kanini Kega on 24.9.2020)*

*(Resumption of Debate interrupted on 24.9.2020 – Morning Sitting)*

**Hon. Speaker:** Hon. Jeremiah Kioni, Member for Ndaragwa, you have a balance of four minutes. He is not in. Any other Member is at liberty to contribute. Let me check the Members who have contributed. I want to see the Members who have contributed, so that I do not give them an opportunity to speak. The first one on the request list is Hon. Maanzo.

**Hon. Members:** He contributed to the Motion.

**Hon. Speaker:** How comes his name is not showing that he contributed?

**Hon. Daniel Maanzo** (Makueni, WDM-K): Hon. Speaker, I spoke on that particular Motion.

**Hon. Speaker:** Sorry, you are No. 10 in the request list. The next one is Hon. Atandi. Have you also spoken to this Motion?

**Hon. Samuel Atandi** (Alego-Usonga, ODM): No.

**Hon. Speaker:** Very well.

**Hon. Samuel Atandi** (Alego-Usonga, ODM): Thank you, Hon. Speaker for giving me this opportunity to contribute to this Motion on Approval of Third Basis for Sharing of National Revenue Allocated to counties. I want to make a few remarks.

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

I do not understand why the Commission on Revenue Allocation (CRA) decided to identify a few parameters to be used to determine the revenues that will be allocated to the counties, and yet there are many functions that have been devolved. I am saying this because if you go to counties, you will find that they restrict their functions to just a few areas. Most of them are preoccupied with constructing earth roads and Early Childhood Development Centres (ECD). They have largely ignored other important sectors such as agriculture and fishing, for instance in my county. When coming up with formulae in future, the following parameters need to be given primacy: One is forestry. Forest cover is a very important matter in the world right now because of climate change. Few countries focus on planting of trees. Therefore, I feel that forestry should be a very important parameter for future allocation of resources. Those counties which do not have trees should be given more resources. Thus, forestation should be used as a parameter for allocating those resources.

I disagree with one of the parameters which has been used to allocate resources here which is land mass. There is no difference between land mass and population. If you go to these counties that are expansive, you will realise that large populations are found within the towns but not in the deserted land mass areas. Therefore, if we will consider population as a parameter for allocation of resources, then we need to do away with land mass. I have not seen any county government that has land in place to access that large mass where nothing is going on. A good example is Marsabit County which is one of the most expansive counties. If you walk there, you find that people reside in small towns and the larger areas are empty. Why do we allocate resources to empty expansive land where no one resides? I know that this is a very important issue for debate for my colleagues who come from the North Eastern region. If we will use population as a parameter, then I do not think it is important for us to use land mass because we are allocating resources to empty lands. What are those resources rewarding us for?

Lastly, there are other parameters such as blue economy. When you go to Nyanza region and the fishing areas, you find that those people who engage in fishing have so many challenges. When you talk to the county governments, they tell you that they do not have resources to address some of those challenges that those people experience. Therefore, I feel like the Senate or CRA need to go deeper and identify more other parameters that are instrumental in sharing these resources, so that we can have a situation where economic activity such as fishing which is substantially contributive to agriculture form a basis for revenue sharing. For instance, based on fishing parameter, Siaya County can get more resources which I do not think it will obtain in this formula.

Thank you. I support the Motion.

**Hon. Speaker:** Member for Molo.

**Hon. Kuria Kimani** (Molo, JP): Thank you, Hon. Speaker for giving me an opportunity to contribute to this Motion. At the outset, the discussion about the revenue sharing formula that has brought a stalemate at the Senate and a standstill in the operations of this country shows that we need to revisit some of the roles that the Senate and National Assembly play.

Innocent Kenyans who are hardworking people who are employed by county governments have gone without salaries for months because some people decided to play politics on a grave matter that affects the very nature of the Constitution, 2010 which is devolution. Moving forward, we hope that this will never ever happen again. The intervention by the Budget and Appropriations Committee and this House should give precedent that we cannot be held hostage by the Senate of the Republic of Kenya.

There are Kenyans who need services to be provided. Supremacy battles between individuals should not come at the expense of the welfare of our society. Most of the employees in our counties are young people. Some of us here can do without a salary for three or four months. However, those newly employed people in the county governments cannot do without a salary for one month, and then you starve them for three months just because you want to show who is superior and who is not. I do not want to talk beyond that but this should never be allowed to happen again.

Let us be patriotic and think about the welfare of the country beyond self. Let politics be back-benched over development, the rule of law and progress of the great Republic of Kenya that our forefathers fought for many years and shed their blood so that this can be achieved.

With those few remarks, Hon. Speaker, I thank you.

**Hon. Speaker:** Member for Suba North.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you Hon. Speaker for giving me this opportunity. I sit in the Budget and Appropriations Committee and I support.

Let me take this opportunity to thank the Executive for sorting out the impasse that we had in the Senate. I come from the legal persuasion which is the natural school of thought where I believe the law was made for man and not man for the law. Sometimes we may have to make political decisions over mathematical ones. I know there are people who are not happy with that decision. But I know, for example, when we went to Naivasha as a Select Committee, we let go of 90 seats that were for women so that the country could move forward because then we gave them to the men in the single Member constituencies, a decision that has come to haunt the House now. But we do not want to repeat that. We want to sort out this issue so that it does not plague the House again. Because of that Members have spoken to the issue of the parameters that are faulty. I just want to re-emphasise the parameters that are not very good.

Even though land is presumed to include water, there is a problem because there is a big difference between the challenges you face when you have mass of land and mass of water. I represent seven islands one of which you go to on water for one-and-a-half hours on a speed boat. If you are doing development in that area, if you want to do roads, most of the contractors do not want to go there because mobilising just one tractor costs Ksh500,000 when on land it costs Ksh70,000. So, if you do not factor in waterways as an issue together with roads, then you are not being realistic. So, we need to put water as a parameter that is access to water and waterways. There is a presumption that people who are around Lake Victoria have access to water. If you go to Mfangano Island in a place called Soklo, the first time I attempted to go there before motorbikes, I did not reach because I did not have the physical capability. Right now, I use three different means of transport to reach there. I use a four-wheel drive motor vehicle which goes up to a point, a motor bike up to a point then I walk for the rest of the way. So, we must also factor all those issues.

Talking about agriculture without mentioning fisheries is also very lopsided because fisheries and agriculture are totally two different things. If you do not factor in fisheries, the challenge is that we will not be looking at the challenges that fisheries have when actually the mainstay in constituencies like mine is fisheries and not agriculture. We have agriculture but the greater bit of it is fisheries.

We also need to unpackage what we mean by poverty. Does it include, for instance, mortality rates, and if so, for which year and time? For instance, in my constituency the mortality rate is 37 per cent. I think, it is the highest in the country. If we factor it in, how do we look at issues such as that?

On fiscal responsibility and accountability, I consider it a double-edged sword. It might be a good thing to deny governors that are actually corrupt and are misusing money for counties, but the money is not theirs. What we need to do is to hold those governors accountable but each county needs to get their due resources. So, where we are at fault, we should not punish the general populace for the guilt of governors.

I agree with Hon. Duale when he says that we are not focusing on the national cake and that we are actually focusing on very little money: the devolved funds.

Hon. Speaker, my time is up, but I could have given the history of how we got to 15 per cent of this amount which could have been less. But for my intervention, in Naivasha, I added the words, “not less than”. Had I not added those words, the counties would be getting 5 per cent because that had actually already been passed. We still have 85 per cent at the national Government. Is there equity in the distribution of those sums? We need, as a House, to help even in the Equalisation Fund that has been a thorn in our flesh. If that is sorted, then the issues we are dealing with here will be sorted.

Hon. Speaker, I support with reservations.

**Hon. Speaker:** This House is the one with the responsibility of overseeing the 85 per cent. So, if Members of this House are the ones complaining, then it means they have not done their work properly.

Member for Wajir West.

**Hon. Ahmed Kolosh** (Wajir West, JP): Thank you, Hon. Speaker for giving me this opportunity. From the beginning, let me thank the Budget and Appropriations Committee for doing this work very fast. I also thank the Senate despite all the things that were going on there. We must say that the Senators have done their best to work for one Kenya.

The tragedy of Parliament, in my view, is that we pass the buck on many issues we can handle ourselves. We are in many problems because of not doing some of the things we are supposed to do like the two-thirds gender rule which is in our hands. We are either to drop the whole Article or not or raise the budget that goes to counties from 15 per cent to the 35 per cent. Nothing stops Parliament from appropriating money to that effect.

There are many parameters used in the revenue sharing formula. One of them is population. The tragedy about it is that it is based on the census results. I stand here to say that half of the people of Wajir West Constituency were not counted simply because they are pastoralists. The Kenya Bureau of Statistics did not provide transport for the enumerators and people collecting data. Information was only collected from people who were in divisions, locations and settlements that are captured under the survey. So, it is important that if we are going to talk about census results used for the population parameter, then we must count every Kenyan and resources must be availed to reach every Kenyan where he or she is.

On the parameter of health, we are talking about accessing Levels 5, 4 and 3 hospitals. How do you access what you do not have? There are constituencies that do not have hospitals of these levels. It is the role of Government to provide those services. If you have not constructed such facilities, how do you share revenue on their accessibility especially on times and places where they are not?

How do you, also, talk about agriculture and it appears like you are only talking about crop production? Livestock and fisheries are part and parcel of agriculture. It is important that the Budget and Appropriations Committee, and I am proud that the Chair is here, takes cognisance of the formula and parameters and that in the next Budget that will come to the National Assembly whether through the Supplementary Estimates or the main Budget we are going to make, be subjected

to this formula. Anybody who would have visited this country in the last three months would have thought that the only revenue available for this country is what goes to the counties. They would think that the drama and issues that are created around the revenue sharing formula that this is the only thing as stake.

I agree with the Hon. Speaker that it is this House that appropriates and oversees the monies that are spent at the national Government level. These monies must be subjected to such a formula so that development reaches every part of this Republic.

On the poverty index, all these depend on data collected, where individuals and communities living far from areas that are surveyed who also need the services that those in the urban centers need, have not been captured. How do we share revenue to the people based on parameters that are not completely in usage?

So, with this, I support the formula and the budget report.

**Hon Speaker:** Let us have the Member for Funyula.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Speaker, for this opportunity to contribute and add my voice on the subject matter on the Third Basis for sharing of national revenue to counties. The counties have suffered enough. It is important that whatever issues we have with it, we pass it so that we have a room to further ventilate and discuss the matter.

I have looked at the formulae, first of all, the one that was proposed by the CRA and the one amended by the Senate. From a casual look of it, some of the parameters that are proposed here and in typical regression analysis, there could be a case of multi-linearity, that is to say, quite a number of these parameters are related and are a consequence of another. Therefore, this means that at the end of the day, there are counties that are bound to benefit because of multiple factors that are more or less related. For example, land area would naturally go with population in some cases. Likewise, land area is such an amorphous system to use because land that does not attract people means that that land is not reproductive, and probably, marginalized. It does not make a lot of sense to allocate substantial amount of percentage to the same.

Nevertheless, I do believe our colleagues from the North Eastern areas and the Northern frontiers have been very passionate about the land issue. However, it is important that we appreciate, as a country, that they have the equalization fund; accepting that it has got a sunset clause. However, we do believe that if it will be implemented in the 20 years that were proposed in the Constitution, we should then be able to address the challenges that seem wanting and need to be addressed on this matter.

Indeed, it is important, as my colleagues from the lake region have said, that the parameter of agriculture seems to be narrowly defined because we have not seen the sub-parameters that are included in agriculture. I come from a constituency where half of the people solely depend on fishing – the blue economy. Without very clear understanding or appreciation that agriculture encompasses the wider definition including fishing, then our communities will remain disadvantaged for many years to come. The systematic discrimination that started with Sessional Paper of around 1963 is more or less finding its way again on this particular revenue sharing formula. I would want the Budget and Appropriations Committee to unpack what they mean by “agriculture.”

On another point, we have the issue of health which is also not very clear. Is health measured by the number of people who go and record formal visits to hospitals or it is measured by the number of people who fall sick and do not seek medication? Many of our communities, because of lack of medicines in hospitals, have generally sought and treated themselves using

alternative means. Will the data that is available be used to disadvantage these kinds of communities?

There are so many grey areas in this formula, but since it is politically expedient to pass the formula, for now I would reluctantly approve the passage of the formula. Of course, there are constitutional issues raised; the promissory note of a further Kshs58 billion. I am sure the Budget an Appropriations Committee and my colleagues who have got legal minds will also have to unpack for us so that we understand how the miracle is going to happen. However, since it was important to get the Senators to agree so that they have something to write home about, let us pass it as it is and hope for the best.

Finally, as we appropriate money, it is extremely important both at the national and county levels that we must get all the executives and accounting officers to be accountable for the use of this money. These are public funds. Devolution was supposed to take this country far...

*(Hon. (Dr.) Wilberforce Oundo's microphone went off)*

**Hon. Speaker:** Well. Hon. Members, the Motion had a balance of 30 minutes and 25 minutes have been spent by the last five speakers. So, it is time for me to call on the Mover to reply without Question put because that was your resolution.

**Hon. Kanini Kega** (Kieni, JP): Thank you, Hon. Speaker. As I reply, I want to thank all the Members who have contributed on this Motion. You have given a lot of information and supported the Motion but, of course, with a lot of reservations which we had also observed in our Report.

I want to make it very clear that this is not a formula from where I sit. It is more of a political formula. We beseech the other House that maybe by next year, they relook at this and come up with a scientific formula. They have based this formula on a promise of a moving target, that is, Kshs370 billion which, of course, is the responsibility of this House, not the other House to set the vertical division of revenue. So, we hope that they will be able to address those issues.

Finally, the Senate took one-and-a-half years to deliberate on a very simple thing. To me and even to the Committee, there is nothing that they did because even in this Financial Year 2020/2021, we will not use this formula. We will use the figures that were done in the Financial Year 2019/2020. Since we do not want to be seen to be the House that is blocking the release of resources to go to the counties, we will do our part. We also hope that they will fast-track the County Allocation of Revenue Act (CARA) so that by next week, we are able to also pass that, but with the caution that by next year, the Senate will revisit this issue and give the country a scientific formula.

Thank you, Hon. Speaker. I beg to reply.

**Hon. Speaker:** To some particular Members who contribute and then walk out, you do great disservice to the House. It is not right to just get a chance to contribute and then you sneak out. Like I observed, I am aware that some Members of various Committees are going to travel to perform Committee businesses later this evening. Nevertheless, Hon. Members, let me put the Question.

*(Question put and agreed to)*

Next Order!

APPROVAL OF APPOINTMENT OF REGISTRAR AND  
ASSISTANT REGISTRARS OF POLITICAL PARTIES

**Hon. Speaker:** Let us have the Chairperson, Departmental Committee on Justice and Legal Affairs.

**Hon. Clement Kigano** (Kangema, JP): Hon. Speaker, I beg to move this Special Motion:

THAT, taking into consideration the findings of the Departmental Committee on Justice and Legal Affairs in its Report on the Vetting of the Nominees for Appointment as Registrar and Assistant Registrars of Political Parties, laid on the Table of the House on Thursday, 24<sup>th</sup> September 2020, and pursuant to the provisions of paragraph 6 of the Sixth Schedule to the Political Parties Act, 2011, this House:

(a) approves the appointment of the following persons to the offices of the Registrar and Assistant Registrars of Political Parties -

(i) Ms. Ann Nderitu - Registrar of Political Parties;

(ii) Mr. Ali Abdullahi Surraw - Assistant Registrar;

(iii) Ms. Florence Tabu Birya - Assistant Registrar; and

(b) rejects the appointment of Mr. Makorre Wilson Mohochi to the Office of Assistant Registrar of Political Parties.

Hon. Speaker, on 8<sup>th</sup> September 2020, you communicated to the House a Message from His Excellency on the nomination of Ms. Ann Nderitu for appointment to the position of the Registrar of Political Parties and, Mr. Ali Abdullahi Surraw and Ms. Florence Tabu Birya as Assistant Registrars. Statutory provisions appertaining to these appointments require that the notification together with the nominees' curricula vitae be referred and were referred to the Departmental Committee on Justice and Legal Affairs for consideration pursuant to the provisions of Standing Order No. 42(3)(c).

The Committee Report contains observations, findings and recommendations on the suitability or otherwise of the nominees. To comply with the relevant provisions of the law, on Thursday, 10<sup>th</sup> September 2020, the Clerk of the National Assembly, through advertisements in the local newspapers, the *Daily Nation* and the *Standard* simultaneously, invited the public to submit memoranda by way of written statements, on oath, on the suitability of the nominees to be appointed in the said offices. Such memoranda were to be received as stipulated in the advertisements. No memoranda were received contesting the nominees' suitability.

Indeed, the Committee received memoranda in support of nomination of Ms. Ann Nderitu for appointment as the Registrar of Political Parties. The Committee conducted the vetting process for approval of the nominees on Friday, 18<sup>th</sup> September 2020, with special reference to the Constitution of Kenya and to accord to the Public Appointments (Parliamentary Approval) Act, the Political Parties Act, the Leadership and Integrity Act and the relevant provisions of the law.

The Clerk of the National Assembly requested vide his letter dated 9<sup>th</sup> September 2020 for information regarding the nominees' status from the following agencies: the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Education Loans Board (HELB). The said agencies did not have any outstanding issues with Ms. Ann Nderitu, Mr. Ali Abdullahi Surraw and Ms. Florence Tabu Birya as nominees for the said

positions. However, the DCI indicated that his office was unable, I emphasise here that the DCI was unable, to clear Wilson Makorre Mohochi.

On behalf of my Committee, I wish to thank the Office of the Speaker of the National Assembly and the Office of Clerk of the National Assembly for the support extended to it in the execution of its mandate. Further, the Committee appreciates the role of our secretariat for the dedicated service to the Committee. The Committee having considered the curricula vitae, the academic credentials, professional training and experience and the constitutional and statutory requirements relating to those offices and having seen and perused the requirement and procedures undertaken by the Public Service Commission (PSC) for the said approval and having heard submissions during the approval hearings, found Ms. Ann Nderitu, Mr. Ali Abdullahi Surraw and Ms. Florence Tabu Birya were suitably qualified for the appointment of the said positions. The Committee found that Mr. Makorre Wilson Mohochi did not meet the relevant statutory requirements for appointment to the position of the Assistant Registrar of Political Parties.

Finally, pursuant to Standing Order No. 216(5) (f), it is my pleasure and duty to present to the House the Report of the vetting of the nominees with the following recommendations:

- (a) That the House approves the nomination of Ms. Ann Njeri Nderitu for appointment as the Registrar of Political parties;
  - (ii) Mr. Ali Abdullahi Surraw as the Assistant Registrar;
  - (iii) Ms. Florence Tabu Birya as the Assistant Registrar; and
- (b) rejects the appointment of Mr. Makorre Wilson Mohochi to the Office of Assistant Registrar of Political Parties.

Thank you. I request Dr. Amollo, the Vice-Chair of the Committee to second and elucidate further, particularly the grounds for the Committees' failure to approve Makorre Wilson Mohochi.

**Hon. Speaker:** Hon. (Dr.) Otiende Amollo.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Thank you, Hon. Speaker. I will endeavor to be quite fast. First, the three first nominees whose approval we have sought the House to adopt, it was unanimous and even the one rejected was unanimous.

Second, it should be noted that each of the three are from different regions. The Registrar is from Nyandarua, Ali Surraw is from Mandera and Florence Birya is from Kilifi.

Third, it should be noted that while the qualification for the Registrar is to have at least 15 years post qualification experience years in the relevant areas of expertise, the Registrar nominee has 21 years post qualification experience. For the other two, we have recommended for their nomination that they should have at least 10 years post qualification experience in the relevant areas of expertise but they each have 21 and 19 years post qualification experience respectively.

Four, in respect of each of all the nominees, we did not get any adverse report. But, in respect of the three nominees whose approval we have sought, we got approval report from the DCI. He was unable to clear the nominee we have rejected. It is also important to note that each of those three nominees who we have sought approval for, topped in the interviews. Ann Nderitu emerged number one out of the three names that were submitted to the President. The second nominee, Ali Surraw was number two out of nine whose names were submitted. Number one was obviously omitted because she came from the same region as the nominee for Registrar and they are of the same ethnicity. So, obviously she had to come to number two. Nominee number three, Florence Birya emerged number three out of the nine. So, obviously the President acted logically because there could have been a good reason to omit those ones.

Having said that and lastly, I want to note that each of those three nominees are highly qualified. All of them have at least a master's degree in their various fields. Let me explain why the Committee found it difficult to approve the nomination of Makorre Wilson Mohochi. He comes from Migori County. This is a young man of 26 years who demonstrated to us progressive thinking and a promising future but who unfortunately is encumbered by certain statutory and other inhibitions that we could not overlook. The first strongest one is the requirement of the law. This is a constitutional office which is embedded in the Political Parties Act. The Political Parties Act in Section 33(6) requires that one must be qualified in at least one of the six different disciplines. I will not read all of them but the one that is relevant to this nominee is political science. Section 33(6) (c) of the Act says that in the case of an assistant registrar, he should have at least at least ten (10) years post qualification experience in the relevant areas of expertise.

If this is read together with the Public Appointments (Parliamentary Approval Act), Section 7(b) requires that this House must take into account any constitutional or statutory requirements relating to the office in question. So, we were required to establish that this nominee has 10 years post qualification experience in political science which was his area of study. Unfortunately, this nominee only qualified in his basic degree in the year 2017. His post qualification experience is, therefore, two years.

Hon. Speaker, please add me two minutes to wind up. The other issue that we found difficulty in and it is captured in the Report is that, this office requires some demonstration of non-partisanship. By his admission, until the point of applying for this position, he had been actively involved as a youth leader of the governor of his county in the entire county. We found it difficult to rationalise that with non-partisanship.

The other issue was that he was...

**Hon. Speaker:** Hon. (Dr.) Otiende Amollo, you have an additional three minutes.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Hon. Speaker, we had great sympathy for this young man because he is a person living with disability. Usually, we are required to bend over backwards, but we could not help noting that, of the nine nominees, he is also the one who came in last as number nine. Now, that coupled with the fact that the DCI was unable to clear him and that there were issues with his academic qualification... He had met certain representations, which I do not want to go into in details, but upon interrogation he did not appear to be in tandem with his curriculum vitae. Unfortunately, therefore, the Committee came to the conclusion that it could not recommend his approval.

As I close, two things have to be said on this. One, it is unfortunate that the Public Service Commission overlooked such a basic statutory requirement and, therefore, mislead the President into recommending a name which we were unable to approve. We cannot go behind the statute. However, as we do this, I suggest that in future we should also ask the Committee on National Cohesion and Equal Opportunity to table for us names cumulatively for all those who have been approved to the various commissions and constitutional bodies. Under Article 250 of the Constitution, it is required that the collectivity should reflect the regional and ethnic diversity of this country. As long as we keep looking at them one by one, we will not get that overall picture. We need that picture.

With that, I second the Motion.

**Hon. Speaker:** Well stated.

*(Question proposed)*

The Leader of the Majority Party.

**Hon. Amos Kimunya** (Kipipiri, JP): Thank you, Hon. Speaker. I rise to support the Report of the Committee and to commend them for a job well done, especially when a Committee has to reject a nominee brought through the whole process from advertising to the Head of State bringing the name here. I really want to congratulate them for that because this is not the first time we find a nominee does not fit the bill but eventually this House ends up approving. We may well be setting a wrong precedent. I really want to thank the Committee for standing firm and saying that there are issues and we should consider them, so that we are not seen as a Parliament that just rubber-stamps what comes to the House.

Political parties obviously play a big role in terms of ensuring democratic processes take place and democracy is entrenched in this country. A critical institution to ensure that those political parties continue and are vibrant and not jokers is the Office of the Registrar of Political Parties. It is an odd situation that since the restoration of multiparty and the passage of the Constitution and the Political Parties Act, 10 years down the line is when we are substantially filling that position. We must thank, first of all, all the officers who have served in an acting capacity. When you serve in an acting capacity, you work under threats. You could be relieved of your responsibilities any time because you have no security of tenure. But those officers have done their work diligently and have supported the growth of political parties for the last 10 years. It is a sign of the dedication that the individual officers have put in the work. And I want to thank the Committee, first of all for recognising the acting Registrar and recommending her to be confirmed as the substantive holder of the office. Never mind that she comes from Nyandarua. In fact, I only learnt the other day that she comes from Nyandarua. She has never acted in a manner that would reveal her origins. She has acted as an officer of longstanding experience.

The other issue is to thank our reference bodies—DCI, EACC and KRA—for doing the work. One of the things that I want to share with this House is that I had the opportunity of meeting officers from the KRA, who paid me a courtesy call. One of the things they said is that they receive requests for certification a day or two before the Committee is sitting. Perhaps they would need a longer period to interrogate a number of these officers. So, I would like to urge that we have that in mind and give them adequate time so that they can interrogate and give us proper reports on all nominees. We shall be doing proper justice to the nominees, whether pro or anti the recommendation. Be that as it may, I want to thank the Committee for doing a good job. I want to congratulate those who will eventually be approved by this House and to ask that they should know that they have a bigger responsibility especially as we go towards the transition elections of 2022 to ensure growth of political parties.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Speaker. I also want to support the Motion as presented by the Committee. First, let me also praise, thank and congratulate the Committee for doing a good job. In fact, the Mover of the Motion was very slow in moving the Motion; we were really struggling to hear what he was saying, but he was very detailed in his presentation if you had the opportunity to pay attention and listen to him. And he was seconded very ably.

I just want to say a few things. One, I want to agree with Hon. Amos Kimunya, the Leader of the Majority Party, that the ORPP is very critical in terms of promoting democracy in this country and the management of political party affairs and matters. Kenya is a multiparty democracy as the Constitution spells it out. Therefore, management of political parties is very cardinal in opening the democratic space in this country.

I just want to speak about the Registrar. I must admit that I have not interacted with the other candidates. Regarding Ann Nderitu, the nominee for the position of Registrar, I must say that this is a lady that I find capable, competent and has the temperament to handle the responsibilities of that office. We will all agree that this office requires good emotional stability to be able to handle the many complaints that it receives from political parties, some of which are very weird. Sometimes you even find the owner of a party being removed from the party, like the case of the Third Way Alliance. There are all kinds of madness in our political parties. So, you require someone with stability to manage and listen to all the people with divergent views. For example, although I believe that the party leader of FORD-K is Hon. Wafula Wamunyinyi, there are others who believe it is Sen. Moses Wetangula. So, you require Ann Nderitu to deal with all these uncertainties, and many others including people who claim that parties have made a decision without calling party organs to meet. So, this is not an easy job.

I have interacted a lot with Ann Nderitu. Even apart from handling and managing political party disputes, she will also help them promote prudent financial management in terms of looking at their budget estimates. Those who have not been involved very closely in managing political party affairs may not have this information. I want to say here categorically that I think the President got the right person. In fact, I was wondering why this lady has been acting for far this long. Now that we have an opportunity to confirm her, I want to urge this House to approve this nomination so that the President can appoint her to run this office substantively.

I also want to thank and congratulate the Committee, chaired by the great lawyer Hon. Muturi Kigano. You have also proved wrong those who have been imagining and saying that the National Assembly does not disagree with the Executive. I have no evidence in this Parliament, especially this 12<sup>th</sup> Parliament, to show that we are just an appendage of the Executive. Have we passed something from the Executive that is against public interest? If this Committee could reject a nomination by the President because the nominee does not have the basic qualification requirements, I want to say thank you very much and congratulations for that job well done.

Finally, I want to agree with Hon. Otiende: Surely, if the qualification criteria is 10 years' experience, how on earth would a candidate with only two years' experience pass the shortlisting stage, leave alone the interview? You are not even supposed to have appeared at the interview.

Hon. Speaker, with those remarks, I support the Motion.

**Hon. Speaker:** Member for Ijara.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Thank you so much, Hon. Speaker, for giving me this chance to contribute to this Report of the Committee. From the outset, I want to support the Report and congratulate members of the Committee for a job well done.

Secondly, I want to congratulate the Registrar of Political Parties; a person I know, one whom I have interacted with and I want to say congratulations to her. In addition, we know for a fact that the Office of Political Parties is a very important one. It is supposed to oversee all political parties' activities, the management and internal affairs of all political parties.

We have of late seen many political parties that have problems in this country and it is this office that is supposed to oversee their management and solve the conflicts within. We are proud of our country. Personally, I am proud of my country. Ours is a democratic country. We know what we have gone through and how we struggled as a country to achieve the 2010 Constitution. We have been in the streets. We have been to the Bomas of Kenya. Personally I was a delegate at Bomas of Kenya. I was a committee member of Bishop Sulumeti's consensus building team.

Finally, I was at Naivasha with *Mheshimiwa* Millie who is seated there and *Mheshimiwa* Kioni, whom we have differed many times on issues that both of us felt passionate about; issues that are important for this country.

Hon. Speaker, the nominee in question has been serving in acting capacity for many years and for her to be nominated and to be confirmed as an office bearer, I am very happy. Moreover, she will be able to stand very firm. She will now be able to deal with political parties that have had a lot of challenges and problems in this country. As we discuss and approve her name and her other colleagues, that office will have the teeth to bite. It will have the capacity to manage its mandate. I think it is the right time. This is the time we really need to put all our organs and systems in place. If we do not do that then we will be very late.

Elections are around the corner and we must have all our systems in place. We know that the Independent Electoral and Boundaries Commission (IEBC) has issues. Furthermore, now that we are talking about the Office of Political Parties we need to look at IEBC. We need an institution that is well constituted and one that has proper mandate. It is well known that we have a challenge with the IEBC in this country.

With those few remarks, I want to congratulate the team. I want to leave it at that. The Leader of Minority Party said that when the Executive sends a name to Parliament it should be looked at critically. Moreover, Members can reject a name not because they hate the person but because of failing to meet the requirements. This office is very important. I congratulate the Committee and we will stand by you.

Thank you Hon. Speaker.

**Hon. Speaker:** Hon (Prof.) Oduol

**Hon. (Prof.) Jacqueline Oduol** (Nominated, ODM): Thank you Hon. Speaker. From the outset, I want to congratulate the Committee and to thank them for the very clearly expressed indication of suitability of those people they are presenting to us, as competent, experienced and as qualified.

Hon. Speaker, it is extremely important that we get the right leadership, particularly in the political parties. This is because as has been indicated by both the Chair of the Committee and Leader of Minority Party and very clearly explained by the Vice Chair, we want to be seen to observe statutory regulations. I support the Committee Report to a large extent because as I sat here I reflected on experience that has been gathered. I felt I needed to speak to my experience. Hon. Speaker, I opted not to fly to Mombasa for my Committee Report today. This is because out of commitment I had a Statement which I had been informed- having followed very meticulously- that was going to be presented today.

Furthermore, Hon. Speaker, as you rightly indicated, we do not just come up with interventions out of nowhere. I also, in a very committed way, sought to get that intervention. I indicate this at this point because I must say at this point in history, with the journey that I have walked seeking to get equitable, not just voice but in a way that we work in our systems to allow particularly sometimes perception that those who are of the other gender might not be as qualified to play certain roles. I feel that it is extremely useful that at this time we see Ann Nderitu, who I think as we look at we do not in any way begin to see her gender but can clearly, as we look at the terrain of political parties, and the challenges that political parties experience we can see that this is a Kenyan. That, indeed, in your words we might not need to be saying chairman. We might say chairperson. However, we would indeed see that what they are saying is correct.

Therefore, as I support this Report, I felt that it was a useful point in our history to encourage us at whatever level we are to allow that we do not in any way bring sometimes

preconceptions or stereotypes. Moreover, when we are looking for people to hold positions we do not seek to determine whether or not their gender or some other level ability or youth come into play. Therefore, as I support this Committee, Hon. Speaker, I am hoping that there is a sense in which all of us in our country looking in particular at Chapter Six, which I see the Committee referring to; looking at our laws, which I see the Committee is indicating in the statutory requirements; looking at competence, which the Committee has indicated, I do sincerely hope that we will look at this in the country. Furthermore, I hope that it might not be seen that there might be Members of Parliament who are not committed. I want to say and go on record that I have twice somehow been on the wrong side- if you could put it that way- when it comes to the Statement. In addition, Hon. Speaker, I felt that it would really have been useful if - as I had indicated earlier – the Statement would have been presented.

You gave us good guidance. However, I am actually just registering that it would have been useful for the chair... as a member of the Committee on National Cohesion and Equal Opportunity, I have opportunity to hear what Hon. (Dr.) Otiende said. However, I feel somehow a little...

**Hon. Speaker:** Hon. Wangwe

**Hon. Emanuel Wangwe** (Navakholo, JP): Thank you, Hon. Speaker. Allow me also to join my colleagues in appreciating the Report by the Committee, where I am also a member. At the outset, I also want to congratulate Madam Nderitu Ann for being nominated as the Registrar of Political Parties.

Hon. Speaker the Registrar of Political Parties (RPP) appeared before our Committee and her presentation was smart and accurate. She was very positive. She told us her humble beginning having begun her career as a teacher and grew up into being an Inspector of Schools where she was the first female Authority to Incur Expenses (AIE) holder.

My background being in finance, I was very much impressed that for that long she has never had any accusation or dark statement on her side pertaining AIE holding in the civil service. Long gone are the days most civil servants could mess up in terms of accounting for resources and managing public funds. Ann Nderitu came out clearly, smart and eloquent. She is a civil servant who demonstrated the ability to manage the Political Parties Fund.

In terms of the experience of what she is going to handle as the Registrar of Political Parties, I felt that this originated from her being a manager from the Independent Elections and Boundaries Commission (IEBC). She grew up with the IEBC and especially the last participation as a Tutor in terms of training and managing the electoral process in 2017 came out very distinctive and accurate. In my opinion it gave me an eye that Ann Nderitu is the most qualified person for this office. Considering that the predecessor Madam Lucy Ndungu has held this office for about 8 years without being confirmed, that was terrible and time is due. We appreciate the President for nominating Ann Njeri Nderitu to be the Registrar.

The times ahead are political. We are all going to face political turbulence in terms of appearing before the political parties. Some of the questions we were posing to her on an interactive basis which might not have been in the report, is how she is going to react to Members. How is she going to react to disputes by political parties? She could easily separate Ann Nderitu as a person and Ann Nderitu acting as the Registrar of Political Parties. That distinction was very critical so that if there is a dispute, political parties are run by the members of that political party, not the Registrar. I feel she is the right person for the job.

For the case of Mr. Mohochi, I want to associate myself with the issue of the CEO of the National Government Constituencies Development Fund (NG-CDF) when he appeared before this

House. But because he was not qualified in law, this House voted that Professor out for being the CEO of NG-CDF. Similarly, Mr. Mohochi does not qualify in terms of statutory provisions as they are today. Therefore, it would be important that this House vote not to approve the name of Mr. Mohochi, because he did not qualify in terms of the ethics. We cannot verify because the Directorate of Criminal Investigations (DCI) is also not sure of this person. This person lacks the 10-year mandatory requirement as per the Political Parties Act. Therefore, in terms of law, this person does not qualify, I support that he should not be appointed.

**Hon. Speaker:** Let us have the Member for Ganze.

**Hon. Teddy Mwambire** (Ganze, ODM): Thank you, Hon. Speaker, for giving me an opportunity to also demonstrate my support for the report from the Committee.

When you read the report and hear the sentiments shared by both the Chair and Vice Chair, it is clear that this Committee made very good observations and analysis of the four members. Their recommendations are quite fair because first, they have looked at their educational background and professionalism such that even the one whom they have recommended not to be given an opportunity to serve, they have gone ahead to give details which are very clear. I also want to congratulate him because looking at the circumstances which made him come all the way to the Committee, it means he had courage. He should also be advised next time to, at least, think twice because he is a person living with disability. I think that is the reason he thought he would get that opportunity.

Hon. Speaker, looking at the issues of the RPP's office, there has been many issues. Solving them in most cases becomes very difficult if someone is not confirmed but just acting like Ann Nderitu. I believe from now henceforth, after adoption of this Report, all the issues that we have been having in our political parties will be streamlined. The issues which normally trickle to the National Assembly will never be seen again.

I support the Report and believe that after giving them an opportunity we will see the change that we have been yearning for. Thank you very much for according me this opportunity to share my support.

**Hon. Speaker:** Let us have Hon. Dennitah Ghati

**Hon. (Ms.) Dennitah Ghati** (Nominated, ODM): Thank you, Hon. Speaker, for this opportunity to congratulate Madam Ann Nderitu. She has worked in this country in her line with a lot of soberness. She has worked so well at the office of the Registrar of the Political Parties.

It is a wonder why with such a huge responsibility at the office of the Registrar of Political Parties that one works there in acting capacity. It is a shame. That is the same scenario that the previous holder of that office, Madam Lucy Ndung'u, went through. Remember she also served in that acting capacity for a long time. That should tell us that when it comes to offices, I do not know why we put ladies to act for too long without being confirmed. How do you handle an office like that without being confirmed for you to exercise your mandate? Madam Ann Nderitu has really worked with us and especially women. She has taken us through the issues of women. You know very well that this is the office that handles the Political Parties Fund. We have really gained a lot as women of this country in terms of issues of governors and the democratic space we also enjoy in this country.

What I do not agree with the Committee recommendation is where they reject a person living with disability and a youth. I know Mr. Wilson Makorre as a young person. This brings me back to the question of where do we put young people who are struggling and where do we put persons living with disability who are also struggling. The mere virtue of a person living with disability having to have that confidence to walk to Nairobi and offer himself to be interviewed to

be an Assistant Registrar should also be looked at in a way that gives persons with disability opportunities in this country.

Hon. Speaker, if you look at the report of the Committee, it is saying that Mr. Wilson Makorre did not provide the certificate of good conduct from the DCI. What they are saying is that the DCI indicated that his office was unable to clear Mr. Makorre as the police clearance application was still in the process. It was still in the process but he had applied. For me, as much as it is a statutory requirement, this should have made them think this is a person with disability offering himself for a position in this country. He also comes from a minority community. It is unfortunate that every time we talk of Migori County, we only think it is Luo. Migori has Kuria and Somali. We are a blended community. The whole idea of putting people under one tribe makes it a little difficult.

Makorre is Kuria and the Kuria have been marginalised for a long time since the era of Hon. Machage, who was in this House. It is not only about tribe, but also about the effort by a youth living with disability trying to offer himself. If you look at the Report, it states that the Committee did not receive any objection to this person. So, why did the Committee not give such a young person an opportunity to grow? We know it is a big office and the guy has not committed any crime.

I know we are talking about regional representation and the Committee has brought the face of Kenya, but denying a person living with disability an opportunity, yet we know the challenges they go through to get education and training, is unfair. How then will we actualise five per cent employability in this country if we deny young people opportunities as presented by the Committee? I want to urge you from where you sit to give this guy an opportunity.

**Hon. Speaker:** Unfortunately, the Constitution bars me from voting. So, I may not express myself one way or another. The Member for Manderu East, you have the Floor.

**Hon. Omar Mohamed** (Manderu East, EFP): Thank you, Hon. Speaker. From the outset, I want to support the Report of the Committee and thank the Committee Members, the Chairman and the Vice-Chairperson for having done such a good work. It is very clear from the nominees that the two assistant registrars come from very humble counties, namely, Kilifi County and Manderu County. Therefore, despite Kilifi and Manderu being marginalised, we can produce learned people like Surraw, Florence and I as well.

Having said that, I wish to support the Report.

**Hon. Speaker:** Yes, the Member for Tetu. These are Members who put their cards in. Member for Taveta.

**Hon. (Ms.) Naomi Shaban** (Taveta, JP): Asante sana, Mhe. Spika kwa kunipatia fursa hii ili niweze kuongea juu ya mwandishi mkuu wa vyama vya kisiasa hapa nchini. Kwanza, nimefurahi kwa sababu Mhe. Rais ametuletea majina hapa. Alikuwa ameleta majina mawili ya wanawake na mawili ya wamaume. Hivyo, nampongeza sana Mhe. Rais kwa kuwa aliona kuwe na usawa katika ugawaji wa kazi hii ambayo iko katika afisi ya watu wanne.

Mhe. Spika tuko katikati ya maswala ya jinsia na nataka kumpogeza Rais kwa kufanya huo uamuzi. Kwa ufupi, ningependa kusema katika hao wote wane, Ann Nderitu na Florence Biryani ni akina dada ambao nawafahamu. Nafahamu kazi zao na kwa muda mrefu, niko na imani kuwa wataweza kazi hii.

Kulingana na kubobea kwa kazi ya Ann Nderitu ni sawa amepatiwa kuwa mwandishi mkuu wa kusimamia vyama vya kisiasa hapa nchini. Florence Biryani pia namfahamu na najua anaweza kazi na bila shaka atafanya kazi nzuri. Kwa uchache tu, ningependa kuzungumzia juu ya kijana

huyu. Kusema kweli, nafikiria Mhe. Rais alikuwa ameamua kupeana kazi kwa mlemavu na pia awe kijana.

Ningependa kusema kuwa kijana huyu ambaye ni mlemavu, Mhe. Rais alimchagua kwa nia safi. Isipokua ukiangalia sheria vile ilivyo ni kuwa hakutoshea na hakuboea kuwa kwenye nafasi hiyo. Kuna umuhimu kuwa kijana huanza kwa kutambaa ndio aweze kukimbia. Mimi ningependelea kama walemavu na jamii ndogo kama Wakuria pia wangepatiwa nafasi. Hii ni kwa sababu ni haki yao kupatiwa nafasi. Lakini isiwe mtu anapewa kazi kama hajafanya kazi kwa muda unaofaa ama mrefu. Pia, kwa umri wake, kazi kama hii ni nzito si nyepesi. Nakubaliana na taarifa hii iliyotolewa na kamati hii kuwa hawa watatu wapatiwe kazi na huyu mmoja anzishwe kutambaa kwanza kabla hajafika kwenye kazi ya afisi kubwa kama hii.

Natoa shukran kwa kamati kwa kazi waliofanya. Nikimalizia ni kumrudishia Mhe. Rais shukran kuwa ametupatia nafasi mbili kwa akina mama kati ya nafasi nne. Hili ni jambo limenifurahisha. Saa hizi ni nafasi mbili kati ya nafasi tatu. Hivyo basi, thuluthi mbili zimeangaliwa na Mhe. Rais.

Asante sana.

**Hon. Speaker:** Thuluthi. Let us now hear the Member for Kabondo Kasipul.

**Hon. (Ms.) Eve Obara** (Kabondo Kasipul, ODM): Thank you, Hon. Speaker. I want to appreciate the Committee for a job well done and congratulate the three candidates for being approved this afternoon.

I note as my colleagues have said that the candidates have the requisite qualifications, academics and experience to do this job. I believe the Committee was thorough and on issues like this, I would call for consistency. This is a House of records and by approving these names, I am sure the citizens out there will go back to some of our decisions to see if there are consistencies in what we say today and what we said yesterday.

On the issue of the youth, I want to say that there are certain jobs that require a certain level of maturity and experience. This is clearly spelt out in the terms and conditions of service in almost all Government organisations. Therefore, I am in agreement that the young man is still too young and the years of experience are too short to handle an office of this nature.

On issues of ethnicity, I get a bit sensitive about this particularly when we have a case like this. I do not think this was an issue when they were making the decision to deny the young man this job. Even when it comes to disability, there are certain positions I do not think you should get simply because of your condition. Once we spell out your qualifications, disability is not inability.

Therefore, I support the Committee's Report and the appointment of the three candidates who this afternoon, have been approved by the House. Thank you, very much.

**Hon. Speaker:** Let us get a word from the elderly. The Member for Kitutu Chache North, you have the Floor.

**Hon. Jimmy Angwenyi** (Kitutu Chache North, JP): Thank you very much, Hon. Speaker, for recognising the elderly. We are marginalised especially in this House. I rise to support the recommendation of the Committee. I thank the Committee for having done a very thorough job. I also thank the President for having nominated two-thirds from the other gender which has been crying around the country. I was thinking that that gender will oppose this Report because it has two-thirds from a smaller gender than from a bigger gender.

Be it as it may, this is to confirm Ann Nderitu to this position. It is a great thing that has been done by the President and by this House. I remember the previous acting Registrar of Political Parties was on that job for almost eight years in an acting capacity. When you are acting, you never really demonstrate your ability because you work with fear. It is only when you are confirmed that

you can demonstrate to all the people that you are capable of doing something or you are not. I am sure we are going into a very tense political period as we approach 2022. I am assuming that we will disregard or we will not observe Maraga's advice. We will be facing a tense political period. With these confirmed officers, I am sure our political management will be done better than when they are acting. All major parties in the country have issues right now whether it is the Jubilee Party or the Orange Democratic Movement (ODM), where they have been trying to impeach somebody for two weeks and they cannot realise quorum to impeach somebody in Migori. The Jubilee Party was not able to field a candidate in Msambweni Constituency. In FORD-Kenya, we do not know who the boss is. Is it Hon. Wamunyinyi or Senator Wetangula? The Amani National Congress (ANC) does not have a Secretary-General. All the party secretary-generals have quit. So, we are saying that we are getting into a situation whereby this country will be highly activated politically and we need confirmation of these three people, so that they can manage the political issues in this country.

With those few remarks, I beg to support.

**Hon. Speaker:** Let us now hear the Member for Narok North.

**Hon. Richard ole Kenta** (Narok North, ODM): Thank you, Hon. Speaker. I would like to also add my voice on this matter. First of all, I would like to commend the Committee for a job well done. It is actually making us proud to have a Registrar of Political Parties who is not acting. The lady is qualified and I believe she will rectify the political turmoil that we have in this country as far as political parties are concerned.

I have also seen that the Registrar and her assistants are from different parts of the country. That shows that it encompasses the face of Kenya. Further, Hon. Ghati talked about the minorities and I support her because minorities must also play a role in the management of the affairs of this country. The only problem is that the law does not permit this young man to take up the position. I believe it is also something that we need to look into. If at all we will always be relying on the experience of people of 10 or 15 years, then what happens to those who have experience of eight years and lower? Actually the main political stakeholders are the youth. They are the majority. They are the members of these parties. So, when you lock them out because of experience, I think you are doing a lot of disservice to the young people. I think we need to relook at this statute and try to ensure that everybody participates in the affairs of this country.

We are at crossroads in this country politically. I have seen a lot of activities, most of them negative. We have seen people being overthrown here and there. We have seen people being de-whipped and removed from political party lists. Sometimes we succeed and sometimes we do not. I think we need somebody like this who will be neutral, who is well informed and who is conversant with her job and who will ensure that if it is the right of an individual member, the rights are protected. If it is the rights of the party... We must realise and accept that some parties have owners such that if you are not in good books with the owners, then you will end up suffering. I believe she will be forthright, firm and ensure that each Kenyan will get their right irrespective of where they come from. We do not have any reason to doubt or not to accept the decision of the Committee. I would like to tell my colleagues to approve, but the issue of the young man is something that needs to be revisited. It is not necessarily now, but it needs to be revisited in future and I believe the minorities must be considered. It cannot just be the majorities all the time. Honestly, when you look at appointments in this country, people have started grumbling. If this position it is these people and the other one the same people, what do you think Kenyans will think? They will think there is no equality and there is some form of segregation.

I support. Thank you.

**Hon. Speaker:** Yes, the Member for Shinyalu.

**Hon. Justus Kizito** (Shinyalu, ODM): Mhe. Spika, asante sana. Naunga mkono mjadala huu ambao ni muhimu sana. Pili, unapomsikia Mhe. Naomi Shaban akizungumza Kiswahili na akikiboronga sawasawa, unapata uchu kidogo nawe pia ukizungumze Kiswahili. Nimemuona ni mkiritimba na mtu ambaye ana ujuzi mwingi sana na ubabe katika lugha hiyo.

Mimi kama Mjumbe wa Shinyalu, nasimama hapa kumuunga mkono Bi. Ann Nderitu. Ni afisa ambaye ninavyomjua, ana ujuzi mzuri na pia ana mahusiano mazuri na watu. Vilevile ana hulka na tabia nzuri. Tunaona kwamba anafaa sana kushikilia wadhifa huo katika kuendeleza gurudumu hili ambalo ni telezi. Kama mnavyojua, mara nyingi tumewajua wale waliokuwa pale mbeleni. Kuna Lucy Ndung'u ambaye pia alifanya kazi nzuri lakini ujue ukiwa kaimu, inakuwa vigumu sana wewe kutekeleza na kushikilia vizuri kwa sababu hujui kesho au siku utakayotolewa. Ningependa kumshukuru Rais kwa kumchagua yule mtu anafaa zaidi na pia kuzingatia majadiliano yaliyofanywa na shirika la kuajiri. Hiyo ni heko kwake.

Ningependa kumwambia Nderitu akae ange kwa sababu inafika wakati ambapo tutakuwa na mambo mengi ya kudafilisha na kuchanganyachanganya. Kama mnavyojua, kuweka shajara mara nyingi huwa kuna mushikili kidogo. Unaweza kujikuta umo kwenye chama kingine ambacho si chako. Nakumbuka wakati nikitafuta uchaguzi wangu hasa baada ya kuteuliwa kama mgombea wa chama cha ODM, nilipelekwa kortini nikajikuta kwamba nimo katika chama cha ANC. Msajili anayesimamia alikuwa amesema mimi ni mwanachama wa ANC na hakuna hata wakati mmoja niliwahi kuwa kule lakini ukiangalia kwenye sajili, zinasema kwamba Mhe. Kizito ni mwanachama wa ANC. Kwa hivyo, niliweza kurudi tena kwa uchaguzi kwa sababu hiyo. Lazima akae ange angalie rekodi hizo sawasawa ili tusije tukawa na balaa na belua kama hiyo. Kama unavyojua, sisi wanasisa mara nyingi tunakuwa na mambo yetu ya kisiasa ambayo si ya kanisa bali ya kaisari. Kwa hivyo, sisi lazima tuachiwe njia yetu pia tufanye vile tunavyotaka lakini naye pia awe ange ili tuweze kushirikiana vizuri.

Nikirejelea suala la yule bwana aliyebanduliwa nje, ningependa kumuunga mkoni sana Mhe. Dennitah kwamba kweli kijana yule amefanya bidii na ameonyesha kwamba yeye ni shujaa.

Ningependa kumtolea kongole na nimpatie heko kubwa kabisa kwa kuwa ni swala nzuri kujaribu. Ningependa kumkumbusha kijana yule kuwa ameshinda kwa sababu amefika kiwango cha Rais wa nchi hii. Amri Jeshi Mkuu kuweza kuweka kidole kuwa anafaa lakini wale wahitfadhi wakutarazaki wenye ujuzi akina Otiende, waliingilia pale wakaweza kuona kwamba yeye hatoshi. Tumpee moyo siku nyingine atapata. Nampa kongole kwa sababu amefanya bidii sana. Lakini kwa mujibu wa taharudhi na kanuni zinazosimamia mambo hayo hangeweza kupata fursa hiyo. Nampa kongole. Labda niseme tunastahili tutafute namna ya kuweza kuwapatia nafasi vijana wetu tukiangalia sheria zetu tulegeze mahali fulani kwa sababu ya vijana kwa sababu tukitafuta ujuzi ama tajiriba fulani atakuwa amepata wapi? Labda ni mtu amesoma ametoka tu shuleni lakini sasa tunaangalia ujuzi, tajiriba, miaka mingapi na amesoma nini. Swala hilo huwa linachanganya na linaweza tuweka mahali pabaya sana. Kwa hivyo, ningependa kuomba nchi hii iweze kuwaangalia hawa watu kwa sababu unaweza kumpata mzee wa miaka 50 lakini ana akili kidogo kuliko kijana ama unaweza mpata kijana aliye na akili nyingi kuliko mzee. Kwa hivyo, swala la umri lisiwe kikwazo. Isiwe tu ni tajiriba. Inaweza kuwa ni tajiriba mbaya ya wizi tu. Ujuzi wako mwingi miaka arubaini lakini ni wizi tu.

**Hon. Speaker:** Acha tusikia tajriba kutoka kwa Mhe. Millie Odhiambo, Mbunge wa Suba North.

**Hon. (Ms.) Millie Odhiambo** (Suba North, ODM): Thank you, Hon. Speaker for giving me this opportunity. It is very difficult to speak after such eloquent Swahili noting that Swahili is

not my mouth. Having said that, let me take the opportunity to support the recommendations by the Committee for the following reasons.

One, definitely because of the gender balance which is a reason that we are here and maybe those who are not very happy with the advisory would be happy to know that there is an order from the court to suspend temporarily the advisory. I would also want to say that from what the Committee has presented, those who have been picked have competence and the only challenge is that they have their work cut out for them. Members have indicated some people, but I saw even from the advisory yesterday, were stuck at the word “shall”. Our work will not be cut out on the word “shall”, but on the word “deemed” because the greatest work that has been a challenge for all the registrars, if you look at Section 12(v) of the Political Parties Act, is the persons who will be deemed to have left their political parties. Like today, I have seen a Member of a party who is standing very nicely with a candidate in Msambweni, who is an independent candidate and my party is not sponsoring an independent candidate, as soon as she is confirmed, we will be asking her to deem that member not a member of our political party and having lost. So, her work will be cut out from the word “deemed”.

The other issue that will be big for her will be the Political Parties Primary Bill. I know there is a draft that the office had brought. This is one of the laws that will be very instrumental in levelling the plain field especially from a gender perspective because a lot of women fall from the side not because they are not strong, but because political parties’ primaries are skewed in favour of men. Because of that, we are hoping that the Political Parties Primaries Bill will be one of the things that will be on the agenda so that we can have a better way.

I know and I sympathise with my sister, Hon. Dennitah Ghati, especially on the issue of minority and of youth. As a supporter of the youths and persons with disability, I am happy that Hon. Dennitah and Hon. Sankok have taken this issue seriously. Some of us sit and focus on gender and human rights issues. Where you have a clear legal stipulation, even in the face of youth and gender, we will be going against the rule of law to go against very clear legal provisions. I would encourage that, for this young man, another position is found to support him because his expectations have been raised. I have been very consistent when Bills come to this Parliament in reducing the age for the youth so that you can have younger people getting more jobs because the young generation are much faster and more informed than us and are able to take on tasks that some of us had to wait 15/20 years to take. But I would also want to indicate that I have noted and I would want to encourage my sister to note that even though she keeps mentioning Luos and Kurias in Migori County, at least, today, I have heard her mentioning the Somalis. I also want to remind her there are Subas in Migori and Maragoli. Because of that, wherever she mentions them, she should remember that there are Subas that are minority in Migori and should be considered.

Finally, on a light note, I want to say that in protest, today I am wearing Manchester United uniform to protest against a bad uniform that is giving us poor results and I am calling on the responsible people to please change the uniform for Manchester United, so that we can score.

**Hon. Speaker:** Let us now hear the Member for Molo

**Hon. Kuria Kimani** (Molo, JP): I thank you very much, Hon. Speaker for giving me this chance to contribute to this great...

**Hon. Isaac Ndirangu** (Roysambu, JP): On a point of order, Hon. Speaker.

**Hon. Speaker:** There is an intervention from the Member of Royal Suburbs.

**Hon. Isaac Ndirangu** (Roysambu, JP): Now that it appears all Members contributing are in agreement that the officers are prudent and diligent, may it please you to invoke Standing Order No.95 to invite the Mover to reply?

*(Loud consultations)*

**Hon. Speaker:** Let me hear the Member for Molo then I will leave that to you to make the decision.

**Hon. Kuria Kimani** (Molo, JP): Thank you for that kind consideration. From the outset, as a young person of this country who was elected as a Member of Parliament at a young age, I would like to congratulate Mr. Makorre Wilson not because he did not get to the final stage of being approved, but because his name made it to the Floor of this House. In the history of Parliament, it will be in the *Hansard* that a young person from the remote area dared to dream, dared to apply for a job of that high standing and went through a committee of Parliament, got vetted and just because he had not achieved the constitutional requirement of ten years' experience, he would not be an assistant registrar of political parties. So, Makorre Wilson, congratulations, you are going to be a great Kenyan.

Sometimes the youth miss out on opportunities because we do not attempt to apply for them. Sometimes we hear our friends and constituents telling us to kindly push them for particular appointment only to realise that they did not make the first attempt of applying for that position. But here is a young man who went all the way despite him knowing that he did not meet that requirement. Congratulations Mr. Makorre. You are going to be a great man in this country.

Secondly, this lady, Ann Nderitu, proved to us what I have constantly said on the Floor of this House that this country is ready for women leadership, but women leadership does not need to be forced down our throats.

Women who are qualified, like Ms. Ann Nderitu, will get appointed by the President and unanimously passed by a committee and the whole House, not because they are women, but because they are qualified for the positions. That is what I am talking about. There are qualified women and people want to be led by qualified people, whether they are men, women, or youth, as long as they are qualified and demonstrate that they have what it takes to lead this country. For that, I would like to congratulate Ms. Ann Nderitu for that appointment.

Hon. Speaker, this National Assembly, it has been said many times, has become a rubber stamp of the Executive. That everything that has been pushed to us by the Executive get passed with the least of questions. That is the reason we have approved people before who do not have the qualifications. We even try to fill up their CVs, so that we can approve what the Executive has said.

But this Report shows that we have an independent National Assembly. Probably, that is why the advisory by the Chief Justice was issued because they are afraid that if we have an independent Parliament, they are not going to push things the way they would like them pushed in this country. Look at the issues that we were debating today. Whether it is about the welfare of Miraa farmers in Igembe or that road or electricity that needs to be fixed in a particular village in Molo, those issues are debated here objectively and proper decisions made.

As I wind up, Hon. Speaker, the new Registrar of Political Parties will have a big act in bringing sense into our political parties. We need to have political parties that are disciplined but allow divergent views. What we have are political parties that are run as personal property. That is against the spirit of the Constitution. The spirit of having multi-party democracy. Multi-party democracy set that we should have a right to give a different opinion that will be respected, and not being punished...

**Hon. Speaker:** Very well. Hon. Members, there is a Member who is burning to say something because that particular nominee, who has been rejected, is from his county and he is said to have paid fees for him. You can speak from there. We will give you the mic from where you are. You should feel comfortable speaking next to the Leader of the Minority Party. Do you want to go there and stand alone?

**Hon. Mark Nyamita** (Uriri, ODM): Thank you, Hon. Speaker, for the opportunity. First of all, let me congratulate the Departmental Committee on Justice and Legal Affairs for a job well done within a short time and for the Report that they presented to this House. I also agree that this House has the right to approve or disapprove nominees and we are not a House that rubberstamps. The Committee has demonstrated this. At least, we are safe.

I congratulate the nominee for the Registrar of Political Parties, Ms. Ann Nderitu, and the others who have been approved. However, I slightly disagree with the Committee on the rejection of the candidate, Mr. William Makorre. In seconding the Bill, the Vice-Chairperson, Hon. (Dr.) Otiende Amollo, alluded to the fact that the candidate did not have clearance. I think that is not true. Even in their Report, it is indicating as such. The fact that he did not come with the certificates, they acknowledged in their Report that it was still in the process.

Today, Hon. Speaker, if you apply to get clearance from the Director of Criminal Investigations (DCI), even the booking will take you like a month. This young man comes from Migori and I know him too well. This young man has been to my office even before I got elected. At some point, I even paid for his fees. This young man did not know that he was going to be appointed. So, when he got the notification of appointment, he did make an application to the DCI for that clearance. He presented to the Committee that very receipt.

This House independently has a mechanism of writing to these other authorities, including the Kenya Revenue Authority (KRA) and the DCI, to get an independent report to corroborate what every candidate presents. So, to say that simply because he did not present the actual certificate that was still in progress is why he failed, is not true. It is not true because if they checked, the report might have been presented to this Parliament and that candidate would have been cleared.

Number two, Hon. Speaker, in the wisdom of the President, he noted that this is a young man. If today we were to say that everyone with ten years' experience, clearly, then we shall have locked out the youth. Many of the young people finish university at about 25 years of age. If you add another ten years plus to their age, they would be above the youth age. In this country, even as we head towards election, over 70 per cent of the population are young people. There is no better person to understand the youth than the youth themselves. I ask the Chair and the Committee that, in as much as our hands are tied by the law that experience must be ten years, to move an amendment so that our young people can be accommodated in this.

The other issue that I want to challenge, and it was explained by the Vice-Chairperson as well, is that this young man is going to be partisan because, apparently, he has been a youth leader for the Governor of Migori. I think that is not the case. This is a young man who has studied political science. As soon as he finished, he went for attachment in the Governor's office, not for the individual, but for the office. If someone came to my office, as a Member of Parliament, as a student of political science for attachment, that does not mean he is partisan. So, he was only attached to the office to try and learn how that works exactly.

This young man comes from a minority group and the disabled. I want to wish him well in his future endeavors. I challenge the Committee that if we are to put ten years' experience, we are going to exclude our youth.

I thank you.

**Hon. Speaker:** Very well. Hon. Members, this is your business.

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

Mover, you have the Floor. Is it Hon. Otiende Amollo or is it the Chairperson? The Chairperson appears to have forgotten that he is the Mover.

**Hon. Clement Muturi** (Kangema, JP): Thank you, Hon. Speaker. I thank all the Members who spoke for the approval of Ms. Ann Nderitu, Mr. Abdullahi Surraw, and Ms. Florence Birya. I also thank my Committee for working extra hard.

Let me dispel any illusions that my sister, Hon. Dennitah Ghati and Hon. Mark Nyamita may have. This is a very important position. It is not a position of a District Officer (DO). It is a special position in law. It will have heavy impact on us and the society. His Excellency the President did not just bring a matter so that we can rubberstamp. In fact, he will be happy to see the analytical details that we have offered. The person who may have misled is the Public Service Commission. We call them to be more meticulous in their scrutiny. It is not our pleasure to fail a disabled candidate or a minority candidate. If we were to approve, let us approve the best from the disabled.

My sister, Hon. Dennitah Ghati, you know very well that you are not the smallest tribe. The tribe of this gentleman produced the great Mwalimu Nyerere. Nyerere comes from their cousins, is it not? I thought so. Mwalimu Nyerere comes from the cousin tribe, just across the border. So, you are not the smallest tribe. It is an acknowledged fact that Mwalimu Nyerere is a Kuria from across the border.

I wish also to thank the candidate, Ann Nderitu, for offering herself and giving us the opportunity to approve a great lady in respect of this matter. Leader of the Minority Party, you have now seen that your illusions are also wrong. Madam Nderitu is not a lawyer and neither are her assistants. One of the Assistant Registrars is Birya who is your professional colleague. Birya is an accomplished accountant. You are lucky. There is no lawyer among the four. Sometimes you may be rational.

I thank all the Members. I thank Ann Nderitu and wish her well in her new role.

I beg to reply.

**Hon. Speaker:** Very well, Hon. Members.

*(Question put and agreed to)*

Next Order.

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

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

## IN THE COMMITTEE

*[The Temporary Deputy Chairman]*

*(Hon. Christopher Omulele) took the Chair]*

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Hon. Members, we are now in the Committee of the whole House. As per the Order Paper, we have two Bills for consideration. First is the Consideration of the President's Reservations to the Parliamentary Pensions (Amendment) Bill (National Assembly Bill No.45 of 2019). We shall start with that one.

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL

*(Consideration of Memorandum from His Excellency the President)*

*Clause 2*

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, pursuant to the Memorandum by His Excellency the President, Clause 2 of the Parliamentary Pensions (Amendment) Bill be deleted.

Members will recall that this House passed in good faith a Bill to provide for pensions of Members who retired before us. Obviously, it was the wisdom of the House to provide for enhancement of the pensions they are receiving. Perhaps, we may have skipped some steps such that when the matter went to the President, he rejected it. Taking into account the stakeholder memoranda that we received as well as discussions that took place in the House on that day, perhaps, we should have listened more closely to the Salaries and Remuneration Commission and the National Treasury. We set a precedent for other people who have also retired.

The President's wisdom is that the matter requires more thinking than pure passage of one piece of legislation to provide for only one category of retirees whereas there are so many others. He returned the Bill to us. Members know that in this kind of circumstances, unless we can raise a two-thirds majority, it is impossible to override the recommendation of His Excellency the President. We will consider his guidance to the House. Perhaps, we should have considered a few other things. We hope that in the near future, we will look at the Bill comprehensively and bring all those stakeholders on board so that we can see how to take care of our people.

I thank Hon. Mbadi who tabled this Bill. It is something that has been brewing for a long time. We see these people because they come to the lobby almost every day. We can see the circumstances they are in. Even as we confirm and approve the President's Memorandum, I ask the Parliamentary Service Commission (PSC) as their employer to look at other ways we can help ameliorate the conditions these people are in. We can look through it provided we do it within the legal limitations.

I thank the President for guiding us so that we do not end up with activists on our case, many of whom hate this Parliament and would have gone to court saying that parliamentarians are just doing things for themselves. Luckily, at least, it did not get there. The President, in his wisdom, has saved us from being taken to court on an issue like this. This would have almost closed the door on further engagement or measures that can be used to ameliorate the deteriorating economic circumstances of our colleagues who have left this House after good service to the nation. However, they left when the economy was not performing well and they did not have a good basis for a good pension and are now suffering while the rest of us are enjoying.

I urge Members not to spend a lot of time on this one. We should pass it because however much we debate it, we will never raise the numbers. We know that the House did it in good faith

for our colleagues. We ask that when the next opportunity comes, we will look at how else we can sort them out.

I beg to move.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Leader of the Majority Party, once you finish, I will propose the Question.

**Hon. Amos Kimunya** (Kipipiri, JP): I beg to move the amendment.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): I see interest from Hon. Mbadi. It is only fair that he says something because it was his proposal.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Temporary Deputy Chairman. There is very little we can do. We did our best. However, there are certain misrepresentation of facts that I want to bring out clearly.

One, the SRC is economical with the truth. In 2013 and 2015, these former Members of Parliament wrote to the SRC over this issue twice. Up to now, they have not been replied to. The letters have not been responded to. While transacting this Bill, Parliament wrote to the SRC, but there was no response. What do you expect us to do when the SRC chooses not to respond?

Two, this Bill was fought by people who did not understand what we were trying to do. If you look at these former Members of Parliament, you will really sympathise with them. What made me very angry was the analysis from some media houses, and more particularly the *Daily Nation* Newspaper which is respected in this country. In its editorial, but not even an opinion of an individual, they said that this is greed from the Members of Parliament. That is clear lack of understanding of what transpired. Why do I say so? Hon. John Mbadi who is the sponsor of the Bill has no way of benefitting from this decision. Therefore, where would the greed come from? This is a country where we lose millions and billions of shillings as a result of corruption. People steal money. However, some little money that goes to some Kenyans who served this nation at their prime age has become so expensive.

Finally, the amendment talks about public participation. If there is any Bill which is a direct consequence or result of public participation, it is this Bill. Why do I say so? The reason Akiwumi Report recommended the living pension for former Members of Parliament is as a result of public outcry. When they went round, the public told them to not only consider the sitting Members of Parliament, but also think about these people who were languishing in poverty there. That is the origin of this Bill.

The way we have treated the former Members of Parliament is discriminatory. They come to my office. The Akiwumi Report had three components. They recommended for enhancement of salaries of the sitting Members of Parliament then. That was implemented. Two, they recommended that the Members of Parliament who served up to 1984 be given Ksh1 million each. They were given. Three, they recommended that those who served between 1984 and 2001 get enhanced pension. They did not benefit from Ksh1 million which others benefitted from. After recommending that, and that is the main reason they did not get Ksh1 million, now you are saying that they should get zero. This is discrimination of the highest order, but there is nothing we can do. We cannot get the two-thirds majority. It is unfortunate that we have treated these senior citizens this way.

Thank you, Hon. Temporary Deputy Chairman. We shall revisit.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Very well. We shall have contribution from Hon. Ibrahim Sahal.

**Hon. (Ms.) Nasri Ibrahim** (Nominated, FORD-K): Thank you, Hon. Temporary Deputy Chairman. I have nothing to say about the President's reservations.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Very well. Hon. Members, is it then the mood of the House that we put the Question on this amendment?

**Hon. Members:** Yes.

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Clause 2 deleted)*

That is the close of the matter. We shall move to the next business. Hon. Members, we can do the bit on the reporting. Therefore, I will invite the Mover to move the reporting.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Temporary Deputy Chairman, I beg to move that the Committee reports to the House its consideration of the Presidential Memorandum on the Parliamentary Pensions (Amendment) Bill (National Assembly Bill No. 45 of 2019) and its approval thereof without amendment.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): We shall move to the next Bill, Hon. Members, which is the Public Finance Management (Amendment) Bill (Senate Bill No. 3 of 2019).

#### THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL

##### *Clause 2*

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Mover who is the Chairperson of the Committee.

**Hon. (Ms.) Gladys Wang**a (Homa Bay CWR, ODM): Hon. Temporary Deputy Chairman, I beg to move the amendments section by section. There are Sections 160A, 160B, 160C and 160D which are all part of Clause 2. If I move all of them together, they might cause confusion.

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Mover, you can do it bit by bit.

**Hon. (Ms.) Gladys Wang**a (Homa Bay CWR, Homa Bay): Thank you. Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 2 of the Bill be amended—

(a) in the proposed new Section 160A –

(i) by inserting the words “within one year from the coming into force of this Act.”, immediately after the words “collection system” in sub-section (1);

This section says that the Cabinet Secretary shall, in consultation with the Council of Governors (COG), the Commission on Revenue Allocation (CRA) and the Kenya Revenue Authority, develop a uniform county revenue collection system. We are adding that they should do it within one year of coming into force of this Act.

I beg to move the amendment.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Mover. Let me give you some advice. Move all the amendments in Section 160A and then you move to Section 160B.

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Thank you, Hon. Temporary Deputy Chairman for your guidance. Let me move Clause 2, Sections 160A (i), (ii), (iii) and (iv) because I only moved a small part of it.

*Clause 2*

*Section 160A*

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 2 of the Bill be amended—

(a) in the proposed new section 160A –

(i) by inserting the words “within one year from the coming into force of this Act.”, immediately after the words “collection system” in sub-section (1);

(ii) by inserting the following new subsection immediately after subsection (1) –

(1a) The county revenue collection system shall –

(a) be transparent, efficient, effective and verifiable;

(b) be simple and easy to use;

(c) be easy to manage and control to ensure accountability;

(d) be adequately secure to prevent any fraud, losses or any other violations;

(e) respect and promote the distinctiveness of national government and the county government; and

(f) provide for separate accounting and reporting.

(iii) by inserting the words “within one year and” immediately after the expression “sub-section (1)” in sub-section (2);

(iv) by deleting sub-section (3)

What we are trying to do there is to remove the responsibility of making sure that this system is transparent, efficient, effective and verifiable from the County Executive Officer which the original Bill was doing. We want this to be a function of the National Treasury, the KRA and the Council of Governors. The initial Bill was saying that the County Executive Officer should ensure that the revenue system caters for all these things. But we are saying that this is the job of those three organisations. Therefore, we are also adding, within one year, as part of our timelines and deleting sub-section (3) because it now has no point. That is the justification for Clause 2, new Section 160A.

*(Question of the amendment proposed)*

*(Question, that the words to be left  
be left out, put and agreed to)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Clause 2, Section 160A as amended agreed to)*

*Clause 2  
Section 160B*

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Hon. Temporary Deputy Chairman,  
I beg to move:

THAT, Clause 2 of the Bill be amended—

(b) in the proposed new section 160B—

- (i) by deleting the words “submit bi-annual statements and an annual report” appearing in sub-section (1) and substituting therefor the words “submit quarterly statements and a quarterly report”;
- (ii) by deleting the words “copies of the bi-annual statements and an annual report” appearing in sub-section (2) and substituting therefor the words “copies of the quarterly statements and quarterly report”;
- (iii) by deleting the words “the bi-annual statements and the annual report” appearing in sub-section (3) and substituting therefor the words “the quarterly statements and the quarterly report”;

The import of the amendment is to move the statements from being made biannually to quarterly. We are only enhancing the oversight on the revenue collection. So, rather than report biannually we are asking that the authorities or counties report quarterly on how much they have raised.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in  
place thereof be inserted, put and agreed to)*

*(Clause 2, Section 160B as amended agreed to)*

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): Mover.

*Clause 2*  
*Section 160C*

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Hon. Temporary Deputy Chairman,  
I beg to move:

THAT, Clause 2 of the Bill be amended—

(c) by deleting the proposed Section 160C and substituting therefor the following new section—

Failure to implement  
the revenue collection  
system.

160C. The National Treasury may, on the recommendation of the Senate, and pursuant to Article 225(3) of the Constitution, stop the transfer of a county's share of revenue raised by the national government, if the County Treasury fails to—

(a) implement a county revenue collection system; or

(b) report on the status of the county revenue collection and performance, as required under this Act.

This section says that the National Treasury may on recommendation of the Senate but pursuant to Article 225(3) stop transfer of a county's share of revenue raised by the national Government if the County Treasury fails to, initially it reads, "develop and implement" but we are making an amendment because the County Treasury does not develop the system. It is developed by the National Treasury, by the Council of Governors and by the KRA. So, you cannot charge or discipline the County Treasury for not developing it. So, we have removed the word, "develop" and have it as, "implement". The further amendment I want to make is to add part (a) saying that if the County Treasury fails, (a) to adopt the county revenue collection system, (b) to implement the county revenue collection system and (c) to report on the status of the county revenue collection system. In case of those three points, then the National Treasury can withhold the county's share of revenue allocation for not performing those tasks but not for not developing the system.

*(Question of the amendment proposed)*

*((Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in  
place thereof be inserted, put and agreed to)*

*(Clause 2, Section 160C as amended agreed to)*

*Clause 2*  
*Section 160D*

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Hon. Temporary Deputy Chairman,  
I beg to move:

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

THAT, Clause 2 of the Bill be amended—

(d) by inserting the following new section immediately after the proposed Section 160D—  
 Funds for functions  
 transferred between levels  
 of government.

160D.

(1) Where a level of Government transfers a function to another level of government in accordance with Article 187 of the Constitution—

(a) the level of government transferring the function shall allocate adequate funds for the duration of the transfer to enable the other level of government to perform the function;

(b) the budget for each function transferred shall be a separate vote;

(c) the Treasury of the level of government to which a function is transferred shall stand authorized to withdraw any funds budgeted for the function from the Consolidated Fund or the County Revenue Fund, as the case may be, with the prior written approval of the Controller of Budget.

(2) The approval of the Controller of Budget to withdraw money from the Consolidated Fund or the County Revenue Fund, together with written instructions from the Treasury of the level of government to which a function has been transferred shall be sufficient authority for—

(a) the Central Bank of Kenya to pay amounts from the National Exchequer Account in accordance with the approval and instructions provided; or

(b) the approved bank where the County Exchequer Account is held to pay amounts from the account in accordance with the approval and the instructions

In this, the Committee was dealing with the issue of revenue where functions are transferred. We are now in a unique situation where revenue is being collected but functions have been transferred. So, the rationale or the justification for this amendment is to ensure that where functions are transferred, funds will follow those functions. That is the new section 160D.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): I see interest from Hon. Mbadi.

*(Hon. John Mbadi spoke off record)*

*(Question, that the words to be inserted  
 be inserted, put and agreed to)*

*(Clause 2, Section 160D as amended agreed to)*

*(Clause 2 as amendment agreed to)*

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): I request one thing from the Mover. I would like the written format of the amendment to Section 160C so that we complete our record here. Provide it to us so that we have it. Yes, please, you may provide it to us so that we have a complete record.

*(Title of the Bill agreed to)*

*(Clause 1 agreed to)*

**The Temporary Deputy Chairman** (Hon. Christopher Omulele): I now call upon the Mover to move reporting.

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Hon. Temporary Deputy Chairman, I beg to move that the Committee do report to the House its consideration of the Public Finance Management (Amendment) Bill, (Senate Bill No.3 of 2019) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

## REPORT

### PRESIDENT'S RESERVATION TO THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Let us have reporting. The Chairperson to start with the Memorandum of the President.

**Hon. Christopher Omulele** (Luanda, ODM): Hon. Temporary Deputy Speaker, thank you for that direction.

I beg to report that the Committee of the whole House has considered the Presidential Memorandum on the Parliamentary Pensions (Amendment) Bill (National Assembly Bill No. 45 of 2019) and approved the same without amendments.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. Let us have the Mover of the Bill to move the agreement with the Report. Proceed, the Leader of the Majority Party.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Temporary Deputy Speaker, I beg to move that the House does agree with the Committee in the said Report. I also request Hon. Angwenyi to second the Motion for agreement with the Report of the Committee of the whole House.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Proceed, the father of the House; Hon. Angwenyi.

**Hon. Jimmy Angwenyi** (Kitutu Chache North, JP): Hon. Temporary Deputy Speaker, I beg to second.

*(Question proposed)*

*(An Hon. Member spoke off record)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Let me confirm from the Clerks. We do not like making...

*(The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu)  
consulted with the Clerk-at-the-Table)*

Very well. Hon. Members, I confirm that we have the requisite numbers for us to transact the business. Therefore, I will move to put the Question.

*(Question put and agreed to)*

Let us move to the reporting of the other Bill. Members, it is important to note that we have different Chambers.

### REPORT AND THIRD READING

#### THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL

**Hon. Christopher Omulele** (Luanda, ODM): Hon. Temporary Deputy Speaker, I beg to report that the Committee of the whole House has considered the Public Finance Management (Amendment) Bill (Senate Bill No. 3 of 2019)...

*(Hon. Member walked along the gangway)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Order, Bishop! The Chairperson is reporting and you must.... Please, resume your seat.

*(Hon. Daniel Maanzo spoke off record)*

Sorry. Hon. Maanzo, we call him a bishop. He is an Hon. Member alias bishop. Let us give respect to the Chairperson. Yes, Chairperson.

**Hon. Christopher Omulele** (Luanda, ODM): Thank you, Hon. Temporary Deputy Speaker. I beg to report that the Committee of the whole House has considered the Public Finance Management (Amendment) Bill (Senate Bill No.3 of 2019) and approved the same with amendments.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. Let us have the Mover of the Bill.

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Hon. Temporary Deputy Speaker, I beg to move that House does agree with the Committee in the said Report. I also request Hon. Angwenyi to second the Motion for agreement with the Report of the Committee of the whole House.

**Hon. Jimmy Angwenyi** (Kitutu Chache North, JP): As a grandfather of the House, I beg to second.

*(Applause)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. As a father of the House, he begs to second.

*(Question proposed)*

The mood of the House is that I put the Question. I now move to put the Question.

*(Question put and agreed to)*

Let us have the Mover to move the Third Reading.

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Hon. Temporary Deputy Speaker, I beg to move that the Public Finance Management (Amendment) Bill (Senate Bill No. 3 of 2019) be now read a Third Time. I request Hon. Ndirangu Waihenya to second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Proceed to second, Hon. Waihenya. Give him the microphone.

**Hon. Isaac Ndirangu** (Roysambu, JP): Thank you, Mr. Temporary Deputy Speaker. I beg to second. Sorry, I mean Madam Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Yes, I am a Madam Temporary Deputy Speaker, but I have no issue with the Misterns.

Order Members! I now move to propose the Question for Third Reading.

*(Question proposed)*

Before I put the Question, let me hear what the Member for Central Imenti wants to say.

*(Hon. Moses Kirima spoke off record)*

Are you saying I put the Question? Just be on record because I can see you are on intervention.

**Hon. Moses Kirima** (Central Imenti, JP): We are satisfied with the Bill as it is. So, put the Question.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): You are satisfied with the Bill as it is, so, I move to put the Question. Is it the mood of the House?

**Hon. Members:** Yes.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, again, given the three areas of sitting of Members within Parliament, we have confirmed that we have the requisite numbers for me to transact business of putting the Question for the Third Reading.

*(Question put and agreed to)*

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

Next Order!

## MOTION

### REPORT ON STATUS OF IMPLEMENTATION OF LEGISLATIONS, PETITIONS AND RESOLUTIONS

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, the Report is by the Chairperson, Committee on Implementation. Is the Chairperson in? Proceed if you are ready.

**Hon. Richard ole Kenta** (Narok North, ODM): Hon. Temporary Deputy Speaker, I would like to request that the House indulges me because time is very short and the Members of the Committee are not even here. So, I request that I proceed on Tuesday.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): You are requesting that you proceed on Tuesday, and of course, it was on the Order Paper. Before I make a decision, let us hear a comment from the Leader of the Majority Party.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Temporary Deputy Speaker, I want to support the sentiments of the Chairperson because, in addition to what the Chairperson, Committee on Implementation, will be moving, this Report also requires the concurrence of the Chairperson, Departmental Committee on Defence and Foreign Relations, who is not here today. So, it will be good to get the two Chairpersons to enrich the debate in the House. On that basis, I will support that we give the two of them time. They will have priority on Tuesday so that we can get this Report in a holistic way, and also when the whole House is here because it raises some issues that might be of interest to the wide House.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. I am more convinced by the Leader of the Majority Party. I thank the Chairperson because he is here, and he wants to be more ready. So, I order that the Motion on Order No.11 be stood down.

*(Motion deferred)*

Next Order!

## BILLS

### *Second Readings*

#### THE PUBLIC PARTICIPATION BILL

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. Let us have the Chairperson, Committee on Parliamentary Broadcasting and Library, to move the Bill for Second Reading if he is ready. Yes, Chairman. Give him the microphone.

**Hon. Justus Kizito** (Shinyalu, ODM): Hon. Temporary Deputy Speaker, I would also like to request that because of limited time and since it will be a matter of great interest to the Members, to kindly step the Bill down so that I can deal with it at an appropriate time.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. Again, given that we stood down the Motion on Order No.11, with the request of the Chairperson on Order No.12, namely, the Public Participation Bill (National Assembly Bill No.69 of 2019), I am convinced and I order that the same Order is stood down.

*(Bill deferred)*

Next Order!

THE COUNTY GOVERNMENTS (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): For Order No.13, I call upon the Chairperson, Constitutional Implementation Oversight Committee, to move the Second Reading.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Temporary Deputy Speaker, the Chairperson, Constitutional Implementation Oversight Committee, has had to travel for a Committee business hence he will not be here. Similarly, the Chairperson of the Departmental Committee on Administration and National Security has also gone on another committee business.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): As a matter of procedure, Hon. Kimunya, let us do one by one.

**Hon. Amos Kimunya** (Kipipiri, JP): We will do one by one. So, I would like to ask that Order appearing under No.13 on the Order Paper be stood down to enable the Chairperson to be here to move the Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): With that from the Leader of the Majority Party and holding brief, I order that Order No.13 be stood down.

*(Bill deferred)*

Next Order.

THE COUNTY GOVERNMENTS (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): This is to be moved by the Chairperson of the Departmental Committee on Administration and National Security or the person who is holding brief officially. Yes, the Leader of the Majority Party.

**Hon. Amos Kimunya** (Kipipiri, JP): Again, for reasons that the Chairperson of the Departmental Committee on Administration and National Security is tied in another committee meeting and will not be able to move this Bill, I would like to seek your indulgence that the business appearing under Order No.14 be stood down.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. With the brief from the Leader of the Majority Party who is holding brief and in his capacity, I order that business appearing under Order No.14 be stood down.

*(Bill deferred)*

Next Order.

**MOTION****SPECIAL AUDIT REPORT ON PROCUREMENT OF PRE-EXPORT VERIFICATION OF CONFORMITY TO STANDARD SERVICES BY KENYA BUREAU OF STANDARDS**

THAT, this House adopts the Report of the Public Investments Committee on its consideration of the Special Audit Report on Procurement of Pre-Export Verification of Conformity to Standard Services for Used Motor Vehicles, Mobile Equipment and Used Spare Parts by the Kenya Bureau of Standards, laid on the Table of the House on Tuesday, 2<sup>nd</sup> June 2020.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Again, do we have the Chairperson of the Public Investments Committee (PIC)? Yes, again, the Leader of the Majority Party.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Temporary Deputy Speaker, again, the Chairperson of the PIC who has been very keen to move this business did not anticipate that we would get there. So, he sought leave to go and attend to other Committee matters, hence, he is not here now. I would like to ask for the indulgence of the House that business under Order No.15 be stood down and we prioritise all these things to appear on the Order Paper on Tuesday next week. I hope the Chairpersons will then be ready and here to move the business.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. I actually saw the Chairperson earlier today. Leader of the Majority Party, because we placed the business here through the House Business Committee, you know this is a House of procedure. The Chairpersons should be more ready, on time, and also ready for any eventuality, for us to conduct business of the House.

With that, I also again order that business appearing under Order No.15, the Special Audit Report on Procurement of Pre-Export Verification of Conformity to Standard Services by the Kenya Bureau of Standards that was to be moved by the Chairperson of the PIC be stood down. As directed and communicated by the Leader of the Majority Party, who is a Member of the House Business Committee, the same businesses will be prioritised in the next Sitting.

*(Motion deferred)*

**ADJOURNMENT**

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): With that, Hon. Members, we are through with the business for today; the business appearing in our today's Order Paper. The time being 6.44 p.m., I order that the House stands adjourned until Tuesday, 29<sup>th</sup> September 2020, at 2.30p.m.

The House rose at 6.44p.m.