

PARLIAMENT OF KENYA**THE NATIONAL ASSEMBLY****THE HANSARD****Tuesday, 30th March 2021**

The House met at 2.30 p.m.

*[The Speaker (Hon. Justin Muturi) in the Chair]***PRAYERS****MESSAGE****Hon. Speaker:** Hon. Members, it will be communicated later.**PETITIONS****Hon. Speaker:** The Member for Malava, Hon. Malulu Injendi.**COMPENSATION FOR FAMILY OF THE LATE NANCY KHARWALI**

Hon. Moses Injendi (Malava, JP): Thank you, Hon. Speaker. This is Public Petition (No.013 of 2021) regarding compensation for the family of the late Nancy Kharwali.

I, the undersigned, on behalf of the family of the late Nancy Sarah Kharwali draw the attention of the House to the following:

THAT, Ms. Nancy Sarah Kharwali was shot and killed by police officers on 22nd April 2012 (Death Certificate Number 0261207705) while washing clothes on the balcony of her residence on the 5th floor of Elino House in Dandora Phase 4, Nairobi during an attempt by the police to control a riotous mob nearby;

THAT, following the incident, the niece to Ms. Kharwali, who also serves as the legal administrator of her estate namely John Musotsi Wangusi, filed Civil Case No. 2025 of 2013, seeking compensation for the wrongful killing;

THAT, on 16th May 2019, the Milimani Commercial Court ruled that the police officers were culpable of gross negligence and awarded the family of the late Ms. Kharwali compensation totaling Kshs 3,325,200 and later issued decrees on 17th July 2019, with added interest that increased the total award to Kshs. 3,618,857.20;

THAT, to-date, the Attorney General has failed to honour and effect this payment despite numerous reminders by the deceased's family;

THAT, the late Ms. Kharwali, who was the sole breadwinner, left behind a son (Erick Otieno) and a mother (Elizabeth Naliaka) who is single, deaf and dumb, and who are now suffering

from abject poverty and misery, with the young Erick being unable to join college due to lack of college fees;

THAT, efforts to have the matter resolved by the Office of the Attorney General have not borne any fruit;

And THAT the matters raised in this Petition are not pending in any court of law in Kenya.

Now, therefore, your humble petitioners pray that the National Assembly through the Departmental Committee on Justice and Legal Affairs investigates the matter with view to securing, in collaboration with the Office of the Attorney General, the urgent release of the compensation payment due to the family of the late Ms. Nancy Sarah Kharwali so as to mitigate their ongoing suffering.

And your Petitioners will ever pray.

Hon. Speaker: Hon. Malulu Injendi, your Petition is directed to which committee?

Hon. Moses Injendi (Malava, JP): The Justice and Legal Affairs Committee.

Hon. Speaker: Very well. The Hon. Members who are standing, please, can you take your seats.

AMENDMENT TO THE FIREARMS ACT, CAP 114.

Hon. Speaker: Hon. Members, pursuant to the provisions of Standing Order No. 225(1) (b), I wish to report to the House that I have received a Petition from Dr. Machanga Mareko, National ID No. 6485106, seeking an amendment to the Firearms Act, Cap 114 of the Laws of Kenya to provide for mandatory mental examination as a precondition for acquiring a firearm license among other proposals. The Petitioner, a psychiatrist by profession and a firearms examiner at Kenyatta National Hospital, has highlighted several inadequacies in the firearms Act. In particular, he argues that lack of provisions requiring all applicants for firearms licenses to undergo mandatory mental examination as a precondition for issuance of firearms certificate might be a precursor to some of the incidences of misuse of firearms by some license holders. The Petitioner further contends that the Act does not clearly define what constitutes the legal use of a firearm.

Consequently, he decries the fact that the lacuna exposes licensed firearm holders to criminal liability and/or murder charges in the event that he/she occasions injury or death even when the firearm is used for defence against a dangerous aggressor or on a humanitarian rescue mission.

Hon. Members, the Petitioner is, therefore, praying that this House considers amending the Firearms Act to prescribe, among other things, that the use of a licensed firearm should not necessarily occasion a charge of murder or necessarily attract criminal prosecution of the licensed firearm holder. It should protect firearm holders from adverse criminal record that may deny such legal firearm licensees certain privileges and services as well as provide for mandatory mental examination for all applicants of firearm licences as a pre-condition for acquiring the licence.

Hon. Members, having determined that the matters raised by the petitioners are well within the authority of this House, pursuant to the provisions of Standing Order No.227, this Petition is committed to the Departmental Committee on Justice and Legal Affairs. The Committee is required to consider the Petition and report its findings to the House and the Petitioners in accordance with Standing Order No.227 (2).

Thank you.

I may allow limited comments from the Floor on both Petitions. I am assuming that the people whose names appear on the intervention list desire to make some comments. Member for Imenti North, kindly, have the Floor.

Hon. Rahim Dawood (Imenti North, JP): Thank you, Hon. Speaker. Regarding the first Petition by Hon. Malulu, there is a tendency by the Office of the Attorney-General, and the Government generally, not to honour compensations awarded by the courts. The Committee should, therefore, look at all compensations awarded by the courts against the Government and ensure that they are cleared.

On the second Petition, the Petitioner is asking for mental tests of people who apply for firearms licences. We surely need the test because we even have cases of Members of Parliament who have pulled out guns during confrontations with other people; something which is not good.

I support both Petitions.

Hon. Speaker: Member for Kimilili.

Hon. Didmus Baraza (Kimilili, JP): Thank you, Hon. Speaker. I want to support the Petition raised by Hon. Malulu Injendi. Many Kenyans are suffering because of lack of action from the Office of the Attorney-General. It is high time that this Committee looks into this matter to ensure that the Office of the Attorney-General serves Kenyans. They should also hasten their action so that Kenyans do not continue to wait in vain.

I support the Petition.

Hon. Speaker: Member for Central Imenti.

Hon. Moses Kirima (Central Imenti, JP): Thank you, Hon. Speaker. I stand to support the Petition regarding firearm licensing on the grounds that a number of times firearms have been issued to people of unstable minds who, when provoked just a little, pull out their firearms. Such action borders on violence. In some instances, one may commit an offence that will be referred to as “murder”. That notwithstanding, when will a firearm be deemed to have been used properly or in a way that one will not be said to have committed murder, especially when the holder has been exposed to danger?

As I support the Petition, I urge the Members of the Committee to look at the law to ensure that when it is properly used, one is not charged with murder because murder is an optimum crime. Once one is charged with murder, even though he may get bail, he faces a lot of challenges even in terms of securing the right bond at the right time. People are locked up for a long time before bond issues are considered by the courts.

I support the Petition.

Hon. Speaker: Nominee 001.

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Speaker. The Petition on mental check-up is important for those applying for firearm licences. The Committee should look into this matter and even extend the check-up to be yearly. Mental problems can be acquired at any time along the way. Since a firearm licence is renewed yearly, a renewal application should be matched with a mental check-up note.

We should also prescribe in law that a firearm is deemed to have been used properly if it has been used in self-defence so that you are not charged with murder in the event that you used the firearm to defend yourself or members of your family.

Hon. Speaker, I finally seek your direction. Sometimes I see Members who have not put on face masks yet we are in a red zone. It is painful to see somebody not wearing a mask or not vaccinated yet they owe you some money.

(Laughter)

Hon. Speaker: Member for Kathiani.

Hon. Robert Mbui (Kathiani, WDM-K): Thank you, Hon. Speaker. The issue of firearms is sensitive. Having grown up in a military family, I know that if you make a mistake in the use of a firearm, you cannot apologise because the other person will already be dead. It is, therefore, important to confirm the mental status of individuals who own firearms. That is something which has to be done properly. When some firearm holders apply for renewal of licences nowadays they are told to go to Mathare Hospital for mental check-up. We have to be very clear on the tests to be done so that by the time they are done, we are sure that the firearms are in safe hands.

I support the Petition.

Hon. Speaker: Hon. Mbadi.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Speaker. I want to comment on the Petition regarding licensing of firearm holders. This country has no proper regulations in terms of handling firearms. You do not even know whether the people who are being given firearm licences have been trained. We need basic training on the use of firearms. It should not be a matter of someone getting firearms but we do not know who trained them. What if people were trained by thugs and then they were handed firearm licences? Who qualifies to legally possess a firearm? Nowadays someone becomes a Member of County Assembly (MCA) and the following day he goes to seek a licence to become a firearm holder. What threat or danger is he exposed to which other Kenyans are not?

The Committee needs to look at the whole question of firearm handling. It is not just this country that is having a problem with firearm licensing. If you look at what happens internationally, even in the United States of America (USA), there is a lot of misuse of firearms. Firearm licensing is a contentious debate. It may not be so contentious here. I do not think there are many Kenyans who would feel bad if people are not licensed to hold firearms. If you are to legally own a firearm in Kenya, there should be a serious threat to your life; and not any other imagination. For example, if I exchanged with Hon. Sankok yesterday, and he does not possess any weapon apart from his other leg, and now I want to appear like he is such a threat to me yet I know he is harmless. We need to be clear on the issue of possession of firearms.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, it is becoming difficult. For those Members who may not know my mobile number, it is in the office. We encourage that form of consultation so that we avoid a lot of physical consultation.

Next is Hon. Wamalwa.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Thank you very much, Hon. Speaker. If you want to legally acquire a firearm in this country, you go through a tedious and thorough process.

Recently, the Cabinet Secretary for Interior and Coordination of National Government, Mr. Matiang'i issued some orders whereby anybody who was a firearm holder was supposed to go through the new process. In addition, in the new process you must go through the mental process. You must be examined mentally because when you have a firearm, you should be tolerant. Unfortunately, the aspects of criminality on the issue of murder case needs to be reviewed because you have a firearm to protect yourself. Many times people who have used it must demonstrate they are truly in danger. That is what lacks in clarity in the Firearms Act and we support that. Given that this matter is under the Cabinet Secretary for Interior and Coordination of National

Government, I was just thinking loud whether that Petition should be looked at by the Committee on Justice and Legal Affairs and the Committee on Administration and National Security because it falls under the Ministry of Interior when it comes to matters of licensing.

Thank you Hon. Speaker.

Hon. Speaker: You see the Petitioner is seeking for an amendment to an existing piece of legislation, namely the Firearms Act, Cap.114 of the Laws of Kenya. That is the matter perfectly for the Committee on Justice and Legal Affairs. Of course, the Petitioner is raising some serious issues here because you have seen how some of the youths who have been licensed apply their firearms anyhow. This Petitioner actually raises some very serious issues, which I think the committee will be at liberty to consider, including inviting him; he is a psychiatrist. There is a point raised by Hon. Sankok. He raised the issue of yearly or annual checkups. This is because you may have been given the firearm when you were 21, when you had good behavior and after about five years you become too chaotic that you could easily “enjoy”. You go to public places or bars and the first thing you want to do is remove your gun, place it there and say 'give me one Tusker!'

(Laughter)

That surely is very intimidating. We do not know whether you are protecting yourself. You have placed the gun on the table and you are asking for some alcoholic beverage. Even the ones serving you do not know how to deal with you whether to first of all hammer your head, grab the gun and go with it.

Hon. Iringo.

Hon. Kubai Iringo (Igembe Central, JP): Thank you, Hon. Speaker, for giving me this opportunity to comment on the two petitions. On the first Petition, by Hon. Injendi, I support it because once you are convicted of a crime by the Government, the prosecution and the systems rush you very fast but, it becomes a problem when it comes to you receiving compensation after you have won a case. The Judiciary and the Attorney-General should also expedite. When they lose, they should expedite just as they do when they win.

As for the firearms, I concur. The firearm is a very delicate item. It is a very delicate machine that in the wrong hands can cause a lot of havoc. Therefore, whoever finds it necessary to carry a gun must at least be of very sound mind. I agree with Hon. Sankok because you know we change our minds regularly. We need proper checkups. The checkups should continue together with the ones we do for our health and wellness every year. When you are renewing your license, you should get a checkup. Even before a vehicle is allowed to be on the road, it has to be inspected first.

I support.

Hon. Speaker: Hon. Olago Aluoch.

Hon. Olago Aluoch (Kisumu West, FORD-K): Thank you, Hon. Speaker. I wish to comment on the Petition by Hon. Injendi Malulu, on the execution of judgments against the Government. The matter will come before our committee on justice and legal affairs and I will have the chance to have a look at it, but I think the House needs to appreciate that the hurdle against the Attorney-General discharging judgments is not that he does not wish to pay. It is because of the Government Proceedings Act. That Act prohibits any execution proceedings against the Government. In the 10th Parliament, we brought a proposed amendment to that Act to allow for restricted attachment of Government assets. The then Attorney General, Hon. (Prof.) Githu Muigai, and myself held meetings in our committee and we said for that amendment to pass, we

would have to consult the Cabinet. The matter died at that stage, but I think now that this Petition is coming before the committee, the time is ripe for us to review and see how best we can amend the Government Proceedings Act in a way that Kenyans can be served properly by the law. If the Act remains the way it is, there is nothing the Attorney-General can do about it.

Thank you Hon. Speaker.

Hon. Speaker: Member for Mwea.

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Speaker. I want to support the two Petitions. They are coming at the right time. The first one relates to compensation and it is true that there are many Kenyans suffering out there and who were awarded some compensation but up to now, they are yet to receive it. I think it is high time the Attorney-General compiled a list of all those pending compensations.

On the second one, I support the idea of ensuring that whoever gets a license gets it in a strict manner including the medical checkup and regular checkups every year so that the law can also be clear on the usage of that licensed firearm. As it is, those who possess it are at a risk of using it and being accused.

I support.

Hon. Speaker: Hon. Sakwa Bunyasi, I know we had given you a chance because you are following Hon. Kabinga.

Hon. Sakwa Bunyasi (Nambale, ANC): Thank you, Hon. Speaker. I want to comment on both Petitions. The first Petition by Hon. Injendi Malulu on the lady who was shot on the balcony demonstrates the process of suing Government. It demonstrates one of the limited opportunities for an ordinary citizen to seek redress from the big uncle called government. I am rather disappointed because I did not know what Hon. Olago Aluoch has said that in fact executing financial redress on government is next to impossible. If that is the case, it really needs to be changed. There is also a fiscal aspect to it that the Office of the Attorney-General not only refuses to pay but also loses very many cases. Sometimes the funds are a multiple of what the original fines would have been. Therefore, the loss occasioned to the government is quite high. I think it is time there was a clear look, not only in the legal point of view but also from the fiscal point of view. When times are tight, pay the fines on time not four times the fine. That money could have been used on something else.

A quick one on the second Petition, I think the House needs to come out clearly on these issues and I agree - as I sometimes do with Hon. Sankok - that fairness and justice is what needs to reign. That is not always the case; let us look at it one more time. On the issue of firearms, people should be entitled to this for self-defense. I do not know medical science, forget mental health science. I do not know if it is not an assessment at a point in time, unless you had a pre-existing condition. There are cases that occur down the road. Therefore, the issue of evaluation from time to time is actually very important. For the people who are known, it does not matter what their social status is, if they are somewhat unstable, including mentally unstable, they should not have firearms in their lives. If we do not do that right, we will get them by virtue of our position and shall misuse it by virtue of our positions in the case of parliamentarians.

Thank you.

Hon. Speaker: Member for Endebess.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Speaker, for allowing me to contribute. On the Petition by Hon. Malulu Injendi, I would request that the committee looks at it wholly because that might just be a tip of the iceberg. Other similar cases for compensation could be pending and it would be good to look at it widely to see whether there are other cases pending

within the Judiciary that have not been compensated. This is so that the Attorney-General can combine all these cases and if possible be cascaded to even the Committee on Budget and Appropriations so that money can be allocated and this issue can be cleared.

Secondly, I would like it not just to be limited to civilian licensed firearm holders, because we have seen cases of police officers shooting themselves, their spouses or each other while quarrelling. So, on matters mental health, this country really needs to re-examine it because more often you will find that somebody is sent for mental assessment after he has committed a crime. Why can we not pre-empt that by having annual orbit-annual mental assessments on everybody carrying any firearms, whether they are civilians or soldiers? This is because anybody holding a firearm is human and capable of misusing it. We have seen cases where people have taken alcohol and decided to square it out because they are armed. This is something that the Committee should examine widely and see how best that can be done as they make their amendments.

Thank you, Hon. Speaker.

Hon. Speaker: Well, the last one is the Member for Rangwe.

Hon. (Dr.) Lilian Gogo (Rangwe, ODM): I thank you, Hon. Speaker. I want to make my contribution on the second Petition, especially when it comes to the issuance of firearm licenses. There is a proposal that there be a psychiatric review. This is a matter that is already in practice and the petitioner is looking for its anchorage in law.

However, I would propose we not only look at psychiatric review, but it would be important that we also include review of a clinical psychologist. This is because the accusations here would be on a matter that is of felony and this is a very serious offence. We also need to define in law what constitutes self-defence, because the way you have already indicated, there is a sense of power that these licensed firearm holders normally have and there is normally a tendency to misbehave with a firearm.

Therefore, it is important that this matter is considered in this House and at the Committee level and a report is given for debate in the plenary; then we come up with a very strong law that regulates this area. This amendment will be important especially for securing lives. However, at times also the licensed firearms holders are such that they have a firearm and also are in fear of being charged with murder. At times they may find themselves in a position where they need to defend the lives of others. This is a very good Petition to be brought on the Floor of the House at this particular time and it needs to be looked at seriously.

Thank you very much Hon. Speaker.

Hon. Speaker: Well, the two Petitions are committed to the Departmental Committee on Justice and Legal Affairs. The Member for Suna West could make his way in and take a seat. The Member making your way in, why do you not just sit?

Hon. Members, I had indicated that I would deliver this message from the President,

MESSAGE

NOMINATION OF PERSONS FOR APPOINTMENT AS CHAIRPERSON AND MEMBER OF THE TEACHERS SERVICE COMMISSION

Hon. Speaker: Hon. Members, I wish to report to the House that I have received a Message from His Excellency the President conveying his nomination of Dr. Jamleck Muturi John, PhD and Mr. Tom Alfred Otieno Oyucho for appointment as a Chairperson and Member of the Teachers Service Commission respectively. His Excellency the President, having exercised his powers

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under Article 250(2) (b) of the Constitution as read together with Section 8(7) of the Teachers Service Commission Act, (No. 20 of 2012), is now seeking the approval of the National Assembly on the appointment of Dr. Jamleck Muturi John, PhD and Mr. Tom Alfred Otieno Oyicho as Chairperson and Member, respectively of the Teachers Service Commission.

Hon. Members, Standing Order 45 requires that, upon receipt of notice of nomination for appointment of a person to such office, the nomination shall stand committed to the relevant departmental committee of the House for consideration.

Further, Section 8(8) of the Teachers Service Commission Act, (No.20 of 2012), requires the National Assembly to either approve or reject the nominees to the positions within 21 days of its sittings.

In this regard, Hon. Members, pursuant to the provisions of the said law and paragraph (3) of Standing Order 42, relating to Messages from the President, I hereby refer the Message, together with the curriculum vitae of the two nominees to the Departmental Committee on Education and Research for the Committee to undertake the necessary approval hearings.

The Committee should notify the nominees and the general public of the time and place for holding the approval hearings and upon conclusion of the hearings, table their Report in the House in good time to enable the House to consider the matter within the stipulated timelines.

I thank you Hon. Members. Next Order.

Hon Speaker: The Chairperson, Committee on Regional Integration Hon. Ali Wario.

PAPERS LAID

Hon. Ali Wario (Bura, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Reports of the Select Committee on Regional Integration on its consideration of the East African Legislative Assembly's reports of:

The Committee on Regional Affairs and Conflict Resolution on the oversight activity on the proliferation of small arms and light weapons in the East African region;

The Committee on Agriculture, Tourism and Natural Resources on the oversight activity on the performance of the tourism sector in the region, 9th to 12th September, 2019.

The Committee on Accounts on its oversight activity on the Lake Victoria Basin Commission to assess the status of implementation of the Assembly's recommendations on the EAC audited accounts.

The Committee on General Purpose on the oversight activity to assess the level of preparedness of partner states in the management of Ebola and Dengue fever epidemics and,

The Committee of General Purpose on the Petition from the East African Civil Society Organizations Forum (EASCOF), on matters of crucial importance to the community.

I thank you, Hon. Speaker.

Hon. Speaker: Very well, let us have the Chairman Departmental Committee on Communication Information and Innovation.

Hon. William Kisang (Marakwet West, JP): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Communication, Information and Innovation, on its consideration of a petition; regarding the removal from office of Tabitha Mutemi as a Member of the Media Council of Kenya.

I thank you, Hon. Speaker.

Hon. Speaker: Next Order.

NOTICES OF MOTIONS

ALTERATION OF CALENDAR

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.28(4), this House resolves further to alter its Calendar on its regular sessions for the 5th Session 2021 as adopted on Wednesday, February, 10th 2021 and amended on Tuesday March, 9th 2021 so as to:

(a) Suspend its sitting of Tuesday evening March 30th 2021.

(b) Suspend all its ordinary sittings from Thursday, 1st of April 2021 to Thursday, 29th April 2021.

(c) Resume its regular sittings on Tuesday 4th May 2021 at 2.30 p.m. to continue with the first part of the session.

I thank you, Hon. Speaker.

Hon. Speaker: Next is the Chairman Departmental Committee on Communication, Information and Innovation.

Hon. Members, for those of you who are historians you will recall a famous statement by the late Prof. Ali Mazrui that, “as independence approached the term East Africa shrunk in meaning.” It looks to me that as the year 2022 approaches, the quorum in the House is diminishing in meaning. This is just a notice of Motion then you will have an opportunity to say whatever you want. There is no point of shouting, Hon. Christopher Omulele.

Hon. William Kisang (Marakwet West, JP): I thought you had given me time to give notice.

Hon. Speaker: Hon. Kisang, you had not finished.

Hon. William Kisang (Marakwet West, JP): I had not started.

Hon. Speaker: Okay, proceed.

REMOVAL FROM OFFICE OF MS. TABITHA MUTEMI AS A MEMBER OF THE MEDIA COUNCIL OF KENYA

Hon. William Kisang (Marakwet West, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Communication, Information and Innovation in its Report on the consideration of a Petition regarding Removal from office of Ms. Tabitha Mutemi as a Member of the Media Council of Kenya, laid on the Table of the House today, 30th March 2021 in afternoon, and pursuant to the provisions of section 14(3) of the Media Council Act, 2013, this House recommends the removal of Ms. Tabitha Mutemi as a Member of the Media Council of Kenya.

Thank you, Hon. Speaker.

Hon. Speaker: Very well. I am informed that Hon. Omulele is not in the House. So, we will skip his notice. Let us move to the next Order.

ORDINARY QUESTIONS

Hon. Speaker: The first Question is by Hon. John Mbadi, Leader of the Minority Party.

Question No.141/2021

STALLING OF THE MBITA – SINDO – MAGUNGA – AGOLOMUOK ROAD

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Speaker. Allow me to ask Question No.141 of 2021 on the Order Paper, pursuant to Standing Order No.42A (5). This Question goes to the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works.

- (i) Is the Cabinet Secretary aware that a number of contractors awarded various contracts across the country to improve roads to bitumen standards have stopped works due to non-payment, and in particular, the contractor who was awarded the Mbita – Sindo – Magunga – Agolomuok Road, in Homa Bay County where the construction has stalled due to failure by the Ministry to make full advance payments for mobilisation?
 - (ii) What measures is the Ministry undertaking to ensure that construction of the Mbita – Sindo – Magunga – Agolomuok Road is expeditiously carried out and completed within the stipulated period?
 - (iii) What immediate intervention measures is the Ministry putting in place to ensure that the said road, which is currently in a deplorable state, is restored to motorable status?
- Thank you, Hon. Speaker.

Hon. Speaker: The Question will be replied to before the Departmental Committee on Transport, Public Works and Housing. Next Question is by the Member for Njoro, Hon. Charity Chepkwony Kathambi.

Question No.084/2021

NON-PAYMENT OF TERMINAL DUES TO
WORKERS OF ECONOMIC HOUSING GROUP

(Question deferred)

Hon. Speaker: Next Question is by the Member for Kinango, Hon. Tayari Benjamin. Hon. Members, when you have a Question press your intervention button. Maybe you can use the Dispatch Box. Just come in front. You know, as an elected leader, do not fear people seeing you in full.

Question No.095/2021

COMPENSATION OF FISHERMEN DISPLACED
BY DONGO KUNDU BYPASS

Hon. Benjamin Tayari (Kinango, ODM): Thank you, Hon. Speaker. I rise to ask Question No.095/2021 directed to the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works.

- (i) Could the Cabinet Secretary provide a progress report on the efforts made to compensate the resident fishermen who were affected and displaced by the construction of the Dongo Kundu Bypass in Kinango Constituency and who are categorized as Persons Affected by Project (PEPs);
- (ii) When will the Ministry pay the said persons their compensation and also factor in the inflationary changes from the time they were displaced to date?

Thank you, Hon. Speaker.

Hon. Speaker: The Question will be replied to before the Departmental Committee on Transport Public Works and Housing. Next Question is by the Member for Mwingi Central.

Question No.104/2021

CONNECTION OF MWINGI CENTRAL CONSTITUENCY
TO THE NATIONAL GRID

Hon. Gideon Mulyungi (Mwingi Central, WDM-K): Thank you, Hon. Speaker. I rise to ask Question No.104/2021 in the Order Paper. The Question is directed to the Cabinet Secretary for Energy.

- (i) Could the Cabinet Secretary explain the policy guidelines and criteria used during identification of areas to be connected with electricity in the country?
- (ii) Could the Cabinet Secretary provide a list of areas connected with electricity since 2017 to date in Mwingi Central Constituency, indicating the identity of contracted firms, the contract sum, and dates of commencement and completion, number of transformers installed and those which became faulty thereafter?
- (iii) Could the Cabinet Secretary give an indication when the areas not connected to electricity so far in Mwingi Central Constituency will be connected and when the faulty transformers will be replaced?
- (iv) What measures has the Ministry put in place to ensure that all areas in Mwingi Central Constituency are connected with electricity through the National Grid?

Hon. Speaker: Member for Mwingi Central, what you have read as no. (v) is no. (iv) and what you read as no.(ii) is no.(iii). If you check the HANSARD that is what will be captured because I was listening to you. But no problem, the Question will be replied to before the Departmental Committee on Energy.

Next Question is by the Member for North Imenti, Hon. Dawood.

Question No.110/2021

COMPENSATION OF MS. SACINTA KAIRUTHI KIBITI

Hon. Rahim Dawood (North Imenti, JP): Thank you, Hon. Speaker. I wish to ask Question No.110/2021 to the Cabinet Secretary for Wildlife and Tourism.

- (i) What is the status of compensation of Ms. Sacinta Kairuthi Kibiti of ID 2536601 whose spouse, the late Abel Kibiti of ID 7769644, of Post Office Box 1687-60200, Meru, was killed by an elephant in Maite location of Buuri Sub County, on 5th of May, 2016?

- (ii) When will the claims of all other persons affected by human – wildlife conflict in North Imenti Constituency, and who lodged their claims for compensation from 2013 to date, be compensated?
- (iii) What steps has the Ministry taken to deter wildlife from invading and straying into farms and houses of the residents living close to parks, reserves and conservancies causing death and destructions in North Imenti Constituency?

Hon. Speaker: This Question will be replied to before the Departmental Committee on Environment and Natural Resources. Next Question is by the Member for Lamu who has requested for deferment of the Question. The request is acceded to.

The Question is deferred.

Question No. 111/2021

DETAILS OF PROCUREMENT PROCEDURES FOR THE LAPSSSET PROJECT

(Question deferred)

Hon. Speaker: Next is the Question by the Member for Nakuru Town East, Hon. Gikaria.

Question No. 115/2021

MATCH FIXING UNDER THE KENYA PREMIER LEAGUE

Hon. David Gikaria (Nakuru Town East, JP): Hon. Speaker, I rise to ask the Cabinet Secretary for Sports, Culture and Arts the following Question:

- (i) Could the Cabinet Secretary provide names of football teams under the Kenyan Premier League that are sponsored by the betting and lottery companies in the country and the amount of sponsorship in respect of each team or club?
- (ii) Could the Cabinet Secretary further confirm whether there are club officials, players and betting companies who have been accused of engaging in match fixing under Kenya Premier League?
- (iii) What actions has the Ministry taken on all those involved in match fixing in the country, including carrying out investigation on match fixing and ensure that those engaging in such vices are punished?

Hon. Speaker: The Question will be replied to before the Departmental Committee on Sports, Culture and Tourism.

Next Question is by the Member for Mwingi North, Hon. Paul Nzengu.

Question 116/2021

ESTABLISHMENT OF A SUB-COUNTY IN MWINGI NORTH CONSTITUENCY

(Question withdrawn from the Order Paper)

Hon. Paul Nzengu (Mwingi North, WDM-K): Hon. Speaker, I rise to make an intention to withdraw that Question because I have realised that the content that I intended to communicate has been changed and interfered with. Hon. Speaker, I seek your guidance whether the Table Office must always change what has been proposed by Hon. Members.

Hon. Speaker: Sorry, what are you saying? You are saying the Question as framed is not what you intend to ask.

Hon. Paul Nzengu (Mwingi North, WDM-K): Exactly. Hon. Speaker, the content is very different.

Hon. Speaker: Then you should sit with them when they are drafting.

Hon. Paul Nzengu (Mwingi North, WDM-K): Hon. Speaker, it is true, but I just came from upcountry only to realise that whatever is in the Order Paper is not what I had proposed.

Thank you.

Hon. Speaker: Then the Question is taken out of the Order Paper to allow you to go and reframe it as you desire.

Next is by the Member for Sirisia, Hon. Maj. (Rtd) Waluke, who has requested that the Question be asked on his behalf by Hon. (Dr.) Pukose.

Question No. 119/2021

PLANS TO ADDRESS THE HIGH COST OF POWER AND POWER OUTAGES

Hon. (Dr.) Robert Pukose (Endebess, JP): Hon. Speaker, I rise to ask the Cabinet Secretary for Energy the following Question:

- (i) What plans has the Ministry put in place to address the high cost of power and also the occasional power outages that have characterised the energy sub sector in the country, reportedly forcing some of the large manufacturers, who account for approximately 54.8 percent of the Kenya Power and Lighting Company's (KPLC) sales revenue, to relocate to neighbouring countries?
- (ii) What steps has the Ministry taken to address the national grid defects arising from climate change and other adverse environmental occurrences in the country?
- (iii) What impacts has climate change and other adverse environmental occurrences had on the national power supply and revenue collection considering that companies seeking decentralised access to energy have been advised to invest in their own power generations?

Hon. Speaker: The Question will be replied to before the Departmental Committee on Energy. Next Question is by the Member for Changamwe, Hon. Mwinyi.

Question No. 121/2021

DETAILS ON THE NUMBER OF NATIONAL ID
CARDS ISSUED IN THE LAST FIVE YEARS

Hon. Omar Mwinyi (Changamwe, ODM): Hon. Speaker, I rise to ask the Cabinet Secretary for Interior and Coordination of National Government the following Question:

- (i) Could the Cabinet Secretary provide details on the number of National Identity Cards issued in each constituency in the last five years indicating the number of applications received and those rejected?
- (ii) Could the Cabinet Secretary further provide information on the number of national identity cards that have been collected against those that are uncollected, and what measures have been put in place to ensure all processed national identity cards are collected?
- (iii) What are the standard timelines for processing a single national identity card once an application is made and what are the causes of delays in processing of the same?

Hon. Speaker: The Question will be replied to before the Departmental Committee on Administration and National Security. Next Question is by the Member for Lurambi, Hon. Bishop Titus Khamala.

Question No. 125/2021

DELIVERY OF TRANSFORMERS IN LURAMBI CONSTITUENCY

Hon. Titus Khamala (Lurambi, ANC): Hon. Speaker, I rise to ask the Cabinet Secretary for Energy the following Question:

- (i) What measures has the Ministry put in place to ensure that power transformers requested in 2019 for Eshisendo, Emabanga, Emuraka, Eshitoto/Ematetie, Lyanungu, Shivakala, Mwiya /Inaya area and Musasala/Mushikhoni areas in Lurambi Constituency are delivered, installed and by when?
- (ii) What plan is the Ministry taking to ensure that power transformers installed in 2018 in Emachina, Echibiywa, Eshimichini, Ebusanganga and Inzakula areas in Lurambi Constituency are put into use considering that they are unutilised?

Hon. Speaker: The Question will be replied to before the Departmental Committee on Energy. Next Question is by the Member for Baringo Central, Hon. Joshua Kandie.

Question No. 127/2021

ESTABLISHMENT OF A LANDS REGISTRY IN BARINGO COUNTY

Hon Joshua Kandie (Baringo Central, MCCP): Hon. Speaker, I rise to ask the Cabinet Secretary for Lands and Physical Planning the following Question:

- (i) Could the Cabinet Secretary consider establishing a Lands Registry in Baringo County so as to effectively serve the high number of people without title deeds, particularly in Tenges Ward, Emom Location and Lelbatai areas?
- (ii) Could the Cabinet Secretary also urgently post a Registrar and other Lands personnel in Baringo Central Constituency and ensure that residents without title deeds within Tenges Ward, Emom Location and Lelbatai areas receive them expeditiously upon application?

Hon. Speaker: The Question will be replied to before the Departmental Committee on Lands. Next Question is by the Nominated Member, Hon. Gideon Keter.

*Question No. 130/2021*MEASURES TO REGULATE THE BROADCASTING OF
GAMBLING MATERIALS BY THE MEDIA

Hon. Gideon Keter (Nominated, JP): Hon. Speaker, I rise to ask the Cabinet Secretary for ICT, Innovation and Youth Affairs the following Question:

- (i) Could the Cabinet Secretary explain why the media sector in the country is operating casinos disguised as advertisements while practicing gambling throughout their broadcasting programming?
- (ii) Could the Cabinet Secretary further explain the effects the gambling in the media sector on the citizens and in particular the youth and learners in colleges and universities?
- (iii) What Measures has the Ministry put in place to ensure regulation on the broadcasting of gambling materials by the media?

Hon. Speaker: The Question will be replied to before the Departmental Committee on Communication, Information and Innovation. Next Question is by the Member for Uriri, Hon. Mark Nyamita.

Question No. 138/2021

DELAYED PAYMENT OF GRATUITY CLAIM

Hon. Mark Nyamita (Uriri, ODM): Hon. Speaker, I rise to ask the Teachers Service Commission the following Question:

When will the Teachers Service Commission process and pay gratuity claim and benefits lodged by the beneficiaries of the late Ms. Jane Namuyemba Wawire, TSC No. 197147 who passed on 14th November, 2015?

Hon. Speaker: That reply will be made by the Teachers Service Commission. Next Question is by the Member for Tharaka, Hon. George Gitonga.

Question No. 139/2021

STALLING OF LAND ADJUDICATION IN THARAKA CONSTITUENCY

Hon. George Gitonga (Tharaka, DP): Hon. Speaker, I beg to ask the Cabinet Secretary (CS) for Lands and Physical Planning the following Question:

- (i) Could the Cabinet Secretary explain the circumstances that led to the stalling of land adjudication process in Turima and Karocho Locations, in Turima Division, and in Gikingo, Thiiti and Ntoroni Locations, in Mukothima Division, of Tharaka Constituency?
- (ii) What steps is the Ministry taking to revive the land adjudication process in the said areas which has stalled for more than 5 years?

I thank you.

Hon. Speaker: The Question will be replied to before the Departmental Committee on Lands. Next Question is by the Member for Meru County, Hon. (Ms.) Kawira Mwangaza.

*Question No. 140/2021*COMPENSATION FOR VICTIMS OF HUMAN-WILDLIFE
CONFLICT IN MERU COUNTY

Hon. (Ms.) Kawira Mwangaza (Meru (CWR), Independent): Hon. Speaker, I beg to ask the Cabinet Secretary for Tourism and Wildlife the following Question:

- (i) What Steps is the Ministry taking to resolve human-wildlife conflicts in Meru County, especially conflicts caused by elephants that have destroyed crops, property and endangered the lives of the residents and, in particular, the recent incident in Nchoroiboro village, Ruiru Rwarera Ward, Buuri Sub County, where even a child was trampled by an elephant?
- (ii) When will the Ministry pay compensation to the families of the victims of human-wildlife conflicts in Meru County?
- (iii) Could the Ministry provide a list of number of the residents of Meru County who have been compensated so far and how long will it take to compensate the remaining victims?

I thank you.

Hon. Speaker: To be replied to before the Departmental Committee on Environment and Natural Resources. Next Question is by the Member for Tinderet, Hon. Julius Melly.

*Question No. 142/2021*SALARIES AND OTHER DUES TO WORKERS OF CHEMELIL AND
MUHORONI SUGAR FACTORY COMPANIES

Hon. Julius Melly (Tinderet, JP): Hon. Speaker, I beg to ask the Cabinet Secretary for Agriculture, Livestock and Fisheries the following Question:

- (i) Could the Cabinet Secretary explain the actions the Ministry is taking to ensure the workers of Chemelil and Muhoroni Sugar Factory Companies are paid their salaries and other dues which have not been paid since 2018 to date?
- (ii) Could the Cabinet Secretary explain the status of operations of the said two factories with regard to operational conditions and financial status in terms of loans, money owed to farmers and financial flows?
- (iii) Could the Cabinet Secretary explain measures the Ministry is undertaking to ensure that the said factories are rehabilitated and made to operate optimally, considering that over one million farmers and other persons depend on them directly or indirectly?

I thank you.

Hon. Speaker: The Question will be replied to before the Departmental Committee on Agriculture and Livestock. Next Question is by the Member for Kilome, Hon. Thuddeus Nzambia.

*Question No. 143/2021*REVIVAL OF SULTAN HAMUD, KIU AND ULU RAILWAY STATIONS
IN KILOME CONSTITUENCY

Hon. Thuddeus Nzambia (Kilome, WDM – K): Hon. Speaker, I beg to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public the following Question:

- (i) Could the Cabinet Secretary explain the actions the Ministry is taking to revive the Sultan Hamud, Kiu and Ulu railways stations, along the Mombasa – Nairobi MGR and SGR route, to enhance transport and improve economy and ways of doing business in Kilome Constituency?
- (ii) What measures is the Ministry putting in place to restore the three railway stations, considering the risen transport services demand within the Constituency attributable to recent developments, including the upcoming Konza Techno City?
- (iii) What plans does the Ministry have to provide Express Passenger Train stop-overs services at Sultan Hamud, Kiu and Ulu Stations in Kilome Constituency?

I thank you.

Hon. Speaker: The Question will be replied to before the Committee on Transport, Public Works and Housing. For the second time, Question No. 084 by the Member for Njoro. For the second time the Member for Njoro. You are moving from one mic to the other.

Question No. 084/2021

TERMINAL DUES AND BENEFITS TO EHG LIMITED'S FORMER WORKERS

Hon. (Ms.) Charity Chepkwony (Njoro, JP): Thank you, Hon. Speaker, for giving me this chance. I beg to ask the Cabinet Secretary for Labour and Social Protection the following Question:

- (i) Could the Cabinet Secretary explain why the workers of Economic Housing Group Limited, based in Naivasha, have not been paid their terminal dues and benefits as directed by the Employment and Labour Relations Court in Nakuru, vide Ruling No. 28 of 2017 dated 8th November 2017?
- (ii) What measures has the Ministry taken to resolve the complaints by the former workers and ensure that they receive their terminal dues and benefits from their former employer: Economic Housing Group Limited?
- (iii) Could the Cabinet Secretary ensure that the former workers of the group are paid their terminal dues and benefits owed to them as contained in their Petition which was granted by the employment and labour relations court on 6th July 2017?

I thank you.

Hon. Speaker: For the benefit of both yourself and other Members, when your Question is read for a second time, you begin by apologising to the House for coming late.

(Laughter)

That is the normal way. It happens all over the world. The Question will be replied to before the Departmental Committee on Labour and Social Welfare.

Next segment is on Statements. The Member for Dadaab, Hon. Mohamed Duale, you have the Floor.

REQUESTS FOR STATEMENTS**IMMINENT CLOSURES OF REFUGEE CAMPS IN KENYA**

Hon. Mohamed Duale (Dadaab, KANU): Hon. Speaker, I request for a Statement on the imminent closure of refugee camps in Kenya.

Pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding the imminent closure of refugee camps in Kenya and, in particular, the Dadaab Refugee Camp.

The alleged issuance of a 14-day ultimatum to formulate a plan on the closure of the Dadaab and Kakuma refugee camps by the Government is against the 1951 refugee convention and 1967 protocols in regard to legal refugee protection. The Dadaab and the Kakuma refugee camps in northern Kenya host more than 410,000 people.

It is notable that Kenya has earned a lot of respect internationally for its hosting and continued reception of refugees. The fast-tracking of closures of refugee camps in a disorderly manner without following international acceptable protocols in it is retrogressive, particularly during the ongoing COVID-19 pandemic.

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

- (i) What measures is the government undertaking to resolve double registration in refugee camps considering that closure of Dadaab Refugee Camp cannot be achieved until this matter is dealt with?
- (ii) Could the government consider giving citizenship to persons and children who were born as a result of intermarriages between Kenyan Citizens and refugees as provided for in the Constitution of Kenya?
- (iii) What measures is the Government undertaking to ensure that the Comprehensive Refugee Response Framework (CRRF) and Compact Agreement signed by the Government is adhered and followed to the letter considering that closure of refugee camps may be against the commitment under the CRRF agreement and show international obligations, as Kenya is a Member State of the International Community?

I thank you.

Hon. Speaker: Let us have the Chairperson of the Departmental Committee on Administration and National Security.

Hon. (Ms.) Fatuma Gedi (Wajir CWR, PDR): Thank you, Hon. Speaker. I have heard the Hon. Member from Dadaab. The request for a Statement will be responded to after we come back to the House. I do not know the date but we will use this time to work with the Ministry of the Interior and Coordination of National Government, so that we can respond to the Member. We will respond after we come back to the House.

Hon. Speaker: Very well. We do not know when that will be.

Hon. (Ms.) Fatuma Gedi (Wajir CWR, PDR): Within two weeks.

Hon. Speaker: Very well. She has said two weeks.

The next request is by the Member for South Imenti, Hon. Kathuri Murungi.

FACILITATION OF UNIVERSITY AND COLLEGE STUDENTS
DURING PARTIAL LOCKDOWN IN THE COUNTRY

Hon. Kathuri Murungi (South Imenti, Independent): Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order No.44(2)(c), I seek to request a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding facilitation of university and college students during partial cessation of movement in the country and increased fare by the transport subsector.

On 26th March 2021, the President announced partial lockdown, cessation of movement and instituted new curfew measures to start from 8.00 p.m. to 4.00 a.m. in five counties, namely, Nairobi, Kiambu, Nakuru, Machakos and Kajiado counties, as the country is experiencing a third wave of the deadly virus. The President also ordered an immediate suspension of all face-to-face teaching, which includes colleges and universities, with the exception of students currently taking exams.

The lockdown took effect almost immediately making people rush to meet the deadlines set for instance, all colleges and universities were directed to close down indefinitely and travelling times for those within or without the five counties under lockdown was extended to 8.00 p.m. on Sunday. Due to the travel rush to beat the deadlines, *matatu* operators have hiked fares up to 500 per cent. This has occasioned many students to get stranded in their respective campuses and others in towns, since they have been ordered to move out of the campuses with immediate effect.

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

- (1) Could the Government consider giving university and college students more time to organise their travel and by extension, give them clear passage to their home counties?
- (2) Could the Ministry intervene and direct the National Transport and Safety Authority (NTSA) to act with speed and rein in on rogue Matatu Saccos that are hiking fares across the country and consider suspending their operating licences to stem the vice?

As you refer this request to the responsible Committee, since those students are already suffering and are out there on the streets and others in the villages where the universities are located, how fast can the Chair of the Committee intervene so that we save the poor students who are aimlessly roaming in the universities, and out of the campuses?

The reason for this request is that students who were travelling from Kisumu to Nairobi yesterday were charged Kshs4,500. Many Members in this House can concur with me that they are in contact with their students who are really suffering. They are requesting us for fares. We are humbly remunerated. We cannot afford to pay fares for every student in this country. As you refer this request, kindly let the Chairperson also save the students by giving this request for a Statement 24-hour attention, so that they can be rescued.

Hon. Speaker: Even in ordinary circumstances, we do not sit on Wednesday. Even if he was to do it in 24 hours, he would have to come and read the Statement to himself. The Chair of the Committee, Hon. Pkosing, is here. How soon can you issue the Statement?

Hon. David Pkosing (Pokot South, JP): Thank you, Hon. Speaker. I also thank my colleague for that very fundamental request.

Realistically, I can bring the Statement in a week, without anticipating what happens. The message will be received by the Ministry within the next two or three hours. I am very certain that action will be taken after the message is received.

Hon. Speaker: The message will be with the Ministry in the next two hours. That is a proactive Chair.

The next request is by the Member for Nyatike, Hon. Tom Odege.

BORDER CONFLICTS IN OTATI AND THIMLICH AREAS OF NYATIKE CONSTITUENCY

Hon. Tom Odege (Nyatike, ODM): Thank you, Hon. Speaker. I stand to request for a Statement on border conflicts in Otati and Thimlich areas of Nyatike Constituency. You will protect me because the Leader of the Minority Party has an interest in this and I see him raising his hand. Please, allow me to finish my request for a Statement.

Hon. Speaker: Let him read his request.

Hon. Tom Odege (Nyatike, ODM): Hon. Speaker, pursuant to Standing Order No.44(2)(c), I seek to request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding border conflicts in Otati area along Migori and Homa Bay counties, and along the borders of Nyatike and Uriri constituencies within Migori County.

There have been persistent fights and conflicts between the residents living in Otati area and those along the borders of Migori and Homa Bay counties. The latest conflict was on Friday, 8th January 2021, and tension has continued to date, which has greatly affected the market days in Otati area and has led to loss of livelihoods. Further, there have been conflicts in the recent past around the border of Uriri and Nyatike constituencies at Thimlich area.

It is against this backdrop that I seek a Statement from the Chairperson of the Departmental Committee on Administration and National Security on the following:

- (1) What are the causes of increased inter-county border conflicts in Otati area along Migori and Homa Bay counties?
- (2) What measures has the Ministry undertaken to clearly demarcate the Migori County boundary at Otati Sub-location?
- (3) Could the Ministry consider having a police post at Thimlich area and what plans has the Ministry put in place for long-term and sustainable peace in the area?

Hon. Speaker, allow me to clarify one thing. Hon. Mbadi is a beneficiary of Nyatike land and that is why he is very serious. He is a land grabber.

(Laughter)

Hon. Speaker: Hon. Members, the Member for Nyatike appears to have aroused quite an issue. Hon. John Mbadi has already raised an intervention. Let me hear what he has to say.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Speaker.

First of all, issues to do with boundaries are very emotive. They should be treated with a lot of care and soberness. I am sure you did not hear the Member of Parliament (MP) for Nyatike but as he was finishing his request for a Statement, he claimed that I am a beneficiary of the land of Nyatike people. First, I want to say categorically that there is no conflict around Otati area. The MP for Nyatike comes from about 20 to 25 kilometres away from Otati.

Hon. Speaker, my home is three kilometres to Otati. So, he cannot claim that he knows what is happening at Otati more than I do. There is no conflict between the people of Karungu and Gwassi. The people of Gwassi who reside in Homa Bay County and the people of Karungu who reside in Nyatike Constituency live harmoniously. We intermarry and do all our things together.

There is a cattle market in Otati which is right inside my constituency. Nobody can take it away. That land belongs to Gwasssi people. There is nothing to investigate. The Committee has enough work to do, but not to look into issues of ego. We have been in this Parliament with the former Member of Parliament, Hon. Eddie Anyanga. We did not have any problem. The current Member for Nyatike Constituency, whose mother comes from my constituency, does not respect my constituents and his *okewa*.

(Laughter)

I realise now that your relatives should not lead in a neighbouring constituency because there is no respect. There is nothing to investigate about this matter. I urge the Committee to disregard this request. There is no dispute between Nyatike and Suba people. We live harmoniously. That is why his mother is married in Nyatike Constituency because we are friends. He is now claiming that there is a problem between Suba People and Karungu people. What problem do we have? That is where I buy chicken and *mboga* to eat. That is where I buy everything. That is the closest market from my home. The Member for Nyatike has come several kilometres away to cause disharmony between two groups of people who live without any problem. If he is looking for votes, he should not use Otati to look for them. He is my friend but he is now stepping on live wire. That is something that I cannot accept. You cannot even take an inch from Suba South Constituency. It will not work. He should know that, Hon. Speaker.

Hon. Speaker: Let me give an opportunity to another live wire. Hon. Junet.

(Laughter)

(Loud consultations)

Hon. Junet Nuh (Suna East, ODM): Hon. Speaker, I do not want to contradict my party Chairman and leader. However, there is one thing that I agree with the party Chair. I visit his home in his constituency many times to pay homage. Because there are no shopping centres in his place, he buys things from Nyatike Constituency.

(Laughter)

I visit him many times. I wait for lunch for four hours. When I asked him, he told me to wait because the food would come from Karungu. It was still on the bicycle and it would be brought. There are no shopping centres there. This issue that has been raised by the Member for Nyatike is very important. With due respect, it is a matter that that the Committee must look into. There are people in Otati that he is talking about who are being served in Nyatike Constituency by getting bursaries. The Member of Parliament gives them bursaries there. I am aware of that. He shared with me. My party Chairman is becoming the famous Mr. Jackson Angaine. He is trying to push the boundary inside every day.

(Laughter)

(Loud consultations)

This is a matter that the Committee must look into. On behalf of Migori County, our land has been grabbed by Homa Bay County. We want none other than the General Service Unit (GSU) to be deployed there to help us.

Thank you, Hon. Speaker.

(Loud consultations)

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Point of order, Hon. Speaker.

Hon. Speaker: Let us have the Member for Migori County.

Hon. (Ms.) Pamela Ochieng (Migori (CWR), ODM): Thank you, Hon. Speaker.

Hon. Speaker: The more we hear those voices, the more I am getting convinced that there is need for the Committee to bring a response. Let us hear from the Member for Migori.

Hon. (Ms.) Pamela Ochieng (Migori (CWR), ODM): Thank you, Hon. Speaker for giving me this opportunity. I plead in advance that you protect me from my Chairman here because he is looking at me suspiciously and dangerously.

I want to support my Member of Parliament there. This is the man who takes care of the constituency where my forefathers are buried. There is a need to investigate this boundary and make the records straight. I am the Member for Migori County. I have received delegations from Otati coming even to my home to look for help. If the Member for Suba South alleges that Otati is in his constituency, then he needs to explain further to this House why he is not taking care of his people. I know that Otati is in Karungu which is part of Nyatike Constituency. There are disputes about the market. The big area that we are talking about is in Migori County. The market is part of Migori County.

(Hon. John Mbadi spoke off-record)

What the Member of Parliament has raised here is valid. We need that Committee to do proper investigations, so that we can settle this matter once and for all. We cannot spend Migori County resources on the people of Otati and yet they claim to be from Suba South. That is not right. I want my Chairman here to understand that they have been pushing into our land, but it does not mean that it really belongs to them.

Hon. Speaker, I support the Statement.

Hon. Speaker: Member for Suba North who is another live wire.

(Laughter)

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Speaker, I will not be a live wire today. I will be a live wire on another level. As I speak, I am conscious of the fact that the Member who has raised this issue is our in-law who has married in my village in Koloka Nyala in Rusinga Island. I am also very conscious that Hon. John Mbadi is the Chairman of our party and a Suba like me. You can hear voices from Migori County.

An Hon. Member: Subas are not Luos! Thank you.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): We will not talk about that. We are Subas. If you want to know whether they are Luos or not, go and read your history. That is not for me to say. All I can tell you is that I am a Suba. My father is a Suba and my mother is a Luo. I represent both. The Members have spoken very passionately. Hon. Junet who is a leader in our

party, Hon. Pamela and the Hon. Member have spoken, Hon. Odege, are from Migori County. This can very quickly and easily degenerate to a war between Homa Bay County and Migori County. I can decide to defend Homa Bay County and my Chairman on the attack from Migori County.

Speaking from experience, we had a similar situation with my brother, Hon. Mbadi, in Parliament where I was considered the aggressor. He knows why he did not raise it. I am the one who raised it. Insight, these are very emotive issues that we should not play with on the Floor of the House. As Members, we can make it a joke and laugh here. However, the people who are listening on the ground do not take these issues lightly. Before you know it, this will start a war between Nyatike Constituency and Suba South Constituency. It will be a war between Migori County and Homa Bay County very soon. We cannot have such things.

As a Member of Orange Democratic Movement (ODM), I want to call the leaders who are speaking to order. If they are unable to deal with leadership, leave it for people like me. These are issues that you should deal with in the house, as ODM. You should not clean your dirty linen in public. You are trying to show the people. We know that *Baba* has been sick, but he is still in charge. So, do not come and show people here that you can misuse and behave on behalf of ODM.

(Applause)

Go and sort out those issues outside the House. Do not embarrass ODM on the Floor of the House. Those are not issues to bring to the House. When you have gone to the party and you are not able to deal with them, then bring them to the House, but you cannot bring issues that we can deal with outside the House and embarrass the party here. Shame on you!

(Laughter)

Hon. Speaker: Member for Uriri, I can see you want to say something.

Hon. Mark Nyamita (Uriri, ODM): Thank you, Hon. Speaker. I only rise to respond to the Statement by the Member from Nyatike. He mentioned that there has been a bit of conflict between Uriri and Nyatike border. I want to confirm that in one of the areas where we share a boundary, around the Gogo Falls; there has been a consistent issue amongst a number of families there, on a piece of land that is in dispute. About a year ago, we had to deploy police officers there. They were there for about a week to try and maintain peace at the border point. The issue subsided for some time. Indeed, between Uriri and Nyatike, there has been an issue.

However, whereas I welcome the Committee to try and investigate the issues there, I also want to challenge our neighbours, including my neighbour from Nyatike. I want to ask Hon. Tom Odege and myself, especially on the issue of the border between my constituency and Nyatike; that we find time and have a public meeting there to address the issues. When I go on my own, and he also goes on his own, the prevailing issues cannot be sorted out. I am confident that we can sit down and agree between ourselves.

Hon. Speaker, the same would apply between the border of Nyatike and Suba South Constituency, where the party leader comes from. Whereas I know that there is no major centre in the chairman's constituency – he uses Migori to get into his home area – I am confident that, as the leadership from that area, we can find time to sit down together at the place of the dispute. This is a small matter that can be addressed.

I want to support what Hon. Millie was talking about. Issues of boundaries are very emotive. We can joke about them here, but for the people watching or listening to us, it is a very serious matter. We might actually wake up to something different tomorrow, where we find the people of Migori fighting with the people of Homa Bay. Even as we welcome the Committee to investigate the matters on the ground, as the leadership from the area, if we sit down together, these are issues we can resolve amicably.

Finally, I urge my colleague, Hon. Tom Odege; that, I am sure Hon. Mbadi will be able to sort it out. Besides, they are relatives as they say. I just want to tell Mr. Tom. Odege that many people have lost their nomination certificates. Please, do not lose yours for addressing the party Chairman wrongly on the Floor of this House. You need to be careful.

Thank you.

Hon. Speaker: Hon. Members, it looks like you have taken it as a debate.

(Several Members raised their hands)

Now all of you raising your hands want to tell me about who has a boundary issue where or who has a market in which village, and who has a church or primary school where. It was just a request for Statement.

(Loud Consultations)

No! No! That cannot replace the business of the day. Hon. Fatuma, how long do you think it will take you to give us a report on this matter?

Hon. (Ms.) Fatuma Gedi (Wajir CWR, PDR): Thank you, Hon. Speaker ...

An Hon. Member: ... *(Off record)*

Hon. Speaker: Hon. Mbadi has not threatened anybody.

Hon. (Ms.) Fatuma Gedi (Wajir (CWR), PDR): Hon. Speaker, I want to assure the House that the Committee will respond to the Statement within two weeks since it is the right of the Hon. Member to have a response to his Statement. I assure Members, and more so the legislators from Migori and Homa Bay, that we will do justice to this matter.

Hon. Speaker: Yes, and please do not feel threatened.

Hon. John Mbadi (Suba South, ODM): ... *(Off-record)*

Hon. Speaker: No! Let us now do national business. Hon. Ichung'wah, you have the last request. I hope your request is also not about boundaries.

(Laughter)

STATUS OF KIKUYU WATER AND SEWER PROJECT

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Speaker, mine is not on a boundary dispute although Hon. Mbadi was not on record. So, we could not hear what he was saying about there being no meeting of the Committee. I hope that was in jest because he has no ability to stop Committees from meeting. I think the request by Hon. Tom Odege was for the Committee to consider.

Hon. Speaker, let me now go to my Statement request. Pursuant to Standing Order 44 (2) (c), I wish to request for a Statement from the Chairperson of the Departmental Committee on

Environment and Natural Resources regarding the status of the construction of the Kikuyu Water and Sewer Project.

In 2019, the Government of Kenya, jointly with the African Development Bank (ADB), and through the Ministry of Water and Sanitation, financed and initiated the construction of Kikuyu Water and Sewer Project. Consequently, the Government contracted a company known as Nanchang Municipal Engineering & Nanchang Foreign Engineering Company (K) Limited to undertake the construction work. The project has been going on with intermittent delays, stoppage of works and slow progress of implementation hence inconveniencing the residents of Kikuyu Constituency, Kiambu County, in addition to endangering their lives and the general wellbeing as a result of dust and other environmental hazards. Further, the contractor has deliberately caused destruction of existing roads and other infrastructure.

Hon Speaker, it is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Environment and Natural Resources addressing the following issues: -

- (i) Could the Chairperson provide details on the expected timelines for the completion of the Kikuyu Sewer and Water project?
- (ii) Could the Chairperson provide information on the scope of works contracted and the level of implementation to-date as per the scope of works?
- (iii) What measures are in place concerning relocation of water pipes, fibre optic cables, existing culverts and other infrastructures?
- (iv) What measures are in place to restore damaged roads especially in Thogoto area and Kidfarmaco Estates?
- (v) What measures are in place to ensure that there is value for money in the project by ensuring proper work standards are maintained?
- (vi) What measures are in place to prevent further environmental degradation especially of soil erosion, dust nuisance and general safety of the public during construction?

I thank you, Hon. Speaker.

Hon. Speaker: Chairperson of the Departmental Committee on Environment and Natural Resources or Vice- Chairperson? The Leader of Majority Party will take the Statement and pass it on.

I will reorganise the Order Paper. We now go back to Order No.6 to allow Hon. Omulele to give his notice of Motion.

NOTICE OF MOTION

TREE PLANTING ON ROADSIDES AND ROAD RESERVES

Hon. Christopher Omulele (Luanda, ODM): Thank you, Hon. Speaker. First of all, I must apologise for coming in after that particular Order had passed. I thank you for being too gracious to allow me to do this now.

Hon. Speaker, on behalf of the Departmental Committee on Transport, Public Works and Housing, I give notice of the following Motion:

THAT, aware that Article 42 of the Constitution accord every person the right to a clean and healthy environment and that Article 69, Sub-Article (1) (d) also mandates the State to encourage public participation in the management, protection and conservation of

the environment; further aware that deforestation is one of the main contributors to climate change; noting that Kenya has not been spared by the effects of global warming and climate change as a result of deforestation amongst other aspects; also aware that the road network in the country currently stands at approximately 177,800 kilometres, at a development rate of 600 kilometres per annum; deeply concerned that there has been a persistent destruction of trees and vegetation along the road reserves and road sides during road construction leading to adverse effects on the ecosystem; cognisant that studies have shown that benefits accumulated from road side tree planting include better soil formation due to shedding of dead leaves, increased water quality by reducing sediment flow, reduced erosion, road beautification, flood control as trees slow and absorb water runoff, wind breaking, providing important pollinator habitats, improving people's health and protecting crops; now therefore, this House resolves that the Government introduces a component of tree planting in all road network designs and also makes it compulsory for road contractors to replace any tree harvested during road construction upon completion of the project. I thank you, Hon. Speaker.

(Applause)

Hon. Speaker: We now go back to the Order Paper and go to the next Order.

PROCEDURAL MOTION

EXTENSION OF SITTING TIME UNTIL CONCLUSION OF SPECIFIED BUSINESS

Hon. Speaker: Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to move the following Procedural Motion:

THAT, pursuant to the provisions of Standing Order 30(3) (a), this House orders that should the time appointed for adjournment of the House be reached before conclusion of the business on today's Order Paper, the sitting of the House shall stand extended until the conclusion of business.

Hon. Speaker, this is a Motion we are doing for abundance of caution. It is now 4.12 p.m. and we have a couple of Procedural Motions and a couple of Motions for Questions to be put. With two and half hours to go, between now and end of this Sitting and the need to have as many as Members as possible contributing to these Motions, we thought it will be safer that we make a decision that should we reach that point, we will continue debating as if the clock is not moving until we finish the business.

We could well finish the business within the next one hour because we have cut down some of the things we actually wanted to do because of the special circumstances we are operating in. The Ministry of Health has advised that we should not be staying long in this House. It is air conditioned premises and there is a lot of circulation and movement and we do not want to jeopardise the lives of Members of Parliament. On this one occasion, even as we break, we usually break for the evening sitting for half an hour, we retreat to the tea area then we come back, there is no time for sanitisation and Members take different seats without even the sanitisation being done. Hence it is something we need to be careful about.

Hon. Speaker, because of the business that is coming and without anticipating the resolution of the House, because we will be asking for an alteration of the Calendar which basically means suspending the Chamber business but retaining the Committee business in total, because we can participate in Committees virtually from our offices in Nairobi. So, Members will be expected to be here anyway and will be facilitated to be in Nairobi in the usual way including passes to pass through the road blocks and all the other facilitation that appertains to attendance to Committee business within Nairobi. That will be taken care of in the process. We will be discussing that when we come to the next Motion. However, for us to ventilate and talk about what is happening, we want to give Members maximum time hence that is why we want, to first of all, ensure that we do not get locked out in time before we have finished business that is before us.

It is a straightforward Motion. I am sure Members would want to say a few things before we go home hence giving more time to talk about our constituencies and all that.

With those remarks, I beg to move. I ask my co-leader on the other Side, the Leader of the Minority Party, to second.

Hon. John Mbadi (Suba South, ODM): Hon. Speaker, the Leader of the Majority Party has spoken to this matter at length. We are just being cautious. The order of our business today is not too heavy. So, we are just being cautious that in the event that the time would have lapsed before the conclusion of the same, we extend a bit. However, I am very confident that we are likely to finish within the time. If we look at what is coming up, most of it is Questions to be put and First Readings. There is only one serious Motion which we will consider.

So, Hon. Speaker, I do not want to belabour the point. I second the Motion by the Leader of the Majority Party. Thank you.

An Hon. Member: Put the Question!

Hon. Speaker: I have not even proposed it.

(Hon. (Dr.) Naomi Shaban stood in the gangway)

The Member for Taveta, would you want us to transact business now?

(Question proposed)

Hon. Members: Put the Question!

(Question put and agreed to)

Hon. Speaker: Hon. Members, because we want to allow Members sufficient time to ventilate on the next Motion, I rearrange the business appearing on the Order Paper in the following order: That Order No.12 shall become Order No.9, Order No.13 shall become Order No.10 and Order No.14 shall be Order No.11. Order No.15 becomes Order No.12 so that we are left with what is currently Order Nos.9 and 11. Indeed, Order No.11 should come before Order No.9.

Next Order.

MOTIONS

CONSIDERATION OF THE VALUE ADDED TAX (AMENDMENT) REGULATIONS 2020

(Hon. Charles Njagagua on 25.3.2021- Evening Sitting)

(Debate concluded on 25.3.2021- Evening Sitting)

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Value Added Tax (Amendment) Regulations 2020, laid on the Table of the House on Tuesday, 16th February 2021, and pursuant to the provisions of Sections 6 and 67 of The Value Added Tax Act, 2013, approves the Value Added Tax (Amendment) Regulations 2020, published as Legal Notice No. 188 of 2020.

(Hon. William Chepkut stood on the gangway)

Hon. Speaker: Order, Member for Ainabkoi. Hon. Members, debate on this Motion was concluded but the Question could not be put because there was no quorum in the House at the time. Now that I confirm that there is more than quorum, I proceed to put the Question.

(Question put and agreed to)

Hon. Speaker: Next Order.

CONSIDERATION OF THE VALUE ADDED TAX REGULATIONS, 2020

(Hon. (Ms.) Shamalla Jennifer on 25.3.2021 – Evening Sitting)

(Debate concluded on 25.3.2021)

(An Hon. Member walked out of the Chamber)

Hon. Speaker: That must be a new Member, of course. He thinks disappearing into the toilet is...

Hon. Members, again, debate on this Motion was concluded. There were three regulations considered by the Committee. So, I will proceed to put the Question.

(Question put and agreed to)

Next Order!

CONSIDERATION OF THE VALUE ADDED TAX REGULATIONS, 2020

(Hon. Munene Wambugu on 25.3.2021 – Evening Sitting)

(Debate concluded on 25.3.2021)

Hon. Speaker: Similarly, Hon. Members, debate on this was concluded. So, I will put the Question.

(Question put and agreed to)

Next Order!

BILL

First Reading

THE HEALTH LAWS (AMENDMENT) BILL

(Order for First Reading read—Read the First Time and ordered to be referred to the relevant Departmental Committee)

Hon. Speaker: As you know, in our Standing Orders, after the First Reading of a Bill, the Bill stands committed to the relevant Departmental Committee without Question put. It proceeds like that.

Next Order!

PROCEDURAL MOTION

EXTENSION OF TIME FOR CONSIDERATION OF NOMINEE FOR
APPOINTMENT AS PRINCIPAL SECRETARY

Hon. Speaker: The Chairperson, the Departmental Committee on Education and Research.

Hon. (Ms.) Florence Mutua (Busia CWR, ODM): Thank you, Hon. Speaker. I beg to move the following Motion on extension of time for consideration of nominee for appointment as Principal Secretary:

THAT, pursuant to the provisions of Section 13 of the Public Appointments (Parliamentary Approval) Act, 2011, relating to extension of period for consideration of nominees for appointment to a public office, this House resolves to extend the period for consideration of the nominee submitted by His Excellency (HE) the President for appointment as Principal Secretary for the State Department for Implementation of Curriculum reforms by a period of 14 days from 21st April, 2021.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. (Ms.) Florence Mutua, are you being seconded?

Hon. (Ms.) Florence Mutua (Busia CWR, ODM): Yes, Hon. Speaker. I am being seconded by Hon. Wanga.

Hon. Speaker: Hon. Wanga or Hon. Wangwe?

Hon. (Ms.) Florence Mutua (Busia CWR, ODM): Hon. Wanga.

Hon. Speaker: Where is the Member for Homa Bay, Hon. Gladys Nyasuna?

(Technical hitch)

Hon. Wanga, it seems like you are in a place where the machine does not recognise you.

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Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Thank you, Hon. Speaker. I beg to second.

Hon. Speaker: Have you explained the reasons?

(Loud consultations)

Maybe Members can then debate it. There is nothing wrong. Members can debate and reject.

(Question proposed)

(Loud consultations)

The owners of Motions have a responsibility to explain their Motions, even Procedural Motions. The Leader of the Majority Party has just moved a Motion here and he explained so that the seconder did not have to explain anything. Now, if you move a Motion by just reading its terms and then you sit, and thus to be seconded...

Hon. Junet.

Hon. Junet Nuh (Suna East, ODM): Hon. Speaker, the Mover, who is the Chairlady of the Departmental Committee on Education and Research, gave no reasons at all. She just said: "I am seeking extension of 14 days." Common sense is not common to everyone. Can she explain to the House the reason why she is asking for extension of time? It is not a must...

(Hon. Aden Duale left the last button of his shirt unbuttoned)

Hon. Speaker, let me first raise a point of order. The former Leader of the Majority Party, Hon. Duale, is not well-dressed. He has come here dressed like somebody who wants to retire from politics.

(Laughter)

Look at his dress. He has no tie. Hon. Speaker, do a ruling on this. This is not the way you dress in the august House.

Hon. Speaker: Hon. Duale should button his shirt to the neck.

(Hon. Aden Duale buttoned the last button of his shirt)

Hon. Junet Nuh (Suna East, ODM): Yes, Hon. Speaker. Look at the type of dressing of the Serjeant-at-Arms here. Their buttons are up to the neck.

Anyway, the Chairlady of the Departmental Committee on Education and Research should tell us the reason why she is asking for extension of time. Otherwise, I urge the House to reject it.

Hon. Speaker: Hon. Mwathi.

(Technical hitch)

Is it the same case with that of Hon. Junet? The machine here shows your name, so, how come there is no light on your microphone?

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Speaker, for this opportunity. I have listened to how the Motion was moved, and I understand that the procedure for doing it is to read it out as contained on the Order Paper and then give the reasons. However, the Chair moved it in a version that is not in tandem with the Order Paper. Is it in order for the Motion to be moved in another version other than what we have?

Thank you, Hon. Speaker.

Hon. Speaker: Is that to say that the Mover did not move the Motion?

Hon. Peter Mwathi (Limuru, JP): Not as it is contained on the Order Paper.

Hon. Speaker: Unfortunately, there are so many of you coming to consult me here so I was not able to follow. If the Mover did not move, to correct the anomaly, I want to ask Hon. Florence Mutua to move the Motion afresh and give the reasons.

Hon. (Ms.) Florence Mutua (Busia CWR, ODM): Thank you, Hon. Speaker. I have a Notice of Motion.

Hon. Speaker: No. You already gave a Notice of Motion. Just move the Motion. I want to help you, just say: "I beg to move: That, pursuant to the provisions of Section 13," and then proceed.

Hon. (Ms.) Florence Mutua (Busia CWR, ODM): Hon. Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Section 13 of the Public Appointments (Parliamentary Approval) Act, 2011 relating to extension of period for consideration of nominees for appointment to a public office...

Hon. Speaker: I beg to move that this House...

Hon. (Ms.) Florence Mutua (Busia CWR, ODM): I beg to move that this House resolves to extend the period for consideration of the nominee submitted by H.E. the President for appointment as Principal Secretary for the State Department for Implementation of Curriculum Reforms by a period of fourteen (14) days from 21st April 2021.

Hon. Speaker, before Hon. Wanga seconds, we are seeking an extension because the Committee will hold a pre-brief for vetting tomorrow, and the actual vetting of the nominee on Thursday. We came to this conclusion because of the communication we saw on *WhatsApp* and we thought the House might proceed on recess.

Hon. Members: No.

Hon. (Ms.) Florence Mutua (Busia CWR, ODM): Hon. Speaker, if we are not proceeding on recess, you will guide the Committee. Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, this way of coming into the Chamber with your chest as though you are coming to fight the *Al Shabaab* terror group should not be allowed. It is true you need to be ready for combat, but not in this manner.

Let us have Hon. Junet.

Hon. Junet Nuh (Suna East, ODM): Hon. Speaker, I want to seek your indulgence that you step this Motion down until we make a decision on our Calendar, whether we will stay or we will proceed on recess.

Hon. Amos Kimunya (Kipipiri, JP): No.

Hon. Junet Nuh (Suna East, ODM): Leader of the Majority Party, give me a minute. I am not a Jubilee Member, but an ODM Member and my leader is here. I am saying this because the decision on this Motion will be affected by the Motion on the Calendar of the House. If we deal with the issue of the Calendar of the House, then we will properly deal with that Motion, whether to extend the days or not.

Hon. Speaker: If that was the reason, we will just have to revert. It will come after the Motion listed as Order No...

(Loud consultations)

Hon. Members, for clarity, the Order Paper is reorganised as follows: Order No.9 is now Order No.13, Order No.10 is now No.14, and what was No.11 is now Order No.15.

I want to ask the two Members from the neighbouring constituencies to sit down. Do you get tired in 10 minutes? Is that Member going to be comfortable?

Hon. Members, before we move to Order No.13, I wish to make certain clarifications as follows: I am aware that the business appearing as Order No.13 is as a result of certain exigencies that have happened in the country and certain communications that may have been issued.

The true position is this: A meeting was called at State House, and all the three arms of Government were represented, for consultation and briefing on update on the latest COVID-19 Pandemic situation in the country. At that meeting, after listening to the health professionals led by the Director of Public Health, the three arms of the Government and interreligious council representatives took certain decisions. Ordinarily, when consultation of that nature happens, certain statements follow. I advised then that with regard to what happens in the Houses of Parliament, the representatives and the leadership that was present should have been merely requested to take note of the brief.

(Applause)

Unfortunately, as some of you would know, not everybody understands the language of Parliament. I specifically pointed out the provisions of Article 124(1) of the Constitution, whose sub-heading is Committees and Standing Orders, that states:

“(1) Each House of Parliament may establish committees, and shall make Standing Orders for the orderly conduct of its proceedings, including the proceedings of its committees.”

As you are all aware, it is pursuant to that Article and not just the Standing Orders that this House and the other House do regularly come up with calendars of their sittings. We have in our Standing Orders created several committees of this House with various mandates. However, there are some overenthusiastic people who always do not understand some of those things. Article 132(1)(a) of the Constitution is clear that among the key functions of any president is to address the first sitting of a newly elected Parliament.

(Applause)

Article 132(1) (b) of the Constitution addresses other special sittings. In fact, as you know, in those special sittings, there are requirements about what documents the President should submit to Parliament as a whole and to the National Assembly specifically. Unfortunately, some functionaries do not distinguish those provisions. I pointed out that as Parliament, we cannot be suspended.

(Applause)

We cannot be adjourned or directed to adjourn except as we desire through our own resolutions. It is pursuant to the advice that we, the two Speakers, agreed that we will convene our Houses as was planned in our calendars. It is for that reason that we are here. Even as we debate the proposed Motion, we must bear in mind that it is you, as Members, who have the ultimate responsibility and authority to determine how you would want to regulate yourselves in the current upsurge of the COVID-19 Pandemic in the country. However, we undertook certain things like closing of the kitchen and the dining hall because public health officials indicated that they are red-hot areas for transmission. Processes about eating are administrative. You cannot pass a resolution here about how you are going to eat. Some of you do not even eat. You only drink.

(Laughter)

So, we cannot gag you here. With regard to that administrative issue, we have, in consultation with public health officials, taken the necessary actions in the circumstances to address the rising cases of COVID-19 infections. We did that in good faith and with the understanding that quite a number of us have been victims and are in isolation. I am sure you know many who are not with us here today. Some Members have taken it that when they come in contact with people who have been infected, they do not want to come here to expose the rest of us to some of those situations. So, I just wanted to make this point clear, that Parliament has not been directed and cannot be directed. Debate this Motion in full knowledge that it is in your hands and power to make a determination as appropriate. I thank you.

Hon. Members, things are happening. These virtual things are also becoming complicated. Hon. Kisang, again, you have to give the notice of your Motion in an amended form.

NOTICE OF MOTION

REPORT ON PETITION REGARDING REMOVAL OF MS. TABITHA MUTHONI FROM OFFICE

Hon. William Kisang (Marakwet West, JP): Thank you, Hon. Speaker. I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Communication, Information and Innovation in its Report on the consideration of a Petition regarding removal from office of Ms. Tabitha Muthoni as a member of the Media Council of Kenya, laid on the Table of the House this afternoon; and pursuant to the provisions of Section 14(3) of the Media Council Act 2013, this House finds that the Petition as submitted discloses sufficient grounds as contemplated under Section 14(1) of the Media Council Act 2013 and resolves to submit the complaint to the Cabinet Secretary for Information, Communications, Innovation and Youth Affairs in accordance with Section 14(3) of the Media Council Act.

Thank you.

(The Speaker consulted the Clerk-at-the-Table)

MOTION

ALTERATION OF 2021 CALENDAR

Hon. Amos Kimunya (Kipipiri, JP): I beg to move the following Motion:

THAT, pursuant to the provisions of Standing Order No.28(4), this House, resolves to further alter its Calendar (Regular Sessions) for the Fifth Session (2021), as adopted on Wednesday, 10th February 2021 and amended on Tuesday, 9th March 2021 so as to:

(a) Suspend its Sitting of Tuesday (Evening), 30th March 2021.

Hon. Speaker, if I could be protected from a very active meeting at the back that does not seem to observe social distancing, I would appreciate.

Hon. Speaker: What is happening there?

(Loud consultations)

Hon. Members, I can tell the problem. Many of you do not even take time to look at the Order Paper. You rely on what you hear from the streets and the gangways. Look at the Order Paper. Read and internalise it. It is in simple English. It cannot be translated into Kiswahili for convenience of all those who may wish it is in that language. It is not complex and does not require any conspiracy. Even when you sit from wherever, you may make a decision in one way or the other. It is not a big issue. I do not think there is need for people to be whipped in a particular way. Just use your head. You are elected by so many people to come and use your head on their behalf and now, here, you cannot use it. It is so simple. Let the Leader of the Majority Party move and if you make a decision otherwise, then there is no problem.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, for the benefit of the Members who may not have been paying attention, I would ask that I move the Motion again.

Hon. Amos Kimunya (Kipipiri, JP): I beg to move the following Motion:

THAT, pursuant to the provisions of Standing Order No.28(4), this House, resolves to further, alter its Calendar (Regular Sessions) for the Fifth Session (2021), as adopted on Wednesday, 10th February 2021 and amended on Tuesday, 9th March 2021 so as to:

(a) suspend its sitting of Tuesday (Evening), 30th March 2021;

(b) suspend all its ordinary sittings from Thursday, 1st April 2021 to Thursday, 29th April 2021; and,

(c) resume its regular sittings on Tuesday, 4th May 2021 at 2.30 p.m. to continue with the First Part of the Session.

Hon. Speaker, you have already explained the background to the Public Order No.2 and clarified the misinterpretation that was created in your Communication and I do not wish to revisit.

Members would be aware that we are nationally, at a great risk with positivity rate on COVID-19 at 26.6 per cent. This means for every 100 people tested, 26.6 per cent turn positive. It is also important to note that even with the ongoing vaccination, everyone vaccinated requires at least 21 days to build immunity. Hence, the vaccination we received last week and the ones that took place today, Members will still require a 21-day period for the vaccine to interact with the body and for it to build the necessary immunity.

Hon. Speaker, the COVID-19 global pandemic has impacted the globe in various ways. As of yesterday, 128 million people globally have been infected. Sadly, we have also lost 2.8 million

people globally. Of these 128 million people, 22 million are at certain stages of fighting the infection with 95,000 globally in very serious or critical conditions.

In Kenya, we have had 131,000 people infected as of yesterday. The numbers are growing bigger every day. Sadly, as of yesterday, we have lost 2,135 people and the number is increasing. If you look at all the graphs, the curve that had flattened two months ago is now on the rise. All indications are that it would be rising for the next 60 days.

Hon. Members, we also appreciate that this virus hates people who are most likely going to end up in hospital in serious condition or about to die. These are people above the age of 50 and with underlying medical conditions. However, that is not to say that the people in their teens have not died from the disease.

We have been looking at our Parliament statistics and the average age of this Parliament is 48. We are not very far from the threshold. It means there is quite a number of people above 50 who have been averaged downwards by those who are younger. The average age for our staff is 45. It just shows you how much at risk we are, as a House. If you also throw in the mix the nature of our interaction, which is quite dynamic, we just saw a very interactive discussion at the back, at a very close range ignoring all the signs of “sit here” and social distancing protocols. When you we sit at the tea place, we all bring our chairs close together without masks. For those who have attended the extended session in the Members’ small lounge that is opened after the rise of the House you also know the interaction at that point is very close without masks. We have seen some of our own colleagues who said they are in hospital because they interacted in those two places.

It is, therefore, important that we rethink about how much we want to put ourselves at risk even as we transact business, and is there a better way of doing so without putting Members at risk?

Hon. Speaker, as His Excellency the President observed, the numbers that are being announced everyday by the Ministry have names attached to them. Most importantly, each one of us by now knows somebody who has either succumbed or been infected and certainly, people who have been affected. We have all gone for fundraisers because insurance companies are not paying for COVID-19 related treatments.

Therefore, as we stand in solidarity with all Kenyans who are affected, we cannot continue, as a House, treating this matter as business as usual. We need to start thinking of the initial circumstances in which we are operating. The Ministry of Health has given us advice. They reported that our healthcare facilities are currently overstretched. The stock of oxygen has gone too low to last more than a day.

(An Hon. Member sneezed)

It is okay. You can sneeze so long as you are covered.

(Laughter)

We are at an all-time low on the stock of oxygen. Members may wish to know that this is because the number of people who have been admitted in our facilities is about to overstretch the capacity. Doctors in this House would let you know. I would wish to have a few of them talking to us so that we can see the seriousness of this issue.

Hon. Speaker, in 2020, when COVID-19 Pandemic hit Kenya, this House was at the forefront, both in Kenya and regionally, in taking measures to contain the escalation of the

pandemic. We closed this Chamber. We reduced the size of the sitting to not more than 60 people. We opened lobbies and tents to split the people. We closed all the facilities and had virtual meetings. It is because of that that we were able to contain what would have been a catastrophic situation. We have done it before and we can do it again, especially faced with this new third wave which is hitting harder and faster than the previous ones.

I want to urge you that even as we start thinking of what we need to do as a House, we should not only do it to protect ourselves, but to also show leadership even to the other arms of government. I also want to confirm to Members that regardless of what the issues are about Public Order No. 2, we were going to meet today, anyway, as the House Business Committee to consider what happens based on the science and the information that we have been given. Therefore, let us appreciate what is happening elsewhere. If you look at the House of Lords, you will realise that they do not actually meet. They are meeting on a hybrid basis: a mix of in-person with huge social distance - six seats between members - and virtual sittings.

In the House of Commons, again, there is social distance for Members able to attend Parliament. The others meet on a remote basis. They only have meetings to consider very urgent business and because of that they have also extended their sitting time until midnight.

If you look at South Africa, during the first wave, they made a very difficult decision of suspending operations of Parliament. It was closed to the public until further notice and arrangements were made to reduce the number of staff on the parliamentary precincts. Now, we do not want to do that. What we are proposing to do is that after meeting in House Business Committee... This Session was supposed to go until the end of April and then on 7th May we were to take a break until 7th June - the long recess. That was to happen under normal circumstances. Therefore, because of the peculiar circumstances we are dealing with, faced with this danger, it makes more sense to bring forward the long recess. Therefore, we take it now then we come back when we should have been going for recess to transact the business that would be before us and within a safe environment.

(Applause)

Members may argue that we usually use the May recess for purposes of public participation on Budget and Appropriations Committee and other departmental committees. However, if you remember, even last year, we could not do the in-person public participation because of COVID-19. We had to do it online. We will be making specific arrangements for committees to do the meetings online, interact with the MDAs that they oversee and also for the Budget and Appropriations Committee to do whatever they do when we come back to process the Budget. You do remember the Budget is supposed to be tabled before the House on 30th of April. Therefore, we will only be coming back a month after that anyway. Regardless of what happens we also know that we have another major matter which some of us have a great passion in. It is the constitutional amendment Bill that is sponsored by the Building Bridges Initiative.

We know the Committee is in the process of meeting. Just to bring the House up to speed, even the sessions of this weekend had to be stopped or suspended because some Members of the joint committee are in isolation and hence you could not be sure to what extent you are actually exposing the rest of the members without having to really sort out issues. If some Members in the committee have already turned positive and are in isolation, it does not make sense to continue having meetings and expose more members of the committee. We have to be more responsible than just wanting to complete a report. However, the committee will do what they have to do. What

we have agreed is that, at an appropriate point, we will consult with the Leader of the Minority Party and if it means calling you for a special session to prosecute urgent business that comes before the House, including the BBI and the Bill in Senate currently, then we will do that. We can come here on a limited time.

In the meantime, we are suspending the Chamber sittings. However, there is a lot of business pending in the committees. Therefore, we want to encourage committees to continue meeting. Committee meetings will not be suspended.

(Applause)

Most importantly, and I want to draw this because I think the Press speaks these things wrongly, you know our Standing Order No... You know Article 24 of the Constitution says that Parliament shall constitute committees and the Standing Orders provide for how they will conduct their business.

Our Standing Order No. 182 basically provides for how we are supposed to meet and all those meetings are supposed to be within the precincts of Parliament. Therefore, what this means is that immediately we leave, when you come back, committee meetings will be taking place and you will be expected to be in Nairobi in your office.

(Applause)

Therefore, we have asked the Clerk to facilitate the necessary passes that will be required for purposes of your moving across into the zone for those of you who are outside the zone. Also in terms of the usual logistics, the facilitation of how you travel and where you sleep and all those things, that is basically part of the administrative issues we do not have to debate.

Therefore, I want to believe that Members will want to take this break and use it to accelerate implementation of the National Government Constituencies Development Fund. I have been monitoring the disbursements. As of last week, we have already disbursed Kshs32 billion. This week it will be Kshs34 billion. That is something we are committed to do so that the money will start flowing as per the agreement we have with the National Treasury. So, that should not be an issue of concern to you. I want to give you that assurance.

With those remarks, I urge Members to understand that this is for a short while. We will do our bit, but we need to continue being responsible everywhere and teaching our people to be responsible. Let us continue wearing our masks, washing our hands, sanitising and protecting ourselves as we also protect others.

Hon. Speaker, I beg to move and request Hon. John Mbadi to second.

Hon. Speaker: Hon. Mbadi.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Speaker. Initially when this matter came up when the President spoke to the nation, as the Head of State, he could request the nation to go a particular way, but I was concerned by the communication that came from the Office of the President. I think we need to advise those who are in charge of communications in the Office of the President that they should be very careful especially when they are dealing with matters that touch on other arms of Government.

You cannot put out a communication that the President is suspending sittings of Parliament. We left that regime long time ago. In the current arrangement, the President has no powers even

to change with a minute the time of sitting of this House. That should go out very clearly to the Office of the President and the communication's department. They must know that this Parliament is independent and regulates itself. As we sit here, I want to remove that thinking that the President gave a directive. He could request or advise, but that ends there. So, what we are dealing with today is that this House is making a decision whether we need to adjourn or suspend our sittings between this Thursday, 1st April to Thursday, 29th April 2021.

Hon. Speaker, having considered some factors I support and I want to second this Motion.

Firstly, we were meant to go for some short recess which we did not. We only went for one day. As much as we work, we also need some rest. There is need for some recess even if not for the five weeks, but we need a recess. Again, we were meant to go on recess at the end of April to May. Now we can bring it forward and have the recess. Reports coming from the leadership of this Parliament is that a good number of our Members have been affected. That is true and factual. Some are actually fighting for their lives. We cannot just disclose names of Members of Parliament. It is true and there is no shame about this disease really. We must know that we are not isolated. We are not immune. We are not ring-fenced from the disease. It can hit us. It can strike. We need to be careful. Even as we accept to adjourn, I want to remind Members that in the next Motion, we are going to make it very clear that committees of this Parliament will continue sitting even though virtually, but Members are asked to sit in our offices because some Members conduct committee business in public *barazas*. You find some Members making contributions and some children talking in the background. So, we are being very clear that Members should try as much as possible to be in their offices and if you are not going to be available in your office, please, ask for permission from your Chair that you will be meeting virtually from a different location so that we are clear that Members are still going to transact business. There should be smooth movement of Members from their constituencies to Parliament building, their offices and where they are going to hold meetings every week, as it is planned by the committee chairs and leadership.

Hon. Speaker, something else that I wanted to talk about is that even though we are going on recess, the President has talked about the rising causes of COVID-19, but he needs now to address Kenyans clearly and tell us what the programme for vaccination is. We have a responsibility to seek for accountability. We have to ask how those 1.2 million jabs are going to be administered.

Secondly, are we getting more vaccines? Without vaccination, it appears this disease is going to be with us for long. Truth be told, this country and this economy cannot afford another lockdown. It is impossible. It is impractical and am telling you if we go that route, we will not have an economy to talk about. Those of us who are interacting with county governments and those of us who have seen how the Government has been performing know that we are barely surviving as a nation. It is not possible to imagine another lockdown. Therefore, we need to use all avenues available to avoid a lockdown. The best is to have as many Kenyans as possible vaccinated. I know some of our colleagues here who have been offered an opportunity to be vaccinated, but they are cowards. You talk to them and they tell you they want to see how it works. In fact, one of my friends - I do not want to mention his name, who is behind me here - told me that he will not be vaccinated because he wants to see how I am responding. I want to tell him that it is exactly one week today since I was vaccinated. I have not even felt any pain in my arm. Maybe it is because some of us ate the traditional vegetable called "*apoth*" that has made our bodies very strong. I have not even felt any headache, fever, fatigue or pain in my arm. So, please, go for the

vaccination. The risk is higher without vaccination than with vaccination. Even if our blood is going to clot, I do not know how many people have experienced that blood clot.

Hon. Speaker, let us encourage our constituents, especially those who are at advanced age such as Hon. (Dr.) Nyikal, to go for vaccination as fast as possible. I know Hon. Nyikal has no problem because he is a doctor, but those of us who have not been vaccinated and are at the age of the Chair, Departmental Committee for Justice and Legal Affairs, should be vaccinated. If he has not been vaccinated, he is doing a big harm to himself and the rest of us who know him and who love him. I wanted to plead with Members not to be cowards when it comes to this vaccination. Let us encourage ourselves and our constituents. Encourage the Government of Kenya to make available enough vaccines in this country.

Finally, I know I have been one of the culprits of those who are encouraging bad habits of holding big meetings where people do not wear masks. Even this Friday, I will be in some place, but will ensure some social distance and people will have masks. That is a funeral I will be attending, but I will see how to conduct myself and how to advise my people. I am talking generally as a leader in this country. We have let down this country big way. In fact, the rising cases are as a result of the many rallies and meetings we have been holding. Our people had already concluded that COVID-19 is gone. I know there are some of my two colleagues here and you were with me, Hon. Speaker, when they were saying that Coronavirus is not there. They still believe there is no Coronavirus and you find them with masks. So I ask myself: If you are telling people there is no Coronavirus, yet you are wearing masks... I asked them if they are telling people there is no Coronavirus, why they are then masking and covering their mouths and noses. You have not been doing this before. So, let us not mislead people. I hope what they are telling us is not what they are telling their constituents back at home.

Hon. Speaker, I am happy the restaurant has been closed because I think it was killing us. Even today, I saw people seated around tables drinking tea and there is no way they can wear masks. Who can drink tea while wearing a mask? Nobody. So, all of them did not have masks and were talking loudly. You know how politicians talk. We talk the way we do and during the process, a lot of harm is caused to others.

Hon. Speaker, with those many remarks, I want to second the Motion that we take this recess. Thank you.

Hon. Speaker: Just take your seats. Member for Kirinyaga, at least, you are in the House today. Do not go away too early, Hon. Purity Ngirici.

(Question proposed)

Member for Kikuyu.

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Speaker. I rise to support the Motion for one very basic reason that, for me, this is a matter of life and death. It is not a question of whether I want to be here to represent the people and legislate on their behalf or even oversee the Government.

As the Leader of the Minority Party has said, without mentioning names, there are a number of our colleagues who are dearly fighting for their lives in hospitals and others are not in a very good state. In this 12th Parliament, we have lost Members from this disease. Let me disclose that I have relatives, like my own sister, who is battling COVID-19 in hospital. During the last lockdown, I had an opportunity to visit a COVID ward and maybe those who have not been in a COVID ward may not understand. I walked to the Nairobi Hospital Intensive Care Unit (ICU) to visit two

friends who were battling COVID-19, but unfortunately, both of them lost their lives. The layers of protective gear took me about 20 to 30 minutes to wear. You have to be layered with protective clothing to walk into the COVID-19 ICU. I looked at the people there battling for their lives alone although nurses and doctors are there, but they are limited on the number of things they can do to you even though they have protective clothing and gear.

I am saying this to depict the situation we are in. Today, it might be very easy to say things that may be exciting to ourselves and constituents to be seen to be working, but this pandemic has caused devastation to many families including ours. Even in this House, some Members have lost their lives from this pandemic. I think it is only fair that we give a chance to alter our Calendar in a way we are seen to be supporting the fight against this pandemic.

This is not the first time because we did it before, as the Leader of the Majority Party has said, and we went to the extent of limiting who accesses this Chamber. I do not know what criteria was being used, maybe, it was on a first come, first served basis. Only 60 people could sit in this Chamber and others in the tent. We did not take all those measures in vain because it helped. At that time, if you remember, very few of us could speak in the Chamber and mention names of Members or staff of this House or the other, whom they knew to have been infected or afflicted by the disease.

Today, we are not just talking about people, but mentioning names of our own members of staff and Members of Parliament whom we have lost; people we know. Therefore, as we consider this Motion, we have heard what the Leader of the Majority Party and the Leader Minority Party have said, that in essence, we are bringing our May recess forward to April and allowing our committees to continue sitting.

This is good because we will not be in a situation where we are unable to articulate issues concerning our people. We can do so through committees and deal with Statements like the one I have read today on matters concerning the people of Kikuyu. During recess, we will have time to process such matters. I also appreciate the fact that we are resuming on 4th May if we pass this Motion. Therefore, we will not worry a lot regarding the processing of the Budget Estimates. Remember, the long recess is usually a working recess where committees retreat to work on Budget Estimates.

I am certain following the Procedural Motions after this, we will receive the annual estimates during this long recess. They can be processed when we come back or are away. Therefore, we could do a lot of the work which we were about to do between now and June at the time of processing the Budget. So, I want to beg Members in this House to support this Motion.

I also want to point out what the Leader of the Minority Party has said that there are those in the Executive who think they can in any way interfere with the Calendar of this House. There are Cabinet Secretaries you had given directions last week to appear before committees. Since the committees are meeting, I want to ask you in your capacity as the Chair of the Parliamentary Service Commission (PSC) to allow some committees, especially the Departmental Committee on Administration and National Security, to pay for commercial zoom meetings, so that we can take the Cabinet Secretary for Interior and Co-ordination of National Government, and his PS, to account. This meeting should be open to as many of us as possible so that nobody in the Executive is deluded that they can interfere with the Calendar of Parliament to run away from accountability to the Kenyan people.

Members who ask Questions to the Ministry of Interior and Co-ordination of National Government do not do so for themselves, but for the people they represent. Cabinet Secretaries must appear before committees. In fact, I beg you to give direction on their appearance even on

the online committee meetings. The CSs and PSs must appear and be taken to account by the Members. Finally, when we took the last recess because of the COVID-19 Pandemic, you will remember we ended up with the COVID-19 billionaires' scandal. How I pray we shall not recess and end up with COVID vaccines billionaires. How I pray that those who enrich themselves out of this pandemic while other Kenyans are dying will never find peace. That their families may never find peace if they use the pandemic to enrich themselves. I beg those in the Executive charged with the responsibility of ensuring that Kenyans are vaccinated to do so without fear or favour. Even as we close down counties, let us remember we have locked down five counties which are among the most productive in this country.

Nairobi, Kiambu, Kajiado and Machakos are some of the most productive counties in terms of revenue generation in this country. We are talking about people's lives. I was just watching a clip here from elsewhere and someone is saying that lockdowns are now a luxury of the rich because the rich can afford to stay at home and still afford a meal. There are Kenyans today who cannot fend for their children because they depend on what they earn on a daily basis from the food kiosk they run. That is why I support the idea of committees continuing to sit. Maybe it is time we continued to ask the Executive to be considerate of the millions of hustlers who depend on what they eke out for a living every day.

Last night, I had occasion to support a family which had no food. They told me that the kiosk they make a living out of has been closed. I had an incident of someone who could not raise bus fare of Kshs150 to Zimmerman. The bus fare had been hiked from Kshs50 to Kshs150. When people, including the *matatu* crew, offered to help him to get home, he asked: "Even if I go home, what will my children feed on?" People had to contribute in a *matatu* to get that family to get a meal for last night. What of today and tomorrow? We must ensure that we remain sensitive. We must ensure that the Government provides for the people. Last time we provided funds in the budget, but those funds have never reached the people especially funds for social support for vulnerable people living in our slums and the very vulnerable in our society today.

Hon. Speaker: Member for Rarieda.

Hon. (Dr.) Otiende Amollo (Rarieda, ODM): Hon. Speaker, I was actually the 10th Member to enter into this House this afternoon. I sat patiently because I was waiting for this discussion. So, I want to urge the Members who say: "Put the Question" to remember that this is a House of debate and record. We must put on record why we support or oppose anything.

There are two preliminary issues that disturb me a little. To put it on record before my Chairman here, it is not true that the Joint Committee's sittings were suspended because any Member was reported to be positive. That is not true. That is not to say there is any stigma in having COVID-19. Personally, I have two close relatives right now who are suffering from COVID-19. So, we must accept that it is with us and we must take all the measures.

The second issue that disturbs me a little is when, in seconding the Motion, my leader says that as we have committee meetings, we should make sure that we come to the offices when we know that is the very thing we are avoiding. We are avoiding Members congesting with staff and everybody else. We all know that until that building is complete, we are in fairly congested circumstances. So, when we say that we must come and attend committee sittings in the offices, are we not negating the very thing we are promoting?

The third thing that disturbs regards an issue in respect of which I was hoping the Leader of the Majority Party would be here to clarify. These are two issues. Hon. Speaker, first, I thank you for the clarification. The clarification you made has thoroughly toned down the views of the Members of this House. I am aware that the views were very hostile in terms of the fact that

instructions were given. However, having explained that it was a suggestion, I agree with you. The statement by the President actually says: “With the concurrence of parliamentary leadership”. So, it was not as bad as it may sound except that even that statement is still not correct. It is not the parliamentary leadership that determines the Calendar of this Parliament. It is the parliamentarians themselves. So, I think that is very important. However, what disturbs me - and the Leader of the Majority Party might hear this when he eventually sits down - is that in moving the Motion, he says that committees of Parliament will continue sitting, but the original suggestion by the President says: “The ordinary sessions of the august House, including those of their committees”. That was the suggestion. That is the point I was coming to. However, the Motion itself does not segregate between the full sitting and the committees. I have read the Motion and perhaps I will benefit when the leader responds. I have not seen where in the Motion says: “However, committees will continue.” We must be careful about the words used in the contents of Motions.

I think we should laud the President. The measures that the President has taken in that statement are important. Hon. Speaker, you remember only last week I was the last to suggest during the session here that we should suspend the sittings in the evening and I fully support that. I fully support a situation where we adjust our sittings as appropriate. Article 129 of the Constitution says that one of the functions of the President, both as the Head of Government and the Head of State, is to make sure that whatever actions he takes are for the benefit and for the protection of the people. So, when the President takes such measures for the protection of the people, we cannot fault, but all we can do is to reemphasise that those who write the speeches for the President must always read Article 1 of the Constitution. They must know that executive power is delegated the way legislative power is delegated. They must always read Article 126 of the Constitution that ultimately the President lost the power to control Parliament 11 years ago. They must realise that even the best of measures require persuasion of Parliament rather than dictation to Parliament. That is important.

Hon. Speaker, you must note that our Constitution contemplates that even in the most difficult times, if there is one body that should sit, it is Parliament. That is why even the powers of the President to declare an emergency requires parliamentary approval after 14 days. It is not by a small majority. It requires a two-thirds majority to extend it by two months and if you need to extend it again, it requires a three-quarters majority support. It was contemplated that even in difficult times, Parliament would need to sit. That is why even declaration of war under Article 132 of the Constitution requires parliamentary approval. Even if we considered COVID-19 as, indeed, it is a pandemic or even if we considered that it was as bad as war, we must realise and remember that as an august House, it is our role under Article 95 (2) to address concerns of the public even in those times. If we also abdicate that responsibility, then who will address it?

I support fully the measures by the President. I support the suggestion to adjust the sittings, but we must bear in mind one thing that disturbs me and that is what we need to address. The projections right now are not very good. Medical doctors here and the statisticians from all literature I have read do not suggest that we can flatten the curve in 30 days. The projection is that the earliest we can flatten the curve is June. So, if we come here after 30 days, what is the assurance that the circumstance will be different? I like it and I think the Leader of the Majority Party is a very wise man. He changed the narrative from suspension of sittings to one of bringing forward the recess, which is very persuasive, but is it really what we are dealing with? If we come here on 30th April 2021 and instead of 27 per cent, we are at 28 or 29 per cent, then what do we do? My point is that we need to consider measures that go beyond questions of recess. My own view is

that we should fundamentally change and alter our Calendar, but at the bare minimum, we should sit once a week.

(Applause)

We must realise that the Government comprises three wings, namely the Legislature, Judiciary and Executive. The Executive arm of the Government is not suspended. What is suspended are the regular in-person meetings. I think that is quite wise, but in the nature of the Executive, there are parts of the Executive that must operate fully like the police. Others can operate virtually. In the Judiciary, they went ahead of us. The Judiciary is not suspended. The measures they have taken are two. One, you cannot go and file a case in person. There is what we call “e-filing.”

Once you do that, if you have a hearing, then you conduct it virtually. Only the judge and the clerk can be wherever they are, but you can attend virtually. Unfortunately for us, by the very nature of what we do, you cannot conduct all parliamentary business virtually. You can conduct some virtually, but not all. So, if the other arms of Government are not suspended, why should we stand suspended?

Hon. Speaker, it must also be recognised that in these times, we have also taken measures, and I thank you. To encourage Members to go for vaccination is good and I want to assure Members that some of us went including me. I have so far not seen or felt any side effects. I want to suggest that when the purpose is to avoid COVID-19, and many of us here have been accused of being super spreaders, some of the Members are better confined to at least some sitting within the week than to be unleashed out there. There are some who will never stay in one place for more than 24 hours.

(Laughter)

They are a danger to themselves and to the rest of the public. Sometimes, it is like those who can be confined in jail.

As I conclude, we have urgent business as said. We have the Building Bridges Initiative Report. We have the question of the Chief Justice and the Supreme Court Judge that should come anytime soon. We have the question of pending Independent Electoral and Boundaries Commission (IEBC) commissioners, and it must be remembered that we only have three and if anything happens to one, we will not have any IEBC. We must remember that we have the Referendum Bill. We must remember that we have pending nominations. We have a lot of urgent business. I urge, and I agree with the Motion in part, that we should fundamentally adjust, but let us have, at least, one sitting per week.

(Applause)

I thank you.

Hon. Speaker: Very well. Anyway, I am not trying to answer what Hon. (Dr.) Otiende Amollo has just said. I think he may not have looked at the next Motion. Hon. (Dr.) Otiende Amollo questioned the issue of the committee sittings. That is contained in the next Motion. The two of them could not be put in the same Motion because one deals with a matter that is in the Constitution regarding alteration of the Calendar, which has already been adopted by the House

and amended subsequently. So, that issue will be addressed mainly when we get to the next Motion.

Of course, certain other issues, Hon. Members, even during normal recess, the House is at liberty to be recalled for any sitting. It is something that we need to always know. I agree with Hon. (Dr.) Otiende Amollo that there are too many issues that are pending, that are urgent, that will require the deliberation and resolution by this House. So, those are very useful points that Hon. (Dr.) Otiende Amollo has raised.

Hon. Aden Duale.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, at the outset, I thank you for protecting the independence of the Legislature.

(Applause)

I am sure the President, being a former Member of Parliament, a former Leader of the Opposition and a person who participated in the enactment of the Constitution of Kenya, 2010, knows the role of the legislature in the current constitutional dispensation. So, we are telling those who draft statements for him to read Article 1(2) of the Constitution that says that the people may exercise their sovereign power, either directly or indirectly, through democratically elected leaders, namely, this august House. Of course, if you go to the chapter on the Legislature, this House is under obligation by the Constitution to protect the Constitution itself and good governance in this country.

Hon. Speaker, I agree with your sentiments on what Hon. (Dr.) Otiende Amollo raised, that the next Order just talks about the sittings in the Chamber. The next Order contains the committees of the House. As a person who has served there, it is possible that the Leader of the Majority Party can withdraw that Motion when we reach there. He can withdraw the Motion because it belongs to him, but I am sure, in good faith, he will not do it.

Hon. Speaker, it must come out very clearly that the country is faced with a very serious third wave of the COVID-19 Pandemic. As Hon. Kimani Ichung'wah said, some of us lost our loved ones to this disease. We lose our voters every day. I want to bring to the attention of my colleagues from the Christian faith that on a daily basis, between 15 to 20 people are buried at the Lang'ata Muslim Cemetery. Every day, in the last two weeks. So, we are talking about a serious pandemic.

What does the legislature do? We must not run away from our cardinal and constitutional responsibility. That is why you have allowed committees of this House to continue doing their oversight role. You have done that before in the administrative function given to you as the Chairman of the Parliamentary Service Commission and the Clerk of the National Assembly and there are certain committees that you will give a leeway. We are at the budget-making process. I am sure the Budget and Appropriations Committee, once the Cabinet Secretary sends the Estimates, needs to interrogate that. We have the Departmental Committee on Justice and Legal Affairs that is dealing with substantive issues of constitutional nature and vetting. Of course, we have oversight committees, namely, the Public Investments Committee (PIC) and the Public Accounts Committee (PAC).

Hon. Speaker, I have been in this Chamber for some time and legislatures all over the world, whether in the United States of America (USA), the United Kingdom (UK) and other jurisdictions are in session with one major function, on how to cushion their people, those who

have lost their job, those who have lost their livelihoods and how to salvage the economy. It is sad that this legislature this afternoon is just discussing how to go on recess. It is very sad.

(Hon. Josphat Kabinga spoke off record)

The Member for Mwea is talking about including me. It is me who is talking unless you are not seeing me. You will have your time.

It is very sad. This House should have had a session to discuss the many Kenyans who lost their livelihoods and jobs following the announcement made by the President. All the restaurants in this city have been closed. There are people who have lost jobs. What is this legislature doing as a budget-making process, as a law making House? We must discuss that. We must discuss the status of the economy and stand with the Executive. These are the issues that, as we go and you may call a special sitting, we must discuss as a House. The people who lost jobs, the people who are losing their livelihoods are the people who brought us to this august House.

So, looking at the Calendar, despite asking us to go on recess, and I agree with the Leader of the Majority Party that we were to go on recess in the whole month of May, if we bring it earlier, so be it.

Today, in our counties, and let us say it, there are no ICU beds. In our counties, there is no oxygen. The Cabinet Secretary for Health was on television last night saying that Kenya is facing a shortage of oxygen. That is a national crisis. How many Kenyans are brought all the way from Garissa, Migori, Homa Bay and Nakuru to Nairobi looking for ICU beds? They are brought because there are no oxygen facilities and cylinders in our counties. The country and the citizens are faced with a myriad of problems. The Executive and the Legislature must rise to the occasion and find solutions to the basic challenges, be they health, livelihood or security, that our people are facing.

The five counties that have been locked down contribute to about 60 per cent of the economy of our country. When you lock down the five counties, you have locked down the whole country. The epicenter of business is Nairobi. Everybody comes to Nairobi to either buy or sell. When you close restaurants, you affect waiters, cooks and vegetable, food and meat suppliers. As much as we support the Motion, this House should have a definite special sitting to make sure that we discuss how to cushion the economy and deal with the jobs and livelihoods that have been lost by our people.

Finally, let me come to the issue of the vaccine. I have not taken the vaccine because I am waiting for the Russian one. Today, I saw that my good friend, Ahmednassir and his other friend, took the vaccine. So, I will find out from them where the Russian vaccine called Sputnik V is found. That is an individual decision.

Let us not have another vaccine scandal. Last night, I did some mathematics. If somebody imports five million doses of a vaccine and sells it to Kenyans at Kshs10,000 each, he will make a whopping Kshs50 billion. The vaccine must be made available for free to all Kenyans. Even if it means that this House will allocate resources, we should not allow Kenyans to buy the vaccine. Ninety-nine per cent of our people cannot buy the vaccine against the backdrop of this pandemic where they have lost their livelihoods. I urge my colleagues that desperate times call for desperate measures. Committees will be in place as the Speaker documented through the Order Paper. I ask the House that as we go on recess, we must put in place measures to save our economy, the livelihood and jobs of our people.

Hon. Speaker: Let us have Hon. Junet.

Hon. Junet Nuh (Suna East, ODM): Thank you, Hon. Speaker. We should shorten our contributions so that other Members can get an opportunity to say something.

It is a fact that things are very bad in the country at the moment. It is also a fact that the positivity rate at 26 per cent is very high. It is one of the highest globally.

Secondly, I thank you for protecting the independence of Parliament. Parliament must decide its own Calendar.

Having said that, I have listened to Hon. Otiende and he said that Parliament needs to continue sitting because the other arms of Government have not closed. The difference between other arms of Government and Parliament is that the other arms of Government operate in every part of the country. They can sit in Migori or Kakamega, but Parliament only sits in one place. We occupy one kilometre square in town. Whether you are a Member of Parliament or staff, we must all come to that one kilometre square. The interaction is higher than in any other arm of Government because we all have to come here. The Chamber is only found in one place. We do not have a second chamber where we can spread out. We do not have the option of some of us sitting in Kisumu or Kikuyu and contributing from there. We can only be in this Chamber. For that reason, we have to take extra measures to make sure that we are safe and our safety is not compromised.

Members of Parliament are considered to be some of the best insured people in this country. When you get COVID-19, you are hospitalised, put on oxygen and taken to the ICU and that is when you will know that being insured means nothing in this world. The way you will be gasping for oxygen is the same way that a poor guy who also has COVID-19 will be gasping for it. You will all be looking for oxygen.

By-elections were hurriedly conducted after our colleagues left us and were buried. They were replaced by others who are currently in the Chamber. Nobody will remember you. You will go for good. It is now upon us to take this opportune time to protect ourselves. When you go round hospitals in the country today, especially in the City of Nairobi, many of them are full to capacity. I saw a situation where somebody was critically ill with COVID-19 and there was no bed. One hospital called another to find out if they had space. That is a very dangerous situation. Assume that a Member of Parliament is sick, has been carried by an ambulance from his or her house to be taken to the Aga Khan Hospital and then they are told that the hospital does not have space. The Aga Khan Hospital has to call another hospital to ask whether there is space and at that time, you are in critical condition lying in an ambulance.

I do not want to mention leaders who have defied science and said that COVID-19 is nothing, it does not exist in their country and that the citizens should not put on *barakoa* or masks. You know how they all ended up. I do not want to mention names because I may be accused of imputing improper motives on other leaders. Some of them lost elections because of COVID-19. In the United States of America, Trump lost the election because of the way he managed COVID-19. I agree that we must sit as a House to deliberate on issues affecting Kenyans. We cannot do that at the expense of our lives. I will not risk my life. When I was elected, death was not part of the agreement I made with the people who elected me.

(Laughter)

I am being honest. They did not tell me that I must die to serve them. I will not die. They better look for another person to represent them, not me. Let us be honest with each other. Death

was not part of the agreement I signed with my constituents. I am not ready to die. If it is only God who kills people, I will die at the time that God has planned for me to do so.

I do not want to say much because there are other Members who also want to contribute. With those few remarks, I urge Members to support this Motion. Let us adjourn. The world will not end. It will still be there when we come back in May and proceed from where we have stopped today.

Hon. Speaker: Let us have Hon. Nyamai.

Hon. (Ms.) Rachael Nyamai (Kitui South, JP): Thank you, Hon. Speaker for giving me this opportunity.

From the outset, I support this Motion. I would like to thank the Leader of the Majority Party for the way he moved it and the way it was seconded by the Leader of the Minority Party.

Hon. Speaker, I thank you very much for the guidance that you have given this House and for informing us that there were consultations by the three arms of Government. I would also like to thank the President for taking care of this country.

Hon. Members, we compared ourselves with other countries, but I would not like to mention the countries. When we compare ourselves, we have a chance to thank our President for the guidance that he has given this country. He has made our leaders and the people of this country to follow the COVID-19 protocols. He tells everyone who cares to listen that we should take care of ourselves, each other and the country. From the outset, I am proud of the President of the Republic of Kenya. I am proud when I compare him with other presidents and what they tell their countries.

I agree with this Motion. It is important that we know that we are in unprecedented times. We need to take quick actions as this House is taking this afternoon. As the Leader of the Majority Party has said, committees of this House will continue meeting. The oversight role of our committees is not interfered with. If there are Questions, Statements and any Petitions that will come, we will handle them within the timelines as the Leader of the Majority Party has explained.

I would like to also thank the Executive, starting with the President of this country, for taking the COVID-19 job. I took it earlier. The day that I went to take it, there was no queue. I went straight and got it. However, after the President, Cabinet Secretaries and other leaders took the job, I found a queue this morning at the place the vaccination is being given. It was extremely important for the President to lead. I would like to thank him, the CSs and the leaders in this House who took the job and made it clear that it is safe to do so.

As I say this, I would like to agree with the other colleagues who said earlier that we need to care about businesses that have been lost in this country. We need to care about our people who feed from the work they do every day. It is important for the concerned committees to consider them. I do not know whether the Budget and Appropriations Committee is working on a second Supplementary Budget. We also have the Departmental Committee on Finance and National Planning or whichever committee that is concerned. There are people in this country who are unable to feed their children. We, as a House, need to think about them and handle this matter. We have many people who are infected. We have seen deaths in our constituencies and counties. Unfortunately, we may not link all of them directly to COVID-19 because some of them have not been tested.

As Hon. Junet has said, it is terrible to imagine that any Kenyan, whether a leader or not, becomes sick and he or she is not unable to get oxygen. It is important for the CS for Health to ensure that we have oxygen because that is extremely important. We do not have ICU beds. We should find a way of ensuring that this is done.

I would like to thank you for the guidance you have given us this afternoon. I would also like to not only thank you and the other Members who have shown that this House is independent, but also for the care you have shown and the guidance on the need for us to know that we are not immune or ring-fenced from COVID-19. You have guided the House in the right direction that we need to adjourn.

Hon. Speaker, I support the Motion.

Hon. Speaker: Hon. Nyikal.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Speaker for giving me this opportunity to contribute. I rise to support the Motion. I must appreciate that you made a correction on the President's Order. You noticed that there are some officers who do not respect liberal or technical issues which is very important. When we had a committee meeting today, I noted that some officers were not very clear on technical issues in giving direction on what should be done and what should not be done. That cannot be allowed in a pandemic.

The COVID-19 situation is worse than in the first or second waves. It is not only about the number of deaths that are being reported here, but also Members have noticed that deaths have increased in the rural areas, particularly among the old people. You hear every time that they had a chest infection. We told the Government that it is important to monitor the deaths, so that even if we cannot test, we will know that people may be dying without being tested and, therefore, they are part of the COVID-19 deaths. That is an important thing that we, as a country, must do. We do not have a worse situation because we have a different variant of virus. When the President relaxed the guidelines, we did not go by the guidelines that he gave. He removed the movement restrictions. There were still very clear guidelines on social distancing in hotels, churches, funerals and political meetings. However, we did not follow them. We went back to normalcy. That is why this wave is as bad as it is.

If this happens and there is increased transmission, then obviously, you give more chance for mutation. Therefore, we are likely to get the very bad variants. I urge all of us that when we go for recess, we should be the first ones to guide our people because they listen to us. Let us follow the guidelines. Let us make differences in funerals, meetings and churches. If we say that something should not be done, it will not be done. We will not only protect ourselves, but we will also pass or preach the message or guidelines, so that people can protect themselves. That is extremely important.

Members of Parliament and parliamentary staff are at risk. I have not mentioned the Members of Parliament because of age. The median age is important, but not the average age. This is the age above and below 50 years. The other issue is the frequency of exposure. If you have massive exposure, then even age does not protect you. You noticed during the months that the health workers died, it is not the old or elderly who died, but the very young. The reason is that they had massive exposure. They had huge load of the virus that overwhelmed their systems. Similarly, we, as politicians, are exposed. We meet very many people. Sometimes, I noticed that when we are in meetings, we keep the masks below the nose which spreads Coronavirus more than the mouth. We need to look at that.

We are in a serious situation health-wise. We are talking of oxygen. I thank the Ministry for noting that and the insufficient ICU beds. However, what is also more important that does not come out is the human resource. As the CS said, I suggest that we should go for oxygen. We should not put so much emphasis on ventilators. If you do not have well-trained people, the machines can kill people. The emphasis on oxygen is allowed. We should support the Ministry to get oxygen.

Hon. Speaker, I will ask for more time to contribute. The vaccine is safe. I took it and I did not feel anything.

(Applause)

The risk of dying from the vaccine that we have now is much less than the risk of dying when you take your car and drive to Kisumu.

Hon. Speaker: Hon. Shamalla.

Hon. (Ms.) Shamalla Jennifer (Nominated, JP): Thank you, Hon. Speaker. I rise to support the Motion. First, I want to give my condolences to all the people in this country who have lost their loved ones from the COVID-19 epidemic. May Yahweh comfort them.

I also want to commend His Excellency President Uhuru Kenyatta for making very tough choices. Indeed, what was relaxed was travel restrictions, but not the COVID-19 regulations. What concerns me and I respectfully request that the Departmental Committee on Health summons the offices in charge and ask them specific questions because we are not getting enough information. We are given numbers everyday but we are not told where exactly super spreaders are. Are they rallies? Are they churches? Are they bars?

I was actually having a conversation with somebody this morning. We were talking about these small little bars where you have 20 or 30 people congregated in a small room, drinking from glasses and eating *nyama choma* from the same place; using the same toilet and salt and going to the toilets that are not sprayed which are highly infectious. We are actually not getting this information. Where are these pockets and where are the super spreaders?

Having said that, the other important issue is that I recall that one of the regulations said that should your establishment be opened after curfew hours, your licence will be revoked. I have never heard of a licence being revoked. Personally, I have made calls to the COVID-19, at least four times, complaining about loud music and laughter coming from establishment within the residential area that I am living in. I think that this is important information that must be brought to the fore and we must know how many licences have been revoked and where to find the super spreaders.

In addition, we live in very difficult times and as much as we talk about livelihoods, we must understand that we must talk about saving lives first. Having said that, I need to also state that it is important that as Parliament, we go back to the previous protocols that we had before where the first 50 Members registered online and the others sat outside and we practised social distancing.

With those few remarks, Hon. Speaker, I do support.

Hon. Speaker: Member for Alego-Usonga.

Hon. Samuel Atandi (Alego-Usonga, ODM): Thank you, Hon. Speaker for giving me this opportunity...

Hon. Speaker: Sorry Hon. Atandi, we will hold your time. Your time will not be taken. One thing Hon. Members, I just want to draw your attention to the fact that the Leader of Majority when moving this Motion indicated that committees are going to meet. However, if we pass this Motion, we will need to pass the other one so that we actualise what the Leader of Majority said. It will be fair for me to encourage you to make these contributions regarding the pandemic and all the issues related to it, not just in this Motion but also in the other one. The reasons for passing the other Motion are still tied to this one. I can see the numbers are decreasing. We should not end up

not passing the other Motion, which then will not give effect to what we were talking about committees continuing to meet.

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

Hon. Speaker: In the meantime, Hon. Iringo, let us allow Hon. Atandi to continue since we had already given him time.

Hon. Samuel Atandi (Alego-Usonga, ODM): Thank you, Hon. Speaker. The COVID-19 situation has reached very unprecedented levels. Therefore, as a House we cannot be left behind when other Kenyans are taking measures aimed at reducing the numbers. Therefore, as a House, we are duty-bound to take measures such as what we are going to do today of adjourning the sittings.

It needs to be noted that whatever this House does reflects or is interpreted positively by Kenyans. If we take a decision of adjourning today, Kenyans are also going to be very strict in taking up the measures that have been put in place by the President, aimed at reducing the levels of COVID-19. Therefore, I support the adjournment Motion because it will give positive signals to the other Kenyans.

Secondly, in the past, the Executive brought measures in response to managing the COVID-19 situation in the country and some of them were very expensive and hurt many Kenyans today. There is a restaurant where I go and before I go there, I normally call the waiters to place orders. Since the lockdown happened, a number of the waiters have been contacting me asking me to support them because they are unable to feed their families. This is something that this House needs to look at because the closure of restaurants and hotels affects ordinary Kenyans. I urge the Head of State, especially on measures to do with closure of restaurants, to make some revisions in a week or two so that hotels can operate even with some minimum strict measures. Even as we restrict movements and lockdowns, we need to care how our people survive.

In the past when COVID-19 tax measures were introduced in this House, most of us complained that some of them were not going to give Kenyans positive results. One of the measures that we passed here was to cut down Value Added Tax (VAT) and the Corporate Tax. Some of us argued that it would not fare well because corporates do not know how to give benefits to ordinary people. We said that the measures in the end were going to hurt the economy because it was going to affect the collection of revenue which would have been ploughed back to the economy. But nonetheless, we went ahead and passed the laws and today, we know their impact on revenue. Today, some of the measures that have been put in place in response to COVID-19 such as completely locking down some businesses are going to translate negatively towards our revenue. This House needs to make a decision and act on the measures. In the end, we are going to insist that the Government fulfils certain promises like giving us some money for the National Government Constituencies Development Fund. When the Government does not collect revenue, we are going to have a problem. Therefore, I urge the people giving the President advice, because I know the President may not be in tandem with the reality on the ground but his advisors should be people who know what is happening on the ground, that if the measures that were put in place for the lockdown in Nairobi and four other counties continue, we are going to suffer because we are not going to raise enough revenue to fund the economy. The people are going to suffer more.

Hon. Speaker, I support the adjournment.

Hon. David ole Sankok (Nominated, JP): On a point of order, Hon. Speaker.

Hon. Speaker: Hon. Sankok, what is your point of order.

(Loud consultations)

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Hon. David ole Sankok (Nominated, JP): Hon. Speaker, I really also wanted to contribute and give professional advice, but I rise on Standing Order No.95. Reading the mood of the House, we are reading from the same page. Hon. Speaker, I request you to call upon the Mover to reply.
Thank you.

(Loud consultations)

Hon. Speaker: Hon. Members, whatever issues you want to raise, which you are doing, are connected to the next Motion. What Hon. Sankok is suggesting is that why can we not finish this one and continue? Please, do not withdraw your cards, so that your requests are still captured as they are. I have 71 requests.

(Loud consultations)

Do not withdraw any of your cards so that you contribute in the next one. Remember one of the first Motions that you passed was that you have to sit until we conclude all the business appearing on the Order Paper. So, there is no hurry. As you know, yours truly, I have capacity to sit here for 10 hours continuously. So, have no worries.

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

Mover.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I rest my case. I beg to reply.

(Question put and agreed to)

Hon. Speaker: Next Order!

PROCEDURAL MOTION

CONSIDERATION OF BUSINESS RECEIVED DURING RECESS PERIOD

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Orders 120, 122 and 126 relating to publication, procedure upon publication and First Reading of Bills and Standing Order No.210(2) relating to tabling of statutory instruments; and further pursuant to the provisions of Standing Order 256 (Exemption of Business from the Standing Orders), this House orders that during the period of the April recess, (1st April 2021 to 3rd May 2021):

(i) Should a Bill be published during the said period, or a published Bill become due for First Reading during the period, the Speaker shall, upon lapse of at least seven days following the publication of the Bill, the fulfilment of the provisions of Article 110(3) of the Constitution and following a determination that such Bill is of priority, forthwith refer the Bill to the relevant committee for consideration pursuant to the provisions of Standing Order No.127 (Committal of Bills to committees and public participation) and upon

resumption of the House, cause the Bill to be read a First Time and the Second Reading may be taken forthwith, or on such other day as the House Business Committee may determine;

(ii) Should any statutory instrument be transmitted for tabling before the House during the period, the Speaker shall, following a determination that the statutory instrument is of priority, forthwith refer the statutory instrument to the relevant committee for consideration and cause the statutory instrument to be tabled in the House during its next sitting in accordance with the provisions of Section 11 of the Statutory Instruments Act (No. 3 of 2013);

(iii) Should any Paper be transmitted for tabling before the House during the period, the Speaker shall, following a determination that the Paper is of priority, forthwith refer the Paper to the relevant committee for consideration and cause the Paper to be tabled in the House during its next sitting;

(iv) Upon submission of the Report of the relevant committee on the Constitution of Kenya (Amendment) Bill, 2020, promoted by the Building Bridges Initiative under Article 257 of the Constitution, the Speaker shall forthwith cause the Report to be circulated to all Members (in electronic form) and prioritise Special Sitzings of the House convened pursuant to the provisions of Standing Order No.29 to consider the said Bill in keeping with the requirements of Article 257 of the Constitution;

(v) With respect to all public petitions pending before committees, the counting of the 60 days consideration period prescribed under Standing Order No.227(2) (committal of petitions) shall cease today and resume when the House next sits in the Fifth Session; and

(vi) The Clerk is directed to make necessary arrangements to facilitate virtual meetings of committees and Members are asked to attend and participate in the virtual meetings of committees from their offices within Parliament Buildings as envisaged in the Parliamentary Powers and Privileges Act, 2017, and the Speaker's Guidelines regarding Conduct of Committee Meetings During the COVID-19 Pandemic period.

Hon. Speaker, parts (i), (ii) and (iii) are routine Motions that we normally do whenever we go on recess in terms of processing of Bills, statutory instruments and Papers that are brought here for tabling to ensure that business continues within committees.

Under part (iv), we have a matter that is specific to the national engagement that this House has been dealing with on the processing of the Building Bridges Initiative Bill which was referred to this House by the IEBC, on behalf of Kenyans, having taken it through the signature collection process and the counties. Article 257 of the Constitution obligates us to process the Bill expeditiously. As I mentioned earlier, as soon I receive the report of the Joint Committee, I will communicate so that we can come and dispense with that Bill in accordance with the Constitution and allow it to move to the next stage.

The import of part (v) on public petitions is that they have a timeline of 60 days during which they must run. We are proposing to put a stop to running of time, so that we do not have all committees seeking to extend time because it ran out during the recess. During the recess, the 60 days' consideration period will be deemed not to be running and the clock will kick off when we resume.

The most important item is under part (vi), where we are proposing to close the Chamber unless called for a specific matter, but we want committees to continue carrying out business. Our Standing orders envisaged a situation where committee work is supposed to be conducted within

the precincts of Parliament. It is important to note that we are making major decisions at the committee level which will then be brought to the House for ratification. We do not want our decisions to be challenged by busybodies that they were not made within the precincts of Parliament. The Standing Orders provide that committees must seek approval on where to sit. We are advising Members to travel from wherever they will be to come and sit in their offices in Parliament, which will be deemed to be transacting business from the precincts of Parliament as envisaged within the Standing Orders. The Clerk will facilitate not only your meeting, but also how you get to Nairobi, your activities, accommodation and your passage through the roadblocks.

(Applause)

It is important to capture it here, so that we have a legal basis why we are proposing to do this. By and large, these are some of the concerns that the Member for Rarieda had in terms of committee sittings. As long as we observe the Speaker's guidelines on conduct of meetings during COVID-19, we should be okay. We want to advise you to keep your staff away from offices because you will not know about their whereabouts. You can only trust yourself during this COVID-19 Pandemic. If you can come to your office, conduct business and go back home, you will all be safe until we meet physically.

The Motion is quite straightforward and we do not need to spend a lot of time on it so that we can finish off with the other one. I beg to move and I would like to ask nominee number one, the Hon. Sankok, to second.

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

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Speaker. This is a Procedural Motion. As you have seen, I came with two masks because I am entering the red zone. Hon. Speaker, as I second, this Motion is very important. But I would like to thank you and sincerely say that you are a true Leader and a true Speaker of the august House. A firm third-in-command and a mobile encyclopedia of our Constitution. The advice you gave in State House and the one you gave us today when we started this Session, cooled the tempers that have been building ever since those handlers in State House communicated the President's directive.

Hon. Speaker, most of these Members were coming here for war. But the way you handled us, all of us are here and we are really trying to do business because of your advice. We are saying that we will be having our online committee meetings which will take place in our offices. In the past, we have noticed that when we have committee meetings from wherever somebody is, network is a problem as some of us are on the roads, others in our cars and worse still, you would not want to see some pictures that come from the background. Sometimes, they really need parental control.

Some committee meetings start as early as 8 a.m. At that time, some people are still in the bedrooms. When we set our phones, sometimes, we may not be able to see what is happening in the background. But those who are participating in the meeting can see. That is why we are saying that it is good that all these meetings will be in our offices where there is stable network connection, so that we do not see the *maajabu* that we have been seeing when we are attending those meetings.

I also want to urge my colleagues to take the COVID-19 vaccination. The vaccine is safe. I took mine. Professionally, we have been able to kick several diseases out of the world courtesy of vaccinations. Diphtheria, whooping cough, polio and rubella are no longer with us. We have kicked them out of the world courtesy of vaccinations. We have been able to tame some diseases which used to be killer diseases like measles, courtesy of vaccinations. So, I urge Hon. Members

and Kenyans at large to go for vaccination. This will save us. The minor signs that we witnessed are normal and expected.

Hon. (Dr.) Nyikal will tell you that when you have been vaccinated, a foreign body has been introduced into your body- an acuminated pathogen. Your body will react by building immunity. The process of building immunity is like a working factory and there is bound to be some release of heat and you feel some temperature rise, headache and general body weakness, which is normal and expected.

Hon. Speaker, with those very many remarks, I want to say that, as Hon. Duale has said, we need to prioritise the issue of safeguarding our citizen in terms of those who have closed down businesses. But, most importantly, in the last lockdown, we had Kshs200 million set aside for persons living with disability. Person with disabilities (PWDs) are sleeping hungry. We need another Kshs200 million to cushion the very vulnerable, especially those with disability who have been depending on donors. Now that donors are not coming into the country and churches have been locked and yet they have been depending on those religious institutions, we need to cushion them.

With those very many remarks, Hon. Speaker, I beg to second.

(Several Members walked along the gangways)

Hon. Speaker: You can take your seats, Hon. Members. As you notice, the Motion is long.

(Question proposed)

Member for Funyula.

Hon. David Gikaria (Nakuru Town East, JP): On a point of order, Hon. Speaker.

Hon. Speaker: What is your point of order, the Member for Nakuru Town East?

Hon. David Gikaria (Nakuru Town East, JP): Hon. Speaker, I know we approved a Motion to extend Sitting Time and we also approved a Motion that gives a Member ten minutes to contribute. But, Hon. Speaker, I beg your indulgence that each Member be given five minutes to contribute so that all of us can contribute.

Thank you, Hon. Speaker.

Hon. Speaker: Five minutes it shall be.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Speaker. He has eaten my minutes by seconds.

Hon. Speaker: No. You have your 30 seconds added.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Speaker. I stand here to support the Motion before us and I want to be very brief.

Many of us were taken aback by the announcement that was made by the President on Friday. It is good that you have clarified the matter. At least, the nerves that were racking around have settled. That is why I approved the previous Motion. I agree that we are living in the most unprecedented times due to the COVID-19 pandemic. As the Government puts up various measures to contain the spread of COVID-19, it risks the other side of the story. The other side of the story is going to be extremely devastating, unless Parliament rises and acts as it is supposed to. By a stroke of a pen or the announcement that was made on Friday, over 50 per cent of jobs in Nairobi were lost. Over 20 per cent of the jobs that the economies of the five “red” counties rely on have been lost.

Unlike what happened in April last year when there were measures to cushion low income earners, this time round, there is none. Those people are asking why they should always carry the burden of bad decisions made by the Executive. Why should they be the sacrificial lambs? They have lost their jobs, homes and livelihoods. Their relations are strained. They cannot feed their children. They cannot afford basic needs, *et cetera*.

As we proceed on recess, it is important that Parliament does not lose sight of its constitutional mandate as enshrined in Article 95 of the Constitution, which requires it to deliberate on matters affecting the people of Kenya. There is no single time that the work of Parliamentarians is required more than now. It is important to note that COVID-19 is going to be with us for many years to come. The literature on this matter is available locally and internationally. As my colleagues have said, the only savior is the vaccine. In Kenya, we have reached the point of community infection where the transmission rate is going to increase. We are inundated. Anybody anywhere who thinks that we are going to flatten the curve without vaccination is just deluding everybody.

This time round, we need to be honest with each other that we are not going to flatten the curve with any other measures that we might put in place. So, as a matter of urgency, we must ramp up the vaccination process. Most of the scientists have said that after 21 days, those who have been vaccinated will have internal immunity to enable them survive even if they contract the virus. That is why many of us, wherever we sit, hope that the President will rethink of the measures that he has put in place, specifically the cessation of movement and closure of eateries immediately after the Easter Holiday. This is because the devastation is going to be massive in this country.

As we retreat to our constituencies, let us go and spread the basics of the Ministry of Health COVID-19 protocols. We must now start calling to equation on where devolution has gone as far as health is concerned.

With those few remarks, I support.

Hon. Speaker: Hon. Nyasuna.

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Thank you, Hon. Speaker. I rise to support this Motion. I am grateful that the House has considered the earlier Motion that brought forward the recess. As has been said by many Members, all that an MP has, just like others in the service industry, is his or her health. Members of Parliament do not operate like, for example, shopkeepers where you can have your stock and put somebody else to run the shop when you are away. We need to be physically present in good health and in good state of mind. So, I am glad that we have taken this precaution.

Hon. Speaker, I thank you and the entire leadership of Parliament and the House Business Committee because when we had the first wave of the COVID-19, we swung into action as soon as we could. That is what has saved the staff and MPs as we are today. During that time, some people said that Parliamentarians were cowards. They were wondering why we were “running away” from our responsibilities. I want to state that we have put in place ways that we can work outside the Chamber. In the same breath, I want to thank His Excellency the President for protecting Kenyans during the first wave when many Heads of Government across the world stood back and took populist measures so that their citizens could clap for them, and some have not ended up too well. The measures he took were not so popular with the public and so often than not, when he was supposed to give a speech, Kenyans were asking him: “*Cheza kama wewe*”. Kenyans were always expecting him to lift the measures but he remained firm until the time when he eased them out.

Hon. Speaker, as we talk about the distress that our people are in, I want to agree that every time there is a lockdown, there are economic effects that come with it. After the restaurants were closed, I saw the Kenya Tourist Operators making some requests which should be looked into so that the visitors who had already booked are not affected by the cessation of movement or operation of restaurants.

As a House and the Executive, we put in place many measures during the first wave to relieve our people from the economic distress, including a Kshs53 billion Fund to cushion members of the public. The distress is there and there is a tricky balance on how to continue to grow the economy while at the same time finding measures to cushion our people. I want to mention that when we removed the tax reliefs last year in December, Members were careful not to affect tax reliefs for the category of people earning Kshs24,000 and below. In its wisdom, this House agreed to preserve the tax relief for the low income earners and I want to thank the House for that.

Hon. Speaker, availability of the vaccine is a big challenge now. As we go into a lockdown, many Members have stated that we can only flatten the curve if we are able to have many shots of vaccines into the arms of many Kenyans. We were told that we already have 1.2 million doses of vaccines and it would be important for the Departmental Committee on Health to apprise this House on the number of vaccines that we are getting into the country and how quickly we can distribute them because we have 47 million Kenyans and over 30 million who are eligible for vaccination. By doing this, we will be able to continue on the path of growth for our economy.

With those many remarks, I beg to support.

Hon. Speaker: Member for Kipkelion East.

Hon. Joseph Limo (Kipkelion East, JP): Thank you, Hon. Speaker, for giving me the opportunity to contribute to this important Motion. I want to thank you and the Leader of the Majority Party for the Communication you made at the beginning of this Sitting. The communication from the President was not well structured and had raised mixed reactions that you quickly explained. I want to thank the Leader of the Majority Party for mastering the art of speaking to our hearts and that is how it should be.

(Applause)

As I support the Motion, I want to state that we do not live in isolation and we are aware that the COVID-19 pandemic is very serious and it is not only affecting our health, but also our economy. The health of our people is very important and we must ensure that we survive for tomorrow. As we abide to those protocols, we must be aware that WHO has communicated that COVID-19 might be here for a long time.

We must find ways of surviving to ensure that the impact of COVID-19 is not serious, especially on the health of people and the economy. So, every measure that we take from now is not supposed to be punitive to the extent that it introduces another “COVID-19” to people. I have a concern with how we communicate. I would encourage the Executive to embrace a friendlier way of announcing measures. When the President announced these measures on Friday, they could have considered giving people enough time to reorganise the way they are living and their economy. For example, in the hotel industry, most hotels when they are operating their businesses, they procure perishables for several days. So, when you say that from today midnight they cease functioning, what happens with the foodstuff they have procured? In the *matatu* industry, some operators, for example, operate from Mombasa to Busia. What happens to their

vehicles when they are locked in other parts? There will be a lot of expenses in terms of parking fees. Therefore, going forward, I would encourage the President to be consultative and to be giving reasonable timelines. He could have given people 72 hours. When he made the announcement on Friday, he could have said it will be effective from Monday so that it is reasonable and it cushions the economy.

As we go to the financial estimates, I would encourage the national Treasury to look at how it can introduce several stimulus measures so that people on the ground can access some little cash instead of going for long term projects like roads. We should look for ways of sustaining the ongoing projects and, at the same time, introduce measures that can enable the common *mwananchi* to get small jobs that can give them money to sustain them moving forward. People in the villages are looking for ways of surviving.

Lastly, let us encourage all Kenyans to take this immunisation seriously. I can confirm that many of us are vaccinated, especially MPs from Kericho. We took our COVID-19 immunisation in Kericho to encourage people that it is real. The COVID-19 vaccine should be free. If we want to avoid a situation where COVID-19 millionaires emerge again, we should avoid the sale of vaccines in this country.

Thank you.

Hon. Speaker: Member for Keiyo South.

Hon. Daniel Rono (Keiyo South, JP): Thank you, Hon. Speaker for giving me this opportunity to weigh in on this matter. I also want to thank you for the communication you gave this evening about the way Parliament is going to take its recess. I salute you for that. I am one of the Members who had come in the *Al-Shabaab* way ready to shoot down that Motion.

(Laughter)

I want to thank my colleague, Hon. Limo, for what he has said that we should be giving notices when we want to do a lock down. It is terrible, unreasonable and not fair for national figures to do to the people. Directing a lockdown within 12 hours is not fair. For example, if I am in Nairobi doing business and then I am told: “We want you to leave in 3 hours!” Is that reasonable? Are they trying to tell me that they will stop Corona within the 12 hours? That, there will be no Corona now that they have locked a place in 12 hours. That is not fair. We will never stop Corona for 12 hours. We can give notice of 24 to 36 hours and that way, we will drive this country in a better way and people will be able to organise themselves in a better way. Is lockdown the solution? Wherever there is a spike of Corona virus, the only thing that the leadership of this country thinks about is lockdown. Is that the solution, really? It is affecting the transport and hospitality industries.

(Loud consultations)

Hon. Speaker, I want protection. They will get an opportunity to contribute.

Hon. Speaker: Just proceed. You are well protected.

Hon. Daniel Rono (Keiyo South, JP): We are losing jobs in fields like hospitality, transport and entertainment. Those areas are always the punching bag when there is a lockdown. Hotels had prepared for the Easter holidays. If you visit some of them, you will realise that they have

thoroughly observed the COVID-19 health protocols. They have spent money. They have invested in observation of the COVID-19 health protocols only for them to be locked down as a result of what is happening. We are not being fair to those industries.

A case in point is the people who have taken loans to purchase *matatu* vehicles to participate in the public transport business. Their vehicles operate between Eldoret and Busia to Nairobi. You are now telling them not to come to Nairobi because of Corona. As people lose jobs, we are going to create other diseases other than the corona virus, which will eventually kill more people through stress and heart attacks. In the process, we create more diseases. Let us be fair as we deal with our issues and the issue of Corona moving forward.

Hon. Speaker: Member for Nambale.

Hon. Sakwa Bunyasi (Nambale, ANC): Thank you, Hon. Speaker. Let me also weigh in on this critical discussion.

I support the spirit of taking a recess. I had hoped that the new ones that had been introduced by the Member for Rarieda would have been helpful. Be it as it may, I support the Motion. There are a number of key issues that we should use this opportunity to highlight.

First, let me thank you for protecting the autonomy of Parliament. We cannot overstate that. It is very important because its implications would have been grave if that had not been done. Secondly, COVID-19 is with us. The vaccine is with us, but there are issues. We need a clearer presentation of how the vaccine and its faradisation are going to run. This cannot be a matter that is done in a command-type economy where somebody announces and that is it.

The Minister for Health should demonstrate that he is listening to the concerns of the country. The way how this is going to be done should be clarified. Who are the priorities? Parliamentarians are having vaccination - not free - but at the cost of our employer. What about the other citizens? We have not seen anything except for some of the stimulus packages that were done to support employers. We now need stimulus packages that target consumers, including “Wanjiku”, the elderly and other select groups. We should put money into the pockets of those groups to enable them access basic needs. That money should not be termed “wasted.” From an economic perspective, it can bounce back through payment of taxes. It will improve consumption and you can get consumption taxes. That way, you will save lives at the level of the household. It is extremely important.

The third point that I want to raise is simply to emphasize and agree with my colleagues that really, the vaccine should be free. There is an economic argument for free vaccines. That way, it will reach more people; it will slow down the disease; it will slow down the pressure in health facilities for which the Government is paying. The savings that occur by virtue of less pressure, less costs on healthcare system will far outweigh the cost of the vaccine.

Four, I think we should liberalize the vaccine market. We are working with Astra Zeneca and we understand global arrangements and the way they occur. We are tied to it by the way of our history and the way we transact, but let us open our eyes to the Russians and the Chinese. Let our bodies that do the approvals work on this and come and have a diversified source of vaccines. I read the other day that in India, which was our major supplier, has had a big wave and they are going to restrict exports of vaccines. America did that. Others did that. Let us diversify the sources of our vaccines. Let our scientific community come to the forefront and not simply ape and repeat what others have said elsewhere. Let them do their own tests that they want to do here, their own follow up and so on. Let us be a bit more entrepreneurial. There was a time when I listened to the coordinator of the COVID-19 vaccine taskforce. He made a statement that “we are not in a hurry.

We are looking for quality and I was waiting to hear what this quality was. We do one at a time and observe how it is going before we can move.” There is no time for that kind of thing.

As I conclude and as I summarize my views on this, I agree with the proposals that we have passed this evening. I think it is time to tell the President that we are in a bad place and he knows that. I know it is a difficult balancing, but that balancing must now include economic support to the vulnerable. We should see another supplementary budget that is focusing on stimulus COVID related issues and we can do that over and over. We may have many supplementary budgets. Let us target the people so that we can also support families that are bleeding.

Hon. Speaker: Well spoken. Hon. Members, even as we contribute, it is this National Assembly, as rightly pointed out by the Hon. (Dr.) Otiende Amollo earlier, that deliberates and resolves matters of concern to the people. Let us ask ourselves a simple question: The covert mechanism is the one that offers this vaccine to the poorer countries so to speak. What we have received in this country in the initial stages is 1.02 million and then an extra 100,000 donation from India. Therefore, that totals to 1.1 million. The first vaccination must target to give two doses to each of you who has received the first dose. So, essentially, you can see what size of the population it is that is going to be addressed by this. Indeed, as a House that is also involved - as Hon. Duale was saying earlier - in the budget-making processes, we must address the issue of the vaccines. Look at the population. Just about half a million people. It is a very small population that is targeted to be vaccinated with the current stock of what we have. I think it is just food for thought. I am sure Dr. Nyikal will be speaking to this at some point. Let us give the Member for Kangema, the Chair of the Departmental Committee on Justice and Legal Affairs a chance because item No. 4 relates to his Committee.

Hon. Clement Kigano (Kangema, JP): Thank you, Hon. Speaker. I will start by thanking you for clarifying the message from His Excellency the President. You have stressed on the word that he did not direct the House; he used the word 'in concurrence'.

I thank His Excellency the President for involving the two other arms of Government. That is a matter that we are overlooking - that, in reaching these measures for a long time, he had the acting Chief Justice and the two Hon. Speakers to reach at this decision

Hon speaker: I will give you an extra one minute. In addition, there was the leadership of the Inter-Faith Council; the entire of it.

Hon. Clement Kigano (Kangema, JP): Let me also thank the President for his stand in Dodoma, when he did not proceed with his Speech in the funeral of the late President Magufuli. He allowed Muslims to have their prayer. Hon. Speaker, I would like to dis-abuse two matters that have been raised.

First, by my Vice-Chair that two Members are sick. It is a fact that when we were meeting two senior Members of the Senate, (I would not name them), two senior Members of the Senate could not join us in the Joint Committee because they were affected by COVID-19.

Secondly, I want to dis-abuse a stand taken by the senior Member of this House, Hon. Duale, in saying that he is waiting for the Russian vaccine; and that, his Kingsman called Senior Counsel Ahmedinasir has advised him to take the Russian vaccine. Let us not mislead our people. We must lead by example. We have agreed to take the jab and we must take it. When he says he is waiting for the Russian vaccine, he wants people to die waiting for the Russian miracle.

Hon. Speaker, drastic times calls for drastic measures. As I am speaking here, the Russian Government is also discussing the same issue simultaneous with us. Yesterday, the British Prime Minister ordered a total lock down, unlike us.

He appointed a special minister for COVID-19 deployment and in that message, he also took measures in collaboration with the pharmacists and clinics who were all directed to offer vaccination.

Hon. Speaker, it is important that when we address this matter, we try as much as possible to wade off from our political positions. This is a matter of national importance. We cannot stand here and start apportioning blame saying that the President ought to have or ought not to have done this and that. Somebody should be offering a solution. I repeat again, drastic times call for drastic and extraordinary measures.

I thank you.

Hon Speaker: Hon Wamalwa.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Thank you Hon. Speaker for giving me this opportunity. These are not ordinary times Hon. Speaker. This is a crisis time and crisis time requires extraordinary mitigating strategies.

Hon. Speaker, as my other colleagues have said, we thank you. Your intervention was very important. To me, it was Solomonic wisdom. Otherwise, Members were determined to come and defend the independence of this Parliament. However, your interventions saved the situation and we thank God for that wisdom.

Hon. Speaker, as we move forward, there is this issue of vaccination. Mine is to the Pharmacy and Poisons Board to move with speed and give approvals of other vaccines. Our immune systems and bodies react differently to those vaccines. We are told the Russian one has already been approved and is already in the country. We have seen that the Deputy President has already been vaccinated. We have been told that the Pfizer vaccine should also be approved and the Chinese one which is more of herbal because our bodies can react differently. Personally, I went for the AstraZeneca vaccine but there were some mild side effects. I want to assure the public that everything is okay and encourage as many people as possible to get vaccinated.

My humble request to you Hon. Speaker, as the Chair of PSC, please, when we come back after recess, if possible, ensure that all the staff in this Parliament are vaccinated. Starting with the ones that are working in our offices, Human Resource (HR) in the other building and kitchen staff. Let them get vaccinated. This is because once you are vaccinated, it helps reduce the risk of severity. This does not mean you will not get infected, but the severity of the disease goes down.

As we move forward to support the Motion that has been moved by the Leader of the Majority Party in terms of how business will be transacted during the recess time, we have our colleagues who are newly elected like the MPs for Kabuchai and Matungu. As we speak, they do not have committees. Maybe, using your discretion, you will exercise Standing Order No.1 to see how they will contribute and participate in committees. Since the Committee on Selection chaired by Hon. Amos Kimunya has failed to meet, they can be put in committees as quickly as possible.

I do not have much to say but, as we move forward, we know the third wave is deadly and this is not usual. Last time there were measures to cushion Kenyans and I know many Kenyans have lost livelihoods and jobs. So, we are calling upon His Excellency the President to see what measures to put in place to cushion Kenyans, who have lost their jobs and livelihoods.

As we speak right now, I am aware of two marriages that have broken because of loss of livelihoods. At a time like this, there is a lot of stress and when stressed, you need counselling. People who provide counselling are churches. Maybe, it is high time, as we move forward, the Inter-Religious Council of Kenya looked into what measures can be put in place so that worship areas can be re-opened as quickly as possible.

Once the churches are re-opened, they will continue providing spiritual nourishment, guidance and counselling. As my colleagues have said, we might be trying to save people from the COVID aspect and yet, we are creating other effects. If we do not look for a way of managing or mitigating this, it might end up killing our population.

Thank you, Hon. Speaker. I support.

Hon. Speaker: Member for Dagoretti South.

Hon. John Kiarie (Dagoretti South, JP): Thank you, very much, Hon. Speaker.

Hon. Josphat Kabinga (Mwea, JP): On a point of order, Hon. Speaker.

Hon. Speaker: There is a point of order, from the Member for Mwea.

Hon. Josphat Kabinga (Mwea, JP): On a point of order, Hon. Speaker. I rise under Standing Order No.95. We have all spoken and some of us have taken the vaccine. We know the benefits because everybody has talked about it. We are saying the same thing because you and the Leader of the Majority Party have given us very good direction. Also, the President of this country is leading and giving us direction unlike in other countries where there are problems. So, what we have spoken is enough and we can move to the next agenda after my brother KJ finishes speaking.

Hon. Speaker: Hon. Kiarie.

Hon. John Kiarie (Dagoretti South, JP): Thank you, very much, Hon. Speaker. While a number of Members have spoken, there has not been a voice heard from Nairobi City County which is the most affected by some of those measures that have been put in place.

As I rise to support this Motion, I think it would be sacrilegious of me, to not congratulate you for clarifying on the announcement that was made by the President. This is because it needs to go out there to the world that only this House can manage its calendar. What you have said here this afternoon has gone on record and it is important even for those people who write speeches for the Head of State. This is because, just as we saw on the day he was making an announcement, it did not even get to 8.00 p.m. before the Speech that he had delivered got more than five major revisions! This speaks very much to the quality of the speech writing that was done.

We do understand that the President is actually the only public servant who has been sworn in to protect the lives and property of Kenyans and we applaud his efforts. The reason why we have these procedural motions, the previous one and the one we are debating, is because Members in this House want to protect themselves at this time of the pandemic. So, we need to ask ourselves, even as we are protecting ourselves as Members of Parliament, what are we doing for the electorate in this country? It is our business to discuss matters affecting the people of this country. It is with such an opportunity that we should start asking ourselves whether we are prioritising right as a country. When you think about it, just by the mere announcement of a lockdown by the President, people lost actual jobs. The people in the hospitality, transport and entertainment industries lost jobs just by virtue of that announcement. So, we need to ask ourselves this: As a Parliament, how are we providing for the Government to give people stipends?

During the last lockdown, our people in Dagoretti South were lucky to register the most vulnerable people in the community. They have been receiving stipends. But the current announcement of a lockdown was not accompanied by any stimulus arrangement or any stipend.

Secondly, it is important for us to speak to the Government and say that this is not the time to undertake vanity projects. At this time when resources and time are scarce, it is important to invest in the most important life-saving survival projects. In the City of Nairobi today, we have major projects going on under the Nairobi Metropolitan Services. However, a dead person cannot feed on a cabro. We need to ask what the plan is. We are locking down now. Locking down the five counties that we have mentioned is actually locking down the entire country! When you lock

Nairobi and Kiambu, you have locked the northern part of Kenya. When you lock Nakuru, you have locked up the western part of Kenya. When you lock Machakos and Kajiado, you have locked down the Coast. So, what is the plan going forward? The announcement did not come clear. If there was a plan, this would have been the time to vaccinate the people in the disease infested zone. The few vaccines that are available could have actually been dedicated to this zone.

Finally, I would like to say that this Parliament has the duty of protecting...

Hon. Speaker: Member for Migori.

Hon. (Ms.) Pamela Ochieng' (Migori CWR, ODM): Thank you, Hon. Speaker. A lot has been said, but also allow me to congratulate you. You are a wise man. Thank you for being who you are. I congratulate the Leader of the Majority Party, Hon. Amos Wako.

(Laughter)

I am sorry. I meant Amos Kimunya. Hon. Amos Kimunya, if you remove "A" from your name, in my mother tongue, it means you have done it *mos mos*, that is, in a manner that has talked to the spirits of the people and not just the mind.

Hon. Speaker, I agree with most of what my colleagues have said. Indeed, the question that every Kenyan should be asking themselves is: Which way Kenya? As much as we are crying about loses of jobs and all that, the President has the responsibility to make sure that Kenyans are alive. Yes, we are losing jobs, but I think it is a matter of us acknowledging that we have a problem. Above all, this life is more precious than silver and gold. So, even as we are crying, it is important that we encourage our people to come together and look for solutions.

For example, I have two areas of concern that made me insist that I had to speak to this Motion about two or three weeks ago, The World Health Organisation (WHO) has warned that there is looming food shortage in the entire world. As leaders, apart from just crying and wondering what should be done, we should be clear and send the message out there. Especially, the Ministry of Agriculture, Livestock and Fisheries should be very active to encourage all Kenyans of all sorts to grow food substances of all manner in our land. This is something that we need to emphasise. We need to make sure that even if we do not have money, at least, our households have food. That is something that is so critical. It is high time we encouraged our youths to do whatever it takes. We are just about to go into the long rains. Let all those agricultural lands be occupied by something that Kenyans can eat.

Number two, we are talking about COVID-19 and we thank the Ministry of Health for updating us on the percentages of infection and even the death rates that are going on. However, we need also to demand from the Ministry that places like Migori County, which I represent, along the lake, courtesy of the previous rains that over-flooded the lake, there are many deaths from Malaria. Much as we update the nation and the world on the COVID-19 issues, there are also those other diseases which are still taking the lives of Kenyans at such a high rate. I wish that even as we push for the protection of people against COVID-19, we equally do not forget about the protection of our people from those other diseases like the Malaria that I am talking about.

Hon. Speaker, I know that the Ministry of Health at some stage decided to have the area sprayed, but the bleeding place has been enlarged and mosquitoes are on the rampage. I am praying that the Ministry of Health should find it wise, at least, to give us mosquito nets for the people living along the lake region. They are dying. I encourage all of us, as leaders, that this recess, or whatever else we call it, is in order. I am glad that the Motion that we are now talking about last has actually taken away all the fears that the Members were having. Those critical issues need to

be discussed. We need to oversight and we need to think about what we are going to do with Kenyans down there who we are representing.

Hon. Speaker, I do not want to say more than that. I thank you for the wisdom that we have seen in you today. With that, I support.

Hon. Speaker: Member for Saku.

Hon. Ali Rasso (Saku, JP): Thank you, Hon. Speaker. I was worried that I was not going to speak.

I want to join my colleagues in thanking you. On that Friday, I was driving to Marsabit listening to the President's Speech. When I arrived in Marsabit, my constituents were asking me: "When are you going back and how will Parliament discharge its functions?" Like many of us have said before, there is Solomonic wisdom that this Government have in you that will help this country in many ways. This is one of the ways. You have caused this debate this afternoon so that by the end of it, we will pass a Motion that all of us will be settled that it is important for our country.

Hon. Speaker, I will just talk on three issues. The first is about the health of this country. I have had the vaccination and a few of my colleagues have. Going forward, what the WHO and those advanced countries are saying is that we can only achieve the hard immunity when 60 per cent of the population is vaccinated. Yet, we are just talking about, I think less, than even 1 per cent. We are not doing well. The House will not only go on recess, but the committees must begin to work to make sure that we address the situation that this country is in. If the country is healthy, it can be wealthy. We cannot sacrifice health to achieve wealth.

The second issue is the economy. If you have watched the news over the last two or three days and read the papers, it is clear that many of our people will lose their jobs. Many will be out there in the streets. Many will suffer in their homes. If the economy suddenly shuts down, as Hon. Kiarie has said, we will begin to feel that pressure as legislators. The people who used to afford medicine, food, transport and certain drugs will revert back to their Members of Parliament. That is a serious concern. During the committee sittings, we must ask ourselves and the departments that we oversee what they are doing to help the country face this pandemic.

Finally, my third point is about the committees. As a House, we agree that we do not have to sit in plenary. The committee sittings must begin to be useful. We must address the issues of concern to our people. There are major departments like Treasury, Agriculture and Devolution that must begin to answer the hard questions on how Kenya can pull through this.

With those few remarks, I thank you.

Hon. Speaker: Let us have the Member for Nakuru Town East.

Hon. David Gikaria (Nakuru Town East, JP): Thank you, Hon. Speaker for giving me this opportunity.

I would like to remind Hon. Members that the Speaker is a wise man. No wonder you were given the opportunity to lead Mt. Kenya. I thank you for the very wise issues that you have raised. Kenyans can see. Sometimes, people think that Parliament is just a place that takes instructions. You have always reminded us that we follow procedures and the rule of law. That is what you have exhibited today. I thank you very much.

Secondly, I would like to talk about the decision that the President took. It is not that easy for any President to take that kind of decision. We are fond of taking populist decisions as Kenyans. Sometimes, they hurt the very same people that you are leading. I thank the President for taking such a brave decision. He considered the lives of people. As Hon. Otiende has said, the President is supposed to protect the citizenry. I thank him for that.

At the same time, I take issue with something small. In the past, he has given directives, but after seeing how Kenyans were suffering, he has been able to adjust. I ask the President to consider reopening the hotels, not the bars, because we are losing so much.

After the directive that was given by the President on Friday, policemen in this country have started taking advantage of innocent Kenyans and harassing them. Sometimes, you fail to understand why an Officer Commanding a Police Station (OCS) should accommodate 300 people in a cell that can only accommodate 15 people. With the COVID-19 protocols in place, it should only accommodate five people. What is the purpose? You arrest an innocent person who is not infected with corona virus and then you bring him into a crowd in a cell, but there is no judgement that will be made on that material day. This ends up putting those people in very risky areas. We ask the Inspector-General of Police to give instructions on how police officers should enforce COVID-19 protocols. It is good to enforce them. However, they must have positive effect instead of what they are doing.

Hon. Speaker, much has been said. The issues that were raised by the Leader of the Majority Party when he was moving the Motion, particularly on committee matters, are important. We have a number of issues which were raised last week. I am sorry because I was not here. Hon. Duale rose on the Floor of the House and asked a very pertinent question. As a Committee, we have tried to engage the Cabinet Secretary (CS). Sometimes, we not only invite him to answer questions, but we also need an inquiry where we can interrogate seriously an issue that has been brought before a committee and engage Kenyans, so that they can bring in their views. Sometimes, you ask a question and the CS answers and it is left at that. What the Leader of the Majority Party has said is important. The committees should proceed with their work. That is the essence of the committees.

The most important point in the Motion is the fourth one on the Constitution of Kenya (Amendment) Bill, 2020, which is promoted by the Building Bridges Initiative (BBI). It has given us a direction. A lot has been invested in the BBI. We did not leave the Bill in abeyance. I want to thank you for your wise decision when the Chairman of the Departmental Committee on Justice and Legal Affairs rose last week seeking for an extension of some days, but you gave a direction which should be followed. We cannot invest so much in the BBI and then leave it like that to die because of some issues.

I thank you, Hon. Speaker for your wise decisions in this House. We will pray for you, so that God continues to give you good health and better decisions.

Hon. Speaker: Hon. Mbarire.

Hon. (Ms.) Cecily Mbarire (Nominated, JP): Thank you, Hon. Speaker. I wish to weigh in on the debate which is before the House. First, I want to thank you for the wise counsel and direction that you provided to this august House this afternoon, to ensure that we see things in the best way and that we do what is in the best interest of both this House and the nation.

I want to appreciate that we are going through the worst pandemic in the history of this nation and the world at large. Therefore, there is need for us to take extraordinary measures in order to deal with this extraordinary challenge that we face. I want to put my energies more in the impact that this pandemic has had on the economy and the people of this country. Many Members have spoken. Many of them have weighed in on the issues that I may raise. I want to add my voice to them because it is the most important conversation this afternoon.

Real Kenyans have lost real jobs. Even if we shut down this House and say that we will not even have any committee meetings, we are lucky in one aspect. We will still get a salary at the end of the month, even if there is total lockdown like the one we had in March, last year. There

are people who the word “lockdown” means the end of their livelihood. These are the people in the service industry, transport industry, taxi drivers, *matatu* drivers, conductors, waiters and waitresses of restaurants and small kiosks that feed many Kenyans in the slums and villages who depend on a day-to-day earning. They are in tears today because they have nothing to turn back to. The challenge for us that sits in this House today is to ask ourselves what is our responsibility as the august House in the budget-making process.

Hon. Speaker, I pray that we will be able to come back and transact business in May. When we come back, before we pass the Kshs14 billion for the Building Bridges Initiative, we should remember the people who have lost their jobs and who we need to cushion. How many of us will put those people first before BBI? I know we want to be politically correct by supporting what is fashionable right now – the BBI Constitutional Amendment Bill – but how does that help the common *mwananchi* who has lost his job? I want to challenge us that even if we were to pass the Kshs14 billion, we must put the interest of those Kenyans who have lost their jobs before that of the BBI. For me, that is more important than anything else.

I will be ready to come back for a Special Sitting on a budget to cushion jobless Kenyans and small businesspeople who have lost their jobs and their businesses because of COVID-19. I will be willing to come and pass a budget that is telling us that we will be able to procure 10 million vaccines. For me, that is more important than the BBI right now. I hope that, as we are seated here, we can begin to ask hard questions. You have been vaccinated. Your wife has been vaccinated. The same has happened to your children but millions of Kenyans cannot access the free vaccine.

With those remarks, I beg to support.

Hon. Speaker: Member for Kitui Central.

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Speaker.

Hon. Speaker: I will revisit the issue raised by the Member for Mwea after Hon. (Dr.) Makali.

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Speaker. Let me join my colleagues in supporting this Motion. The Motion has a lot of provisions and for me, the provision to have committees sitting is of much interest to me.

During this time when we are going to be away from the plenary, there is the issue of the annual estimates being submitted to this House. With the provision for committee sittings, once the Budget is submitted to this House, it will be forwarded to the Departmental Committee on Budget and Appropriations to start discussing it. I hear hon. Members talk about making provisions to cushion Kenyans. While I agree with my colleagues, the issue of BBI is also important. It is important for Members to note that if they pass the BBI Bill, we will have more resources going to the counties. Therefore, more resources will be shared at the grassroots level.

(Applause)

So, we need to do a thorough financial analysis of the BBI.

(Hon. John Kiarie interjected)

Hon. Speaker: Member for Dagoretti, please, we are not in a public rally.

Hon. Makali Mulu (Kitui Central, WDM-K): Hon. Speaker, at times, people just want to talk politics. I think it is important that you take your time and analyse the financial implications

of passing BBI before you start shouting. I think some of us are experts in that area. We can give you tutorials on that matter, if you so wish.

Hon. Speaker, I want to explain why we will always talk about lockdowns in Kenya. About two weeks ago, you permitted us to go to Dubai. I want Hon. Members to listen carefully. In that country, because they rely on tourism, they do not lockdown their country. What are they doing? They are ensuring that everyone in that country is tested and masked. If you do not wear a face mask, the fine is equivalent to Ksh100,000. Everyone in that country wears a mask. We are getting a 26 per cent positivity rate because Kenyans have already dropped their guard. The protocols are very clear but we do not adhere to them. When things get bad, we start complaining. It is time Kenyans, led by the leaders in this House, adhered strictly to the health protocols. If we do that, Hon. Speaker, we will be able to come to the other debate.

Hon. Speaker, I do not know that Hon. Members are exceptional. However, what I have realised - and I lost a colleague to COVID-19 and buried him last weekend - is that many COVID-19 positive Kenyans do not declare their status. They just keep quiet till they are out of it and then declare that they had been positive. Because of that, they spread the disease to other Kenyans who are not positive. As Kenyans, we need to be honest with ourselves so that when we say we adhere to the protocols, we do that. When Members are sick, they should declare they are sick and isolate themselves as other Members continue with business. However, when some of us get sick and want to come to Parliament, they spread the sickness by not declaring their status.

For me, it is important that in these three weeks that we will disappear from the plenary when we come back, we strictly adhere to the protocols. If we do that, we will help this country. But since the budgets are coming, I would like to tell Kenyans as a member of the Budget and Appropriations Committee that, one of my priorities will be to make sure that Kenyans who have been affected by this terrible disease are cushioned. I will start with the hotels. My plea would be that, if it is possible, we allow hotels to be open but close the bars for now so that we protect ...

Hon. Speaker: Now Hon. Members, let me make this announcement because I can see there is still a lot of interest in the debate on this Motion. I have a total of 24 requests. To be fair, we need to assist the Chair of the Departmental Committee on Education and Research to move and pass her Motion. So, those contributing, do not do so and walk away. When you do so, who will participate in the other one? Can we agree that we reduce speaking time?

(Loud consultations)

Hon. Members: Put the Question.

An Hon. Member: Three minutes.

Hon. Speaker: Do I call upon the Mover to reply?

Hon. Members: Yes!

Hon. Members: No!

An Hon. Member: Three minutes!

Hon. Speaker: Hon. Members, let me hear two more, then I will test. Member for North Horr. Is your card not working? Do you not have a card or you are not ready for this?

Hon. Chachu Ganya (North Horr, FAP): I am, Hon. Speaker. It is just that my card is not working.

I want to join my colleagues in appreciating the Motion. We are undergoing very challenging times. As leaders of this nation, we have a duty to ensure that we assist in all ways we can for our nation to overcome this serious pandemic. Hon. Speaker, I also want to join my

colleagues in appreciating both you and the Leader of the Majority Party for the guidance you have provided to this House today. As a ranking Member of the House, I know the powers and role of the House in this nation. Most of us felt that we were being dictated to by the Executive on how to conduct our business. However, under your leadership and that of the Leader of the Majority Party, you made it very clear that we work and complement other arms of Government. But like the Judiciary, we are independent. In particular, under this Constitution, our Calendar is determined by this House.

We also have a duty of ensuring that we transact our business. We have a role to play as the Parliament of this nation. It is critical that our committees continue to transact their business in a cautious manner to ensure that we do not spread the disease. For instance, we should have virtual meetings like it is being done in Europe, specifically in the United Kingdom (UK). Some countries even have virtual Chamber sessions. For example, in the UK, you will find that only the Prime Minister and a few Ministers are in the Chamber. The Members of that House conduct their business from wherever they are in the country. While we will not be able to do so for many reasons, particularly, in terms of technology, as for committees, it is important that we continue to transact our business virtually.

I agree with most of my colleagues in terms of the call for cushioning Kenyans. Kenyans are suffering. Even in advanced democracies like the United States of America (USA), UK and Germany, their governments come in to cushion their citizens. For instance, in the USA, every citizen gets a pay cheque, and they even consider the number of children their citizens have because they know the challenges they are facing. We do not have such luxuries in Kenya because of our economy. We can, in our case, also do an overall cushioning to ensure that the most vulnerable members of our nation are assisted by the State. This is because, for some of them, it is about life and death since they have lost their livelihoods.

As a nation, it is critical to ensure that our citizens are healthy and are able to get through this pandemic. Vaccination for every Kenyan is imperative. We have to do whatever it takes to raise enough resources for COVID-19 vaccines, even if it means stopping these big infrastructure projects that are going on all over the country. We should stall these projects and channel the resources allocated to them into acquiring enough vaccines to ensure that each and every Kenyan who is willing to be vaccinated is given an opportunity to get vaccinated. We can later come back to those projects when we are healthy and at peace.

As I conclude, I appreciate your guidance not just to this House, but also to the nation in terms of the constitutional mandate of the Parliament of Kenya as per our current Constitution.

Thank you.

Hon. Speaker: Member for Soy.

Hon. Caleb Kositany (Soy, JP): Thank you, Hon. Speaker, for giving me this opportunity. Indeed, it is a very weighty matter and you can see the interest that Members have developed over this. I am also one of the Members who was very concerned when I heard the President giving directives to suspend Parliament, and I am happy that you have given a direction on that. However, what has shocked me is that you gave a piece of advice and it seems like your advice was ignored. I pray that those who ignored your advice now know that this Parliament cannot be directed by anybody, but only by itself on how it does its business.

When we continue having these lockdowns, it is now time that we, Members of Parliament, need to start thinking of a legislation on lockdown so that we have clear procedures on what entails a lockdown as well as its period. That is because, right now, we have an indefinite lockdown. It was said: “Until further notice.” What does “further notice” mean? We need to have a law that

regulates lockdowns so that we also do not have lockdowns directives where, for example, Kenyans are given only three hours to leave Mombasa and go back to Busia or to leave Malindi to go back to Eldoret or other places where they would feel comfortable during the lockdown. I also pray that as we have suspended business in Parliament, then there should also be no demolitions like we saw during the last lockdown where some demolitions continued and Kenyans were left homeless.

As I conclude, part of the lockdown regulations was that we stop all sporting activities. We have been told that a person who exercises is more likely to build better immunity to fight COVID-19. We would like to recommend that the Ministry reopens those sports where there is no much physical contact, like athletics. They have continued to play football in the UK even though there is a massive lockdown and rise in coronavirus cases. We really need to have regulations so that those sporting activities can continue and Kenyans can enjoy their way of life as they observe the COVID protocols.

Thank you, Hon. Speaker. I support.

Hon. Speaker: Member for Masinga.

Hon. Joshua Mwalyo (Masinga, WDM-K): Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, I know those who have been here for the last five hours and 40 minutes.

Hon. Joshua Mwalyo (Masinga, WDM-K): Thank you, Hon. Speaker, for giving me the opportunity to air my views. I want to support the Motion. I want to join my colleagues in stating that it is the right time for us to proceed on recess and carry out some projects. I am a member of the NG-CDF Committee and I want to confirm that the CS has disbursed some funds that will enable us do some work while on recess. We want to ask the CS to continue in the same trend to keep the promise of disbursing Kshs2 billion in a week so that our projects can still go on while we are on recess.

I want to ask the Inspector-General of Police to regulate his officers because they have taken this directive seriously and are not considerate. They are arresting young people in the rural areas, even those who go out to buy takeaway tea. Those young people cannot even pay a fine. They should be conscious and help those who are helpless.

The rich should emulate the Devki Manufacturing Company in Athi River. It promised to provide all the hospitals with oxygen. The rich people in businesses who have made money should also borrow a leaf and help the poor. We should also share with our neighbours who do not have anything, especially during this time.

Hon. Speaker, the directive that was issued by the President allowed funerals and weddings to have an attendance of 50 people and I want to request that they also allow churches to assemble 50 people, so that they can pray for the country as they also encourage their depressed congregants. I hope the President will consider consulting religious leaders to come up with a formula to help churches in those five counties.

With those few remarks, I support.

Hon. Speaker: I want to inform the House that every arm had a request extended to them, including the religious community and, therefore, since they were represented, they all agreed to do that and will share their feedback which will be incorporated.

On the Judiciary, and as Hon. Gikaria was alluding earlier on, even if the people are arrested and found to have flouted the regulations, it was encouraged - and not directed - that they consider extra mural penal employment whereby, if Hon. Sankok is arrested and is found guilty, he is sentenced to sweeping the streets.

Let us have the Member for Emurua Dikirr.

(Hon. Alois Lentoimaga consulted loudly)

Hon. Lentoimaga, you must learn to do one thing. The only reason why he is called before you is because his card is before yours. So, do not yawn! You are not too far away.

Hon. Johana Ng'eno (Emurua Dikirr, KANU): Thank you, Hon. Speaker for giving me this opportunity to air my views on this particular issue, which is threatening the lives and opportunities in our country. Today, we have agreed that we will recess for one month and come back. I am not against the idea given that we also need to look at the arrangement that the country has placed before us. We also need to agree that of importance in all this is the rearrangement of our sittings. This House, as you have ruled, is in the same position as the other two arms of the Government; namely, the Executive and the Judiciary. The three arms govern this country and none of them can run this country without the other. The Executive cannot run the country without Parliament. Parliament cannot run the country without the Judiciary. The Judiciary cannot run the country alone, just like the other two arms cannot. So, we have to formulate a way that will allow this House to be sitting so that we can oversee matters that are happening in this country. As we go on recess for 30 days, we need to ask ourselves several questions. How have we handled the pandemic as a House? We need to have learnt lessons from previous months since we had this pandemic with us. How, as a House, have we handled the pandemic? Have we left it just for the Executive and the Ministry of Health? We also need to ask ourselves how we have committed funds towards fighting the pandemic. The question of committing funds is not only left to this House. We also have the responsibility of overseeing the use of those funds.

We have had so many scandals in this country since the pandemic came. How, as a House, have we handled those scandals? We also need to ask how we have overseen the funds that have been allocated. Have we become a party to the scandals that we have had? We heard about the COVID-19 millionaires. How have the Members of the Departmental Committee on Health handled that matter or have they become part and parcel of the scandal? How have we assisted the citizens of this country who have been affected by COVID-19? Those people who have lost their jobs, how has the House sat and looked at that issue? How has the House sat and looked at the people who have lost their businesses? These are the questions that we must ask ourselves as Members of Parliament even as we go on recess.

We must also ask ourselves what measures we have put in place to protect our citizens from harassment by the police. Police officers have taken advantage of the situation. Every hour even before 8.00 p.m., they roam everywhere in the country arresting young people and businesspeople who are rushing to their homes. There are so many security officers who are taking advantage of this pandemic to harass citizens. It is our responsibility as Members of this House to ensure that our citizens are protected.

We need to ask what measures we have put in place to ensure that there is order, especially as regards vaccination. We are only talking about the vaccines. It is like only members of a certain class are being vaccinated. We are not seeing vaccination taking place in the villages. There is no sensitisation on vaccination in the villages. Like somebody has said, we need to have priorities. We do not need big roads. We do not need big projects right now. We need to divert all those monies to purchase vaccines so that our people can be protected. That way, when we come back, we will be assured that almost three-quarters of the Kenyan population has been vaccinated.

Thank you.

Hon. Speaker: Member for Buuri.

Hon. Mugambi Rindikiri (Buuri, JP): I thank you, Hon. Speaker. I stand to support the Motion. Before I do that, I want to congratulate you for the wise decision that you have made. I declare all men from the East, including myself, wise!

(Applause)

Hon. Speaker, when things become difficult, the wisest people make decisions even if it hurts many people.

In as much as I support this Motion for Adjournment, I have a problem with the presidential directive because it is indefinite. It does not give Kenyans any hope. It was left open-ended. We do not know how long it is going to take and where else it is going to affect. As we speak, many Kenyans are suffering and more so, within those five counties. It is not only affecting five counties, but also others that trade with them. This lockdown, therefore, is affecting the entire country. Those of us who come from counties which are not affected are not happy because we are not able to trade with them.

Hon. Speaker, there is need for the Executive to be sensitive to those small companies, farmers and traders who are depending on their businesses for their livelihoods. When you lock down everything from 8.00 p.m. to 4.00 a.m., what are you telling Kenyans? You are insensitive to their needs. On the other side of the coin, if you declare a lockdown, give solutions on how those Kenyans are going to survive.

Somebody said BBI is not a priority. To me, it is never going to be a priority. It will never be a priority to us. For the ones who want to support it politically, it is okay. We need money for vaccine and testing. I am of the view that the high positivity rate is because after the second wave, the Government stopped testing Kenyans. Now, we are caught up in the third wave. The statistics we are now seeing are the cumulative effect of the failure of the Ministry to test Kenyans.

It is like the vaccine is being controlled from certain quarters. Let it be open and distributed to all corners. Kenyans are willing to take the vaccine. The Government cannot earn trust from its people if it fails to do so. I hope our Deputy President who has been tested and vaccinated today will encourage many people to go and follow his example.

I support.

Hon. Speaker: Member for Lari Constituency, the Floor is yours.

Hon. Jonah Mwangi (Lari, JP): Thank you, Hon. Speaker for giving me a chance to contribute to this Motion.

I first want to congratulate you for the good intervention that you have made. No wonder, the people of the East – the Nchuri Ncheke - appointed you as their kingpin. Even us, the people from Kiama from Mt. Kenya West are still in the process. Sooner or later, we will appoint you to continue standing for us and making sure that our star is shining on Mt. Kenya. Thank you, Hon. Speaker.

The Leader of the Majority Party today, has found some harmony in the House. I have heard him being congratulated by many people. I ask him to continue taking that path of finding harmony and making sure everybody in the House is satisfied with his sentiments and contributions.

I now come to the issue of COVID-19. I start with the issue of the vaccine. I am thinking that this Government, as much as we have now one million doses of the vaccine, if India could donate to us 100,000, the Ministry of Health should mobilise their fundraising to go to richer

countries like Germany. I can even offer myself to go to Germany and fundraise for them. I am sure I will come back with another 200,000 doses of vaccine to Kenya for free. Therefore, the Ministry of Health should try and work harder. I saw the Ministry lining up the United States Agency for International Development (USAID) to talk about tuberculosis while we are in COVID-19 time. The Ministry was talking about how the USA is donating a lot of money for tuberculosis and all that. I am thinking that our priority today is COVID-19 and the Ministry should mobilise their team. We need a team to go to Dubai to private institutions, another team to Germany and another team to Russia so as to look for funds. Being a Third World country, it will take a very short time to see 50 million doses of vaccine here in Kenya for free. We will be able to vaccinate almost the whole population once we have vaccines donated by the rich institutions of the world. I am sure that can happen in the next three or four months.

On the other issue about the President's directive, I am happy for our President and the way he acted because we do not want to be referred to as one of the countries that ignored science and suffered because it ignored science. I am also happy that he did not put a timeline so that he can change some few things here and there. I am asking the Ministry of Interior and Coordination of National Government to push the population to adhere to the Ministry of Health guidelines. We need to see everybody in a mask. We need to see burials attended by few people. Like now, I am happy because chiefs are making sure that burials in Lari Constituency are not attended by more than 50 people. We do not want to see burials having 200 people or having people preaching for three hours or politicians speaking for four hours. I will be happy if chiefs and the administration can maintain those guidelines. Those gatherings are avenues through which Kenyans contract COVID-19. The President did not put a timeline for lockdown and so we are affected as counties. Kiambu is affected. I hope those roadblocks sooner or later will ease passage of people. People travelling in *matatus* should have their masks on and public service vehicles should follow the health guidelines. I hope sooner or later - so that we do not suffer so much economically – the lockdown will be eased. The Government should make sure that police and members of the public follow the guidelines. Installation of CCTV cameras would deter people from committing crimes.

As I finish, police should come out before the 8.00 O'clock curfew time, so that people can see their presence and go home. This will be better than going around arresting people who then contract COVID-19 in the cells of Kamukunji and all the other places.

With those few remarks, I again support the Motion and thank you Hon. Speaker.

Hon. Speaker: Member for Samburu North.

Hon. Alois Lentoimaga (Samburu North, JP): Thank you, Hon. Speaker. I thank you for giving me this opportunity and the advice and direction that you gave us during the beginning of this debate. I also want to congratulate the President for being very firm, indeed, because he has always been firm during this pandemic. So that I do not take so much time, this vaccine needs to be rolled out throughout the country. They have said that they can only vaccinate 500,000 people. I think the Government needs to avail funds so that they can get vaccines for everybody. I got vaccinated and there is still a lot of fear among Kenyans. They are very wary about the effect of this vaccine, but some of us decided to have it because we know we are protecting ourselves. At the moment, we are covering frontline workers and 58 year olds, a category which I fall under. What about the rest of the Kenyans? I think some money needs to be made available so that we can vaccinate all Kenyans.

On the issue of restaurants and hospitality, just as my colleagues have said, those people are really suffering. My recommendation is that stimulus funds should be made available so that we can secure the livelihoods of those who have lost their jobs because of the closure of eateries.

Hon. Speaker, Kenya is a God-fearing and religious country. This is the second time in two years that we have not prayed during a critical time in the history of religion in Kenya. Last year, we went to lockdown at the eve of Easter. This time again, we have gone to lockdown at the eve of Easter. The day before yesterday was Palm Sunday and we could not attend churches. We could not worship. I think we all depend on God when we want to do anything in this country. We need to worship. We need to be counselled by our religious leaders. So, something needs to be done about worshipping. In as much as you had said that they are consulting, they are really facing a problem. In the churches, the clergy are suffering because of shortage of money. During worship, they depend on some stimulus or some money from worshippers. Now there is nothing and even catechists and priests cannot get food, leave alone fuel for their cars. So, some stimulus needs to be extended to religious leaders and also to ensure that we restore the order of 100 people per worship session so that we continue to be a religious and a God-fearing country.

I thank you, Hon. Speaker and I support

Hon speaker: Hon. (Prof.) Oduol.

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): Thank you, Hon. Speaker, for giving me the opportunity to contribute to this Motion.

In view of time, I would like to just emphasis on two issues. First, I thank you because you already referred to it. It is a challenge that those who are the representatives of the people and who also would be the ones performing oversight on Government, are in a way indicating that we have already been vaccinated. I was vaccinated today. I must say that part of the reason why it took me long is that I had a lot of difficulty understanding how I could, as a representative, be talking about vaccination as the way that we would want to work and yet, I do not see how we are keeping the Government in check to come up with a framework that will ensure that, if we do not have the vaccination here, we know a timeline.

Hon. Speaker, I truly want to thank you for your guidance. I also want to thank the Leader of the Majority Party. My concern though is that, as the committees go to work, I am a bit challenged because I know that all the issues that the Members are raising, it would have been a lot more reassuring if we knew that the Departmental Committee on Health would address the issue of vaccination.

On the same vein, we know that Sputnik, which at the moment a number of people in their desperation are resulting to get commercially has, from the Ministry of Health, been indicated not to have received authorisation. This is because it is indicated that their request for emergency market operations was not approved.

Therefore, as I support this Motion, I do so with a very heavy heart because my understanding is that the first concern that we need to have, as representatives of the people would have been, as we take the break, we should have a clear idea that, at the moment, this is the kind of vaccine we have. We need to help Kenyans develop confidence by reassuring them on whatever issues that led to loss of trust between them and those who are charged with operating issues. This will be based on seeing that what happened at the Kenya Medical Supplies Authority (KEMSA) is addressed.

As I support, I want to conclude by saying that Kenyans have a lot of capacity. In my county of Siaya, as a result of public-private partnership (PPP), we have a plant producing oxygen. This is a critical drug, not just with regard to how we deal with COVID-19, but also with pneumonia in children. Therefore, I feel as Hon. Members we need to ensure we push the Government and our scientists to engage. Also, we will spend time in committees getting reports and communicating effectively with the people.

As I conclude, I want to say that domestic violence, teenage pregnancies and intoxicated youth will be facing us. I would like to see us get solutions and not only be based on lamentations.

Thank you, Hon. Speaker. I support.

Hon. Speaker: Member for Gatanga.

Hon. Joseph Nduati (Gatanga, JP): Thank you very much, Hon. Speaker, for giving me a chance to make my contribution. Before I make my comments, I want to thank you for your leadership in this House. I have been here for quite long and have seen you truly deserve that post.

I also want to thank the President for the measures he has taken to protect this country. Although some of us are complaining, if you look at what is happening in this country and compare with Europe, you will see we are performing much better than them and the Americans. We have not reached the numbers we were worried about. If Kenyans had followed the directives of the President, we would not have reached the rate of 26 per cent. Therefore, I want to urge Kenyans to wear masks.

Hon. Speaker, it is good you were with the religious leaders during that meeting. Christians need to be advised because I was in church last Sunday and churches are still full. Social distance is not there and this is a matter that we need to consider. As Parliament, when we come back, we need to come up with clear plans. This is because even the one-third space we have been talking about has never been defined. When you talk about one-third, what is it? We need to put this clearly. If the space is 50 square meters, we should provide the accurate number. If it is 100 square meters, we need to be exact. So, if a church leader flouts the regulations we will have put in place, they can be held to account.

It is good you have said that committees will continue meeting, but there is a challenge I am seeing. As Parliament, we have never defined the number of people who can attend the committee meetings. I am a member of the Public Accounts Committee (PAC) and we have been seeing very many guests. Maybe, you need to provide clear guidelines. For any committee, how many visitors plus clerks will be allowed?

Again, although I support the lockdown, it has really affected the people of Gatanga. As mentioned by the President, the disease zones are Kiambu and Nairobi, which are close to Murang'a and the barrier has been placed in Murang'a. People from Gatanga who work in Thika Town cannot go there to trade. Gatanga is also on the other side of the road next to Blue Post, Kakuzi and Ithanga where some of our people farm. Our farmers cannot get to Ithanga and Nanga since this is not yet clearly defined. As we do lockdown, it is good to run it in a systematic way because those towns are interrelated. Kiambu is related to Murang'a, Nairobi and Nakuru. We need to do it in a way that we are not going to affect our businessmen.

Hon. Speaker, Gatanga is known. Our number one cash crop is music. You know the greatest musicians in what used to be known as "Central Province" come from Gatanga. Hon. Speaker, I know you enjoy music from our county and one of these days we are going to make you an elder. As the *Njuri Ncheke* made you an elder, we are also going to participate in that development. We are also going to sing for you a song which you can use to market yourself. Our great musicians like Peter Kigia and DK have nowhere they can showcase their talents. They continue to suffer because they cannot perform. We have closed all bars. As we come back, we also need to think about the entertainment industry. It is a very big industry in this country. We have *Ohangla*, DK and *Firirinda*. I am going to invite Hon. Sankok for *munyonyo* one of these days.

With those few remarks, I support the Motion for Adjournment.

Hon. Speaker: Member for Seme.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you Hon. Speaker, for giving me this chance. I just want to talk about the vaccine. I think what we need is a widened programme for the vaccine. As of now, it is restricted and although we have the criteria, people actually do not know exactly where they can go and get it.

Secondly, we need a single policy and programme for the vaccine. I think it will be confusing if we have more than one vaccine, particularly if we are paying for one that is being run through the public sector. It will bring serious confusion. So, I think we must be ready as Parliament to actually provide more funds so that we can have more doses of the vaccine and ensure that it is spread across the country. We managed to do this with HIV. So, impress upon ourselves to do the same for the Coronavirus pandemic. If we get it right, the problem of lockdowns will actually be solved. That is all I wanted to say. Let us come up with proper policy on a single type of vaccine that will be well-directed and spread across the whole country.

Hon. Speaker: Hon. Majimbo Kalasinga, Member for Kabuchai.

Hon. Majimbo Kalasinga (Kabuchai, FORD-K): Thank you, Hon. Speaker, for allowing me to take part in this very important Motion. First, I join my friends to thank you in making very wise decisions today. This is because at first, I thought we, as Parliament, are just a rubber-stamp. From the way you have taken the direction, we respect you. As they want to make you a leader in different communities, also I believe we can make you a Luhya elder.

Having said so, I also want to make a few comments. First, the police should not take advantage and rip-off our people. It is painful to note that the poverty index out there is so high that you can, for real, find a citizen particularly our old women, without masks. It is not because they do not want to put on masks, it is because of the poverty that is out there. It is very bad for police officers to capitalise on the prevailing poverty conditions to arrest people and demand Kshs3,000 from each person. That is painful. We must make stringent rules for police officers to know that we are in an extraordinary situation which they must not use to their own advantage.

Two, my simple observation is that some people have feared to be vaccinated. Some people fear injections. If it was ingestible, we could give it to some old women. Some women have stayed for long without receiving injections. So, when we talk of injections, we are putting them off. I am sorry to say that some Members of Parliament have not gone for the vaccine. I have taken it.

It pains me as a Member of Parliament to see how people are suffering down there without support during these hard times, when one can just pass by the doorway of KEMSA and carry billions away. It pains me when we are dealing with Kenyans who are responsible for some institutions. They must be responsible and share this as a problem together, not to use it as a rip-off to gain money. If we had powers, we would have a corridor where one of them would be slaughtered and hanged so that when we want to interview people from KEMSA, they would pass through that corridor and see that hanged head before they come here to answer questions.

Finally, Hon. Speaker, now that we have adjourned and I am not in any committee, what will I tell the people of Kabuchai? Will I go and sit with them or will I have time to sit in any of the committees? I take this to your feet. Protect the people of Kabuchai. They will not be happy to see me home. They will think you have chased me from this House when my friends are suffering. I will proceed to learn since I am on the course to learn.

I thank you for giving me this time.

Hon. Speaker: Hon. Majimbo Kalasinga, in fairness because you have spoken out for yourself, I will direct without even having to wait that for the period of the recess, you be put in the Committee where the late Hon. James Mukwe was sitting and that your membership thereto

be approved *post-facto* when the House resumes. It is only fair. There are some other arrangements that need to be addressed.

(Applause)

Hon. Members, I have tried as much as possible to make sure that everybody has had a say.

Hon. Members: Put the Question.

Hon. Speaker: Hon. Members, I think now I should put the Question as to whether the Mover should be called upon to reply.

Hon. Members: Yes.

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

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Speaker, for giving me this opportunity to reply. I thank Members not just for their contributions. Indeed, when we are in most of these Procedural Motions, you do not expect the detail and the depth of discussion that we have had this afternoon. I wish we could, when we come back, get to engage deeper on this matter of COVID-19. Several suggestions have come and, hence, they can then be put within a framework of a structured Motion that then gets actioned on. Nevertheless, the matter is on *Hansard* and those who need to hear, we will also be communicating some of those suggestions that have come on matters to do with the treatment of COVID-19, the post-covid recoveries, what happens with the vaccines and the issues that have been raised in terms of easing the restrictions on movements.

I heard Hon. Jonah Mwangi, especially on that small section within Kimende, just because Nyandarua County is outside the red zone. There is a four-kilometre stretch, if you are travelling to Naivasha from Nairobi, which is detour contiguous. The road passes through a four-kilometre stretch in Nyandarua from Soko Mjinga onwards, but there is a roadblock. So, you are then forced to use the Mai Mahiu Road which is congested. Those are some of the things that I am glad Members have brought out and the Gatanga issue at Thika, so that those administrative hitches can then be addressed.

I thank Members for that and for staying on. I ask that we just stay put for another five minutes or so, so that we can dispose of the Motion that we started and left half-way because we needed to pass this Motion before we could have a date to tag on to the next Motion. We can then get home in peace and enjoy our break.

With those remarks, I beg to reply.

(Question put and agreed to)

Hon. Speaker: Next Order.

EXTENSION OF TIME FOR CONSIDERATION OF NOMINEE FOR
APPOINTMENT AS PRINCIPAL SECRETARY

Hon. (Ms.) Florence Mutua (Busia CWR, ODM): Hon. Speaker, I beg to move the following Motion:

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THAT, pursuant to the provisions of Section 13 of the Public Appointments (Parliamentary Approval) Act, 2011 relating to extension of period for consideration of nominees for appointment to a public office, this House resolves to extend the period for consideration of the nominee submitted by His Excellency the President for appointment as Principal Secretary for the State Department for Implementation of Curriculum Reforms by a period of 14 days from 21st April 2021.

I will take the House through the reasons why we need this extension.

Hon. Speaker, today, you and the Leader of the Majority Party have upheld the honour of this House. You have demonstrated that not only do you read our minds, but are also patient and very wise. You and the Leader of the Majority Party have done us well.

Thank you so much for guiding the House to ensure that this Motion was not dropped. The extension makes more sense now when the House has resolved to go on recess. The Motion is more appreciated now that the House has already taken that vote. When this Motion came before on the Order Paper, it put me in a very awkward position. I appreciate you for guiding us on that.

Based on the communication received, the Departmental Committee on Education and Research is to undertake the vetting of a nominee in a new State Department under the Ministry of Education to be called the State Department for Implementation of Curriculum Reforms. This department is very key because it will ensure that the Competency-Based Curriculum (CBC) is well-rolled out.

The Committee is to hold the pre-vetting briefing tomorrow. It will do the actual vetting on Thursday. Therefore, 21st April is the last day, as per the Public Appointments (Parliamentary Approval) Act, for the Committee to submit and table the report. That is why the Departmental Committee on Education and Research is requesting for the extension of 14 days.

I beg to move and request Hon. Wanga, who is still around, to second.

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Hon. Speaker, I beg to second.

(Question proposed)

Hon. Members: Put the Question!

Hon. Speaker: Is it the mood of the House that I put the Question?

Hon. Members: Yes!

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon. Members, as you recall, we passed a Motion earlier on that said that you would proceed until you conclude all the business appearing on the Order Paper. That has been done. Therefore, the time being 8.36 p.m., this House stands adjourned until Tuesday, 4th May 2021 at 2.30 p.m.

The House rose at 8.36 p.m.