

# PARLIAMENT OF KENYA

## THE NATIONAL ASSEMBLY

### THE HANSARD

Tuesday, 17<sup>th</sup> November 2020

The House met at 2.30 p.m.

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

### PRAYERS

### COMMUNICATION FROM THE CHAIR

#### DEMISE OF THE MEMBER FOR MATUNGU, HON. JUSTUS MURUNGA MAKOKHA

**Hon. Speaker:** Hon. Members, it is with profound sorrow that I wish to inform the House of the untimely passing of the Member for Matungu Constituency, Hon. Justus Murunga Makokha, MP, on the evening of Saturday, 14<sup>th</sup> November 2020 while undergoing treatment at the St. Mary's Mission Hospital in Mumias, Kakamega County.

The late Hon. Justus Murunga was born on 31<sup>st</sup> December 1960. He attended Kimilili Boys RC Primary School between 1971 and 1977 and Friends School Kamusinga High, between 1978 and 1981. In 1984, he attended the Kenya Polytechnic and obtained certification as a Certified Public Accountant.

Prior to his election as a Member of Parliament, Hon. Murunga had worked in various institutions including Mumias Sugar Company, Phillips (Kenya) Ltd and the Kenya Assemblies of God Churches. In 1995, he joined the Embakasi Ranching Company as a manager where he worked until 2003 when he left to engage in private business.

The late Hon. Murunga became active in national politics in 2007. During the 2017 General Elections, he vied for and won the Matungu Constituency seat on the Amani National Congress (ANC) Party ticket. He was hardworking and a visionary leader who relentlessly supported projects aimed at uplifting his constituents.

To the Parliamentary fraternity, he was humble, amiable, a diligent personality and an active Member of the Departmental Committee on Agriculture and Livestock, where he passionately advocated for various issues particularly in the tea and sugar sectors. He was also a Member of the Committee on Parliamentary Broadcasting and Library.

On my behalf, all Members and staff of the National Assembly, I wish to take this opportunity to condole with the family of the late Hon. Justus Murunga, the people of Matungu Constituency, all his relatives and friends at this difficult time. As the National Assembly, we assure the family of our support during this period of great sorrow.

In this regard, Hon. Members, and in line with the Parliamentary Service Commission's Bereavement Policy, an Ad-hoc Committee has been set up under the chairmanship of the Majority

Party Whip, Hon. Emmanuel Wangwe. Members are, therefore, encouraged to liaise with the Ad-hoc Committee on matters relating to the interment of our departed colleague.

In honour of our departed colleague, I request that we all stand to observe a minute of silence.

*(Hon. Members stood up and observed a minute of silence)*

May his soul rest in eternal peace. I thank you.

Hon. Wamalwa, kindly have the Floor.

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD-K): Thank you, Hon. Speaker.

On behalf of my family and the people of Kiminini Constituency, I rise to send a message of condolences to the family of the late Hon. Justus Murunga Kizito. I worked with him closely in the Departmental Committee on Agriculture and Livestock. I know the family has cried so much. However, we pray to Almighty God to give the family strength and comfort at this particular time.

Hon. Justus was a very humble and jovial man. I was with him in Mombasa. We did not know that we were going to lose such a person who added a lot of value and particularly to the Bill on the sugar sector. May his soul rest in eternal peace.

Thank you.

**Hon. Speaker:** Hon. Jomo Washiali, kindly have the Floor.

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Speaker. On behalf of my family and the people of Mumias East, I would like to register my condolences to the family of Hon. Justus Murunga Makokha for the loss.

Maybe for starters, I will inform you that Matungu is a Constituency that was hived off from the larger Mumias, which I represented in this Parliament. Therefore, Hon. Murunga was that close. I happen to be among the first people who viewed the body of our Member when everybody was confused.

I just want to thank the Parliamentary Service Commission for what they have done so far in transferring the body of Hon. Murunga from Mumias to Lee Funeral Home, which has given him honour.

To conclude, I am sure the cause of death is a question that every one of us is asking. Yesterday, the family wanted to do a post-mortem on the body of the Late Hon. Murunga, but the hospital requested that before the post-mortem is done, they should know the COVID-19 status. Therefore, samples were taken. The results are not yet out. When the results come out, I am sure information will pass. What I just wanted to tell my colleagues is that let us not cast aspersions at this stage. Let the issues or the cause of death be passed to us in a more formal manner so that then we can conclude on what caused his death.

He had been admitted at the Aga Khan Hospital on Tuesday, a week before last week and was discharged on Wednesday. This means that he had been in hospital for a total of eight days. The reasons for going to hospital were high blood pressure and diabetes. The rest, we do not know. Now that we have to do a post-mortem as requested by the family, I am sure we shall be told the cause of his death. I ask Members of Parliament and the country to be patient for that information.

Thank you, Hon. Speaker.

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

**Hon. Samuel Atandi** (Alego-Usonga, ODM): Thank you, Hon. Speaker. On behalf of myself and my family and the people of Alego-Usonga, I would like to pass my sincere condolences to the family of my colleague, the late Hon. Murunga and the people of Matungu.

Hon. Speaker, the late Justus was a humble man and he loved coming to Parliament very early. He enjoyed breakfast at the Parliament Canteen. In most occasions, I used to join him in the morning and he was a humble man. He has a knack for dressing very well and at one time, I used to tease him that maybe he should have been born a Luo because he used to dress very well, something which he laughed off.

However, Hon. Speaker, one thing that I would like to say because, maybe, we will not get the time to say it, is that his demise has been very abrupt and very painful. When it happened, we were watching news and we were taken aback because previously, a lot of us had been in touch with him. Therefore, most Members have been concerned about their health especially when serving constituents across the constituencies and villages. I would just like to urge my colleagues that let us take our lives very seriously because this COVID-19 is not a joke. The doctors who are here are saying that by the time you start feeling it, maybe, that is the time you are actually outweighed. Therefore, may the soul of my brother rest in eternal peace.

Thank you.

**Hon. Speaker:** The Member for Eldama Ravine, you have the Floor.

**Hon. Moses Lessonet** (Eldama Ravine, JP): Hon. Speaker, thank you for this opportunity. On my behalf and on behalf of the residents of Eldama Ravine Constituency, allow me to convey my heartfelt condolences to the constituents of Hon. Murunga who has passed on. I also want to take this opportunity to really beseech all those who manage hospitals - whether public or private... We read that during the last minutes of Hon. Murunga, there was lack of oxygen in one of the facilities he visited. Moreover, it is unfortunate that a public facility can lack oxygen. A facility of Level 4 status or above without oxygen should actually be closed! I am aware that even in Baringo, we have lost people to COVID-19, most of the time because there was no oxygen at the health facilities. When we talk of oxygen, it is not ventilator. A patient has not even reached a state to require a ventilator. Oxygen comes before a ventilator. You can imagine a situation where there is no oxygen. What about patients who need ventilators in the Intensive Care Units (ICU)?

Hon. Speaker, health workers and administrators of hospitals under county governments need to take this matter very seriously.

With those remarks, may the Lord rest his soul in eternal peace.

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

**Hon. Didmus Barasa** (Kimilili, JP): Thank you, Hon. Speaker. On my behalf and on behalf of the people of Kimilili Constituency, I want to send my heartfelt condolences to the family of the late Hon. Justus Murunga. Just like you have said, the late Member lived in my constituency for more than thirty years. We have lost a person who was very close to us and I would want this House to know that the former Member of Parliament for Kimilili Constituency, Hon. Suleiman Kasuti Murunga, is his first cousin. As a constituency, we have lost a person. Hon. Murunga was a firm Member of Parliament specifically when it comes to matters of defending the rights of the people he represented.

This death comes barely a few months after we had planned for a visit to his former primary school, Kimilili RC Boys with Hon. Ferdinand Wanyonyi, who was also an old boy and, indeed, we have lost a person who stood with what he believed in, whether he was right or wrong. It was very difficult to change the mind of Hon. Murunga. We have been moving around with him. I remember the last episode with him that we were in the house of Hon. Malulu for lunch and when the police came in. It is only Hon. Justus Murunga and I who remained behind. Even Malulu took off. Therefore, that explains to you the character of a person in Justus Makokha Murunga. I think

with his passing on, the people of Matungu will take a lot of time to get a person of Justus Makokha's caliber.

With those few remarks, Hon. Speaker, I thank you and may his soul rest in eternal peace.

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

**Hon. Josphat Kabinga** (Mwea, JP): Thank you Hon. Speaker. I want to join my colleagues, on behalf of myself and my family, to pass a message of condolence to the family of the late Murunga. The late Justus Murunga and I used to call each other "brother" because they say we looked alike and because we did not understand the relationship of central and western, we decided to keep it at that. Other than that, I know the late as a very determined person in whatever he did. I was particularly impressed by the way he kept his time in the gym. Every morning at around 6.30 a.m., the late Murunga would be there and he did his work out. We would sit and discuss. I also want to confirm that this is one person who believed in what he thought was right regardless of what others thought. I had a chance of hosting him in my constituency twice on different occasions, and I remember the first time he visited Mwea and I offered him a meal of rice, he confirmed that Mwea has rice number one in Africa. In addition, it is sad that I will not have another chance to take him to Mwea after we have improved our rice to be even better.

Hon. Speaker, I pray that God helps the family to recover and to face the challenges with courage. May He give them strength to endure all the challenges that come with the loss of a father, brother, cousin an uncle and a good leader for the people of Matungu.

I thank you Hon Speaker.

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

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Speaker. On behalf of the people of Funyula Constituency, myself and my family, I stand here at this moment to send my condolences to the people of Matungu for the loss of a dear colleague, Hon. Justus Murunga. It hit me like a thunderbolt. Truth be told, we were very close friends. I first met Hon. Murunga when we were campaigning in 2017. Whenever I would pass to go and rest in a certain facility within Matungu Constituency, being a few kilometres away from Funyula... He was a likeable and jovial man and truly believed in the empowerment of the Luhya people. Whenever I would sit with him in any forum he would talk about the Luhya people and how we could unite and become one team whose voice could be heard all over the country. We also had the opportunity to serve with him in the Joint Committee of Trade, Industry, Cooperatives and that of Agriculture and Livestock when we were dealing with the ill-fated sugar probe. Indeed, he stood out as a man who was so passionate about protecting the sugar sector.

I pray that the Almighty God rest his soul in eternal peace.

**Hon. Speaker:** Let us have the Member for Tigania West.

**Hon. John Mutunga** (Tigania West, JP): Thank you Hon. Speaker for this opportunity. On behalf of the people of Tigania West, myself and family, I also wish to register my very sincere condolences to the family of the late Hon. Murunga. I got to know Hon. Murunga when we joined Parliament during this Session. He was my very close friend. We attended the gym together and he was very punctual. He used to tell me it was the best thing that ever happened in his life to be around here. I also managed to share moments with Hon. Murunga in the same Departmental Committee of Agriculture and Livestock. He is one person who was very candid and straight forward. He was very eager to separate issues especially those that people would be uncomfortable to mention. Hon. Murunga would point it out and speak his mind. He would even demand for an apology and ask the person on the wrong to step down. Hon. Murunga has been a key pillar in the

Committee, supported the discussions and enabled us realise those things that we needed to realise in order to make progress.

To Hon. Murunga's family, I register my condolences and pray that the Almighty God rests his soul in eternal peace.

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

**Hon (Dr.) Otiende Amollo** (Rarieda, ODM): Thank you, Hon. Speaker. Allow me to join my colleagues in condoling with the family of our late brother, Hon. Justus Murunga.

On behalf of the people of Rarieda, my family and the family of Matilda Nakhungu we really express our condolences. Whenever we met in the corridors, Justus would call me "my constituent" and a lot of my colleagues would not understand why. Justus Murunga was the MP for Matungu wherein there is a place called Indangalasia, that is where my grandmother hails from. So, often we would talk together. One time he even sent me to Indangalasia Secondary School. His death reminds us of how transient life is. It also reminds us on the value of humility, simplicity and consistency.

Hon. Speaker, it demonstrates to us why we must really refocus on the need for provision of good health facilities at the county level and even down to the Constituency level. It will not serve any purpose to equip the best facilities and ensure they are in Nairobi and yet as MPs and the rest of Kenyans, we spend a lot of time upcountry. We must be in a situation where in emergencies you can be rushed to the nearest health facilities and you can get emergency treatment as required by the Constitution.

Even though we await to know the cause of death, the suddenness of it makes it all the more painful. However, even if it were shown that it was otherwise, it is still a stark reminder that COVID-19 is real. We must take all the necessary precautions and whereas in many cases many of us may have been affected, there is no stigma in sharing that status. There is no stigma in continuing to take precautions.

May the Lord rest his soul in eternal peace. Thank you.

**Hon. Speaker:** Let us have the Leader of the Majority Party.

**Hon. Amos Kimunya** (Kipipiri, JP): I thank you, Hon. Speaker. On behalf of the people of Kipipiri, the wider leadership of the House, my own family and all the friends who knew our late colleague, Hon. Justus Murunga, I wish to convey my heartfelt condolences. It was a shock receiving the news. From where I sit, I get to interact with many of the Members and we had interacted not so long ago in terms of the frameworks of knowing who is in what Committee and doing what.

As the Hon. (Dr.) Otiende Amollo says, the passing away of our colleague in such a short time is a stark reminder of our vulnerability especially us, because of the nature of our work, we are exposed to all manner of potential contamination, based on where we go, where we are going for our committee meetings, where we are going to meet our colleagues and where we are going for our public rallies. We are vulnerable and especially in these difficult times when you do not know where the virus is. The Hon. Washiali is cautioning us not to speculate. It is not speculation. We need to be alive to the reality that we are living in very peculiar times and unless we take extra caution as MPs who are interacting with the public, and they will not understand why you do not want to be closer to them so they will be surging towards you... Unless we take extra care, we will not only be at risk ourselves but we will put each one of us at risk and hence our families as well. That is how this second wave is getting complicated.

Hon. Speaker, today is the 17<sup>th</sup>. In the last 16 days of November, we have lost 299 people excluding the numbers that we announced today. In the entire October, we lost 295. So in only

half of November, we have lost the same number as the people we lost in the entire October. By end of November, I am sure the number will be higher. By the time we get to the December festivity seasons and January and the kids go to school, if we are not careful we could be in a position where even the capacity of our national health system will not handle.

So, it is an appeal to all of us in honour of our departed colleague to just take that extra care and be the example to everyone else that we now know that COVID-19 is real. We all know some relative or a friend who we lost somewhere. We also know colleagues who have been infected and who have survived but some are still recuperating. We are very happy that they have come out and given some encouraging stories. So, it is something that I want to appeal. Hon. Speaker, it is at this point that we need to think of whether we need to expose Members to all these committee meetings that we are doing in hotels. This is because, you do not know who else has been in that hotel.

We take our membership there and we could be losing Members by exposing them to hotels. When we started, we were very clear that meetings were to be held within the precincts of Parliament because our meeting rooms are subjected to sanitisation and adhere to the Ministry of Health protocols.

When you go to hotels, how do you know who was there last or just before you. This is something I urge you to guide us on what to do, between now and the time we break, so that we do not end up losing or subjecting our Members to further risks especially with the surging COVID-19 numbers in the country.

Let me digress a bit because I know Members have been concerned about another issue of delay in financing of operations in constituency offices. I have been in touch with the National Treasury, the Office of the Speaker and the Office of the Clerk. I think before the end of this week, there should be some funding. We may also change the mode of payment because it is done on a quarterly basis and every quarter, there is a delay.

We have discussed with the Clerk that perhaps we need to be releasing funds after every two months and then monthly, so that, at least, there is no money lying idle in the constituency. This is because at the end of the quarter, you end up with a month of disruption. We need to change that system so that there is continuous flow and accountability. This might help to smoothen the flow. The good news is that you do not need to worry anymore. Action has been taken in terms of facilitating the operations at the constituency level.

Thank you, Hon. Speaker.

**Hon. Speaker:** Finally, let me have the Member for Kwanza. Sorry, he is not the final one. Please, let us eulogise Hon. Murunga as a national leader and not a villager. I can see some people in *buibus* around here.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Hon. Speaker, you can see Justus Murunga was a friend to everybody here. I want to take this opportunity on my own behalf, the people of Kwanza and my family, to say *pole sana* for the loss of our brother, who I knew very well.

Just as the Member for Kimilili mentioned, I had gone to his constituency twice and he came to mine once and contributed handsomely for the Catholic churches. I also want to take this opportunity to tell Members more about him. The late Justus Murunga took almost 30 minutes to get to the nearest health facility. When we were talking about this with my colleagues in the cafeteria, what came out is that we may also face a similar problem in case one of us suffers a similar problem.

The county facilities do not even have oxygen. I managed to talk to the Clerk of the National Assembly that maybe we should have a hotline for helicopters just in case there is a problem, so that one can be evacuated to the nearest facility as quickly as possible. Those staying in Nairobi should have a hotline for ambulances that are well equipped to evacuate them. I think the hotline is important so that when you have a problem out there, you can be evacuated to the nearest health facility.

Hon. Speaker, this is my request. *Ahsante sana*. Thank you.

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

**Hon. (Ms.) Rehema Jaldesa** (Isiolo (CWR), JP): Thank you, Hon. Speaker. As I rise to condole with the family of my colleague. I also humbly request you to consider giving the County Woman Representative (CWR) of Kakamega a chance to say something.

I would like to join my colleagues in condoling the demise of our friend and brother, *Mhe. Murunga*. He was what has been said, a very kind hearted and humble man. On top of that, he was a true African man. I remember my encounter with him in 2018 when we shared a table for lunch and then innocently, I signed for the lunch. He got up furiously, destroyed the voucher and signed for the lunch. He told me in the Luhya culture, they never allow a woman and especially a beautiful woman, to pamper a man. I hope the Luhyas in this House will hold that culture.

From that day, we became very good friends. Every other time when I was free, he would take me for lunch outside Parliament.

(*Laughter*)

He was a very principled man and I do not want to go into details. We would discuss about the politics of this country with him. Every time I pursued him to say something, he said “for this one, I will take it to the grave”. We will miss him because he has left many marks in people’s lives. May the Almighty God rest his soul in eternal peace, and help his family through this period.

Hon. Speaker, as a House, we must make a decision because we have lost many senior citizens in this country because of lack of Oxygen. In the County of Isiolo, in the last one month, we have lost about eight people because my county has not provided Oxygen. Patients are usually rushed to Nairobi and die on the way. So, as a House, we must address this issue.

Thank you, Hon. Speaker.

**Hon. Speaker:** There was a hue and cry about the female gender. Let us have Hon. Adagala.

**Hon. (Ms.) Beatrice Adagala** (Vihiga CWR, ANC): Thank you very much, Hon. Speaker. On my own behalf, the people of Vihiga County and ANC, we mourn our colleague, Hon. Justus Makokha Murunga.

He was a great man. When he last talked to me, he told me to inform other Members that he was unwell and admitted at the Aga Khan University Hospital in Kisumu, which I did. Sadly, within a short time, I learnt he had passed on. On behalf of ANC, I wish to say to the family of Hon. Murunga that God will see them through this trying moment. As a party, we are mourning him greatly.

During the campaigns, I remember we used to transverse the sugarcane farms looking for what was his. Now that he has gone to rest, may his soul rest in eternal peace. The family should take heart. The ANC family is mourning a great son of the soil from the Mumia lineage of Matungu and Mumias in Kakamega County. May his soul rest in eternal peace.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Elsie Muhanda, you have the Floor.

**Hon. (Ms.) Elsie Muhanda** (Kakamega CWR, ODM): Thank you, Hon. Speaker, for granting me this moment. I wish to convey the condolences of the people of Kakamega County and my family on the loss of this great man, Hon. Murunga. It comes at a time when Kakamega has faced many deaths. We lost four doctors just recently. So, as *Mama* County, I have a very heavy heart at this time. Hon. Murunga was a Member who did not look at whether you are in ODM, ANC or the Jubilee Party. He cut across all of us. He supported me as a Woman Representative in my affirmative action. He supported me on matters of widows, the youth and people living with special needs. We are surely going to miss him.

I urge the media that this is a time of mourning. You will find all sorts of allegations against the Hon. Member in all media houses. Let the media be kind to Hon. Murunga. May his soul rest in peace. Thank you.

**Hon. Speaker:** Of course, I did indicate that in keeping with our Parliamentary Service Commission practice, we have an Ad hoc Committee chaired by the Whip of the Majority Party, who, indeed, was the first person to break the news to me on Saturday night.

Hon. Wangwe, you have the Floor.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Speaker. On behalf of the people of Navakholo, my family and on my own behalf, allow me to pass my sincere condolences to the family and the people of Matungu following the demise of my colleague, Hon. Murunga Justus.

Back at home, Hon. Murunga is my neighbour. My constituency, that of Hon. Washiali and that of Hon. Murunga boarder one another. To me, Hon. Murunga was a dear friend. We interacted. He visited my constituency, and actually the last time he was in my constituency, we were doing *Harambee* for the Catholic Church. He came and supported me dearly. I have also severally been to his constituency. Mine is just to say this great man had two peculiar characteristics. One, Hon. Murunga would rather leave the meeting early, but he would never let you down when it comes to an appointment. He was one serious man who kept time. When I was the Vice-Chair of the Departmental Committee on Agriculture and Livestock, he was one of the reliable Members whom I could know that tomorrow we would have quorum and indeed, we had the quorum.

Hon. Murunga's other character was friendship. He never knew one single party. From the time he joined this Assembly, he treated himself as a leader and cut across the political divide. He was a friend to every legislator in this House and that made me to really look at Hon. Murunga as a leader who would go miles, and who would take the people of Matungu far. With that point, and in line with the task you have given me, through the PSC, to chair the committee of his funeral, I will do that task honourably and seek the support of my colleagues in terms of planning, so that we can move and let the funeral of this great man, Hon. Murunga, move on well.

Just to remind colleagues, the only living kingdom we have in the country is the Wanga Kingdom. Mumia Nabongo has a shrine where all of us can go and visit. It is domiciled in Matungu. So, this great man is in the lineage of Nabongo and he will be laid down honourably to follow the suit of King Nabongo of Mumias.

With those very many words, may God rest his soul in eternity.

**Hon. Speaker:** Finally, let us have Hon. Osotsi.

**Hon. Godfrey Osotsi** (Nominated, ANC): Thank you, Hon. Speaker. I also join my colleagues, on my own behalf and on behalf of my family, to convey my special condolences to the family, friends and the good people of Matungu Constituency following the demise of our

colleague, Hon. Justus Murunga. Hon. Murunga was very close to me. That friendship started way back in 2017 just before the general election when I had an opportunity to serve as the Secretary-General of the ANC Party. Hon. Murunga displayed a rare virtue of resilience. During the nomination exercise, he faced numerous litigious opponents who dragged him to all courts. However, he remained firm, consistent and eventually won the election. Ever since that time, we have always remained close friends even though in one or two occasions, we could have divergent opinions on matters politics. However, on many occasions, I have visited his constituency to conduct various development activities and he has also visited my home in Vihiga. So, I have lost a great friend and member of my party, someone who loved everyone and someone who took a stand. It will be very difficult to change his position on matters politics or ideology.

As we mourn our friend, we are aware that our friend had huge expectations about the challenges that sugarcane farmers are facing, especially in the Mumias sugar belt. It was his hope that during his tenure as Member for Matungu, the issue of Mumias Sugar Company would be resolved. I hope we will work towards realising what he thought in terms of the revival of the sugar industry.

I wish to say *pole* to the family of Hon. Justus Murunga. We look forward to giving our colleague a befitting send off.

Thank you, Hon. Speaker.

**Hon. Speaker:** Very finally, Hon. Ichung'wah. Sorry, there are too many requests and I do appreciate.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Thank you, Hon. Speaker. I wish to join my colleagues in conveying my condolences to the family, friends, relatives and the people of Matungu on the unfortunate demise of the late Hon. Murunga. It is sad to be standing before this House today to mourn a brother, a colleague in respect of who I can say without fear of contradiction that is a man who loved the people of Matungu. He was very committed to the course of uplifting the lives of the people of Matungu. I joined Hon. Murunga only towards the end of last month at Indangalasia in Matungu Constituency for a church function, together with the Deputy President and I witnessed that, indeed, the people of Matungu loved their Member of Parliament. I pay him back the love and commitment he had.

I was fortunate to have served this House as the Chair of the Budget and Appropriations Committee. I can state again without fear of contradiction that probably, besides Hon. Washiali, there is no other Member of Parliament from the western Kenya sugar belt who was more committed to the issue of Mumias Sugar Company than the late Hon. Murunga. Not one, not twice, not thrice, during the budget-making process did Hon. Murunga confront me along the corridors and tell me in Swahili: "*Bwana Chairman, kama hakuna pesa ya Mumias, hakuna budget.*" He was very consistent on that. If there is no money to revive Mumias Sugar Company, there is no budget

Hon. Speaker, during the budget making process in the 2018/2019 Financial Year, when we conducted public participation meetings in Kakamega, and I did not manage to go, the Members who served in the Budget and Appropriations Committee who went to Kakamega will bear me witness that the people of Matungu had serious insecurity issues. Hon. Murunga placed one request before the Budget and Appropriations Committee, which was the construction of a police station in Matungu, which was to stem the insecurity issues that were there. I thank God, the Budget and Appropriations Committee and this House, were not only able to step in to help him, but the people of Matungu. That will stand as a lasting legacy of the late Hon. Murunga for the people of Matungu.

As has been said in this House and I have had opportunity to listen to some of the comments from the Senate, we are all indicting our health care system in this country. It is sad that something as basic as oxygen is difficult to come across in many parts of our country. It is an indictment to this House because we are the budget-making House. We must ensure that the money we appropriate to the health care system goes into meaningful use. It is sad that today, about 96 days after His Excellency the President directed that action be taken against the COVID-19 KEMSA heist billionaires, nothing has been done. It is not just an indictment on the Government, but on us as Members of Parliament that we must ensure that we offer meaningful oversight especially on matters health.

With those many remarks, on behalf of my family, the people of Kikuyu and on behalf all the hustler nation in this country, because I can categorically state that Hon. Murunga was, indeed, a great supporter of the hustler nation in this country, I convey my condolences to the people of Matungu and his family.

**Hon. Speaker:** Well, let us move on.

*(Hon. John Waluke crossed the Floor)*

Hon. Waluke, this is the National Assembly. Get out! You cannot do that, certainly not when I am on the Chair. Go to the door. Hon. Waluke, somebody is suggesting that you might have forgotten the rules. I do not know why you would.

## PETITIONS

### REOPENING OF LEARNING INSTITUTIONS

**Hon. Speaker:** Hon. Members, Standing Order 225(2)(b) requires the Speaker to report to the House any petition other than those presented by a Member. I, therefore, wish to report to the House that my Office has received a Petition from a consortium of university students' representatives led by one Mr. Albert Maloba, who is the Chairperson of the Universities' Presidents Council, calling for definitive, but safe re-opening of learning institutions across the country.

Hon. Members, the Petitioners aver that the ongoing prolonged closure of learning institutions has negatively affected many learners as exemplified by apparent lack of nutrition, increased stress levels, increased exposure to domestic violence, child exploitation, teenage pregnancies and overall impact on mental development. Further, the Petitioners decry the long-term risks of a disrupted academic calendar and its impact on general literacy levels and on learners' future.

Hon. Members, the Petitioners are convinced that a definite, but safe reopening of learning institutions can be undertaken in view of what they term as successful illustrations from Sweden, Japan, the United Kingdom, Germany, France, Italy, Ivory Coast, Tanzania and other countries.

It is on account of this conviction that the Petitioners seek the intervention of this House in championing for the welfare of learners across the country by securing safe reopening of learning institutions among other interventions.

As you are aware, the Government through the Ministry of Education, has already commenced phased reopening of learning institutions beginning with universities and selected levels of primary and secondary schools. Nevertheless, in view of the fact that this Petition contains

substantial matters that merit timely intervention by this House, and pursuant to the provisions of Standing Order 227(1), this Petition stands committed to the Departmental Committee on Education and Research. The Committee is requested to consider the Petition and report its findings to the House and to the Petitioners in accordance with Standing Order 227(2). That consideration should not be limited to the fact that certain dates have already been announced. Nevertheless, the Petition is referred to the relevant committee.

I thank you! Hon. Osotsi, you also have a petition.

#### RECOVERY OF ILLICIT MONEY HELD IN OFFSHORE ACCOUNTS

**Hon. Godfrey Osotsi** (Nominated, ANC): Thank you, Hon. Speaker.

I, the undersigned, on behalf of citizens and civil society organisations involved in good governance and accountability draw the attention of the House to the following:

THAT, the Constitution of Kenya 2010, has clearly laid down values and principles of good governance including integrity, transparency and accountability which are the core of Chapter Six of the Constitution on Leadership and Integrity;

THAT, these principles equally extend to Public Finance Management as set out in Part II of the Act relating to responsibilities of committees of Parliament and the National Assembly's Budget and Appropriations Committee in public finance matters and public finance principles under Article 201 of the Constitution of Kenya 2010;

THAT, Article 95(2) of the Constitution of Kenya 2010 provides for the role of Parliament to include among other roles, deliberating on and resolving issues of concern to the people;

THAT, the malignant corruption malady in this country has led to tremendous amounts of funds and assets being illicitly transferred or exported to offshore accounts;

THAT, it is estimated that Kenya has since 2011 been losing an average of Kshs40 billion every year through illicit financial flows because local firms and multi-nationals engage in fraudulent schemes to evade payment of tax, thereby adversely affecting revenue collection and impeding the country's economic growth; THAT, the recovery of money held in privately-held foreign accounts will go a long way in not only boosting the country's economy especially in the recovery phase following the COVID-19 Pandemic, but also help the country recover from the huge debt burden it is currently accumulating;

THAT, while efforts are being made to repatriate stolen funds and unexplained assets through the Framework for Return of Assets from Corruption and Crime with Switzerland, Jersey, and the United Kingdom, and through the Mutual Legal Assistance law, the country is yet to make any notable progress;

THAT, no substantive effort has been made to make public the holders of secret offshore accounts in a bid to repatriate the amounts held abroad;

THAT, efforts to have these matters addressed by relevant authorities have not borne fruit; and,

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

THEREFORE, your humble Petitioners pray that the National Assembly through the Departmental Committee on Finance and Planning:

- (i) investigate the matter with the objective of ensuring that the Asset Recovery Agency, with the support of the Ethics and Anti-Corruption Commission (EACC), considers expediting the asset recovery and repatriation effort.

- (ii) Secures the establishment of a clear mechanism to ensure that the repatriated assets are appropriated accordingly.
- (iii) Makes any other recommendation that it deems appropriate in light of this Petition.  
And your Petitioners will forever pray.  
I thank you.

**Hon. Speaker:** Yes, Hon. George Gitonga. Do you want to comment on that?

**Hon. George Gitonga** (Tharaka, DP): Thank you, Hon. Speaker. Allow me to comment on that timely Petition by Hon. Godfrey Osotsi. We know for sure that there is a pandemic that is ravaging our country, which is the COVID-19 disease. We do not know where it has come from. It is not self-inflicted, but it is a pandemic.

The second pandemic that is ravaging our country is corruption. Corruption is self-inflicted. We are the ones who have entertained corruption in the country and as a result of this, Kenyans are suffering because of this wayward way of doing things. While we know that corruption money is stashed away in safe havens out there, whether the Isle of Man, Jersey, or wherever, this is money that would actually be repatriated and, if it does not fall under corrupt hands again, it can be used for the welfare of the people of Kenya. Therefore, it is timely that this Petition has been brought. I support and urge the relevant Committee to move with speed to ensure that the prayers sought in this Petition are looked into and implemented.

I thank you.

**Hon. Speaker:** Hon. (Dr.) Otiende Amollo, you have the Floor.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Thank you, Hon. Speaker. I fully support this Petition. I would really urge that the Departmental Committee on Finance and National Planning, to which it is proposed to be committed, takes this matter seriously.

First of all, it must be noted that our Constitution expressly prohibits any State officer from holding an account outside this jurisdiction, except where it may be permitted by legislation. To the best of my knowledge, we have not passed such legislation. That then leads to the conclusion that there is a blanket prohibition. It, therefore, means that by definition, any State officer who then is found to have such money will be doing what is unlawful. Therefore, by definition, such money ought not only to be recovered, but to be presumed to be surrendered to the State.

Hon. Speaker, it is not necessarily true that every other Kenyan who hold accounts abroad may have acquired such money through the proceeds of corruption. However, there is a legitimate and heavy presumption that anyone who would rather keep their money abroad, most likely does not want to explain its sources. Therefore, it is quite imperative that we should look into that issue. This issue is emotive.

In 2012, as the Ombudsman, I set out on a journey to just start by getting the list of those who, in this country, hold accounts abroad. Just that inquiry alone nearly cost me my seat at that point. It was quickly assured to me that I was overreaching, that there were entities that were actively looking into that and that within less than 30 days, they were not only going to disclose that list, but they were going to make efforts to recover that money. Eight years later, that has not come to pass. I remember the immediate Attorney-General Emeritus at one point assured the country that we were going to have sight of that list. He said so with much gusto and zeal. After one week, that zeal appeared to have gone down and to date, someone must have suggested that it is not a good idea to do that.

Every serious country - and we have seen this in many countries including Nigeria, Ghana and elsewhere - that meaningfully pursues the idea of monies held abroad, usually gains results. I was particularly worried, and I would like the Committee to look into this, when about a year ago,

I travelled abroad and met some very industrious Kenyans who sought to persuade me that they could facilitate repatriation of any monies if I or anybody I knew held it abroad. That there was a quiet understanding that provided you agree to forfeit a certain small percentage, no questions will be asked as to its sources. It worried me. I hope it is not true. If it is true, it is very dangerous. That must be looked into. We need people to account for all the money that they have. If we were only to get about 80 per cent of the monies held abroad, mostly illicit monies, they would go a long way in paying just a bit of the overwhelming public debt that we have.

I support.

**Hon. Speaker:** Let us have Hon. Maoka Maore.

**Hon. Maoka Maore** (Igembe North, JP): Thank you, Hon. Speaker. The issue of money laundering and stashing of funds abroad has been a thorny issue. It has been a problem in most of the third world countries. When the Departmental Committee on Finance and National Planning delves into the matter, it is important to note that it is not only the public servants, State officers or public officers who are complicit in this activity.

Now that Kenya has the mutual legal assistance with key havens for money, specifically Switzerland and the United Kingdom (UK), it gives us a lot of leverage to access those funds and repatriate them. As we keep on talking about Europe, there are other havens that have emerged, specifically the United Arab Emirates (UAE), Seychelles and Mauritius. A lot of our money is ending up there and doing serious investments for those countries because it is hidden money and not many people will be able to use it in any other way. When we ask for Kenyans not to have accounts abroad, it does not mean that we stop them from doing business. There are people doing legitimate business, let us say for exports and those who do business abroad. Those are not prohibited from having foreign accounts. I only urge that we speed up the inquiry and also streamline the activity.

Hon. Speaker, for many years, the Kenya Government has been very hostile to signing the mutual legal assistance. For the first time in our history, we have a Government that has assented to the idea of signing the mutual legal assistance with foreign entities, so that money can be returned. I can give a quick example. When we were pursuing the Anglo-Leasing funds and some other transactions, the British High Commission was very keen to plead with the EACC and the Attorney-General to sign the mutual legal assistance. The two offices were at serious loggerheads against the idea of signing the mutual legal assistance. Now that we have it, let us see action. Even this Petition would not be of much story if somebody used the mutual legal assistance already signed, to repatriate the monies stashed abroad specifically in the UK, the United States of America and Switzerland. So, let us move with the laws that we have. Let the Committee shed some light on what has been happening.

I thank you.

**Hon. Speaker:** Finally, let us have Hon. Makali Mulu

**Hon. Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Speaker. I support my colleague, Hon. Osotsi, on this important Petition. It is very timely bearing in mind that our revenue streams are now wanting.

The issues of illicit foreign accounts and money laundering are very sensitive to any country. This is one area that, if properly handled, can actually generate revenue to run development programmes.

Even as the Committee looks at this matter, it must be prepared because this is like touching a live wire. I am sure we have the required legal framework to pursue this matter, but the Committee must have the courage and the boldness to make sure that it pursues the matter to its

conclusion. Otherwise, this is a matter which we must take very seriously as a nation if we are to get resources to develop this country.

We are talking about illicit resources. We are not talking about genuinely-earned resources. We are talking about illicit resources which have found themselves in those accounts through funny deals. That is the money that should come to this country so that we can develop.

I support the Petition.

**Hon. Speaker:** Very well. The Petition is referred to the Departmental Committee on Finance and National Planning.

Next Order!

## PAPERS LAID

**Hon. Amos Kimunya** (Kipipiri, JP): Thank you Hon. Speaker.

Hon. Speaker, I beg to lay the following Papers on the Table of the House:

The 7<sup>th</sup> Annual Report on the Measures Taken and the Progress Achieved in the Realisation of National Values and Principles of Governance.

The 7<sup>th</sup> Annual Report and Summary on the Progress Made in Fulfilling the International Obligations of the Republic of Kenya.

The 7<sup>th</sup> Annual Report to Parliament on the State of National Security.

Report on the Ease of Doing Business: Reform Milestones 2014-2020.

The Consolidated Annual Report from the Office of the Director of Public Prosecutions for the financial years 2017/2018, 2018/2019 and 2019/2020.

Legal Notice No.198 of 2020 relating to the Registration of Persons (National Integrated Identity Management System) (Amendment) Rules, 2020.

Annual Report and Audited Financial Statements of the Laikipia University for the year ended 30<sup>th</sup> June 2018.

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

- (a) The State Department for Post-Training and Skill Development;
- (b) The National Gender and Equality Commission;
- (c) The Revenue Statements of the Ministry of Defence;
- (d) The Pyrethrum Processing Company of Kenya;
- (e) The Presidency;
- (f) The State Department for East African Community Integration;
- (g) The State Department for Mining; and,
- (h) The State Department for Infrastructure.

The National Government Constituencies Development Fund Board Report for the First Quarter of the 2020/2021 Financial Year.

**Hon. Speaker:** Let us have the Chairman of the Departmental Committee on Defence and Foreign Relations.

**Hon. Katoo ole Metito** (Kajiado South, JP): Thank you, Hon. Speaker.

Hon. Speaker, I beg to lay the following Papers on the Table of the House:

The Accession to the Convention on the International Hydrographic Organisation (IHO) by the Republic of Kenya.

Kenya's Accession to the African Charter on Democracy, Elections and Governance.

**Hon. Speaker:** Let us have the Chairman of the Committee on Delegated Legislation.

**Hon. Kassait Kamket** (Tiaty, KANU): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Committee on Delegated Legislation on its consideration of the Crops (Fibre Crops) Regulations, 2020, Legal Notice No.120 of 2020.

**Hon. Speaker:** Let us have the Chairperson of the Departmental Committee on Environment and Natural Resources.

**Hon. Peter Kimaru** (Mathioya, JP): Thank you, Hon. Speaker.

Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Environment and Natural Resources on its Consideration of a Petition Regarding Alleged Demolition of Houses and Repossession of Land within Lang'ata Constituency.

**Hon. Speaker:** Next Order!

## NOTICES OF MOTIONS

### THANKS FOR THE PRESIDENTIAL ADDRESS

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, pursuant to the provisions of Standing Order No.24(6), the thanks of this House be recorded for the Exposition of Public Policy contained in the Address of His Excellency the President delivered in Parliament on Thursday, 12<sup>th</sup> November 2020, and further, that this House notes the following Reports submitted by His Excellency the President, laid on the Table of the House on Tuesday, 17<sup>th</sup> November 2020:

(a) Reports submitted in fulfilment of the provisions of Articles 132(1)(c) and 240(7) of the Constitution:

- (i) The Annual Report on the Measures Taken and Progress Achieved in the Realisation of National Values and Principles of Governance.
- (ii) The Annual Report on the Progress made in Fulfilment of the International Obligations of the Republic of Kenya.
- (iii) The Annual Report to Parliament on the State of National Security.

(b) Other Reports submitted by His Excellency the President:

- (i) The Report on Ease of Doing Business: Reform Milestones 2014-2020.
- (ii) The Annual Report of the Office of the Director of Public Prosecutions for the financial years 2017/2018, 2018/2019 and 2019/2020.

**Hon. Speaker:** Let us have the Chairman of the Committee on Delegated Legislation.

### ADOPTION OF REPORT ON THE CROPS (FIBRE CROPS) REGULATIONS, 2020

**Hon. Kassait Kamket** (Tiaty, KANU): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Crops (Fibre Crops) Regulations, 2020, laid on the Table of the House on Tuesday, 17<sup>th</sup> November 2020, and that pursuant to Section 18 of the Statutory Instruments Act, 2013 and Standing Order No.210(4)(b), annuls in its entirety the Crops (Fibre Crops) Regulations, 2020, Legal Notice No.120 of 2020.

**Hon. Speaker:** Let us have the Chairman of the Departmental Committee on Defence and Foreign Relations.

ADOPTION OF REPORT ON ACCESSION TO THE CONVENTION OF  
INTERNATIONAL HYDROGRAPHIC ORGANISATION (IHO)

**Hon. Katoo ole Metito** (Kajiado South, JP): Hon. Speaker, I beg to give notice of the following Motions:

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Accession to the Convention of International Hydrographic Organisation (IHO) by the Republic of Kenya, laid on the Table of the House on Tuesday, 17<sup>th</sup> November 2020, and pursuant to the provisions of Section 8(4) of Treaty Making and Ratification Act, 2012, approves the accession to the Convention on the International Hydrographic Organisation by the Republic of Kenya.

ADOPTION OF REPORT ON KENYA'S ACCESSION TO AFRICAN CHARTER ON  
DEMOCRACY, ELECTIONS AND GOVERNANCE

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of Kenya's Accession to the African Charter on Democracy, Elections and Governance, laid on the Table of the House on Tuesday, 17<sup>th</sup> November 2020, and pursuant to the provisions of Section 8(4) of the Treaty Making and Ratification Act, 2012, approves Kenya's accession to the African Charter on Democracy, Elections and Governance.

**Hon. Speaker:** Very well. Let us have Hon. Kiai.

**Hon. Anthony Kiai** (Mukurweini, JP): Thank you, Hon. Speaker. I stand to request for adjournment on definite matter of urgent national importance to discuss inability by the National Hospital Insurance Fund (NHIF) to cover hospital bills for COVID-19 disease cases.

(Applause)

Pursuant to Standing Order No.33(1), I seek leave of the House for the purpose of discussing the inability by the NHIF to cover hospital bills for COVID-19 disease cases. Recently, the Ministry of Health explained that Kenyans will foot the bills for COVID-19 disease in both public and private hospitals. According to the Cabinet Secretary for Health, the cost burden of financing COVID-19 disease testing and treatment for the NHIF beneficiaries both in the national scheme and enhanced medical schemes will not be financially viable since it is not envisaged in the current NHIF premiums computation and the existing benefits package. He pointed out that pandemics and epidemics are exclusions in health insurance due to their nature, in terms of cost and risk modelling with the uncertainties, beneficiary access, claims reimbursement, scope definition, treatment and care plans.

It is for this reason and with your indulgence that I seek leave of the House in order to deliberate on this matter and explore ways of how the NHIF can be facilitated in order to cover the bills for COVID-19 disease cases.

Thank you, Hon. Speaker.

(Applause)

**Hon. Speaker:** Do you have the numbers?

**Hon. Members:** *Tuko. Wengi.*

(Loud consultations)

(Several Members stood in their places)

**Hon. Speaker:** Some of you are just shouting “*tuko*” when you are seated.

(Laughter)

Very well. I confirm that you have the numbers, Hon. Kiai. The House will, therefore, adjourn to debate that Motion today at 5.30 p.m.

## ORDINARY QUESTIONS

**Hon. Speaker:** The first Question is by the Member for Kabondo Kasipul.

*Question No.226/2020*

### POWER OUTAGES AND DEFECTIVE TRANSFORMERS IN KABONDO KASIPUL CONSTITUENCY

**Hon. (Ms.) Eve Obara** (Kabondo Kasipul, ODM): I thank you, Hon. Speaker. Pursuant to the provisions of Standing Order No.42A(5), I wish to address Question No.226/2020 to the Cabinet Secretary for Energy:

- (i) Could the Cabinet Secretary explain the reasons for the frequent power blackouts in Kabondo Kasipul Constituency which last for many days?
- (ii) Could the Cabinet Secretary also explain the steps taken by the Ministry to resolve the problem of defective transformers at Chagere Primary School, Kadie Clean Water Project, Siany Secondary and Nyandolo Primary School in Kabondo Kasipul Constituency, some of which have not been functioning well for the last seven years, and why a transformer which was installed at Oriri Primary School is yet to be connected to power?
- (iii) What is the Ministry doing to ensure that the underutilised transformers such as the ones located near God Agak and Opanga Primary Schools are fully utilised to serve neighbouring homes as requested by the area community?
- (iv) What steps is the Ministry taking to ensure that the collapsed poles and a transformer which was retrieved in January 2020 at a location between Omuga TTI and Kolweny Kingsway Secondary School in Kabondo Kasipul Constituency, and which also serves Wang'apala Secondary School water pump is re-installed to avert a crisis in the area, given that the problem affects a community population of over 2000 families?

Thank you.

**Hon. Speaker:** The Question will be responded to before the Departmental Committee on Energy. The next Question is by the Member for Meru, Hon. Kawira Mwangaza.

*Question No.288/2020*

MANAGEMENT OF INHERITANCE AND SUCCESSION DISPUTES

**Hon. (Ms.) Kawira Mwangaza** (Meru CWR, Independent): Thank you, Hon. Speaker. I beg to ask the Attorney-General the following Question:

- (i) What measures has the Attorney-General put in place in the Department of Justice to ensure that disputes relating to inheritance and succession are amicably managed and resolved among individuals, families and residents nationally and in Meru County, to avoid situations where courts appear to be the immediate and only alternative for handling succession disputes?
- (ii) What is the status of all registered inheritance and succession cases in Meru County and when will they be resolved?
- (iii) Could the Attorney-General clarify whether there are any other alternative dispute resolution (ADR) mechanisms in place to resolve inheritance and succession disputes in Meru County, and if so, what is the criteria for admission of cases to be resolved using such mechanisms?

Thank you, Hon. Speaker.

**Hon. Speaker:** That is a Question for a written reply by the Attorney-General. The next Question is by the Member for Mwatate, Hon. Mwadime.

*Question No.306/2020*

CRITERIA USED IN TEACHERS' RECRUITMENT

**Hon. Andrew Mwadime** (Mwatate, ODM): Thank you, Hon. Speaker. I rise to ask the Teachers Service Commission (TSC) the following Question:

- (i) What criteria was used by the TSC during the October 2020 recruitment of teachers across the country?
- (ii) What measures were undertaken by the Commission to ensure that recruitment is transparent and fair in all parts of the country as stipulated under the Constitution of Kenya?
- (iii) Could the Commission provide a list of all the residents of the administrative locations of Mwatate Sub-County who were recruited by the Commission in 2019 and 2020?

Thank you, Hon. Speaker.

**Hon. Speaker:** This is a Question for a written reply by the TSC. The next Question is by the Member for Kwale, Hon. Zuleikha.

*Question No.320/2020*NON-PAYMENT OF PENSION DUES TO  
CIVIL SERVANTS FROM COAST REGION

**Hon. (Ms.) Zuleikha Hassan** (Kwale (CWR), ODM): Thank you, Hon. Speaker. I rise to ask the Cabinet Secretary for the National Treasury and Planning the following Question:

- (i) Could the Cabinet Secretary explain why the 34 retired civil servants from coast region whose personal numbers are here under have not been paid their pension dues to date - Personal Numbers: 021492, 029116, 030373, 034166, 034383, 031139 and 034084, who retired in 2014; 1977054282, 030474, 034514, 019420 and 061982 who retired in 2015; 034386, 059038, 057976, 030366 and 034604 who retired in 2016; 034167, 034068 and 019400 who retired in 2017; 053274, 058219, 034295, 034631 and 198206890 who retired in 2018; and 050566, 034185, 037177, 030474, 034320, 034163, 034268, 050507 and 034554 who retired in 2019?
- (ii) What measures is the Ministry putting in place to ensure that the said dues are paid to the beneficiaries?

**Hon. Speaker:** The Question will be replied before the Departmental Committee on Finance and National Planning.

Next Question is by the Member for Lagdera who has requested for its deferment. The request has been acceded to.

*Question No.322/2020*CONTRACTUAL OBLIGATIONS UNDER THE  
EQUALIZATION PROJECTS PROGRAMME

*(Question deferred)*

The next Question is by the Member for Bondo.

*Question No.323/2020*MITIGATION MEASURES INSTITUTED TO ADDRESS FLOODS AND  
NATURAL DISASTERS IN BONDO CONSTITUENCY

**Hon. Gideon Ochanda** (Bondo, ODM): Thank you, Hon. Speaker. I rise to ask Question No 323/2020 to the Cabinet Secretary for Devolution and Arid and Semi-Arid Lands.

- (i) Could the Cabinet Secretary list the sublocations affected by floods and related natural disasters in Bondo Constituency this year and indicate the form and nature of intervention or mitigation measures instituted by the Government, if any, in each case?
- (ii) Could the Cabinet Secretary further clarify whether the bursting of River Yala's banks that occurred in May 2020 was categorized as catastrophic and further explain why dykes and riverbanks have not been restored in the area to date?

- (iii) What immediate and long-term measures is the Ministry putting in place to address perennial flooding in Bondo Constituency and further in the restoration of affected riverbanks and dykes?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Question will be replied before the Departmental Committee on Environment and Natural Resources.

Next Question is by the Member for Tigray West, Hon. (Dr.) John Kanyuthia Mutunga.

*Question No.326/2020*

RECONSTRUCTION OF KIRINDINE–MIATHENE  
ROAD IN TIGRAY WEST CONSTITUENCY

**Hon. John Mutunga** (Tigray West, JP): Thank you, Hon. Speaker. My Question is directed to the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works.

- (i) Could the Ministry consider reconstructing the section of Kirindine–Miathene Road in Tigray West Constituency which is currently in deplorable state despite being constructed using *Probaste* Technology as a pilot project?
- (ii) Could the Cabinet Secretary explain why the contractors, M/s Double X and Gantt Construction companies have delayed completion of the project, having constructed only about 15 per cent of their respective 2 Kilometers sections of the Miathene -Mikinduri Road, over a period of 3 years?
- (iii) When does the Ministry plan to have the entire road project completed including the untarmacked 2 Kilometers section, which lies in between two tarmacked sections?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Question to be replied before the Departmental Committee on Transport, Public Works and Housing.

The last Question is by Nominated Member, Hon. Osotsi.

*Question No.332/2020*

DEGAZETTEMENT OF SHIRU AND SHAVIRINGA  
SETTLEMENT SCHEMES IN KAKAMEGA FOREST

**Hon. Godfrey Osotsi** (Nominated, ANC): Thank you, Hon. Speaker. I wish to ask Question No. 332/2020 which is directed to the Cabinet Secretary for Environment and Forestry.

- (i) When will the Government degazette the Shiru and Shaviringa settlement schemes in Kakamega Forest which were set aside in 1988 as part of the Government's compensation to residents of Mbale, Kegoye, Buganda, Vokoli, Mululu, among other villages in Vihiga County, who surrendered their ancestral land to pave way for setting up of Government facilities in Vihiga Headquarters, including the then district headquarters, district hospital, police headquarters and prison, amongst others?

- (ii) Is the Cabinet Secretary aware that some of the initial landowners are yet to surrender the original title deeds to facilitate transfer of land to Government implying that, part of the public facilities now lies on private land?
- (iii) What steps has the Ministry taken to fast-track demarcation and surveying of the 134.8 hectares of the settlement's boundaries, alteration of Kakamega Forest boundaries and issuance of title deeds to the intended beneficiaries?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Question will be replied before the Departmental Committee on Environment and Natural Resources.

## STATEMENTS

### ESTABLISHMENT OF PUBLIC PRIMARY SCHOOL IN NGANDO WARD WITHIN DAGORETTI SOUTH CONSTITUENCY

**Hon. Speaker:** Next segment is requests for Statements. Let us have the Member for Dagoretti South.

**Hon. John Kiarie** (Dagoretti South, JP): Thank you very much, Hon. Speaker. I rise to request for a Statement regarding the establishment of a proposed public primary school in Ngando Ward, Dagoretti South Constituency.

Hon. Speaker, pursuant to Standing Order 44(2) (c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Education and Research regarding establishment of a public primary school in Ngando Ward, Dagoretti South Constituency.

Hon. Speaker, Ngando Ward has neither a single public sports amenity, public primary school, public dispensary nor public community center. Noting that the only public education institution in Ngando Ward is Lenana School which sits on 220 acres of land, and which is quite out of reach for ordinary citizens, the residents of Ngando Ward have depended on private learning institutions over the years, some of which are either of questionable standards or unaffordable to ordinary citizens.

You may recall that on 23<sup>rd</sup> September 2019, classrooms in a private school by the name of Precious Talent Academy collapsed killing eight learners. Following this tragedy, the Government through the Cabinet Secretary for Education undertook to set up a public primary school within the Lenana School compound in an arrangement that would see the Dagoretti South Constituency Development Fund commit Kshs10 million and the Ministry of Education provide the rest of the money for the establishment of this new school which was to be ready for the January 2020 intake.

Hon. Speaker, despite making numerous attempts to address the matter with the Ministry of Education so as to obtain all the requisite clearances for the construction of the new primary school, the Ministry of Education is yet to offer any administrative support and the promised funds required for the establishment of this said new school.

It is on this account that I seek a Statement from the Chairperson of the Departmental Committee on Education and Research on the following:

- (i) Could the Chairperson give a Statement on the status of the proposed Lenana Primary School, indicating among other things, the commencement date for the construction?

- (ii) What plans does the Ministry have in place for the construction, complete infrastructural development and provision of adequate human resource for the said proposed new Lenana Primary School?
- (iii) Could the Ministry give firm indications as to when this proposed school will be completed and state the timelines for the first intake of learners into this new institution?

I thank you, Hon. Speaker.

**Hon. Speaker:** Where is the Chair for the Departmental Committee on Education and Research, Hon. (Ms.) Florence Mutua? Hon. Ngunjiri, you are up to the task.

**Hon. Ngunjiri Wambugu** (Nyeri Town, JP): Thank you very much, Hon. Speaker. We should be back to him within two weeks.

**Hon. Speaker:** Very well. Hon. Kiarie, that is okay, is it not?

**Hon. John Kiarie** (Dagoretti South, JP): Hon. Speaker, it will not be long for us to wait because we have been waiting for over a year, so an additional two weeks is admissible to us. You know this is a hardworking Committee so we trust that in two weeks, we will have a good Statement response from the Ministry.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Silas Tiren.

#### DEMISE OF HON. JOEL BARMASAI

**Hon. Silas Tiren** (Moiben, JP): Thank you very much, Hon. Speaker. I have a Statement on the demise of the late Hon. Joel Barmasai.

Hon. Speaker, pursuant to Standing Order 43(1), I wish to make a Statement regarding the sad demise of the late Hon. Joel Francis Kimurei Barmasai, former Member for Eldoret East Constituency, who passed away on Thursday, 12<sup>th</sup> November 2020.

The late Hon. Barmasai joined Chepketeret Primary School in 1953 where he did his Common Entrance Exam before proceeding to Simotwa Intermediate School, Chewoyet High School, the Kenya Science Teachers College, the University of Birmingham in the United Kingdom in an illustrious academic undertaking that included teaching Mathematics and Physics at Kericho High School and Kapsabet Girls' High School.

Hon. Speaker, the late Hon. Barmasai thereafter served in various capacities at the International Centre of Insect Physiology and Ecology (ICIPE), Westland Motors and the Wareng County Council in Eldoret. He also served in various boards including the Kenya Grain Growers Cooperative Union (KGGCU) which, as chairman, he transformed through countrywide membership leading to its name of the giant KGGCU.

The late Hon. Barmasai joined the 7<sup>th</sup> Parliament following his election as a representative of the people of the Eldoret East Constituency which is now Moiben Constituency and Ainabkoi Constituency, in 1992, through which he passionately served his constituents through infrastructural and social development activities that included building of schools, health facilities, churches and community projects, including the creation of 40 youth and women empowerment groups. He later served as an Assistant Minister for Trade and Industry in 1998 and thereafter as an Assistant Minister of Finance until 2002. He was also the KANU Chairman of Eldoret East sub-branch.

The late Barmasai was an outstanding gentleman who served with diligence and dedication in all positions that he was privileged to hold during the 75 years that God blessed him with.

Friends and relatives are meeting daily at his home in Chepkorio Farm in Ngeria, Uasin Gishu County, which shall also be the venue for his burial scheduled for Friday, 20<sup>th</sup> November 2020.

May the late Joel Francis Kimurei Barmasai rest in God's peace. Amen.

Thank you, Hon. Speaker, for the time.

**Hon. Speaker:** Hon. Chepkut.

**Hon. William Chepkut** (Ainabkoi, Independent): Hon. Speaker, thank you for permitting me this opportunity to convey my heartfelt sorrow from my family, and Ainabkoi Constituency and Uasin Gishu County. The late Barmasai was a great son of Keiyo soil. Indeed, with assurance of honour, he was an educationist. He was a leader. He was indeed a KANU loyalist. He served President Daniel arap Moi who was an amazing President and the second President of the Republic of Kenya with distinction and commitment. He was the longest serving Chairman of Highlands Girls' High School. Nowadays it is Moi Girls' Secondary School, a national school. The late has left a sense of hard work and sense of commitment to his children and this country.

I want to make it very clear that Hon. Joel Francis Kimurei Barmasai was gifted. Hon. Joel Barmasai attended Kenya Science Teachers College. Indeed, Hon. Joel Barmasai was a career public servant. He took up a position as an administrative officer and ended up becoming the Clerk of the then Wareng County Council in Eldoret, Uasin Gishu County. Concurrently, he served in the boards of the Kenya Reinsurance Union, the Union Bank and Kenya Power. It is good to mention because if we do not say now, what other time will we say? So, this was a great man. I had mentioned to the State House Comptroller to inform His Excellency the President because Uasin Gishu has lost a great leader who served Uasin Gishu with a lot of dedication.

Without much ado, your Excellency Mr. Speaker, Sir, may you and all honourable Members of Parliament permit me to say that this was a Member of Parliament like all of us. Permit me to, at the same time, convey my heartfelt sorrow to Hon. Murunga. He was a great person. In fact, he was going to the gym like me. He was punctual and committed. Since you are a gentle giant and I have said time and again that you are an outstanding person who balances... You are actually exercising the highest degree of persuasion and balancing act. May Hon. Joel Francis Kimurei Barmasai's soul rest in peace.

I want to encourage and persuade Members of Parliament that we believe in serving God. Let us be born again so that when the time comes, we shall all go to heaven and receive President Moi; we shall see Jomo Kenyatta; we shall see my hero, Hon. Nicholas Kipyator Kiprono Biwott, a total man, and Hon. Jaramogi Oginga Odinga, and so on and so forth.

Thank you, Hon. Speaker. I am humbled. God bless you. Thank you.

(Applause)

**Hon. Speaker:** Oh, yes! May his soul rest in eternal peace.

Next Order.

## MOTIONS

### NATIONAL POLICY FOR ERADICATION OF FEMALE GENITAL MUTILATION

THAT, this House adopts the Report of the Departmental Committee on Labour and Social Welfare on its consideration of the Sessional Paper No. 3 of 2019 on the

National Policy for the Eradication of Female Genital Mutilation, laid on the Table of the House on Thursday, 8<sup>th</sup> October 2020, and further approves Sessional Paper No. 3 of 2019 on the National Policy for the Eradication of Female Genital Mutilation.

(*Hon. Peter Mwathi on 10.11.2020*)

(*Debate concluded on 10.11. 2020*)

**Hon. Speaker:** Yes, Hon. Members. Debate on this Motion was concluded last week on Tuesday. What remained was for the Question to be put, which I hereby do.

(*Question put and agreed to*)

ANNULMENT OF THE SPECIAL ECONOMIC ZONES  
(AMENDMENT) REGULATIONS, 2020

**Hon. Kassait Kamket** (Tiati, KANU): Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Special Economic Zones (Amendment) Regulations, 2020 laid on the Table of the House on Tuesday, 3<sup>rd</sup> November 2020, and pursuant to Section 18 of the Statutory Instruments Act, 2013 and Standing Order 210 (4) (b), annuls in entirety the Special Economic Zones (Amendment) Regulations, 2020 (Legal Notice No. 33 of 2020).

Hon. Speaker, allow me to give some background. A Special Economic Zone (SEZ) is a designated geographical area where business enabling policies, integrated land use and sector-appropriate onsite and offsite infrastructure is provided to attract foreign and domestic direct investments. Any goods introduced in SEZ, and services provided therein, are generally regarded, in so far as import duty and other taxes are concerned, as being outside the customs territory.

The overall objective of the SEZs programme is to contribute towards the transformation of the country's economic base in order to realize a higher and sustained growth, employment creation and poverty reduction in the country.

The specific objectives of SEZs are:

- (i) Attract both local and foreign investments;
- (ii) Expand and diversify production of goods and services for the domestic and export markets;
- (iii) Promote value addition;
- (iv) Promote local entrepreneurship through Small and Medium Enterprises (SMEs);
- (v) Enhance technology development and innovation; and,
- (vi) Promote rural and regional industrialization by exploiting comparative advantage of local resources.

The Special Economic Zones Authority (SEZA) was established in 2015 through the Special Economic Zones Act (Act No.16 of 2015) to provide for the establishment of SEZ in Kenya. It was operationalized through the SEZ Regulations 2016 (Legal Notice No.147 of 2016). The SEZA's main mandate is to promote and facilitate global and local investors and develop and manage the enabling environment for such investments. The SEZs are established in Kenya as one of the strategies towards achieving Vision 2030. The SEZA is expected to create an enabling environment within the zones through:

- (i) Development of integrated infrastructure facilities;
- (ii) Facilitation of incentives for economic and business activities; and,
- (iii) Removal of impediments to economic or business activities that generate profits for enterprises.

Some of the SEZs that have already set up operations include; Tatu City Ltd., Africa Economic Zones Ltd., Compact Free Trade Zone Ltd., and Konza Technopolis Development Authority. The Cabinet Secretary for Industrialization, Trade and Enterprise Development published the Special Economic Zones (Amendment) Regulations 2020 on 20<sup>th</sup> March 2020, pursuant to Section 39 of the Special Economic Zones Act, 2015. The Regulations were submitted to the Clerk of the National Assembly on 17<sup>th</sup> April 2020 and tabled before the House on 22<sup>nd</sup> April 2020.

The Regulations seek to fill the gaps identified in the SEZ Regulations, 2016 by giving clarity to investors and sector players on SEZ operating legal framework and provide a more conducive business environment for investors. The Committee examined the Special Economic Zones (Amendment) Regulations, 2020 against the Constitution, the Interpretations and General Provisions Act (Cap 2), the Special Economic Zones Act, 2015 and the Statutory Instruments Act (No.23 of 2013).

Hon. Speaker, in accordance with Section 16 of the Statutory Instruments Act 2013, the Committee held a meeting with the regulation-making authority on 29<sup>th</sup> October 2020, represented by Ms. Betty Maina, the Cabinet Secretary for Industrialization, Trade and Enterprise Development and other Ministry officials including the Chief Executive Officer of the Special Economic Zones Authority, 2020. The Cabinet Secretary informed the Committee that the Ministry undertook stakeholder consultations on the said Regulations through an advertisement on the print media on 7<sup>th</sup> January 2020 and uploaded the stakeholders' comments form on the Ministry's website. Public stakeholders' fora were held at the Sarova Panafric Hotel, Nairobi on 13<sup>th</sup> and 15<sup>th</sup> January 2020, respectively. The Committee also received submissions from Tatu City Ltd., one of the SEZs, represented by Mr. Chris Barron, Chief Country Head for Rendeavour, the majority owner of Tatu City. He appeared before the Committee on 29<sup>th</sup> October 2020 and submitted the following:

Regulation No.2 had proposed to introduce new SEZ entities such as SEZ investor, SEZ resident, SEZ visitor, SEZ worker, and SEZ business permit holder. Tatu City's submission is that Parliament should not entertain the creation of statutory entities or categories of citizens through subsidiary legislation. He further averred that the Cabinet Secretary ought to have invited Parliament to make a substantive decision on such a weighty proposal through an amendment to the Special Economic Zones Act, 2015.

On Regulation No. 4, Tatu City maintained that the provisions relating to minimum investment and the land size for a SEZ should be provided for in the SEZ Act so as to provide greater transparency to applicants. He said that developing a Special Economic Zone is an expensive venture and it is necessary to create certainty for developers by ensuring that all conditions precedent to a declaration of a SEZ zone are anchored in a statute. Additionally, they maintained that such proposals should contain a transitional clause in respect of the already gazetted SEZs.

On Regulation No.5, they maintained that the bulk of the services proposed to be offered under the one-stop shop require substantive regulations to operationalize. These include SEZ work visa and permits for expatriates; SEZ development and construction permits and certificates of occupancy and SEZ customs administration procedures, among others.

On Regulation No.50 (c) (iv), Tatu City maintained that the SEZ Authority should consult the SEZ developers when issuing guidelines for the standards, criteria and procedures for the issuance and revocation of the SEZ residence permits.

Hon. Speaker, these are some of the issues they raised as captured in our Report. Having examined the Special Economic Zones (Amendment) Regulations, 2020 against the Constitution, the Interpretations and General Provisions Act (Cap 2), the Special Economic Zones Act, 2015 and the Statutory Instruments Act (No. 23 of 2013), the Committee observed the following...

**Hon. Speaker:** Pay attention to the timelines. You know there is a general Motion that was passed.

**Hon. Kassait Kamket** (Tiaty, KANU): Thank you. The Committee recommends that the House annuls in entirety the said statutory instruments for failing to demonstrate that sufficient public participation was undertaken, contrary to Articles 10 and 118 of the Constitution of the Republic of Kenya.

I beg to move and ask my Vice-Chair to second. I thank you, Hon. Speaker.

**Hon. Speaker:** The Vice-Chair.

**Hon. Charles Njagagua** (Mbeere North, JP): Thank you, Hon. Speaker, for giving me this opportunity to second my Chairman. Indeed, as he has pointed out, the regulation-making authority appeared before us in Mombasa. One of the economic zones users, the Tatu City, were categorical that the economic zones users were never consulted fully. What they did was that they had only one meeting at the Sarova Hotel in Nairobi and the draft regulations that were tabled before them were not the same regulations that were gazetted by the regulation-making authority.

As you know, you cannot condemn somebody unheard, so we gave the Cabinet Secretary a chance to explain to us what indeed happened. He gave his version of the story. Tatu City also gave their version of the story. The Committee came to the conclusion that, indeed, what was presented before the stakeholders was not part of what was published by the regulation-making authority. On that basis alone, we felt that the Ministry was not making their presentation before us with utmost good faith.

On that basis again, there was a presentation that, not all the regulations users were indeed consulted. There are about nine economic zones registered in this country and many of them were never invited to the meeting at Sarova Hotel during the consultations. You must note that the meeting was done in January this year before the COVID-19 regulations came into place. So, it was the Committee's observation and conclusion that the regulation-making authority never conducted adequate consultations that would meet the threshold laid down by our statutes. The economic zones users were never consulted fully. On that basis alone, we felt that the regulations ought to fail. They do not meet the required standards. We made the recommendation that we annul them in entirety.

Hon. Speaker, I beg to second.

*(Question proposed)*

**Hon. Speaker:** Hon. Gitonga Murugara.

**Hon. George Gitonga** (Tharaka, DP): Thank you, Hon. Speaker. Allow me to rise and support the report of the Committee on Delegated Legislation as regards these regulations. I do sit on this Committee as a member. I know for sure that we actually went through these regulations with a toothcomb so as to ascertain whether they met the requirements of the law set out in the

Constitution and in the Statutory Instruments Act. Unfortunately, these regulations fell short, hence the recommendation that they be annulled.

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

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

It is vitally important that regulations-making authorities do realise that regulations, especially delegated legislation, is a very important legislation that governs the day-to-day lives of everyone in the country—the citizens, investors and the Government. As a result, it is vitally important that when regulations are being made, the authority must always be conscious of the provisions of Articles 10 and 118 of the Constitution as regards public participation. It is vitally important that the public is invited and their views are considered. It is also important to note that when it comes to gazetting the regulations, it is the regulations that were publicly scrutinised that must be gazetted. It is not any other regulations, because those other regulations will fail for failing to go through public participation. Therefore, in spite of the fact that the Cabinet Secretary tried to explain the inadequacies which are in these regulations, they would not survive the test of the Committee on Delegated Legislation. As a result, they are to be annulled.

In future, we will recommend that all these authorities do actually consult and where it is possible—and it is possible most of the time—there should be a prepublication scrutiny with the Committee on Delegated Legislation so that the regulations drafted meet the parameters set out.

With those remarks, I do support the report that these regulations be annulled.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Shall we have Hon. (Dr.) Makali?

**Hon. Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I also rise to support the Committee's Report. From the Report, the annulment of these regulations is a straightforward matter. What comes out is the issue of public participation. The truth of the matter is, Article 10(2) (a) of the Constitution is very clear. It is part of the values and principles of governance. They include patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people. That is also clear in Article 118 of the Constitution. So, in a situation where people do not adhere to the constitutional provisions, automatically these regulations must be annulled and the Ministry given a chance to go through the right channel to make the regulations. So, without much ado, I want to support the Committee's Report and say that we annul the amendments to the regulations.

I support, Hon. Temporary Deputy Speaker.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Ong'era.

**Hon. (Prof.) Zadoc Ong'era** (Bomachoge Borabu, Independent): Hon. Temporary Deputy Speaker, thank you for giving me the opportunity to contribute to this Report. The concept of economic zones is actually the string of our economic growth. The idea of these amendments gives us the opportunity to reflect once again on the areas that we can deal with to ensure that as a nation we have expanded our economy to provide opportunities and earnings to the majority of Kenyans who are unable to put food on their tables.

Hon. Temporary Deputy Speaker, on this particular amendment, the Committee should guide this House and provide an opportunity to include some of the recent transformative actions that this Government is taking, including the Big Four Agenda on Manufacturing. While dealing with that, we also need to look back and ask: What is the base for this particular move to ensure that every region has something to celebrate when it comes to industrialization and manufacturing?

Other than what my colleague, Hon. Makali has said, I will support this amendment. I will also see it as an opportunity for the Committee to guide this House to come up with strong engagement so that as a country we are able to address some of the issues that tend to confine the growth of our economy to only certain regions of the country.

I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Bunyasi John, kindly have the Floor.

**Hon. Sakwa Bunyasi** (Nambale, ANC): Thank you, Hon. Temporary Deputy Speaker. I rise to support the proposed annulment. It is a good lesson that public participation must be taken seriously, systematically and must genuinely seek the views of the people who are affected or potentially affected. This should run across the entire spectrum of activities. We have done this in the economic zones, but I think we need to look at this across the board. Too many times, things are high-handed and they get to pass even though they hurt the economy.

I am really glad that this has happened. I hope this will be a lesson that will be done properly.

I stand to support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Chesire, Member for Baringo County. It seems that the Member has taken leave. Let us have Hon. Sankok on the Floor.

**Hon. David ole Sankok** (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker. The Committee on Delegated Legislation has annulled this particular amendment. The reason for annulment as I hear is only because of public participation. I rise to oppose the annulment in entirety. This is because...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Sankok!

**Hon. David ole Sankok** (Nominated, JP): I cannot be out of order because of...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Sankok! It is not you to say whether you are out of order or not. It is me to say. Hon. Muriuki, what is out of order?

**Hon. Charles Njagagua** (Mbeere North, JP): On a point of order. Is the Member in order to mislead this honourable House that we have only annulled these regulations on the basis of public participation? The grounds were laid out and there was no public participation. The regulations that came for public participation are not the ones that were gazetted. Those are two key important grounds. Is he in order to mislead this honourable court?

**Hon. Members:** House!

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Njagagua, I think Hon. Sankok is taking a longer route in prosecuting his point, but I am sure he is well guided.

**Hon. David ole Sankok** (Nominated, JP): Hon. Temporary Deputy Speaker, we are not sitting in a court. We are in an honourable House. We also have to look at our background. You said very well that I am going through the longer route.

Unemployment in this country is very high. Every opportunity given to get employment for our youth, have an economic recovery strategy post COVID-19 and to jumpstart our economy should be supported by his House. However, we need at times to also point out the loopholes and be corrected on time rather than taking our country back and starting afresh. This is what scares

away investors. Maybe, in these special economic zones, there were many investors who were interested and had their money ready to invest. We cannot be a stumbling block to jumpstart our economy so that our youth can get employment. Investors who have ready money have other alternatives.

There was a factory that was supposed to be set up in Narok County, however, because of this red tape from the County Assembly of Narok, it was taken to Tanzania who are equally pastoralists. In fact, they took to the higher side of the border from Narok to our fellow Maasais on the other side of Tanzania. This House cannot be part of the red tape processes that will hinder investment in this country.

I, therefore, oppose the Report by the Committee led by Hon. Kamket. He is my good friend. He has a good heart. One day, I fell around the ladies' toilet and while passing by he rushed and picked me up. Our eyes cannot be closed. I appreciate. However, on this annulment, irrespective of our friendship and whether he picked me up after falling down, it is wrong for us as a House to be part of stumbling blocks to investment, job opportunities for our youth and for economic recovery strategy post COVID-19.

I, therefore, oppose.

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

**Hon. Patrick Makau** (Mavoko, WDM-K): Thank you, Hon. Temporary Deputy Speaker. At the outset, I am a beneficiary of the Special Economic Zones since EPZ is in my constituency. I support the Report of the Committee. When I listen to and read the Report, if the drafters did not publish what was gazetted, that tells us that there was a different motive. Most of us Parliamentarians have seen how regulations can be problematic particularly, when it comes to amending them.

Most of these regulations are subordinate to the laws we make here. However, when you look at the drafters of these regulations, even in the definitions, sometimes it becomes very difficult for us to apply them or in fact, help the *mwananchi*. I will read this with Chapter 1 of the Constitution together with Chapter IV on the Bill of Rights. Regulations must be friendly. In this case, if there was no public participation, I do not think these regulations are here to serve Kenyans. They must be serving the drafters of the same. I support the Committee. The Cabinet Secretary and her team must have published what was gazetted, but not bring different amendments to those regulations.

I, therefore, support the Committee. Going forward, we must teach these people that regulations are supposed to serve our people and they must be given an opportunity to give their input.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Nguni, kindly have the Floor. Where is he? It seems he has also left.

Hon. Obara Akinyi, kindly have the Floor.

**Hon. (Ms.) Eve Obara** (Kabondo Kasipul, ODM): Thank you very much, Hon. Temporary Deputy Speaker. I, too, want to support the Committee in annulling, in entirety, the Special Economic Zones (Amendment) Regulations, Notice No. 33 of 2020. Kenyans were very clear about what they wanted in the 2010 Constitution. People must be given an opportunity to give their contribution on those laws or regulations or even budgets that are being proposed in this country. It is clear that this did not happen and therefore the Committee, in their wisdom, rejected the amendment.

I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Kubai Iringo.

**Hon. Kubai Iringo** (Igembe Central, JP): Thank you Hon. Speaker for giving me this opportunity. Let me thank the Committee for bringing up this issue on the Floor, despite the fact that they are annulling these regulations. Maybe, according to the Ministry, they meant good for the economic zones. Whereas we know that these economic zones are the recipe of employment in this country because they employ our youths, they use our raw materials. During these hard times, they should cushion the Government.

However, we have to live with the rule of law. We have a Constitution which was enacted in 2010. It categorically states that there should be public participation in anything which has to do with the public. I am persuaded that whatever the Ministry brought before the Committee is not exactly what was in the regulations or even spelt out by the stakeholders who appeared before it. I am worried that we did not go back to the drawing board as a Committee to get these people to put their heads together. This appears to be delaying the exercise of enacting these regulations.

However, now that we have to live with the rule of law, we should go back to the drawing board and harmonize the feelings of the public and those of the Committee. The Committee has to reach a consensus and then come to plenary. I personally will challenge the Committee to fast-track and bring these two bodies together. They need to spell out the regulations for the benefit of the public and then proper public participation should be done. This is because we cannot run away from these economic zones. These regulations are to be improved to benefit the public and enhance services which are given by the economic zones. Please let us not digress on that. It is very important. We need it.

The law has to be followed and as such, the Committee in its wisdom felt that we should annul the regulations. We should annul them in their entirety so that the Ministry can now put its house together. The Cabinet Secretary has to go and put her house together. She needs to get proper public participation in this particular exercise. Moreover, she should bring something which conforms to the law. This is so that when it comes to the House, it will be easy for us to push it. Unfortunately, now we are annulling these ones and yet they could have benefited the economic zones more.

I support and believe the matter will be revisited very soon.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Tonui Kiprotich

**Hon. Ronald Tonui** (Bomet Central, JP): Thank you, Hon. Temporary Deputy Speaker for this opportunity to also make some comments on this Report. From the outset, I want to say that I do support the annulment of the regulations. I think it is simply unfortunate that the Statutory Instruments Act only gives two roles to this Committee – to either annul or approve. It does not amend the regulations or cannot ask the stakeholders to relook at the regulations. It can only do that through annulment because this document was not the same as the one that was provided to the stakeholders. The one which was gazetted is different from the one which was provided to the people concerned. I believe it is important to annul so that it can be corrected and one document be used in all fora.

It is in the same Report where it is stated that there was lack of public participation. Public participation is important for fairness so that we can get the other side of the story. If we do not have public participation then we will be doing shallow regulations or shallow laws. Therefore, it is fair to annul so that this public participation can be given a chance. The issue of freedom of movement is also provided in the Constitution, and if the regulations purport to restrict that or to

amend the Constitution in terms of freedom of movement, then subsequently those regulations are not correct and, therefore, it requires annulment.

There is also the issue of lack of consultation with special economic zone developers. I believe it is important to deal with the stakeholders in those regions. They need to be consulted so that they can know how their investments are going to be affected. There is need to create certainty in the world of business, especially in the special economic zones. Therefore, coming up with regulations without extensively taking consideration of the people who are going to consume them is quite unfair and, therefore, these regulations deserve nothing else but annulment.

I do support the Report.

Thank you so much.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Wafula Wamunyinyi. Hon. Wamunyinyi you have become nomadic?

*(Hon. Wamunyinyi spoke off record)*

Or is the party leader consulting with the people?

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Thank you, Hon. Temporary Deputy Speaker. Indeed, I was consulting in connection with the subsequent Order Paper; what is appearing in the next Order Paper. That is where I most have interest.

However, even in this particular case, I know that annulment of regulations can normally happen when there are good reasons and in this case, listening to both the Mover and Seconder, I did not get quite clearly the explanation as to why they are annulling these regulations. One of the key ones was compliance to the Constitution, which is important. However, the second one, which I thought has many questions, is the fact that the regulations were changed. In addition, there was the matter of public participation, although the Hon. Member said there was no adequate public participation, which is a requirement of the Constitution. However, he again said that what came out of the public participation; what the stakeholder proposed are not the regulations that appeared in the *Kenya Gazette*. They are not the regulations that were published. That is why I am asking questions. At what stage did these regulations change? The Committee must have looked at what happened. It must explain, when they established that there are complaints about the change, did they endeavor to look into this? Who changed the regulations and why, when and how? What action has the Committee taken towards that? These Committee Members must show that they have teeth. Annulling the regulations published is not enough. Someone should be held responsible. Someone must have committed some crime by changing what has been properly put in place as a regulation. That is why I am asking these questions and this is what I expected the Chairman to have explained. That when they established this, how they went into the investigation of this matter before they arrived at this decision and they must have conducted inquiries.

What are the other recommendations that they have and did they establish the person who changed the regulations? We must stop these games. We are playing games with the lives of Kenyans. These are very important regulations we are supposed to put in place to guide and provide a framework within which any activity is conducted. If this does not happen, then something is wrong. I was consulting because it looks like...

I even do not want to anticipate debate because there is another one coming of a similar nature, which is to do with crops such as sugar. I am very disturbed and frustrated by this House. There is an attempt to frustrate Members in their effort to legislate. I brought here the Sugar Bill in 2018, but to date it has not been brought here and yet you bring things such as this. Let us have

some change and do things properly in this House. We work for the people and this is something which is serious. The Sugar Bill has never been brought to this Parliament. These regulations are subject to that Bill. They were supposed to be prepared.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order. There is another regulation on Sugar, I am sure that you have alluded to it.

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Hon. Temporary Speaker, I am talking about this one. It is not properly explained. The Chairman has not even said who did the change. What is it that they have recommended? What action has been taken?

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

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Thank you, Hon. Temporary Deputy Speaker. The party leader is very passionate.

I thank you for giving me this opportunity to contribute to this Motion annulling the Special Economic Zones (Amendment) Regulations. As has been said by my colleagues, the Committee under the Statutory Instruments Act has the option to either accept the regulations in their entirety or annul them. So, it puts the Committee in a very awkward position and I understand. The regulations we are dealing with here, some are very crucial regulations.

We are talking about development of our special economic zones. I have looked at the amendments and what they are trying to bring in place is to have a one-stop shop where people operating within special economic zones can have their issues addressed in one place, be they issues of labour, licensing or taxes. That is very important. I would have hoped that these regulations would have been left in force so that we deal with the issue of our Special Economic Zones. This is because the country is dealing with tough economic times. Our young people are unemployed. So, as we weigh these matters as a House, let us look at the value of annulment *vis-a-vis* the value that will be brought in force by these regulations.

Recently, the Committee that I Chair on Finance and National Planning visited the Malaba, Busia and other borders. We were very concerned to note that countries such as Uganda have created Special Economic Zone areas where cost of power is lowered and subsidised. These are areas where ease of doing business is enabled. We were concerned to note that we were exporting and passing through our borders a lot of plant and machinery because people go to manufacture in other places because of ease of doing business in those countries.

Therefore, when we have regulations such as these trying to make it easier for us to make business and manufacture here, we should enable that to happen.

**Hon. Kubai Iringo** (Igembe Central, JP): On a point of order

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Wanga. The Member behind you, Hon. Iringo is on a point of order. What is it Hon. Kubai?

**Hon. Kubai Iringo** (Igembe Central, JP): Thank you, Hon. Temporary Deputy Speaker. I think my fellow colleagues who are contributing... According to what I got from the Chairman these regulations were already gazetted. After gazetting, the only option is to either annul or accept. However, because they found that there are some discrepancies, they had to annul so that they can be put in order. We know we are losing a lot, but then can we do things against the law so that, at least, we can be seen to be giving businesses?

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Kubai, you bordered on a secondary contribution but I am sure Members noted what you said. However, Hon. Wanga said earlier on that she sympathizes with the Committee.

Hon. Wanga please proceed.

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Hon. Temporary Deputy Speaker, he is debating. I do not have to agree with him. This is a Chamber of debate. I give my view; it might oppose what you were saying or what you want, but this is the essence of the House. You debate as you wish. I think the Hon. Member just wanted to debate further, but he had already spent all his time in debating.

He is my good friend; we ate *Miraa* with him in his constituency in Imenti, but I wish he did not interrupt my train of thought on this matter because it is such a critical matter. What I am trying to bring to the fore is just how important it is even for the Committee... The moment we get out of here and support the annulment because maybe they had no other option, is to just tell Kenyans how critical this matter is and that is what I was trying to do.

On the issue of public participation, we must as a House come up with a law on public participation. Public participation does not mean concurrence. You can bring your views and we do not have to agree with them. That does not mean that you did not conduct public participation. We must have a law so that it is clear to everybody that you can bring your views but it is not necessarily the view that carries the day. I have even seen one of the Tatu City people who came and said that there is something wrong with the freedom of movement because the regulation says that for you to access the Special Economic Zone area you need to have a pass. We have freedom of movement even in this Parliament, but for you to access it you must have a pass. So, it is neither here nor there. If it is said that to access the Special Economic Zone one needs a pass, that does not interfere with the constitutional right of movement. We also cannot be taken for a ride as a people just to state that if a particular stakeholder feels that their views were not taken into consideration, then there was no public participation.

Regulations on Special Economic Zones are long overdue. In fact, we should go further and state that within our Special Economic Zones, we will have lower tariffs so that we can attract investors here and create jobs for our people.

With those many remarks, I support only because the Committee had no choice, but those are my views on the matter.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Sankok, do not anticipate acceptance of information. She has done her part.

Let us have Hon. (Dr.) Nyikal.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker. I support the Committee, but with a very heavy heart. The principle is that we facilitate development of the country. Special zones are very important in that if we annul the regulations, it means that these zones cannot be developed nor operate, and that in itself is negative.

Hon. Speaker, there is only one thing I support about the regulations. That, the ones taken for public participation are different from the ones that were published. In my view, this touches on the issue of integrity. You cannot have people discuss something which is different from what they intend to do. So, on that basis, I find the Committee had no option, but to annul the regulations.

Tatu City is already an established zone. So, if you take their views seriously, there may be competition and they may not want other zones to be established. Again, the Committee cannot rely heavily on contribution from a single stakeholder with a lot of interest. However, because it is either you take it or leave it, I will support them.

I also want to raise the issue of sanctions that we are putting in place. I believe the secretary who came is a very senior public servant, well vast in public administration and had all the legal requirements and advice available. Why then should they go ahead and bring to Parliament something that has gone through public participation and is still found to be false? We should not

accept this. In fact, if many regulations from a particular entity are rejected by Parliament, we need to look back and find out what is wrong with it.

A Member of the Committee said something I agree with which will take us back to the need for pre-publication scrutiny. When we make laws, we cannot go to the details. So, we give subsidiary legislation so that other people can go into the details. Therefore, if this is again subjected to scrutiny by us then this is delaying issues.

The Committee or an appropriate committee needs to take these regulations and ensure they are brought to the House as quickly as possible, so that we pass them and have people employed. It is not just enough to say we have annulled them.

With these remarks, I support the Committee because it is the practical way and they should bring them back quickly. Thank you, Hon. Temporary Deputy Speaker.

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

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Thank you, Hon. Temporary Deputy Speaker. Looking at the economy of this country, it is important to set up these special economic zones which were studied sometimes back. I think the Committee should move very fast to clean up the issues completely because we know the importance of the special economic zones.

If there are any impediments moving forward, the Committee should move fast and correct the situation. As has been said, we know the importance of these economic zones and are repeating ourselves. They provide employment to our youths. Today as we speak, we have so many youths who have left universities and colleges and are unemployed. This area is supposed to absorb the youths out there.

Also, with efficiency and proper regulations in the special economic zones the economy will grow and we will have more investments in our country. So, it is important for the Committee to move very fast and clean up the issues which have come up. I know some people have vested interests. We know that Kenya is one of the best countries in this continent where people want to invest. It is only fair we have a conducive environment to attract foreign investors.

I ask the Committee to take up these issues, even if it means summoning the concerned Cabinet Secretary. We have a problem because the economy of this country is on the rocks. When we see such issues, they do not auger very well for some of us. As leadership of this country, we request the Committee to move fast and clean up.

I support, but they should move fast.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Obo Mohamed.

**Hon. (Ms.) Ruweida Obo** (Lamu CWR, JP): Asante Mhe. Naibu Spika wa Muda kwa kunipa nafasi hii nichangia Ripoti hii ya Maeneo Maalum ya Kiuchumi. Mwanzo ningependa kuipongeza Kamati, Mwenyekiti akiwa Mhe. Kamket, na pia kuiunga mkono.

Mashiriki ya umma hapa Kenya ni muhimu sana katika maendeleo endelevu. Hii ni kwa sababu unapata kujua wanaishi mashinani au wataalamu. Utapata kuwasikiliza na mambo yao yawekwe kwenye ripoti. Kama hakuna ushiriki wa umma ama *public participation* basi si sawa.

Ni muhimu hawa wataalamu wakiandika hizi ripoti waweze kuyajua yale mazingira. Wasiwe watu wa kukaa kwenye chumba cha bodi na kujandikia mambo ambayo hawaelewi. Kwa mfano, huko Lamu wakitaka kujua maeneo maalum ya kiuchumi, itabidi wajue mazingira kwa sababu sehemu zingine ziko na mazingira tofauti. Mwenyezi Mungu ameumba mazingira tofauti, kama Lamu ni visiwa.

Wakati mwingine watu wanataka kupanga mambo ya Lamu. Wanaenda huko na kupanda maboti, wakifika kwenye vile visiwa wanasikia kizunguzungu. Sasa hawawezi kuandika ile ripoti

tena. Hii imeshatokea mara mingi. Wanaenda na maboti huko na kisha wakifika wanasesma hawarudi hadi wachukuliwe na *helicopta*, kwa sababu bahari imekuwa mbaya sana.

Pia Kamati ijue kwamba wakati mwagine wanaangalia maeneo maalum ya kiuchumi na tunapata ripoti mbili tofauti. Kwa mfano, Lamu kuna maeneo maalum ya kiuchumi mawili. Moja imefanywa na *Lamu Port-South Sudan-Ethiopia Transport (LAPSSET) Corridor* na nyininge na kaunti. Sasa tunachaganyikiwa kwa sababu hawa wanafanya na wengine wanafanya. Tunaomba kuwe na mpangilio, sio mtu arauke atoke na moja na mwagine na nyininge.

Ahsante naunga mkono.

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

**Hon. (Ms.) Esther Passaris** (Nairobi CWR, ODM): Thank you, Hon. Temporary Deputy Speaker. I had put my card to contribute to the next topic.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well. Shall we have Hon. Mutunga.

**Hon. John Mutunga** (Tigania West, JP): Thank you, Hon. Speaker for giving me an opportunity to add my voice to this particular Report of the Committee and also to support the fact that these Regulations should be annulled.

We know the importance of special economic zones in this country, especially when it comes to industrial development and also market for our produce; whereby we are mainly an agricultural country. Freedom of access should be unlimited. No Kenyan should be barred from passing through or entering some of these areas. So, I find the Regulations quite limiting and in breach of the Constitution, where they will limit the movement of Kenyans. We need public participation in the decisions that are made within these zones and even the choice of products that are supposed to be processed or value-added in these special economic zones.

We know that value addition in our country, as at now is less than 30 per cent, or around 16 per cent. If we are at 16 per cent in terms of agricultural produce value addition, we need to add value to this produce. If there is consultation between the producers and those who are processing, this will also inform the direction that this country moves in terms of investment in the right industrialisation approaches that will enhance value addition to our products.

I find the Regulations limiting in the sense that they seem to touch on constitutionality of this country in the sense that there has not been sufficient consultation and involvement of relevant institutions, like this House. Therefore, we cannot have these Regulations passed. So, I support that they are annulled.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Who is this Member raising his hand? I am guided by the screen here. Do you have a card?

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

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): You are requesting that I consider you. We ordinarily do not do that, but in the circumstances, I will give you a chance to speak to it as the last presenter and then the Mover will reply.

**Hon. Ibrahim Ahmed** (Wajir North, ODM): Thank you, Hon. Temporary Deputy Speaker. I also support this Motion on annulment of the Special Economic Zones (Amendment) Regulations. While we support any business enabling policies, it is also important to consider the fact that there are critical issues that we must consider in dealing with these issues. Public participation is very important. It is enshrined in the Constitution. It is well articulated in Article 118 of the Constitution. Indeed, we must be cognisant of the fact that the sovereignty of this country is vested in its people. What we are enjoying is only what is delegated to us by the great

people of this nation. The only way they can participate in this process is through public participation. Their views should be well considered.

Of late we have developed a culture where what is discussed during public participation process is not what is captured in the legislative proposals that are brought here. That is very serious. It can be challenged in a court of law. At the end of the day, the aspect of ownership and sustainability of what we are passing here will not be there. The main reason why public participation is considered is to ensure that the process is owned by Kenyans and it is sustainable. That is why absence of public participation means there is nothing we are doing.

The aspect of curtailing freedom of movement of people is very serious. That will cause division, hatred and unnecessary enmity amongst Kenyans. The Member for Kimilili has been working on legislation on public participation process. I wish the proposals could come here soon so that we understand at what level we say that public participation has been well conducted in a given area. At what level were the people's views considered in a given document? At what magnitude can we say that this population is enough to represent the entire population? Did we consider the different sectors in our public participation process? Did we consider the different sectors in the society, be it youth, women, marginalised groups, people with disabilities and others? I think this is long overdue.

We really need to articulate it such that at the end of the day, we are in a position where we can measure if the threshold of public participation has been well conducted. Are we satisfied that Kenyans have participated in this process? Are we satisfied that the aspect of ownership is well inculcated in these people? Are we satisfied that we can say this is a sustainable process? When all this is missing, anybody can challenge it. By the way, a number of legislations have been annulled as a result of lack of proper public participation.

So, all those involved in this process must take the aspect of public participation very seriously. They must be considerate of the different sectors of the society. They must consider the different groups and at the end of the day, we will be able to read from the same script.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Kamket, you may now reply.

**Hon. Kassait Kamket** (Tiaty, KANU): Hon. Temporary Deputy Speaker, I beg to reply. I thank Hon. Members for overwhelmingly supporting the Report of the Committee except for Nominee 001 who had other ideas. Let me confirm that Nominee 001 actually fell outside the ladies' toilets. I caught him red-handed peeping into the ladies' toilet. When he saw me, that is when he fell and I had to rescue him from falling right inside the ladies' toilets. That is why his mind is still...

I feel the frustrations of Hon. Members. I heard what Hon. Wanga said very clearly. I listened to Hon. Wamunyinyi and Hon. (Dr.) Nyikal. However, the mandate of the Committee on Delegated Legislation is very simple. We look at already published pieces of law in terms of regulations. They are brought to us when they are already gazetted and published and then tabled before this House. So, most of the times you find that our hands are tied and we have to do what the law requires of us to do. The beauty of this annulment is that it is not a death knell for the annulled Regulations. It is simply saying that the regulatory-making body is given another chance to go and look at their work and tidy up any areas that they may not have done properly. Nothing bars the regulatory-making body by next week or next month to put their house in order, do the right thing and bring back the Regulations to Parliament. There is nothing that stops them from publishing those regulations again. It suffices to say that it is important that the regulatory-making

body also must take advantage of the provisions of the Statutory Instruments Act, which provides for pre-publication scrutiny. That is conferment with the Committee before they publish any regulations that they want to bring to this parliament.

Finally, public participation is not an idle provision in the Constitution. It is a very serious provision. The Constitution is the supreme law of the land. When Members of this Assembly or this Committee say that public participation was not properly done, we are simply understating the principles of our Constitution and it is very important that, that public participation is conducted as provided for in the Constitution.

With those few remarks, I beg to reply.

*(Putting of the Question deferred)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, you remember earlier in this Sitting, Hon. Kiai had sought an adjournment on a definite matter of urgent national importance, to discuss the inability by NHIF to cover hospital bills for COVID-19 cases. The Speaker approved and allocated time from 5.30 p.m. for that particular issue. So, the time being 5.31 p.m., we shall now embark on that Motion.

I want to remind Hon. Members that, under Standing Order No.33, you have a maximum of five minutes to speak. It is only the Mover, Hon. Kiai, who has a maximum of ten minutes to speak. So, organize your thoughts accordingly. Hon. Kiai, it may be helpful to read the body of your Motion so that Members may refresh on the issues you are raising.

### **MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO. 33**

#### INABILITY BY NHIF TO COVER HOSPITAL BILLS FOR COVID-19 CASES

**Hon. Anthony Kiai** (Mukurweini, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. This was an Adjournment Motion to discuss a matter of urgent national importance, that is the inability by the NHIF to cover hospital bills for COVID-19 cases.

According to the Cabinet Secretary in the Ministry of Health, the cost burden of financing COVID-19, testing and treatment for NHIF beneficiaries, both in the national scheme and enhanced medical schemes will not be financially viable since it was not envisaged in the current NHIF premiums, computations and existing benefits package. So, he pointed out that pandemics and epidemics are exclusions in health insurance due to their nature in terms of cost and risk modeling with uncertainties, beneficiary access, claims, reimbursements, scope definition and treatment. It is on that note that I bring this Motion. COVID-19 is ravaging this country. Since the first case was reported in March 2020, it has spread across the country like bushfire. The disease is transmitted mostly by air and close contact hence it is a silent and stealthy spreader.

Currently, it has killed many people in the medical profession. We have heard of cases from the media, teachers, lawyers, and ordinary people who have suffered the poisoned chalice of COVID-19. It is killing black and white, whether you are short or tall; it is killing anybody, young and old alike. Even in this Parliament, quite a number of MPs have suffered from COVID-19, but they have lived to tell the story. I want to put it on record that it is because of the medical package that Members of Parliament enjoy that the low mortality in Parliament is being experienced. Otherwise, out there people are dying because of COVID-19. Personally, I suffered from COVID-

19. I was in ICU for six days and I stayed in hospital for 14 days. I can tell you by the time I was taken to hospital; the doctor told me that I had only 30 minutes to live. I only survived because, as a Member of Parliament, I have that privilege and you are able to access the best medical care in this country. My question is this: What about that ordinary person? As the Cabinet Secretary has already stated, NHIF is not going to cater for medical expenses incurred as a result of trying to cure COVID-19.

When I was in hospital, two of my immediate neighbours died. One died a day after the other one. I thought that since we live in a line, I would have been the next person to die! But I lived to tell the story.

I want to appreciate the kind of medical cover that we have here in Parliament; the kind of privilege that we enjoy that is not enjoyed by ordinary *wananchi*. Hon. K.J is reminding me that I also survived because I am a Member of Swara Running Club, the urban Swaras. I run quite a number of days. I know Hon. Temporary Deputy Speaker, is also a member of the club and we run together. It is because my lungs have been used to being stressed and strained that I survived. When I entered the hospital, my oxygen level was 78. The ordinary oxygen level is supposed to be 95 and above. I only survived by the grace of God.

The experience that I underwent is not only painful, harrowing ... (*off record*)

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): The system had been programmed for five minutes. You have another five minutes.

**Hon. Anthony Kiai** (Mukurweini, JP): Thank you, Hon. Temporary Deputy Speaker. The cost of treating COVID-19 is very high. By the time I left the hospital, I had incurred a bill of Kshs3million. This is not an amount that an ordinary person can pay. If I was told to pay from my pocket, I would have strained or called for *Harambee*. How about that common *mwananchi*? The cost of testing COVID-19 in Kenya is very high and beyond reach. It cost about Kshs5,000 to Kshs20,000 to test for COVID-19. Nowadays, when you go to hospital for any illness, the first thing they tell you to do is to test for COVID-19. The moment you test positive, any other medical expense that you incur is not covered. Even diabetes is excluded in a situation where you suffer from diabetes and you are found to be suffering from COVID-19. We have to come up with a way to ensure that the ordinary *mwananchi* is covered from the COVID-19 pandemic. As it has been stated, every life in this country matters, whether it is the life of an MP, a medic or an ordinary *mwananchi*. All lives matter.

My proposal would be for the Government to come up with a rescue package, just like it rescued the businesses and gave a package to Government parastatals and other sectors of the economy. We need to come up with a way to cushion ordinary *wananchi* from the rising COVID-19 bills that are unsustainable. I have in mind something like SGR. We had to pay SGR Levy to sustain that white snake. We had to pay some Petroleum Levy to put up roads and infrastructure across the country. For the next two years or so, we can come up with a package, either through taxation, levies or something to ensure that the ordinary *mwananchi* is not left on his own devices. Otherwise, if we do not do that, we will continue suffering from COVID-19 and we will continue dying.

Let me tell you my good people, when you are here in Parliament, you may think that you are insulated from COVID-19. But when your voters die, it means you will also lose your seat. You will have nobody to vote for you. We have to make sure that the common *mwananchi* is also taken care of. What will happen in January when we open our schools, our kids go back to school, there is the spread of COVID-19 and they are not covered? That kind of scenario is most likely to happen. It is happening even now when we have only two classes in school. What will happen

when we have all the students back in school? We need to think hard about how to save our students from this COVID-19 menace; we have to think hard about how to save the common *mwananchi* from COVID-19; we have to think hard about how to save everybody from the COVID-19 pandemic.

Hon. Temporary Deputy Speaker, as I sit down, the Government, through whatever method and structure, must come to the rescue of every Kenyan citizen. In other countries, it is happening. In the United States of America (USA), they have a package to ensure that those who suffer from COVID-19 get emergency treatment. For your information, in this country, very few hospitals have the capacity to handle COVID-19 patients. In Nairobi, there are only six hospitals. Outside Nairobi, they are very few. In some places, there are none. That is why people are dying left, right and centre. We cannot have a situation where whenever somebody suffers from COVID-19, he or she has to be transported to Nairobi or some hospitals out there, where they have COVID-19 treatment facilities. The Government must ensure that every life matters. Everyone is entitled, under the Constitution, to be paid for bills for COVID-19 because health is a basic human right.

I request my friend, Hon. David ole Sankok 001... I know this Motion is not supposed to be seconded, but let him have his moment of glory today.

I thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. David ole Sankok, to the extent that Hon. Anthony Kiai gave the correct position that such a Motion does not need seconding, he seems to be lobbying for a space for you. He does not need to because I will give you a chance, but not now. Just hold your horses. You will get a chance. I can assure you.

Obviously, Hon. Members, we must not only thank Hon. Kiai for bringing such a Motion but, more importantly, for being vulnerable to the extent of sharing his story. It is very important and Hon. Kiai, we thank you. You have shared your story on a national platform. That is very helpful.

(Applause)

Hon. Members, it would be good for you to check the boundaries of Hon. Kiai's Motion around the NHIF payment. I know this debate can go as wide as it can be, but the intent of Hon. Kiai is around the inability by NHIF to cover hospital bills for COVID-19. Let us have, to my left, Hon. Sakwa Bunyasi.

**Hon. Sakwa Bunyasi** (Nambale, ANC): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to comment on this very important Motion by Hon. Anthony Kiai. It is really a matter that requires deep reflection.

The essence of it is that we are going to see helpless Kenyans not getting even the most basic medical support they would have got, simply because they have contracted COVID-19. They would be doing so with an institution such as NHIF that has the responsibility for, even if they are members, coming to the aid of members; but which has notoriously got into the news for mishandling billions of shillings. They will be looking at an institution that ought to be their savior, but which has been so corrupt that it is unable to save them. They will be looking at a sector in which the recent headlines we have seen in the papers, most of which are true, including Kenya Medical Supplies Authority (KEMSA), discussing COVID-19 with billions being lost... They will be at a loss as to what is happening when they helplessly need somebody to come to their aid.

Hon. Temporary Deputy Speaker, the value chain of health management, including the insurable aspects through parastatals like NHIF is awfully off-track. Somebody must take charge. The Cabinet Secretary (CS) concerned should take keen interest on how to streamline that chain

that we are dealing with. Then we can begin to think about the kind of pressure we can bring to bear on institutions like NHIF, for which people are making contributions even without COVID-19. The way it provides support is not clear. There are people who can get half a million shillings support while others can only get bed refund and so on. Whatever else the Board decides has to come out to the people. So, this COVID-19, if given a chance, is a spotlight on the institutions and on the chain in the health sector. I hope that the NHIF will look into this issue. But I doubt that they will have an internal capacity even to look at themselves.

In fact, the CS should take a keen interest on how to rein in on institutions that depend on peoples' taxes or the contributions of *wananchi*, no matter what proportion they put in those institutions... If we do not do that, I do not see an internal will to do it. I do not see any capacity that they would look into themselves to get this done. Normally, it hits the headlines. That is the punishment they get. It goes underground and you never hear of it. I guess it dies a natural death. You might fire somebody, a billionaire, who might come and go and live off that money that he or she has made. It is really important to have some measures to support Wanjiku. It is extremely important. It cannot just be that we, including ourselves here and the elites, are always worrying about including possibilities that we can probably go right across the country or even outside and get some sort of support provided.

Hon. Temporary Deputy Speaker, we must now think about the Republic. As we think about the Republic, we must worry about everybody who is inside this Republic. We should ask: How would they cope without this kind of assistance? We just cannot leave people to their own chances. When people bring in God, I get really concerned. We deal with God in very many spheres and it cannot be that each time we are reluctant to confront a situation, we just hope for prayer. It cannot be that we call a national prayer day when it should have been a day of looking deeply into what it is that is going wrong and that is ailing our country. We are not going to run on prayer. I am sure even the Vatican does not run on prayers. As you know, being a Catholic, I can talk about the Vatican. There are actions within our control and that is not being done. I really like what this Motion will help us to reflect on. People cannot get away with things and simply think that, that is how it happens in Kenya, and let us leave the rest to God.

Lastly, when I think about the cases for example what was reported about Hon. Justus Makokha Murunga, when this devolution went to the health sector, the national Government remained with the responsibility of policy coordination. What is wrong with the national Government not auditing these institutions and calling them out saying: "You do not have the basics! You cannot save a dying kid having malaria and you cannot save anybody. Did you want to get oxygen or a ventilator?" When will they call them out so that they can begin to focus on those things? Why do we just...

(*Hon. Sakwa Bunyasi spoke off record*)

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Yes, you are cut because your time is gone. Hon. (Prof.) Zadoc Ongutu, I know Hon. Sabina Chege gets precedent for this, but I am sure she will be kind enough to hear a few Members speak to it.

Hon. (Prof.) Zadoc Ongutu, you have the Floor.

**Hon. (Prof.) Zadoc Ongutu** (Bomachoge Borabu, Independent): Thank you, Hon. Temporary Deputy Speaker. Thank you, Hon. Anthony Kiai, for bringing this matter to the House. We are the shepherds. Our sheep have no hope in this pandemic unless we stand to address the challenges that they are facing.

The experience that has been narrated by Hon. Kiai is heart touching. Early this afternoon, we discussed about a situation where one of our colleagues has passed away. We are not sure about the circumstances under which he passed away. Now we are here listening to a case where God has rescued one of our colleagues to come and tell his story.

This House is privileged to stand firm and protect the Constitution of this country, especially Article 43 on human rights. We are talking about the NHIF which is supposed to cover the expenses that Kenyan citizens meet when they go for treatment. I have seen the NHIF going round with mixed communication and very poor coordination. At this stage when we need its services most, they are being denied.

I want to remind the Members of this honourable House that this is an issue that affects us and our electorate directly. We must stand firm and provide the necessary direction to ensure that our people do not die and, at the end of the day, we are left without people to lead. The Fund has not been well-managed. That is why it has not grown to sustain, even under normal circumstances, the increasing need for medical services. The Fund has been exposed to more challenges with the pandemic. As Members of this House, we need to come out strongly and direct the Fund to provide services, especially lab tests which they have already indicated they are supposed to provide.

Even within the original clause, it is not said that a pandemic will not be covered. Now we are in a pandemic and the Fund's services have been quickly withdrawn. It is very unfortunate. I request the Departmental Committee on Health to provide us with a way forward in terms of the resources and implications so that we can support those who need those health services at this particular time.

Today, I am grieving. I lost Colonel Oyunge from my village due to COVID-19. He has not been buried. A few days ago, I also lost one of the lecturers at Kisii University, Zachary Kebati. I guess this is due to the inadequate services where those people were taken for health support. If there is anything that we can provide in this country without being divided, it is health facilities. Without those facilities, we will have no people to lead.

I sympathize and wait for deeper debate on this matter.

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

**Hon. (Dr.) Wamalwa Kibunguchy** (Likuyani, FORD-K): Kibunguchy is also Wamalwa. Thank you, Hon. Temporary Deputy Speaker. For those who do not know, my other name is Wamalwa. I wish my mum was still alive. We would have asked her.

I would like to congratulate the Mover of this Motion. It is very timely. I was very sad when I heard the CS pronounce himself and say that the NHIF will not cover those people who are suffering from COVID-19. We cannot contradict ourselves as a country. We cannot contradict ourselves as a Ministry. On one hand, we are talking about rolling out the universal healthcare and on the other hand, we are saying that we cannot cover this one disease. Probably, the right hand does not know what the left hand is doing.

COVID-19 is killing our people. COVID-19 is very expensive. It is one of the most expensive diseases for doctors and nurses to treat. On the issue of doctors and nurses, as a medical doctor, I feel very sad that we are losing our frontline workers. I feel very sad that those people who are supposed to help us combat this disease are themselves dying from it. This is because they do not have personal protective equipment (PPEs).

As a country, our priorities are completely upside down. I daresay and would like to go on record that seeing what is happening in this country and hearing the CS talk the way he did, even before God, we have no business diverting the little money that we have in this country to other

things. Those other things that I am talking about are like the referendum. Those are issues that can wait. Diseases cannot wait, especially a disease like this that is ravaging our people.

It is not just in Kenya. It is the whole world. We must have our priorities right. When one day we shall join *Mheshimiwa* Justus Murunga, we shall look God in the eye and say we did our best. Shall we do that as a country and as a leadership? I would like to pass that message. I want it to go on record that I am totally opposed to us spending Kshs14 billion on something that can wait. COVID-19 cannot wait. COVID-19 is killing our people. Last weekend, I buried five people. All of them died from this disease. This disease has reached every corner and village in this country.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): What is out of order, Hon. Wambugu Ngunjiri?

**Hon. Ngunjiri Wambugu** (Nyeri Town, JP): Thank you, Hon. Temporary Deputy Speaker. My understanding of the Motion we are discussing today is that it is on issues related to NHIF. I just wanted to know whether it is in order for Hon. Wamalwa - as I have learnt he is called today - to bring in issues that are related to a referendum that is still not even planned? Is he in order to bring in propaganda about Kshs14 billion that we do not know whether it will be the cost? Should he use this platform of the House to push propaganda that we are hearing out there against projects being run by the Government? I would just like to understand from you whether it is in order for Hon. Wamalwa to use what is a very noble Motion by Hon. Kiai to prosecute what is a very partisan political position.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Ngunjiri, if you were here earlier, there was something very profound that Hon. Wanga said. She said that this is a House of debate. You may disagree or agree as long as it is within the Standing Orders. That is why it is a Chamber. You do not gag Members. As long as it does not go out of the...If the Member is misleading the House, you better raise it.

Hon. Wamalwa, I am told your time was up. You had 20 seconds left before you were interrupted. That is gone. Let us have Hon. Maoka Maore.

**Hon. Maoka Maore** (Igembe North, JP): Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this Motion. The fact that we are having this Motion so many months into the National Emergency Response Committee's many proceedings shows that there is a vacuum in that Committee.

Hon. Temporary Deputy Speaker, when the Committee convened for the first time in March, 2020, they should have deliberated about financing COVID-19 disease. Apparently, they deliberate nothing but data which is collected from the people who are being tested. I concur that it is not possible, under any disguise, for the NHIF to have any model of financing to cater for bills which emanate from the COVID-19 disease. Like you have heard in an example of *Mheshimiwa*'s cost, his hospital bill for only 14 days was Kshs3 million. Assume that 10 per cent of the people whom you hear have been infected everyday get the same kind of cost. It is not possible for NHIF to cater for those kinds of bills.

I wish the National Emergency Response Committee on Coronavirus would suggest to the Cabinet or this Parliament that we have a special or specific financing for people who are being attended for COVID-19 disease. Sometime in April, they said that they were manufacturing PPE locally. However, from what you hear from the medics, the PPEs are nowhere to be found. This kind of Motion should elicit debate that should go to our Departmental Committee on Health. They should call upon everybody who is a stakeholder, whether it is the National Treasury, Cabinet, Departmental Committee on Finance and National Planning or the Budget and Appropriations Committee, so that we can have a way out about this financing. Otherwise, when we, as a House,

rise after this debate, we will just walk out of here. Members will have exhaled but so what? If there is a shortfall, you say where it is. Sincerely speaking, things which come from that Committee are just nothing. They are like how we expect anything to come from the CS for Education, Prof. Magoha. This is the same thing. We have an emergency but we have nobody to turn to. The people who are supposed to take a decision are enjoying sitting there and collecting data. Do we need data? Do we eat data? Do we get treated and the bills paid by data?

These are things that we need to run away from. We have a national or worldwide emergency of a pandemic. There is no simple solution to it. There should be no simple mind which should be expected to come up with a solution. We need a comprehensive policy statement saying how Kenyans' bills will be paid, when they suffer from that pandemic. Nobody has asked for it. There is no family which is ready for this kind of bill. Even when you are not ready, you hear that people are just dropping dead in the streets. What is the reason? There are no hospital beds for those people who have breathing problems. By the time people are moved from one hospital looking for beds to another one, many die in-between. There is this story of financing COVID-19 disease patients. We should look for a way where when you get ill, the worry should not be the payment but getting well. The worry is both now. You are not sure of getting a hospital bed and how you can get a deposit to pay in a hospital.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us now hear the Chair of the Departmental Committee on Health, Hon. Sabina.

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): Thank you, Hon. Temporary Deputy Speaker. First and foremost, I want to thank Hon. Kiai for being bold to share the information that he has shared with this House, which is very important.

We had a conversation here last week. I said that I wish one of our Members can just come out and tell us that he or she had contracted the COVID-19 disease. Initially, when COVID-19 disease came into this Republic of Kenya, many people thought that it was a joke. Actually, they said that the Government has come up with a way to get money. You heard about our colleagues who were sick, but they had not disclosed. Last week, we said that if any of us gets COVID-19 disease, he or she should alert us or come out in public and say that they had it. If I had an interaction with Hon. Kiai, I would have gone for testing and protected many people. During the weekend, we are all over. We go to our constituencies and interact with our families. Allow me to appreciate Hon. Kiai. I know that there are other Members who are here today who would wish to come out and say that they had contracted the COVID-19 disease, so that we can tell Kenyans that having it is not a curse. It can happen to anyone of us or our families. So, it is important to talk about it.

Secondly, I want to thank Hon. Kiai for the Motion that he has brought about NHIF. There is a lot of money. It is interesting to see people saying that they should not use it for COVID-19 patients. We have spent more than Ksh1 billion that Hon. Members are alluding to. We have Kshs13 billion for the COVID-19 disease. We have invested from March, 2020, when the disease was reported in Kenya. We have really invested a lot. Kenyatta University Teaching and Referral Hospital was launched by His Excellency the President. It has a bed capacity of 300. It can go up to 600 bed capacity. It is a huge state-of-the-art hospital which is better than Aga Khan University Hospital and other bigger private hospitals that we have in this Republic.

The issue of financing health is key. We have given money for Universal Health Coverage (UHC) to the counties. I read something somewhere, but I do not want to go into the details. We lost an Hon. Member of this House. I want to pass my condolences on my behalf, my family and

the people of Murang'a County to the people of Matungu Constituency. There was a mention that there was no oxygen. We all come from counties. When there was a Summit, all Governors committed that they would help the national Government fight COVID-19. It was said that people should be ready. If I go to my village today and I become sick, my children are there. Will I rush them back to Nairobi? I will not. The County Government of Murang'a should be ready not only for me, but also for the people who are in the villages.

I know that we want to talk about the national Government. However, it is a joint venture, including the county governments and the steps that they have taken. I went through the submissions that were made by the Ministry of Health last week on how many isolation centres are here in Kenya. We have 7,644 isolation beds. We have 319 ICU beds that had been licensed by 30<sup>th</sup> September 2020. We have additional isolation and ICU beds that have been set up since then. An Hon. Member said that there is no oxygen.

Hon. Temporary Deputy Speaker, I want to ask for your indulgence, so that I can spend more time to inform the House because I am the Chair of the Departmental Committee on Health. When we visited Kenyatta University Teaching and Referral Hospital, there were ventilators that were given by the Ministry. Others were bought, but they were not even fixed on the beds. They were lying all over. We went to Kilifi County and found the ICU beds empty. It is ridiculous for any county government not to have an oxygen cylinder in Level 4 or Level 3 hospitals.

We need to unite and come together. Tomorrow, my Committee will meet NHIF which has done several reforms. When they were launching UHC recently, they said that they have gone digital, so that people will stop stealing from them.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Sabina, every Member has five minutes. Because you are the Chair of the Departmental Committee on Health and this is an important Motion, I will add you a maximum of two minutes.

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

I want to invite any Member who has any idea on how NHIF will cushion our people. We will meet NHIF tomorrow at 9.30 a.m. at Tsavo Ballroom at Kenyatta International Convention Centre (KICC). The first people to meet will be the frontline health workers who have issues. We have enough PPEs in this Republic of Kenya. When our people go to any public facility, they should not be charged for PPEs. We have provided money through KEMSA and so, why would we have someone going to a public hospital and then he or she is charged for what the taxpayers have paid? This is a genuine conversation that we need to have and have a way forward. I invite Members of this House to appear and share their ideas with the NHIF.

I know that it has been said that majority of insurances across the world do not cover pandemics. However, we are also made aware that if you have another condition and you are admitted for COVID-19, be it diabetes or you have to go through chemotherapy or dialysis, NHIF is still covering that. NHIF is still covering bed charges. So, it is important that we have a way forward on what package that we need to cover our people. A healthy nation is a wealthy nation, and the health of our people comes first. Let us join hands together as a House. Let us not politicise this issue but work together to save our people. COVID-19 is real.

I thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. (Ms.) Passaris.

**Hon. (Ms.) Esther Passaris** (Nairobi CWR, ODM): Thank you, Hon. Temporary Deputy Speaker. First, I would like to thank Hon. Anthony Kiai for sharing his experience with us as a

COVID-19 survivor. That, in itself, will remove the stigma of people coming out and saying that they tested positive for COVID-19 and also to make people aware of the fact that you can survive COVID.

At the same time, I would also like to pass my condolences from Nairobi County to the family of Hon. Justus Murunga, the Member for Matungu, who passed away from COVID-19.

Hon. Temporary Deputy Speaker, when we speak about NHIF, it is the vehicle that we need in place to ensure that we have UHC. UHC is one of the President's Big Four Agenda. With UHC, we not only want access to health services, but also access to affordable health services so that families are not strained or put into hardships that actually increases the levels of poverty in our communities. For the CS to come out and say that NHIF will not be covering COVID-19 cases, I feel that it goes against the Constitution for two reasons.

One, the Constitution says that we should not discriminate. Up to today, we have covered COVID-19 in most of our public hospitals. So, we have already given that service to Kenyans. Now, saying that they are not going to offer it means that we are discriminating on the people who have COVID-19 from here on. Every single day, we have testing being done. We say that we have a sample size of 5,000 people; I wonder where those tests are being done? Where are those samples being collected? If I was the CS for Health, I would ensure that the testing is done in major hospitals - the referral hospitals, the Level 5 hospitals and the Level 4 hospitals, where the majority of Kenyans go if they are unwell.

Right now, when you say that you are not going to cover COVID-19 and you are not going to have admissions unless it is an accident or until you have been tested for COVID-19, we need to make sure that they will be tested in those facilities free of charge. That is because most of those families come from informal settlements. Some of those families do not even have the NHIF cover. We know that Kenyatta National and Referral Hospital is bearing a huge burden for the debts that they have had to write off over the years where they have provided services. It is us Members of Parliament (MPs) who go there when our constituents come to us and tell us that their sick ones are being detained.

The courts have ruled that nobody should be detained for not being able to pay their hospital bills. Nobody should be detained for not being able to pay for the bodies to be released. That already is a precedent in our courts. So, when we say that NHIF will not be providing or paying for COVID-19 cases, what exactly are we saying? Are we saying that if you go to hospital and you are sick, you will be turned away because NHIF is not going to pay? You might be going to hospital not because you are COVID-19 positive but because you have diabetes, hypertension or cancer and yet, the first thing that is required is the COVID-19 test. So, if we do not admit you, we are going to slow down the gains of UHC.

According to our Constitution, I believe that every Kenyan is entitled to proper healthcare. If that is the case, when you go to a facility, whether you have NHIF or not, which a majority of our voters do not even have, you should access medical healthcare. The campaigns by NHIF to sensitize people have been slowed. The fact is that, right now, as we talk about health and the lives of our citizens, they should be able to access healthcare irrespective of whether they have an NHIF cover or not. We need to streamline NHIF in terms of membership drive, resources and management of those funds. But to say that we will not cover the sick is denying Kenyans their constitutional rights to affordable healthcare.

I believe that the CS should give guidance that anyone who is unwell and goes to a facility should be able to access healthcare; whether you are COVID-19 positive or not. And because they

do not have the resources to pay for the tests, the sample sizes of 5,000 people that we report on daily, let us make sure that some of those hospitals that we know have an influx of patients coming in...

*(Hon. (Ms.) Passaris' microphone went off)*

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

**Hon. Kubai Iringo** (Igembe Central, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Motion. Let me thank my brother, Hon. Kiai, for coming up with this Adjournment Motion. God is great that he is with us. We thank God that you are healed. I understand that there are a few others who have contracted COVID-19, but I pray for their full recovery. More so, I pray for Kenyans who are also suffering from the same. For those who have left us, to their loved ones, I send special condolences from myself, my family and those of Igembe Central residents. I agree with every speaker here that COVID-19 is real and it is here with us.

Hon. Temporary Deputy Speaker, I also agree that we should also look for solutions and for a way to address this pandemic. We should avoid the blame game. Unfortunately, we are discussing NHIF today which has been a limping horse from the word go. When the burden of COVID-19 came in, it almost collapsed. That is why the CS was bold enough to say that. However, is it very unfortunate! He should not have taken that direction. He should have dug deeper and tried to correct the same, look for stakeholders, resources and any other ways. We cannot just tell citizens that they are on their own and it is up to them.

It is up to the CS to sit with the county governments, assess what they are doing, what they have done, what they are capable of doing and what they are not doing. Let the CS investigate whether they have the facilities or they are there on paper. More so, let us focus on how we will save lives and how we are going to enrich NHIF, so that we do not just tell patients that they are on their own. It is like a father telling the children: "There is a lion in the compound", and yet he is aloof and he is hiding under a tree telling the children: "You are on your own." That is very disastrous.

Hon. Temporary Deputy Speaker, countries have to give priorities even in times of war or any other problem. You have to focus on the big enemy. As we talk, the biggest enemy in Kenya today is COVID-19. Because of the UHC which is one of the President's Big Four Agenda of his legacy, let the Ministry focus 100 per cent on COVID-19 and see how to support NHIF to manage the pandemic. How do they support missionary hospitals and private hospitals to fight this pandemic? This is because, if you tell Kenyans that: "You are on your own", it is tantamount to saying that you are ready to have your citizens suffer and die because you are a helpless Government. That would be very unfair for the Government and for us, as leaders.

We should put our heads together - like the Chairperson has said that there is a meeting to deliberate on these issues. Let us go and contribute to the same and let the CS listen and retract from telling people that they are on their own. Let him go back to the drawing board and come up with a formula like the Ministry of Education has come up with a formula on how we are going to have our children back to school.

The formula was spelt out. Stakeholders were involved, including the Kenya National Union of Teachers (KNUT), KUPPET and others. They charted a formula and parents were given

a chance to give their input. Equally, even on matters of health, let us, at least, come together as a nation, put our heads together and see how we are going to resolve this. The bottom line is this: Let patient treatment and assistance be catered for by NHIF, the way any other patient with other diseases is managed. We should not discriminate because of this disease. If you have another underlying disease and you are neglected because you have COVID-19, that will be very unfair. Since it is a disease, let us treat them equally and accord them the assistance they deserve.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Jesire. Hon. Members, you will still get a chance. I can tell from the screen that all of you will most likely get a chance.

**Hon. (Ms.) Gladwell Cheruiyot** (Baringo CWR, KANU): Thank you, Hon. Temporary Deputy Speaker. I want to sincerely thank Hon. Kiai for being a pioneer in this journey towards finishing the stigma on COVID-19 infection. For a long time, people have been taking COVID-19 as if it is a disease of shame. I have been talking to my constituents and telling them that this is a disease like any other one as opposed to sexually transmitted diseases that people have feared for long. Currently, people can say: "I have HIV." It is the only way we are going to really get rid of this disease. For as long as we are hiding, the possibility of infecting people day in, day out will continue increasing because we shall be mingling with people who pretend that they are not sick. So, Hon. Kiai, I am really grateful to what you have done.

This NHIF issue is a great elephant in the house. It is a big thing. Sometimes, when you want to really blame anybody, it becomes a bit difficult, especially to some of us who have been in the medical field. We actually see the pandemic and start wondering what the way forward is. Currently, with the other diseases, we are doing *harambees* but for this one, it has become worse. It is very expensive. Like the Chair has said, people are forced to pay for PPEs as opposed to being given for free. When a doctor puts on a PPE, that is charged on the patient. Sometimes, you have about three or four people who are sick in a house. So, you will realise that, that patient is visited like three times a day. If you are three and three PPEs are used a day per person, twelve per day, it is quite expensive.

Like people or Members are putting it, we need to come together and discuss the way forward. This should purely be a burden for the Government. We should not leave it to individuals. If we look helpless, our people will lose hope in this country. Looking at it now, the disease has crawled to schools. When we went to test in Baringo County the other day, we got 38 infected students at Kabarnet High School. If we have to leave that burden to those parents who are struggling even to pay school fees, you realise it is not workable. Citizens will be really hopeless. It is now upon this House to come to the rescue and sit together as Parliament, not only National Assembly, but with the Ministry of Health, the Departmental Committee on Health and discuss the way forward.

When I looked at an interview which was going on yesterday by doctors and some experts, they were saying if we are not careful, we may by January have around 70 per cent of our people infected. That is scary. Looking at it, some doctors said when you have gotten the disease and you have some underlying condition, you are 90 per cent assured of not surviving. So, you have 10 per cent chance of living. Meaning it is no longer a disease we can look away from. It is a disease we need to put our heads together and discuss.

Going forward we, as leaders, need to lead by example. We should try and reduce the rallies that we have. The way people handle microphones at home, we need to either discourage using microphones or have the masters of ceremonies giving directions on how to use microphones because this is one way in which our people will continue getting infected, because of shared

microphones. People put down their masks to talk on the microphones. They will be on masks throughout and remove them to talk on microphones and they share. I think the Ministry of Health should take it up so that members of public can be safe.

Thank you, Hon. Temporary Deputy Speaker, for giving me that opportunity. Let us put our heads together to save our country.

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

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity.

In a time like this, you cannot go by the general rule. It is true that, in the general rule, pandemics are not covered by insurance but when you are in a nation and people are dying, you have to look at the policies. We are talking of Universal Health Coverage (UHC). We cannot turn round and say otherwise. We are saying the NHIF is the body that is going to carry our UHC. We cannot do that. People are dying. Health workers are dying. If we are not careful, the pandemic is going to close all the health facilities, including private ones, by the numbers and lack health workers. Really, we have to do something.

How do we do it? We have to work on the NHIF urgently, as much as we can, and see what funds we can look at. We have very many expensive benefit packages where we pay millions. What can we do about management and funding issues? Then, we must, as a country, find funds to treat our people. If we want to do it through the NHIF, then we must do a quick actuarial study and say how much money we need, and look at all the issues around and say that money has been found and it has to go to the NHIF if we are going to use the NHIF. Or, if you are going to use a fund, we just have to look for money and have a fund for treating people. This is not the time even to talk politics.

In the future, and we have delayed, we need a social health insurance. Social health insurances can actually normally take this up. That way, everybody pays by force. For those who are employed, both the employer and the employee pay. Then those who are totally unable to pay, the Government pays for them. It has been done in other countries. That is the direction to go but in the immediate time now, we have to sit down, look for funds just like we have looked for funds for all the other things, take care of drugs, take care of PPEs so that we, at least, relieve Government hospitals. Then we can say the remaining bill will be paid by the fund. If it is through the NHIF, then we can do an actuarial study and say: "This is how we will support the NHIF so that it can pay."

I do not see any other way. In my view, that is the direction to go but to say the NHIF cannot pay and sit back on our laurels, I think it is not fair for the people of this country.

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

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Thank you, Hon. Temporary Deputy Speaker. I thank Hon. Kiai for bringing up this very important Motion and also for sharing his story, as has been said.

When you are talking about the NHIF and healthcare, you are looking at accessibility, quality and affordability. So, the first important issue in my view is that of access. Right now, COVID-19 has gone to our counties. It is ravaging our villages. When it gets you in the village in Laikipia or Homa Bay, for example, do I have access? When I go to the referral hospital in Homa Bay, will I find what is required? So, that is a conversation we must seriously have with our county governments because there is money that was appropriated to counties. I remember in the last Supplementary Budget, counties were given Kshs5 billion to go and set up health facilities.

Before His Excellency the President lifted the measures, there was a summit where all counties were asked to give their state of preparedness. On whether they had oxygen and ICU beds, it was reported that they had so many ICU beds. If you go to the counties now, do we really have those ICU beds and are they functional? If you have an NHIF card and they offer to pay for you, what would they be paying for? I am speaking from experience because in Homa Bay County, people are really sick. Do we have facilities to deal with this issue? On NHIF, I want to agree with my colleagues, including Hon. Nyikal. For NHIF to cover COVID-19 patients, how much more funds do they need? I hope that will be the debate that the Departmental Committee on Health will have when they meet the NHIF tomorrow. I want to thank the Committee for going ahead of us. They should not just meet the NHIF but the entire Ministry of Health officials, including the Cabinet Secretary and the Principal Secretary. This is because this debate revolves around the communication by the Cabinet Secretary that NHIF will not cover COVID-19 patients. They should all be there so that they tell the country whatever they need to cover COVID-19 patients. As a country, we must look for those resources. Let us not play politics on this issue. If we play politics and they say that we stop this programme and deal with COVID-19, we will also come and state who looted the NHIF dry and the people who stole money. If we go the political way, we will not help Kenyans. If we want to help Kenyans, we should know the funding gap for the NHIF to cover COVID-19 patients.

I want to agree with Hon. Maoka that this Motion is important, but will not move us to the next level because we will need the report of the Departmental Committee on Health indicating whatever the NHIF needs to cover COVID-19 patients. We will then move it to the next level and the Budget and Appropriations Committee should be able to provide for funding in the Supplementary Budget for that purpose. I wanted to make that point because Kenyans are suffering. They have been ravaged by job losses and have no insurance. How many Kenyans are covered by the NHIF? As we move forward with this conversation, we need to know what is needed. We should unite and avoid politics so that we can move forward.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Waweru Kiarie.

**Hon. John Kiarie** (Dagoretti South, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I want to take this early opportunity to congratulate Hon. Anthony Kiai a.k.a High Flyer for bringing this matter to our attention. We must discuss this issue as it concerns our employers. It is very clear in everyone's mind that while COVID-19 might be a health calamity, it has presented itself as a test. It is testing leadership, families, institutions and civilisation. As we talk about it as a health crisis, we might not want to box ourselves in that small bucket of a health discussion. When did the rain start beating us? I remember that during this Session, Hon. Ngunjiri Wambugu, Member for Nyeri Town, proposed that the House forms an *ad hoc* committee specifically to deal with issues of COVID-19. His argument was that this is beyond health crisis and there was need for people to bring expertise beyond health. Had we formed that committee then, we would be having a different conversation. We are here now and this is an existential threat not only to our country and economy, but globally. It is about time we stopped everything and fought for survival. Civilizations progress if they are able to adopt, survive and live in a new reality. We are now in a new reality and we might need, as humanity, to stop everything else and survive first. When we are talking about COVID-19 and our people not being covered by the NHIF, we have to take stock. Our people are dying. We have resumed learning and we are getting reports that so far, 13 school principals have lost their lives to COVID-19. These are only those that have been reported. I am sure there are so many cases of deaths in our schools. If we have to survive, we have to make tough decisions. Hon. Nyikal, who is an authority in this sector,

has made an important statement that, in unusual circumstances, usual solutions never work. We must look for ways to survive this menace. As Members of Parliament, we are doing our level best to persuade our National Government Constituencies Development Fund (NG-CDF) committees to cover as many vulnerable constituents as we can. As we talk about the NHIF, we want to ask our NG-CDF Committees to make it a bit easier and smooth for us to be able to cover the most vulnerable in our constituencies. This House must make some tough decisions if we have to survive. We must stand up as the representatives of the people and speak the truth. If we have to make a decision about choosing between existing bureaucratic traditions and surviving, we should choose survival. If we have to choose between making new laws and surviving, I believe we should invest in new laws. It is difficult to explain to anyone how we can afford money for a yes or no campaign, but we cannot afford to cover COVID-19 patients. It would cost us Kshs7 billion to employ 10,000 teachers, but we want to prioritise something else over what is critically important for us – which is survival.

Hon. Temporary Deputy Speaker, give me a second to put a question to the Chair of the Departmental Committee on Health. Could it be that someone somewhere has made a decision that the new strategy is weaken immunity and we should all get sick...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Your time is up, Hon. Kiarie. Hon. Wanyonyi, you have the Floor.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Hon. Temporary Deputy Speaker, I want to request this House to pronounce itself on this problem. The problem is there and people are dying. I want to thank Hon. Anthony Kiai for coming up with this Motion. The solution is not to beg anybody, but to pronounce ourselves so as to provide leadership in this country. I want to propose that we establish another fund to cater for this problem. I propose that we change the NHIF to NSHC. We can have that package and ask members of our community to start fundraising. The Cabinet Secretary announced that the NHIF can no longer cover COVID-19 patients. There is nothing we can do and tomorrow we could be the ones affected. I mentioned this afternoon that if we got COVID-19 today, how do we get to better facilities? The county hospitals do not have oxygen and that is why our brother, the Member for Matungu, died.

He went for almost 15 kilometres looking for a hospital. We should have a package that includes a fully-equipped helicopter so that if something happens in any remote area, you have a special number that you can call and they come for you. If you are in Nairobi, let us have ambulances using the same funds to rescue whoever it is. As it is, if it happened where you are, it is on you and your family. I am suggesting to the Clerk of this House to create a special number and have the rescue helicopters in case something happens. Therefore, I want this House to pronounce itself and start another Fund alongside NHIF to provide for this treatment.

I rest my case.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Well said, Hon. Wanyonyi but what happens to the other millions of Kenyans who might have the same situation as well?

Let us have Hon. Murugara first. Hon. Members, if you could be considerate enough and take less than five minutes, we could have a few other Members speaking to this. I can tell there is a bit of interest. That is a persuasion, not a direction!

**Hon. George Gitonga** (Tharaka, DP): Thank you, Hon. Temporary Deputy Speaker. First and foremost, let me thank Hon. Kiai for bringing this particular Motion of Adjournment. I also thank him for being bold and candid to come out in the open against what is perceived to be stigmatisation and confess that he has suffered from this ailment and has fully recovered. Let me confirm that Hon. Kiai has fully recovered, because I have just come back with him from the

United States of America (USA). Before going there, we were tested and we were all negative. Again in America, we were tested before we left and we were negative. If there was any problem with the Kenyan testing, I think the American results have confirmed his status. My condolences and those of the people of Tharaka should go to the family of the late Member for Matungu, Hon. Murunga. The media is awash with news that he may have succumbed to COVID-19, but we will wait for the postmortem to confirm what killed our colleague.

The NHIF has been a cash-cow for a long time. We are very scared now when we are told that it is not going to cover COVID-19. We know for sure that the money that we contribute to NHIF has been used for various activities, some of which border on illegality and corruption. My humble plea to the Cabinet Secretary would be: Let Kenyans be considered. The NHIF is actually for the poor person down there; the one popularly known as the ‘hustler’ – a person who does not have any other means of taking care of his or her own medical needs. The NHIF comes in handy. It is for the welfare of citizens to ensure that everyone has some form of cover that would help him or her meet medical expenses. If we bring corruption into NHIF, Kenyans are done. Maybe, this is going to be the last nail in the coffin...

I was keeping an eye on the warning lights, but I did not see any. As I conclude, let us have fidelity to our medical practices, including insurance. In as much as pandemics are not covered by insurances, there are exceptions and one exception should be COVID-19. We must have those exceptions in the case of COVID-19 and extend them to the people of Kenya. Let the people of Kenya enjoy medical cover in regard to this disease as we continue to combat it. Let the Government also invest as much money as possible into this fight. Let us not allocate money to other extraneous matters that are not as important as the welfare and health of the citizens.

With those remarks, I support the Motion.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): We must hear from Duale Dahir.

**Hon. Mohamed Duale** (Dadaab, KANU): Hon. Temporary Deputy Speaker, thank you so much for giving me this opportunity. First of all, let me share my experience as a COVID-19 patient. I suffered COVID-19 and was admitted at the Aga Khan University Hospital for six weeks. I also ended up in the High Dependency Unit (HDU). I was on oxygen for 40 days. I almost lost my life save for the fact that I was under the care of good doctors, good nurses and a good facility courtesy of the Parliamentary Service Commission (PSC). The bill that was paid for me as an inpatient was Kshs3.5 million. Even after I was discharged, I still developed complications at home. Thanks again to the PSC and the insurer, I was brought oxygen at home and I remained on oxygen for five more days outside the hospital.

As a doctor, let me say that COVID-19 is a disease that seriously affects patients that have underlying conditions like diabetes, hypertension, obesity and the elderly people. One of the biggest complications of COVID-19 is the problem of breathing. If you develop breathing problems, you can understand the time you have to survive. I really sympathise with people who get COVID-19 and develop breathing difficulties and they cannot get oxygen or any other support. We have lost quite a number of people who die suddenly because of lack of oxygen.

On the issue of NHIF, the statement by the Cabinet Secretary was not good at all. As a country, we must take responsibility for the welfare of the citizens. The NHIF as an institution, in line with Universal Health Coverage, should be supported with more funds so that it can take care of COVID-19 patients, rather than letting people be on their own. You cannot talk about insurance companies providing for payments without talking about the services available at public facilities. Basically, any institution taking care of COVID-19 patients must provide good nursing care, good clinical staff and good nutrition and must have capacity to intervene in case a patient develops

acute respiratory distress syndrome, a complication of COVID-19 which can easily kill. You can stay without water or food for days, but you cannot stay without oxygen. In my county of Garissa, the county referral hospital, which is a Level 5 hospital, does not have an oxygen plant. Many patients have died on their way to Nairobi because the hospital lacks oxygen. That hospital has an allocation of Kshs340 million per year as conditional grant and yet, the county government has failed to provide an oxygen plant in Garissa. The nearest oxygen plant is in Nairobi. A COVID-19 patient who uses 15 litres of oxygen per minute, will consume so many cylinders of oxygen. The only way you can save life is to have an oxygen plant that can literally produce oxygen like a factory.

Hon. Temporary Deputy Speaker, without having facilities that are well run and able to provide those services, even if NHIF was going to pay for it, which other facility is outside Nairobi with those facilities? There is hardly any. We have to look for money to fund not only the NHIF, but also the facilities that are providing those services. How good they are? This is specifically in the counties and all Level 4 hospitals and above.

With those many remarks, I thank you for giving me the opportunity.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. ole Sankok, kindly have the Floor.

**Hon. David ole Sankok** (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to add my voice to this important Motion. Let me start by thanking Hon. Kiai for, first of all, coming out as a COVID-19 survivor. It will go a long way to reduce stigma in our society. Our colleagues have talked of our priorities being wrong. The Departmental Committee on Health led by Hon. Sabina Chege will tomorrow meet with the NHIF management. We want the Committee members to ask them how much extra money they need so that we can channel all our energies and funds towards saving our citizens. Our priorities as a country are totally upside down.

Members of this House, Senators, President, Deputy President, Cabinet Secretaries, County Executive Committee Members, Principal Secretaries, Governors and all leaders have comprehensive insurance covers. It is pathetic that those whom we seek help from – the healthcare workers and the front-line workers - have no health insurance cover. It is a shame for us to be covered and be able to afford treatment and yet, those who take the COVID-19 bullet on our behalf, cannot even treat themselves or even their families. We even have the audacity to say we do not play politics here. Let us channel all our energies towards saving our Kenyan citizens and especially, our health care workers.

My colleagues in the health profession are dying in numbers. When their colleagues die, they get scared because they are human beings too. They become afraid and if they die, where will we run to as the citizens of this country? If health care workers can feel unsafe...

It is funny because we can get resources to collect one million signatures, but we cannot get one million PPEs donated by Jack Ma which got lost at Jomo Kenyatta International Airport to give to our health care workers in order to boost their morale and safety so that they can save us. It is funny. Kshs14 billion probably, is what will be used for a referendum.

I am ashamed to be a Member of this House when Hon. Wambugu, the leader of *Kieleweke*, says we cannot play those politics and that we can use the Kshs14 billion and look for other money. It is time for us to forget everything else, including the big projects and, first of all, save Kenyan lives. Where will we be when we are dead? Where will we be when our citizens are dying in numbers? We have to be frank for once. We feel safe because we have insurance covers.

You have heard Hon. Kiasi say he was saved by the Parliamentary Service Commission medical cover. What about those who elected us? We have to save them too.

Lastly, as a House, we have to put aside everything and look for funds whether they are from other ministries, road projects or whichever activities and channel them to health services for our citizens.

It is a shame that the Cabinet Secretary who is comprehensively covered...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Before I get to my left, let us have Hon. Ngunjiri.

**Hon. Ngunjiri Wambugu** (Nyeri Town, JP): Thank you very much, Hon. Temporary Deputy Speaker. I want to appreciate the kind remarks by Hon. Kiarie, even as I ignore the disparaging remarks by Hon. ole Sankok. I stand here to say something that will not be very popular. On 14<sup>th</sup> April 2020, six months ago, I proposed to this House that we form an *ad-hoc* committee because the challenge of COVID-19, I could tell we did not have the capacity to deal with it because of the effects it was having on all of us. Today, six months later, this House has not generated or initiated a single specific COVID-19 legislation.

I remember when I made that proposal for the creation of an *ad-hoc* committee, I was told that the committees that existed had the capacity to do what needed to be done to deal with COVID-19. I tried to raise the fact that these were extraordinary times and we needed to think across party lines and committees to deal with this issue, but we as a House - and I am also guilty because I am part of this House - decided we did not want to go that way. Today, I appreciate what Hon. Kiasi has done. However, let us be honest. Beyond talking here today for the remaining five minutes, what else are we going to do about this issue? We do not have the capacity in this House as it is because the Departmental Committee on Health is going to meet NHIF. The NHIF needs more money and that money has to be allocated by the Budget and Appropriations Committee. It has to be found somewhere by the Committee on Finance and National Planning. We have the Ministry of Interior and Coordination of National Government dealing with issues. We have the Ministry of Agriculture, Livestock and Fisheries dealing with issues. We have so many ministries involved in how we deal with this COVID-19 pandemic. However, because in this House we do not have a single structure that brings all those committees together to develop one solution, we have been unable to provide solutions to COVID-19. That is what the *ad-hoc* committee was supposed to do.

*(Loud consultations)*

Today, I want to challenge Members. Six months later, hundreds of Kenyans have died, thousands of Kenyans have had to undergo very difficult financial times. Today, as a House, as we leave here to go home... Hon. Sankok has said we have insurance. Yes, we do. Many Kenyans do not have. What solution is Hon. Sankok and every other Member in this House providing through this House? This is a house that makes laws for Kenyans. The NHIF can tell us they cannot do something. We are the ones who decide what can or cannot be done. We, as a House, are the ones who decide whether that law is legal or that law is not legal, according to the Constitution. We must think very seriously about how much money we are going to put into NHIF, as a House. We must think very seriously about how we are going to take care of our healthcare professionals, as a House. We can come here and pontificate, we can come here and make political statements, and we can come here and make ourselves popular on the ground, however, we were chosen as leaders to provide solutions for Kenyans. We let Kenyans down six months ago when we refused to set up the *ad hoc* committee. What are we going to do now?

Thank you very much, Hon. Temporary Deputy Speaker

(*Applause*)

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): You know, Hon. Ochanda, you were to speak next but I am wondering whether you must speak for one minute or...

**Hon. Gideon Ochanda** (Bondo, ODM): Hon. Temporary Deputy Speaker, how unfair time can be. Now, I want to bring into the fold two quick things just because of time. Number one is the whole issue of declaration of a pandemic. Who is to do it? In my view, it is a political definition and was done some time in April or March. How come it is getting to be applied on health seven months later to deny Kenyans that kind of an opportunity? That was one question that I wanted to bring around.

The second one is: Has the Ministry done the per capita cost of managing COVID-19 such that we get to know the larger components in terms of cost? Insulators form the larger part of the cost. If insulators form the larger part of the cost, do we not have a different way of how to manage this matter? There is money. Before this House, there is a report that declared that what has been spent is less than Kshs30 billion. However, the total cost of money that has been pooled together since March is over Kshs160 billion. Where is the Kshs130 billion to take care of this pandemic?

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well. Hon. Ochanda, it is sad that we have to put a closure to this. I know there are quite a number of Members who wanted to speak to this matter. However, as Ochanda wonders how unfair time can be, it is already 7.00 p.m. and we, unfortunately, may not extend beyond that. However, being a very important Motion, it is important for the Members not to go home just saying we spoke because this is the National Assembly. I am happy that the Chairs of the Health Committee and the Budget and Appropriations Committee were present. So, this is not just talking. This is the National Assembly and every Kenyan is looking upon us on this issue. The respective Committees can pick it up. It is good to hear that the Chair of the Departmental Committee on Health is picking up on this and all the other relevant committees so that the National Assembly can rise to the occasion.

## ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, the time being 7: 01 p.m. this House stands adjourned until Thursday, 19<sup>th</sup> November 2020 at 10.00 a.m.

The House rose at 7.01 p.m.