

PARLIAMENT OF KENYA

THE NATIONAL ASSEMBLY

THE HANSARD

Thursday, 13th May 2021

The House met at 2.30 p.m.

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

PRAYERS

PETITION

HUMAN-WILDLIFE CONFLICT IN KIBWEZI EAST

Hon. Jessica Mbalu (Kibwezi East, WDM-K): Hon. Speaker, I beg to present public Petition No.18 of 2021, on behalf of my voters.

I, the undersigned, on behalf of residents of Kibwezi East Constituency, draw the attention of the House to the following:

THAT, the Fourth Schedule of the Constitution assigns the responsibility of protection of the environment and natural resources to the National Government;

THAT, residents of Masongaleni, Thange, Mtito Andei and Ivingoni-Nzambani Wards of Kibwezi East Constituency continue to experience increased cases of attacks by elephants and other wild animals resulting in loss of lives, loss of livestock and destruction of crops and property including water tanks and other means of livelihood in these areas;

THAT, numerous cases of human-wildlife conflict as well as applications for compensation of victims have been reported to the relevant authorities in vain;

THAT, most parts of Kibwezi East Constituency including schools bordering Tsavo East National Park, Tsavo West National Park and Kyulu Hills National Park remain unfenced, thus making it easier for wild animals to stray out into people's farms and areas of residence;

THAT, learning in several schools in Kibwezi East Constituency that border the aforementioned parks has been paralyzed, at times for weeks on end, due to invasion by wild animals, particularly elephants;

THAT, the Kenya Wildlife Service (KWS) wardens are evidently overwhelmed by the situation resulting in delay in responding to distress calls from residents;

THAT, efforts by residents of Kibwezi East Constituency to resolve the matter, including holding demonstrations against inaction by KWS, have been futile; and,

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

Therefore, your humble petitioners pray that the National Assembly, through the Departmental Committee on Environment and Natural Resources: -

(i) intervenes with a view to ensuring that KWS expeditiously compensates victims and affected families for loss of lives, loss of livestock, and destruction of crops and property;

(ii) recommends that KWS expeditiously erects an electric fence in all areas in which schools are located in Masongaleni, Mtito Andei, Thange and Ivingoni-Nzambani Wards of Kibwezi East Constituency bordering Tsavo East National Park, Tsavo West National Park and Kyulu Hills National Park to mitigate the conflict;

(iii) engages KWS to ensure that perimeter fences are erected along the unfenced parts of Tsavo East National park, Tsavo West National Park and Kyulu Hills National Park to ward off elephants and other wild animals that stray into human settlements;

(iv) intervenes through the relevant Ministry to facilitate KWS to increase the number of posts or camps in the area for efficient surveillance and quick response to distress calls whenever elephants stray into human settlements; and,

(v) makes any other recommendation that it deems fit in the circumstances of the Petition.

And your petitioners will ever pray.

Hon. Speaker: I will allow few limited comments. Member for Igembe Central.

Hon. Kubai Iringo (Igembe Central, JP): Thank you, Hon. Speaker, for according me this opportunity to comment on this Petition.

Several Petitions of a similar kind have been tabled in this august House but we have not seen much result. This is more so in respect of human-wildlife conflict in areas which border these national parks is perennial.

The last time we met KWS staff with my Committee, we told them to budget. They should not wait for the Exchequer to give them 100 per cent of the amount of money they want so that they can compensate the people who get injured, harmed or even killed by wildlife. Usually, they have the money under their budget but they do not give compensation priority. It is high time they looked into it and gave compensation priority when they are allocating funds to compensate people when they are hurt or wounded by wild animals.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Mwea.

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Speaker. I support the Member. I feel for her if she actually has to receive complaints from her residents about destruction by wildlife of both life and probably agricultural products. While we appreciate what we get from wildlife, especially in respect of the tourism sector, the Government needs to make more effort to control wildlife and thus reduce human-wildlife conflict.

Hon. Speaker, it is not just the elephants and these other big animals. We have conflicts even with birds. In my place in Mwea, my residents are having to spend hours and hours looking after their farms because of Quelea birds that come in numbers. Whereas I know it is possible to put the fence as suggested by Hon. Member, which I fully support, I think the Government also needs to look at a lasting solution to some of the other conflicts like the birds, which I have just mentioned. In Mwea alone we lose Kshs.250 million every season through the Quelea birds. This is something the Government should focus on and sort it out once and for all. If it is a question of benchmarking outside this country to see how they control their birds, they better do so. I am told some of these birds come from Ethiopia and I think I need to be sent there so that we can negotiate with the Government of Ethiopia on how to contain them because we are really suffering.

I support this particular Petition. Thank you, Hon. Speaker.

Hon. Speaker: Member for Makueni.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Speaker. I rise to support the Petition by Hon. Jessica Mbalu, Member of Parliament for Kibwezi East. These animals are also close to Makueni Constituency and similar damage has been occasioned. In fact, on several occasions people have been killed by elephants and even attacked by lions. Moreover, I really support the idea of a fence being put there. However, more importantly, while the Committee is considering this Petition, the Kenya Wildlife Service and any other Government department in charge of animals must now take this matter seriously. When it comes to compensation, there is a part the county government participates and unfortunately that has been very slow. Therefore, I really want to support the Petition and more importantly, we have to refine the manner in which the compensation will be handled.

I thank you, Hon. Speaker.

Hon. Speaker: Member for Taita Taveta.

Hon. (Ms.) Haika Mizighi (Taita Taveta CWR, JP): Asante Mheshimiwa Spika kwa kunipa fursa hii. Nataka kuchukua fursa hii kumshukuru Mheshimiwa Jessica. Kwa kweli, jambo hili la wanyamapori limekuwa kero kwetu sisi tukiwa pale Taita Taveta. Mbuga ile ya wanyama ya Tsavo imewapatia watu wetu changamoto kwasababu ya kuuliwa na wanyama, mashamba kuharibiwa na mifugo kuliwa na wanyama. Ni wakati kweli jambo hili liweze kuchukuliwa kwa dharura na tupate suluhisho. Maswala haya tumeyaongelea sana hapa Mheshimiwa Spika na ni wakati sasa tunataka kuona ya kwamba tumesaidika.

Asante kwa kunipa hii fursa na namuunga mkono.

Hon. Speaker: Member for Wundanyi.

Hon. Danson Mwashako (Wundanyi, WDM-K): Asante Sana Mheshimiwa Spika. Nami nataka kuunga mkono Maombi yaliyoletwa na wakaazi wa Makueni. Ni kweli Mheshimiwa Spika mwenzangu wa Taita Taveta ameongea na mimi nitasema kwa uchache sana kwamba kilichobaki sasa si mazungumzo tu. Tumeongea na KWS kwa muda mrefu. Tumeongea na Wizara kwa muda mrefu, lakini muda wote huo hatujapata nafuu ama afueni katika maswala haya. Tumeona ni watu ambao wanasema mambo ambayo hawatekelezi. Kule kwangu Wundanyi kuna sehemu inaitwa Kishushe. Wiki iliyopita shule sita zilivamiwa na ndovu, matanki ambayo tumenunua na pesa za NG-CDF yakabomolewa. Jana nilikuwa kwa Ofisi ya PS kumuliza ni vipi wanaweza angalau kufidia matanki yale maanake shule zimefunguliwa na ndio wazazi hawajaruhusu watoto wao kwenda shuleni kwa uoga wa ndovu.

Mheshimiwa Spika, Ndovu wa siku hizi ni kama kidogo nao pia wamepiga hatua ya Karne ya 21. Kwasababu gani? Kule kwangu wanakunywa maji kwa matanki kwa juu halafu maji yakipungua na mikono yao haifiki kwa maji, wanayabomoa ndiyo wayafikie hayo maji. Utakuta kwamba nina matanki karibu sita. Ijumaa iliyopita nilikuwa kule. Sasa wamefika mahali ambapo wanatoboa mabati ya nyumba ili wachungulie ndani ama waingize mikono waangalie kama kuna chakula ama chochote.

Mheshimiwa Spika, tuna tatizo na mimi naomba hivi: Tunapoangazia maswala ya wanyamapori kuvamia mashamba na mifugo na maisha ya wananchi, tusingalie sana tu ndovu ama simba. Mwenzangu amesema kwake ni ndege. Sasa kuna tatizo lingine sugu. Nilileta Swali ambalo lilijibiwa na Waziri lakini halikujibiwa mwafaka.

Mheshimiwa Spika, kuna tumbiri kwangu milimani ambao wanasumbua na huku chini ni ndovu. Sasa tunaomba tu Wizara ichukulie mambo haya kwa uzito. Mwisho, kila mara

wanasema hawana pesa za kufidia lakini wakati SGR ikijengwa, KWS ilifidiwa karibu Kshs6 bilioni. Pesa zile wao wakatumia kwa mambo yao badala ya kufidia wananchi. Kwa hivyo Mheshimiwa Spika swala hili ni la msingi na ni zito ambalo nchi hii yatakana iangazie.

Asante, Mheshimiwa Spika.

Hon. Speaker: Lakini ulianza kwa kusema utazungumza kwa uchache mno.

(Laughter)

Lakini umezungumza zaidi. Mambo ya ndovu ambao wanakunywa maji, tumbiri pia, mambo mazito haya. Member for Endebess. Nawe kwa uchache mno.

Hon. (Dr.) Robert Pukose (Endebess, JP): Asante Mheshimiwa Bwana Spika. Nataka kuunga mkono lile Ombi ambalo limetolewa na Mheshimiwa Mbalu kwa mambo ya wanyamapori. Kule Endebess tuko na Mbuga ya Mt. Elgon. Na katika hiyo mbuga unakuta kwamba wanyamapori wanakula mahindi na mimea mingine ya wakaazi wa kule. Unapata kwamba pia kuna ile inaitwa ngiri. Ngiri pia wanakula yale mahindi lakini kufidia inakuwa shida. Kwa hivyo, ningependa kamati inayohusika wanapopitisha bajeti ya Wizara ya Wanyamapori waangalie waone kwamba kuna mpango wa kuweza kufidia yale... Hii ni kwa sababu Bunge hili mwaka wa 2016 lilipitisha sheria. Katika sheria hiyo kuna fidia ya wewe ukiumia kwa mambo ya ndovu ama wanyamapori wakiharibu chakula cha wananchi. Kwa hivyo, ni vizuri waangalie katika hiyo bajeti kwamba wizara iko na pesa ambazo inaweza kufidia wakulima na wale wengine wanaoumia.

Asante Bwana Spika.

Hon. Speaker: Member for Kiminini

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Thank you Hon. Speaker. I rise to support this Petition. This is not the first time we are having this Petition on the Floor of the House. It is high time the relevant Committee took it seriously. Human-wildlife conflict has been there with us. It is not just in the parks as my friend the MP for Endebess has said. Even in the sides of Trans Nzoia we have this KWS taking care and you find the fence is destroyed. Therefore, one way of prevention is to at least ensure the fence is there before you go into other issues. This is because even for those people whose crops have been destroyed, compensation has been a problem. If they accept a liability it takes forever. Therefore, we are calling upon the relevant Committee to take this matter seriously so that we can find a lasting solution.

I thank you.

Hon. Speaker: Finally, Member for Kajiado South.

Hon. Katoo ole Metito (Kajiado South, JP): Thank you Hon. Speaker. I rise to support this Petition from my good neighbour, the Member for Kibwezi East. Kajiado South in particular borders all the national parks mentioned in the Petition and there has been very good co-existence between this side of Kajiado and Makueni counties. We are separated by these national parks and I really support the prayers in the Petition. However, we need also to understand that wildlife is a national resource and we earn a lot as a country for our Gross Domestic Product through tourism. On one side we have the agriculturalists and on the other side we have pastoralists. The wildlife lives in the community or private land because the parks' land does not have capacity to accommodate all the wild animals. So, the Government should look for a way in which we can all have a symbiotic relationship. Whereby we will benefit from the wildlife and they will also benefit from us. Like for instance, on the issue of the schools, the Government

needs to fence all of them using solar or electric fences to avoid destruction of property as said by Hon. Members.

In as much as they fence the parks, they also need to leave pathways so that pastoralists can access pasture and watering points. Also, there is a very good coexistence between the people of Kibwezi and Kajiado including access to markets like Kamboo. So, they do not need to fence everywhere so people from both sides can have access to either side. The people of Kibwezi can come to Loitokitok and those of Loitokitok can go to Kamboo market. I think this needs to be taken into consideration.

Finally, when KWS is recruiting wildlife rangers they should pay particular attention to the communities that live with the wildlife in Makueni, Kajiado and other parts of the country. They should give them priority and recruit their sons and daughters to manage the wild animals so that communities will see the benefits and agree to live with the wild animals. Since it is a Petition, I do not want to say much. I support it.

Hon. Speaker: The Petition is referred to the Departmental Committee on Environment and Natural Resources to deal with as appropriate under Standing Order No.227. Next Order!

PAPERS LAID

Hon. Speaker: The Leader of the Majority Party.

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

Legal Notice No.55 regarding the Public Finance Management (Biashara Kenya Fund) Regulations, 2021;

The Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June 2020 and the certificates therein:

- (a) National Lands Commission - Staff Car Loan Scheme Fund for the 18 months;
- (b) National Lands Commission on Staff Housing Scheme Fund for the 18 months;
- (c) State Law Office and Department of Justice;
- (d) National Council for Nomadic Education in Kenya (NACONEK);
- (e) Tom Mboya University College; and
- (f) Kenya Space Agency;

The Reports of the Judiciary in respect of the following:

- (a) The Court of Appeal Practice Directions Civil Appeals and Applications 2015;
- (b) The Court of Appeal of Kenya 2019-2020;
- (c) The Court of Appeal Strategic Plan 2020-2024;
- (d) The Court of Appeal Criminal Appeals and Application Practice Directions 2020; and
- (e) The Court of Appeal Registry Manual.

The Report of the Central Bank of Kenya in respect of the following:

Twenty Second Bi-Annual Report of the Monetary Policy Committee April 2019.

Thank you, Hon. Speaker.

Hon. Speaker: The Chairman, Select Committee on Delegated Legislation, that is, the Member for Tiaty. Has he ever known what time Parliament starts in the afternoon? In the morning he was here, the other day when he was called, he was not in and later on came loitering at around at 4.00 p.m. The Vice-Chair, there are three Reports. Let me give him.

Hon. Charles Njagagua (Mbeere North, JP): Hon. Speaker, I seek your indulgence for about five minutes then I will present the Report.

Hon. Speaker: Very well. We will go to the next Order and come back to Order No.5.

NOTICE OF MOTION

Hon. Speaker: The Chairperson, Departmental Committee on Environment and Natural Resources, Hon. Kareke Mbiuki. He is supposed to give a Notice of Motion for adoption of a Report on Sessional Paper No.1 of 2020 on the Wildlife Policy. We have just received a Petition which had a lot of useful comments from Members. Hon. Kareke Mbiuki, the Vice-Chair Hon. Sophia Abdi, Member for Ijara. Both are absent not desiring to be present, we move to the next. Again, the Chairman or Vice-Chair, Delegated Legislation was supposed to give notice for the adoption of those three Reports. We move to the next Order.

ORDINARY QUESTIONS

Hon. Speaker: The first segment is Questions and the first Question is by the Member for Mumias East, Hon. Benjamin Jomo Washiali.

Question No.131/2021

CAUSE OF INCREASE IN THE PRICE OF PETROLEUM PRODUCTS

Hon. Benjamin Washiali (Mumias East, JP): Pursuant to the provisions of Standing Order No.42A (5), I rise to ask Question No.131/2021 to the Cabinet Secretary for Petroleum and Mining.

- (i) Could the Cabinet Secretary explain the cause of the constant increase in the price of petroleum products in the country?
- (ii) Could the Cabinet Secretary provide the justification for the said increase given that petroleum products in other neighbouring countries including the landlocked ones are cheaper compared to the retail prices in Kenya?
- (iii) Could the Cabinet Secretary provide details of the actions being put in place by the Government, if any, to cushion citizens from the continued price increases of petroleum products, particularly during the COVID-19 pandemic period?

Thank you, Hon. Speaker.

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

Question No.137/2021

DELAYS IN DISBURSEMENT OF FREE SECONDARY EDUCATION FUNDS

Hon. Mark Nyamita (Uriri, ODM): Thank you, Hon. Speaker. Pursuant to Standing Order No.42A (5), I rise to ask Question No.137/2021 directed to the Cabinet Secretary for Education.

- (i) Could the Cabinet Secretary explain why there have been perennial delays in the disbursement of Free Secondary Education (FSE) Funds by the Ministry to public learning institutions in the country?
- (ii) Could the Cabinet Secretary give the timelines when the said funds will be disbursed to the various institutions to enable them run smoothly?
And give a calendar on termly basis.

Thank you, Hon. Speaker.

Hon. Speaker: I think you have added something which is not in the Question. The one on the counties is not in the Question. Nevertheless, the Question will be replied to before the Departmental Committee on Education and Research. The next Question is by the Member for Kitui County, Hon. (Dr) Irene Kasalu. The Member did write to request that the Question be deferred indefinitely. The quest was acceded to.

Question No. 166/2021

STATUS OF UPTAKE OF THE ADULT EDUCATION PROGRAMME

(Question deferred)

Hon. Speaker: The next Question is by the Member for Kwanza, Hon. Ferdinand Kevin Wanyonyi. The Member also did write to request that the Question be deferred. The request is acceded to.

Question No. 167/2021

STATUS REPORT ON RECONSTRUCTION OF KITALE AIRSTRIP

(Question deferred)

Hon. Speaker: The next Question is by the Member for Funyula, Hon. (Dr.) Ojiambo Oundo.

Question No. 168/2021

RECRUITMENT OF DIRECTOR OF FINANCE IN THE JUDICIARY

Hon. (Dr.) Wilberforce Oundo (Funyula ODM): Hon. Speaker, I rise to ask the Judicial Service Commission the following Question:

- (i) Could the Commission explain why the Judiciary has been operating without a substantive Director of Finance for the last seven (7) years?
- (ii) Could the Commission explain why the process of recruitment for the said position, which began seven (7) years ago is yet to be completed?
- (iii) Could the Commission also provide an update on the implementation status of all the Commission undertakings regarding the said recruitment, in view of the various concerns of the Departmental Committee on Justice and Legal Affairs Committee, the Budget and Appropriations Committee and the Public Accounts

Committee of the National Assembly regarding immediate filling of the said position?

Hon. Speaker: The Question will be replied to before the Departmental Committee on Justice and Legal Affairs. The last Question is by the Member for Sirisia, Hon. Maj. (Rtd) John Waluke, who has requested that the Question be asked on his behalf by Hon. Oku Kaunya.

Question No. 169/2021

MEASURES TO MITIGATE CHALLENGES FACED BY PUBLIC UNIVERSITIES

Hon. Oku Kaunya (Teso North, ANC) on behalf of **Hon. John Waluke** (Sirisia, JP): Hon. Speaker, I rise to ask the Cabinet Secretary for Education the following Question:

- (i) Could the Cabinet Secretary explain the measures being put in place to mitigate challenges faced by public universities in the country due to inadequate funding which has led to among other concerns, increased debts, failure to remit statutory dues from employees' deductions and failure to meet other financial obligations?
- (ii) Could the Cabinet Secretary also explain the continued funding of students in private universities at the expense of the existing public universities?

Hon. Speaker: The Question will be replied before the Departmental Committee on Education and Research. For the second time we go to Order No. 5 to allow the Vice-Chair of the Committee on Delegated Legislation.

Hon. Charles Njagagua (Mbeere North, JP): Hon. Speaker, in consultation with the Leader of the Majority Party and the Clerks-at-the-Table, I seek indulgence that we lay the Motions in the Evening Sitting.

Hon. Speaker: The 7.00 O'clock sitting?

Hon. Charles Njagagua (Mbeere North, JP): Yes. Thank you, Hon. Speaker.

Hon. Speaker: Including the giving of the Notice.

Hon. Charles Njagagua (Mbeere North, JP): Much obliged.

Hon. Speaker: We go to the second segment of Order No. 7 being requests for statements. We start with the Member for Malava, Hon. Injendi Malulu.

REQUESTS FOR STATEMENTS

STRINGENT REQUIREMENTS FOR INTAKE INTO TEACHERS TRAINING COLLEGES

Hon. Moses Injendi (Malava, JP): Hon. Speaker, pursuant to Standing Order No. 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Education and Research regarding requirements and selection of students for intakes to the teachers training colleges (TTC) for diploma courses in the country.

It is of great concern that applicants who wish to join teachers training colleges for diploma courses are facing a myriad of challenges in regard to mandatory requirements and in particular the minimum mean grade of C (Plain) in Kenya Certificate of Secondary Education (KCSE). Further, a score of C (Plain) on each of the following subjects, namely, English, Kiswahili, Mathematics, and any one subject in humanities and sciences required during the selection and intakes.

In addition, the applicants are required to produce evidence of adherence to positive moral values and police clearance, among others. Due to these stringent requirements, many Kenyans could not qualify for the intakes notwithstanding the Ministry having re-advertised for the Pre-Service Teacher Training College intakes for the 2021 for the Diploma in Primary Teacher Education 2021 (PDTE) and Diploma in Early Childhood Teacher Education 2021(DECTE).

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

1. Could the relevant Ministry explain whether there are any policies in place that guide and address matters regarding intakes of applicants to TTCs in the country for diploma courses considering the huge demand by so many school leavers to join and how it is operationalised, and if not, what measures are the Ministry putting in place to ensure that policies are established to address fairness and equity during TTC intakes?
2. What action is the relevant Ministry undertaking to address the disadvantaged applicants considering what the average mean scores of so many Kenyans across the country were having scored an average of KCSE mean score of C (Plain) but having one of the following subjects, namely, English, Kiswahili, Mathematics, and any one subject in humanities and sciences below the required score of C (Plain)?
3. Further, what action is the relevant Ministry undertaking to address the disadvantaged applicants who scored below the average mean grade of C (Plain) but having one or even more of the following subjects, namely, English, Kiswahili, Mathematics, and any one subject in humanities and sciences above the required score of C (Plain)?

Thank you, Hon. Speaker.

Hon. Speaker: Let us have the Chairperson of the Departmental Committee on Education and Research, Hon. Florence Mutua or the Vice Chair, Hon. Ngunjiri.

Hon. Ngunjiri Wambugu (Nyeri Town, JP): We undertake to get back to the Member with a response in two weeks.

Hon. Speaker: The next request is by the Member for Ikolomani, Hon. Shinali.

MINERS WHO LOST LIVES IN IKOLOMANI CONSTITUENCY

Hon. Benard Shinali (Ikolomani, JP): Thank you, Hon. Speaker. First of all, I would like to thank you for allowing me to join my people during voting time. You gave me time and joined my people in Ikolomani. I appreciate.

Hon. Speaker, pursuant to Standing Order No. 44(2) (c), I request for a Statement from the Chairperson of the Departmental Committee on Environment and Natural Resources regarding five miners who lost lives in Bushiangala Village, Ikolomani Constituency.

Hon. Speaker, since independence, several mining shafts that were used were left active for exploitation in the Lirhanda Corridor in the Western region of the country. These mining shafts are mainly found in Lurambi, Shinyalu, Ikolomani and Khwisero constituencies. There are over 85,000 artisanal miners in the said region without access to technological capacity on mining matters forcing them to use unrefined, risk, hazardous and crude methods to extract gold.

(Hon. Jude Njomo approached the Speaker while improperly dressed)

Hon. Speaker: Serjeant-at-Arms, the Member is not properly dressed. Show him the door. You cannot come here improperly dressed and you still want to seek audience with me.

Hon. Bernard Shinali (Ikolomani, JP): This exposes them to risks and hazards leading to loss of lives and serious body injuries as witnessed recently on Thursday, 6th May 2021 where five miners lost their lives and nine were seriously injured in Bushiangala village, Ikolomani Constituency.

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

1. Could the Chairperson state whether the Government is aware of the high multitude of mining activities in the Lirhanda Corridor, attracting over 85,000 people and that artisanal mines have been collapsing resulting to deaths and permanent injuries of the miners such as the most recent incident in Bushiangala Village of Ikolomani Constituency, where five people died and nine are nursing permanent injuries in hospitals?
2. Could the Chairperson state the measures the government has put in place to ensure that artisanal miners are equipped with safety kits and necessary skills in mining such as identification of mining risks and conducting of safety checks to aid their safety?
3. Could the Chairperson state whether the Ministry of Petroleum and Mining has collected data on artisanal mining activities in Lirhanda Corridor?
4. As a remedy to unemployment in Kenya, could the Chairperson state the measures the Government has put in place to ensure access to financing by artisanal miners to aid purchase of safety equipment such as helmets, dust masks and first aid kits?
5. Could the Chairperson explain whether the Government has deployed inspectors of mines to enforce safety standards such as reduction of misuse of chemicals like mercury and its far-reaching health impacts in smelting gold?

Thank you, Hon. Speaker.

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

Hon. Speaker: Just a minute. Hon. Mbadi, is it about that Statement?

Hon. John Mbadi (Suba South, ODM): It is about a stranger. Hon. Speaker, I have tried to figure out who the Member of Parliament you referred to is, I know all our Muslim brothers. I do not know if he is a Member of Parliament who is dressed...

((Loud consultations))

Honestly, we need to confirm who this person is dressed in Muslim.... I do not think he is one of our Muslim brothers. The Member of Parliament sitting behind Hon. Chachu Ganya.

Hon. Members: Jude Njomo!

Hon. John Mbadi (Suba South, ODM): This is Njomo? I give up, Hon. Speaker.

((Laughter))

Hon. Speaker: Who is the gentleman? Can you rise in your place and explain who you are?

Hon. Jude Njomo (Kiambu, JP): Hon. Speaker, I am Jude Njomo the servant of the people of Kiambu.

Hon. Speaker: Walk out, go and dress properly. Just walk out. Serjeant-at- Arms, show him the door. Walk out and dress properly! It does not matter whose servant you are.

(Laughter)

(Hon. Jude Njomo withdrew from the Chamber)

The Chair of the Departmental Committee on Environment and Natural Resources as earlier on noted, is absent. The request will be channeled to the Committee through the Leader of the Majority Party. Next request is by Hon. John Paul Mwirigi.

CUSHIONING OF MIRAA FARMERS AFFECTED BY CLOSURE
OF MIRAA MARKET IN SOMALIA

Hon. John Paul Mwirigi (Igembe South, Independent): Hon. Speaker, pursuant to Standing Order No. 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Trade, Industry and Cooperatives regarding cushioning of *miraa* farmers following the closure of *Miraa* Market in Somalia.

Hon. Speaker, for close to two years, *miraa* farmers have faced a number of challenges among them closure of markets and COVID-19 Pandemic leading to loss of livelihoods. In addition, on Sunday, 9th May 2021, *miraa* worth Kshs 5 million was turned back at Jomo Kenyatta International Airport due to a statement that was issued by the Federal Government of Somalia that no cargo plane from Kenya should access their airspace and therefore farmers' products would not access markets, especially *miraa*. Further, on Tuesday Morning, 11th May 2021, the Government of Kenya suspended all flights to and from Somalia. It is important to note that the *miraa* that was destined for Somalia on Sunday was held up.

Hon. Speaker, it is on this background that I seek a Statement from Chairperson of the Departmental Committee on Trade, Industry and Cooperatives on the following -

1. Could the Chairperson explain why farmers could not be informed early enough on closure of the airspace by the Federal Government of Somalia?
2. Are there any plans to compensate the farmers for the lose incurred noting that students are going back to schools and this has been their parents' main source of income and general livelihoods?
3. Could the Chairperson explain the measures in place to open more market access by *miraa* farmers in the region, particularly the Horn of Africa?
4. Could the Government explain what led to the suspension of flights especially cargo flights that *miraa* farmers rely on and when are the flights expected to resume?

Thank you, Hon. Speaker.

Hon. Speaker: Either part one or part two of your question, you are asking: Why could the farmers not be informed in advance about the closure by Somalia? So, who was to inform them?

Hon. John Paul Mwirigi (Igembe South, Independent): Hon. Speaker, I understand that for any instruction issued by other governments, our Government is aware. That is why I am asking why the farmers were not informed earlier enough.

Hon. Speaker: When it is announced, that announcement is the one that is deemed to be given to everybody including the *miraa* farmers.

Hon. John Paul Mwirigi (Igembe South, Independent): Hon. Speaker, on Friday the Government of Somalia announced that they have resumed diplomatic relations with Kenya meaning that all businesses were to resume as usual. So, the farmers, on Saturday, harvested their crop but on Sunday when they transported their crop to the market, that is when they received that communication.

Hon. Speaker: Sorry to the farmers. Where is the Chair of the Departmental Committee on Trade, Industry and Cooperatives, Hon. Ali Adan? Who is the Vice Chair of the Departmental Committee on Trade, Industry and Cooperatives? Channel your request through the Office of the Majority Party for conveyance.

The next Request is by the Member for Marakwet East, Hon. Kagongo Bowen.

TRAFFIC CONTROL ALONG MOMBASA ROAD

Hon. Kagongo Bowen (Marakwet East, JP): Thank you, 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 Transport, Public Works and Housing regarding the traffic control in Nairobi City.

We appreciate the construction of the overpass from Mlolongo to Westlands. However, since the work started, the Chinese construction company has ignored the road users of Mombasa Road causing a serious inconvenience to them. The traffic congestion along Mombasa Road starts as early as 5.00 a.m., in the morning, and goes on throughout the day. This has caused adverse effects such as people missing their official reporting time to the offices, some of the employees have been dismissed from their work because of reporting late, air passengers have missed their flights, people have missed their business meeting, and it has even caused some deaths because the ambulances which carry sick people along Mombasa Road, are not able to maneuver the heavy traffic to deliver patients to the hospital on time. In addition, there are costs which are associated with traffic jam.

Hon. Speaker, it is against this background that I seek a Statement from the Chair of the Departmental Committee on Transport, Public Works and Housing on the following:

- (i) The measures put in place to ensure smooth flow of traffic in the city despite the ongoing construction and what is the role of Traffic Police Department in regard to the traffic flow;
- (ii) When will the contractors provide safe and alternate access roads in order to reduce the traffic within the said route of Mombasa Road?
- (iii) What are the plans in place by the contractor to ensure that the diversion sections of the road under construction are repaired to ease flow of traffic?

I thank you.

Hon. Speaker: Is the Chair of the Departmental Committee on Transport, Public Works and Housing in the House to deal with the issue of traffic "cham"?

(Laughter)

That is what I heard the Member to have said, Hon. David Pkosing. He also understands that one? The Vice Chair? They are also caught up in the "cham"? So, you see, Hon. Kagongo Bowen, you have introduced something chaotic. It is "chaming" everything.

(Laughter)

The request will be forwarded through the Office of the Majority Party. There is a request by the Member for Wajir East, Hon. Rashid Kassim.

Hon. Rashid Kassim (Wajir East, WDM - K): Thank you, Hon. Speaker. I wish to ask a Statement pursuant to Standing Order No. 44 (2) (c), on Israel and Palestine conflict.

I wish to request for a Statement from the Chairperson of the Departmental Committee on Defence and Foreign Relations regarding the conflict between Israel and Palestine. On June 2020, Kenya was elected as a non-permanent member of the United Nations Security Council. The Security Council has a primary responsibility, under the United Nations Charter, for the maintenance of international peace and security, and also to determine when and where the UN's peace operations should be deployed. Therefore, Kenya has an obligation to broker peace in the conflict-stricken region.

I am deeply concerned about the ongoing Israel-Palestine conflict that Israel faces a wide range of socio-economic and security challenges, some of which stem from the decades long conflict between the Israelis and the Palestinians, noting that the City of Jerusalem is a home of all religions and the ongoing conflict deters peaceful co-existence of all communities.

It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Defence and Foreign Relations on the following:

- (i) The measures taken by the Government to broker peace in the conflict stricken region;
- (ii) Request the Government to condemn the killing of over 20 persons in the holy mosque of Al Aqsa.

I thank you.

Hon. Speaker: Chair of the Departmental Committee on Defence and Foreign Relations, Hon. Katoo ole Metito.

Hon. Katoo ole Metito (Kajiado South, JP): Hon. Speaker, since you approved that request for Statement, we have no option other than to try to direct it to the relevant authorities and bring the report. We all know that this evening the House is adjourning in accordance to the House Calendar. So, once it resumes, give us two weeks we see whether we can get a satisfactory reply.

Hon. Speaker: The next request, additionally, is by the Member for Laisamis, Hon. Marselino Arbelle.

PERSONAL STATEMENT

THREAT TO PERSONAL LIFE OF HON. MARSELINO ARBELLE

Hon. Marselino Arbelle (Laisamis, JP): Thank you, Hon. Speaker. Pursuant to Standing Order No. 84, I wish to make a Personal Statement regarding the threat to my personal life.

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Hon. Speaker, during my normal constituency tour on 21st April 2021, I got information regarding murder of two innocent young men from the Rendille ethnic community who were mercilessly murdered in cold blood at a place called Mid-rock in Badasa area around Songa in Marsabit County by unknown assailants. I led my constituents in condemning the killings and appealed to the security apparatus to apprehend the culprits swiftly. However, on 24th April 2021 at around 4.00 p.m, I noticed that my vehicle and whereabouts were being trailed by two police Land Cruisers of registration Nos. GKB 554J and GKB 283T which were carrying armed police officers who were dressed in civilian clothes. The vehicles were stationed presumably at two residences belonging to Mr. Harabore and Mr. Gargulle which I frequently visit. The third vehicle which was a white Pick Up of registration No. KCG 531M patrolled the area.

The fourth Land Cruiser which was loaded with *cannabis sativa* was parked at the home of one deceased Rendille elder by the name Arigelle and was later driven back to Marsabit by the same people under unexplained circumstances. Surprisingly, the police officers claimed to be looking for a vehicle which was believed to be carrying *cannabis sativa*. It was reported to have found its way to Hulahula Village where I was. I, therefore, believe that the whole incident cannot be classified as an isolated remote occurrence but a well-planned move which is aimed at tarnishing my reputation as a leader socially and politically by merely associating me with this outlawed illicit business of hard drugs trafficking whose repercussion is hefty and unbearable as per the law. This includes a move to eliminate me through assassination by some powerful individuals within the county for political gains.

It is against this background that I appeal to the Parliamentary Service Commission, Inspector General of Police and the Independent Policing Oversight Authority (IPOA) to guarantee my protection and further implore the local security and intelligence agencies to investigate and apprehend quickly the concerned police officers who are involved in this ordeal.

I thank you, Hon. Speaker.

Hon. Speaker: That is a Personal Statement under Standing Order No. 84. The next segment is responses to Statements requests. First is the Chair of the Departmental Committee on Administration and National Security, Hon. Mwathi, who has a number of responses.

STATEMENTS

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Speaker. I have three responses. I will start with the earlier one that was requested on 18th February 2021 by the Member for Molo Constituency, Hon. Kimani Kuria, who requested to be informed on the total ban of planting of maize in parts of Nessuit, Sigotik and the larger Marioshoni wards.

He particularly requested to be informed on:

(i) Whether the ban is a Government directive through the Ministry of Interior and Coordination of National Government and what necessitated it;

(ii) Whether the ban is a sustainable approach to provide security in the pretext that criminals will not hide in the maize plantations;

(iii) The action being taken to lift the ban and implement sustainable ways of dealing with intra-ethnic clashes occasioned by long standing land disputes.

The reply is as follows:

Hon. Speaker: Before you proceed to reply, is Hon. Kimani Kuria, Member for Molo, in the House?

Hon. Members: No.

Hon. Speaker: The Member is not in the House. Table the response and proceed to the next one.

Hon. Peter Mwathi (Limuru, JP): I am well guided, Hon. Speaker. The second response is a Statement request that was placed on 15th February 2021 by the Member for Wajir East Constituency, Hon. Rashid Amin, on increased incidences of detention of residents of Wajir East Constituency.

The Member sought to be informed on:

(a) Why eight individuals have been detained for the last six months with no charges being preferred against them;

(b) The steps that the Government is taking to ensure that innocent detainees are released by the security agencies;

(c) The specific action being taken against security personnel involved in indefinite detention of innocent citizens.

Hon. Speaker, if the Member is present, I can proceed.

Hon. Speaker: He is the one who has asked about Jerusalem.

(Laughter)

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Speaker. The reply is as follows:

The Government is not aware of the detention of eight individuals by security agencies in Wajir for six months without being arraigned before court. All persons who are arrested are always taken before courts of law for formal trial, whenever it is found that there exists adequate evidence to charge them.

Similarly, the Government is not aware of any security personnel which is holding any member of the public unlawfully. Further, records held by police and other Government agencies have no reports of any complaints for people detained for more than 24 hours.

I thank you, Hon. Speaker. That is the reply.

Hon. Speaker: Hon. Amin.

Hon. Rashid Kassim (Wajir East, WDM-K): I am indeed perturbed by the remarks and Statement which has been given by the newly appointed Chair of the Departmental Committee on Administration and National security.

(Loud consultations)

Hon. Member: He was elected but not appointed.

Hon. Rashid Kassim (Wajir East, WDM-K): He was transferred from the Departmental Committee on Labour and Social Welfare.

An Hon. Member: He was appointed.

Hon. Rashid Kassim (Wajir East, WDM-K): I am disappointed by the remarks. I gave a Statement and requested for a Petition in this regard four months ago.

Hon. Speaker: Did you request for a Petition?

Hon. Rashid Kassim (Wajir East, WDM-K): Yes.

Hon. Speaker: Is it a Petition?

Hon. Rashid Kassim (Wajir East, WDM-K): No. I requested for a Statement on this matter. I remember vividly that I said on the Floor of this House that our late brother, Hon. Koinange, followed this matter vehemently and gave me a brief routinely on the number of interactions and movement he had done, in terms of his engagement with the security personnel and the Office of the President on the arbitrary arrests.

These arrests are abuse and affront to human rights. I know it very well that Hon. Koinange followed the arrests keenly. One person out of the eight was released in Garissa. The Government acknowledged the same. Therefore, the information that our Chairman has given us is contrary to the one that the general public and I have on this matter. These people are still being held in Government institutions, particularly under special arrangements which have been done by security forces. These are agencies which arrest and detain them in military camps and Government facilities for a period which is not allowed by the Constitution. I know this very well.

Hon. Speaker: Hon. Amin, give me a minute. Because of what you have said, even if we tell the Chairman to respond, I am sure that he will not be in a position to do it. What you are saying is a breach of human rights. It is an affront to the Constitution. If anybody is being detained against their free will for a period in excess of what is allowed by the Constitution and the law, the best would be for the Chairman to undertake to invite the Cabinet Secretary or whoever is responsible for that docket, to appear before the Committee and invite you to make those Statements.

Those are the people you are likely to engage because you are alleging that they are detained in certain Government institutions. Maybe, you will be able to tell them that a particular person is detained in this place and another one in that other place. You have said that another one was released in Garissa. Now, the people responsible would be in a position to engage you because that is a serious matter. I can see the amount of anger in you, and you have a right to be angry. The Chairman has just read a Statement which came from the Ministry. This is the inadequacy of this system. You can ask the people who have experience in the former system, even though many of you now perhaps may not differentiate the advantages of that other system. Were he the Minister, he would have no option, and the Speaker would be in a position to order him to walk out with you to go and produce those people. However, as it is now, the Chairman could only read the Statement that has been given to him.

Hon. Amin, unless you just want *bonga points*.

Hon. Rashid Kassim (Wajir East, WDM-K): Hon. Speaker, I thank you for your wisdom and your intervention on this matter, and for acknowledging the seriousness that these circumstances have bedeviled us for quite a long time. Thank you very much for your intervention. The decision and direction you have given is convincing enough. I am grateful.

Thank you.

Hon. Speaker: Very well. Hon. Mwathi.

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Speaker for the guidelines. That is the way to go. I was going to really sympathise with the situation because from the way you have explained, it looks quite dire. Again, the direction that the Committee Chair invites the Cabinet Secretary to shed more light on the matter, and that the Hon. Member comes with names, is quite in order. I am only reading about the individuals. We know that one of the individuals has been released but we do not know who it is. You should also come with the details so that we are able to engage the Cabinet Secretary to the details that will satisfy you.

Hon. Speaker: Very well. The next response is by Hon. Mwathi.

KILLING OF POLICE OFFICERS IN KAPEDO

Hon. Peter Mwathi (Limuru, JP): Hon. Speaker, this is the third Statement, which was sought on 11th March 2021 by the Member for Samburu North, Hon. Alois Lentoimaga. He requested for a Statement regarding the killing of Mr. Moses Murson Lekairab, a Chief Inspector and Deputy Commander of RDU of Kapedo and his driver, PC Benson Kaburu at the Amaya Bridge in Samburu County.

Hon. Speaker: Is the Hon. Alois Lentoimaga, Member for Samburu North in the House?

An Hon. Member: No.

Hon. Speaker: So, just table the Report.

Hon. Peter Mwathi (Limuru, JP): He had actually asked for this to be deferred today so that he can be present. Probably, he is still caught up somewhere. I am well guided. I will table it.

Hon. Speaker: Just table it. He can raise the issues...

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Speaker.

(Hon. Peter Mwathi laid the Statements on the Table)

Hon. Speaker: Leader of Majority.

BUSINESS FOR WEEK COMMENCING 18TH MAY 2021

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, pursuant to the provisions of Standing Order No.44(2) (a), I rise to give a Statement, on behalf of the House Business Committee (HBC) which met on Tuesday, 11th May 2021 to prioritize business for consideration.

Hon. Speaker, Members will recall that on 4th May 2021, the House adopted a resolution to amend the 2021 Calendar, which has the effect of shortening the May recess by one week owing to the urgent business we were considering. As such, the House is now scheduled to proceed for recess from tomorrow Friday, 14th May 2021 and resume its regular sittings on Tuesday, 8th June 2021.

Hon. Members may also wish to note that the vetting of the nominee for the key position of Chief Justice of the Republic of Kenya, the Hon. Lady Justice Martha Koome is in progress. I am told that the Committee is in the process of writing the Report, having vetted her this morning. There are certain statutory timelines associated with the conclusion of that process. Therefore, the House may be recalled in accordance with the provisions of Standing Order No.29 for a Special Sitting at the appropriate time to consider the Report of the Departmental Committee on Justice and Legal Affairs on the vetting of the nominee for appointment as Chief Justice and any other urgent business that may arise during the recess period.

Hon. Speaker, currently there are no Questions scheduled for response by Cabinet Secretaries in the coming week. Therefore, the Departmental Committees will mainly focus on consideration of the Budget Estimates for Financial Year 2021/2022.

Hon. Speaker, the House Business Committee will convene on Monday, 7th of June 2021 to schedule business for the week of resumption of the House. I now wish to lay the Statement on the Table of the House.

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Thank you.

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

COMMUNICATION FROM THE CHAIR

NAMING OF MEMBERS FOR GATUNDU SOUTH, KIHARU AND NYALI

Hon. Speaker: Hon. Members, you will recall that on Tuesday, 11th May 2021 during the Afternoon Sitting, the Member for Kitui Central, Hon. (Dr.) Makali Mulu, rose on a point of order, pursuant to Standing Order No.108, inviting me to name the Member for Gatundu South. In making the invitation, Hon. (Dr.) Makali Mulu claimed that the Member for Gatundu South had made false and disparaging remarks about the ethical conduct of Members of the House, in relation to the proceedings of Thursday, 6th May 2021 during the voting on the Second and Third Reading of the Constitution of Kenya (Amendment) Bill 2020.

Other Members speaking in support invited the Speaker to also name the Member for Kiharu and the Member for Nyali for grossly disorderly conduct by using un-parliamentary language and bringing the dignity of the House to disrepute.

Hon. Members, having considered the matter, and observing the weighty nature of the issues raised, I deferred the decision on whether or not to name the Members and instead directed that they attend the Afternoon Sitting of today, Thursday, 13th May 2021 at 2.30 p.m. in order to afford them opportunity to respond to the issues raised by you Hon. Members. I am informed that the Clerk forwarded the *Hansard* record of the Sitting Day for their reference.

Therefore, I wish to know whether the three Members are present. Even as I do so, I wish to announce to the House that the Member for Nyali, Hon. Mohamed Ali, wrote to me a letter which I received this morning, indicating that he would be unavailable this afternoon on grounds that today is *Idd-ul-Fitr* and that he would be celebrating the same with his family and he may not therefore be available in the Chamber. He requests to appear any other time that the House will be sitting.

Hon. Members, *Idd* is a religious observation. Therefore, I need to find out whether the Members for Gatundu South and Kiharu are in the House.

Hon. Members, I have already indicated the reasons why it was desirable that they be present. Therefore, perhaps, without having to require anybody to state the matter afresh because it will amount to contributing twice, I will give the first chance to the Member for Gatundu South to make his statement.

Hon. Moses Kuria (Gatundu South, JP): Thank you, Hon. Speaker. Indeed, I got a copy of the request that I availed and I also got a copy of the *Hansard*. I thank you for this opportunity in the interest of natural justice for me to have my say on this matter. I do not intend to tire you with a lengthy discussion on this issue so, I will be very straight to the point.

First, I will have to give preliminary observations. The first one, from what I got from the broadcast, is your own remarks when you asked that I explain myself. With all due respect, and I have a lot of respect for you as a leader of this House, a leader of this nation and someone I have known for a long time, I have nothing but the utmost respect for you. I do find the remarks you made about me to be condescending, disparaging and hurtful.

(Loud consultations)

Hon. Speaker, protect me from livestock.

Hon. Speaker: Hon. Kuria, there is no livestock in the Chamber.

Hon. Moses Kuria (Gatundu South, JP): I hear about cows. Hon. Speaker, I thought the purpose of this chance is to give me an opportunity to explain myself.

Hon. Speaker: Proceed.

Hon. Moses Kuria (Gatundu South, JP): Hon. Speaker, you even invited the people of Gatundu South to invoke Article 103 of the Constitution which I find not to be in good taste. I thought that the people of Gatundu South have an opportunity to vote me in or out every five years. They may vote me in or out. Hon. Speaker, you have this experience having been voted out twice. So, people do get an opportunity to use the power that they have. Therefore, even as I make my statement, I want to express my reservation about what I considered to be condescending and disparaging remarks about me from you, although I want to believe that they were not made in bad faith.

The second observation is that, in your own direction on that particular day, you noted that Hon. Caleb Kositany made remarks on television out there on an issue that was raised by Hon. Chris Wamalwa, but you actually proceeded to ask that I make a statement for the remarks I made in another medium. The social media and the traditional mass media are one and the same. So, I find your direction to be inconsistent and selective. Again, I want to believe that the error of judgement was not made in bad faith.

Hon. Speaker, as I proceed...

(Hon. (Ms.) Gladys Wanga spoke off record)

Hon. Speaker: Hon. Members, the Hon. Member for Gatundu South is at liberty to say what he is saying. Remember, he is referring to what I said. This is simple. He says very simple things.

(An Hon. Member spoke off record)

He is referring to Members as cows?

(Hon. (Ms.) Gladys Wanga spoke off record)

Hon. Gladys Wanga, what is your point of order?

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Thank you, Hon. Speaker for this opportunity. Is the Member for Gatundu South in order to come from insulting these Members to come to insult you on the Chair because he has referred to the ruling that you have made in this House as error in judgement? Is he in order to be not only condescending to the total membership of this House, but also to return to be condescending to yourself, Hon. Speaker, and term the rulings that you made on the Floor of this House as errors in judgement?

Hon. Speaker, I call on you to find the Member completely out of order and the Member should go straight to the point that was raised on the Floor of this House which is that he claimed that Members of this House received Kshs100,000 each for voting yes. We do not want to listen

to his condescending things. We want to listen to what he says to the matter. So, I call on him to be relevant to the point.

Hon. Speaker, I beg you to find the Member completely out of order.

Hon. Speaker: Hon. Members, that is now a point of order.

(Hon. Peter Mwathi spoke off record)

Hon. Mwathi, what is the issue?

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Speaker. From the outset, I want to state that I am usually very patient, but my patience went off when I heard the Hon. Member referring to Members as cows, unless he was talking about something else. This is because he asked that you protect him from cows. So, we need to know who these cows are. Are they cows out there or he is referring to us as cows? Is he in order?

Hon. Speaker: On those two, Hon. Kuria, first of all, did you refer to the Members as cows? Can you confirm that you referred to Members as cows, herd or livestock?

Hon. Moses Kuria (Gatundu South, JP): Hon. Speaker, it is on record in this House that some people have referred to themselves as cows.

Hon. Speaker: Hon. Moses Kuria, did you or did you not?

Hon. Moses Kuria (Gatundu South, JP): Hon. Speaker, no, I did not.

Hon. Speaker: Hon. Moses Kuria, can we get the *Hansard*?

Hon. Moses Kuria (Gatundu South, JP): Hon. Speaker, Members in this House have referred to themselves as cows.

Hon. Speaker: Hon. Moses Kuria, I have not asked you that question. Have you referred to Members here as cows, herd or livestock?

Hon. Moses Kuria (Gatundu South, JP): Hon. Speaker, I withdraw and apologise.

Hon. Speaker: What are you withdrawing?

Hon. Moses Kuria (Gatundu South, JP): Hon. Speaker, yes, I did refer to the self-declared Members as livestock, but I apologise and withdraw.

Hon. Speaker: Proceed. Hon. Kuria, you were only to respond to the issue as I have read out which was raised by Hon. (Dr.) Makali Mulu that you alleged in some medium that Members have been paid the sum of Kshs100,000.

Hon. Moses Kuria (Gatundu South, JP): Hon. Speaker, I will proceed to respond to that particular claim. Whereas I believe that this House cannot be dragged into things that happen in social media, all the same, in deference to this House and to the seat that you occupy, Hon. Speaker, I do want to state that it is a fact that on numerous occasions, Members, including myself, think you can weigh the matter. It is a weighty matter that I am speaking about. It requires that I be heard in silence. If there is any threat to the decorum of this House, it is by these Members themselves. If there is any threat to the dignity of this House, to how we will be remembered in history, it is the conduct of how we as Hon. Members conduct ourselves. As people who are supposed to be the conscience of the nation, knowing very well... I want to give an example, when we had a Parliamentary Group for the Jubilee Party....

Hon. Speaker: Hon. Moses Kuria, I have no business. As you know, I do not preside over any political party meetings. So, I am not interested in what you do in Jubilee or any other jubi-something. It is about what happened in the Chamber. Hon. Moses Kuria, forget about those other stories.

Hon. Moses Kuria (Gatundu South, JP): I will go by your own comments. The subject we are discussing here did not happen in this Chamber. So, I beg to stop there.

Hon. Speaker: So you did not make the allegation?

Hon. Moses Kuria (Gatundu South, JP): I did not make the allegations in this Chamber.

Hon. Speaker: Yeah. Hon. Moses Kuria is entitled to make that kind of statement. Hon. Ndindi Nyoro.

Hon. Ndindi Nyoro (Kiharu, JP): Thank you very much, Hon. Speaker, for this opportunity to respond to the allegations that were made in the last Sitting. I seek your indulgence that I relax my mask. I need to talk freely. As I rise...

(Loud consultations)

As I rise, please, stop making noise. Give me time to respond because I also gave you time to accuse me.

Hon. Speaker: Hon. Ndindi Nyoro, whom did you give time? You have no authority or capacity to give anybody time.

Hon. Ndindi Nyoro (Kiharu, JP): All right.

Hon. Speaker, I received your summons. You know very well that I respect you in terms of your person and that I also respect the Chair and the Speaker of this House. I actually suspended a lot of constituency business to come and respond, and to show respect to your summons. Therefore, from the outset I want this House and even the Chair to know that I take this House very seriously. I take the Hon. Speaker very seriously. I am sure I am on record even saying on the Floor of this House that among the people I look up to is none other than J. B. Muturi, in terms of experience and years. Therefore, on anything that I could say, especially referring to the Chair, I would not be referring to you as a person.

I could term myself as a youthful MP. Like many other young people out there, many of us look for opportunities and actually aspire to come to this august House. The expectations out there on this House are enormous. When I was a bit younger and I could watch the debate from other prominent MPs who have been in this House before, I could see dignified people conducting themselves in a very dignified manner and so, I would want to give my response in a forthright manner, without holding anything back.

Hon. Speaker, for a country to start and for a nation, especially a modern nation to start, I believe there are three prerequisites. One is to have a strong state. Two is to have the rule of law. Three is to have accountability.

Hon. Speaker: Now, Hon. Ndindi Nyoro, please, you know we can have all the time to listen to this diatribe if we were in the usual meetings out there. But, if it is possible, keep it short. Members claim that you referred to them as comen and things like those. Those are the only things. If you did not say it, just like Hon. Kuria has just said, if you did not, you did not. You can state so.

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Speaker, I believe this is a very weighty matter. As I have said....

Hon. Speaker: Now, you will respond. Did you utter those stated words or did you not?

Hon. Ndindi Nyoro (Kiharu, JP): Because I have gone through the Standing Orders, I do not think anyone has powers to dictate to me how to respond to this summons.

Hon. Speaker: Hon. Ndindi Nyoro, you will either respond, or not. You are not coming here to lecture people on the attributes of democracy, rule of law and others. You are expected and everybody here is expected to know that if you did not make those allegations, Ndindi Nyoro, just say so.

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Speaker, forgive me because this is my way of responding. I will be very brief, indeed but, it is important for me to give a brief background.

Hon. Speaker: Did you or did you not?

Hon. Ndindi Nyoro (Kiharu, JP): Do what?

Hon. Speaker: Did you utter all those allegations?

Hon. Ndindi Nyoro (Kiharu, JP): I am saying I am in the process of answering you. If there was a no or yes answer then, a response would have been written to me to come and read. So, I should be given time to respond.

Hon. Speaker: Hon. Ndindi Nyoro, I will order that you resume your seat. I will not allow you to come here and tell people stories which have no bearing. It is irrelevant, tediously so. It is irrelevant. Hon. Ndindi Nyoro, you either say you uttered those words or you did not. If you said yes or no and then continued to give the background, people would understand. But you are now giving us stories about what may have been written by Edmund Burke.

(Laughter)

So, Hon. Ndindi Nyoro, this is an opportunity for you to tell us what happened.

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Speaker, I have gone through the summons and the *Hansard*. The Member purported that I actually referred to some people as cowards, traitors and sellouts. I actually referred to some people in those words. Therefore, actually I did but I want to give some background.

Hon. Speaker: Who are those “some people”, not these Members?

Hon. Ndindi Nyoro (Kiharu, JP): Some could be.

(Laughter)

Hon. Speaker: Now, Hon. Ndindi Nyoro, do not be clever by an inch. Which one are those?

(Laughter)

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Speaker, I am sure I would be through by now, were it not for these interjections.

Hon. Speaker: You can see the number of requests and interventions which are here are many.

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Speaker, I honoured your summons. I came to give my response. Why can these Members not give me time to respond to their queries?

Hon. Speaker: Hon. Ngunjiri Wambugu, what is your point of order?

Hon. Ngunjiri Wambugu (Nyeri Town, JP): Hon. Speaker, thank you very much for giving me an opportunity to raise an issue that was initially raised by Hon. Wanga. It was about the need to respond specifically to the issues that were raised. The issues that were raised were

that Hon. Ndindi called certain people sellouts, conmen and traitors. He has admitted that he actually called certain people that. He now needs to go on record and tell us who he was referring to so that we deal with it. What he has been doing is lecturing us on issues that have no consequence to this affair. So, I was wondering whether it is in order for him to continue lecturing us as 80 Members of Parliament on something that he has been challenged about. He is not coming here based on something good that he did; he is coming here based on something wrong he is alleged to have done. He is talking to us as if he is on a point of I do not know what. Hon. Speaker, please give direction.

Thank you.

Hon. Speaker: That was a point of order and I think Hon. Ndindi Nyoro was in the process of explaining. More importantly now, Hon. Ndindi, since you have admitted in your own words that you did refer to some Members as traitors, conmen and sellouts, perhaps you could go ahead and tell us who those Members are. You are now required to substantiate.

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Speaker, when we came here last Thursday, we were voting on the BBI Bill. There are many parameters which Members considered when they were voting. One, there are those like us, and many who voted yes or no, who voted according to their conscience. There are others, and I have evidence, who voted through their stomachs. Others voted on the basis of intimidation while others voted on the direction of...

Hon. Speaker: Hon. Nyoro, now you are making things even worse. I thought people were just using their mouths to vote. These are not reptiles. How could they vote using their stomachs? Surely, Hon. Ndindi, these are not reptiles. How would they vote using their stomachs? Just substantiate your claim so that we can be through with this matter.

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Speaker, the people I referred to as cowards, traitors and sellouts are the people who departed from their conscience that day and voted through their stomachs and also those who voted by the direction of their party leaders and others who feared and voted on the basis of intimidation.

As I was saying before I was rudely interrupted, our country rests on three premises. One is a strong State.

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

Hon. T.J. Kajwang': You know, Hon. Speaker, when we came to this House to represent our people and when we joined this National Assembly to lead this country, our reputation is at stake. This Member has been asked very specific questions. He should know that we are here as jurors, because these proceedings have turned a little. It is appearance proceedings in which one of us is misbehaving or is accused of unethical conduct. For him to take the stage and address Murang'a people and we give him airtime is even exacerbating this issue and putting our reputation at risk. I do not think we should give this Member what he is looking for. He wants what is called 'bonga points' by addressing Murang'a people.

To continue saying that some of us voted by our stomachs is even worse. He said that we are cowards and all those things, but now he is saying exactly what Hon. Kuria was accused of saying. He is saying that some people voted by what we ate, as though what we ate can turn into votes. He should tell us how he looked at my intestines and saw what exactly I ate. To tell us that some people voted because of party leaders, for a contemnor to come before us and start making the situation worse by abusing everybody, including the Speaker who must have partaken in that eating, is very serious. He even calls himself a youth when I know he is beyond 35 years of age. We have not come here for lectures. And we have not come here for people to abuse us. If he

thinks he wants to abuse us, some of us have more English than him to use in abusing him. He cannot think that he has the command of language, or that Murang'a is any better than Ruaraka. After all, he will pass through Ruaraka as he goes to Murang'a everyday.

The Member for Garissa Town must give me time to say what I must to say. This is not a small matter to turn into things to do with politics out there. Some of us do not care. What we care about here is our reputation. People think that we are here eating things. Can he show us what these things we eat every day?

Thank you, Hon. Speaker.

Hon. Speaker: Order Members. I wanted us to deal with this issue. Hon. Ndindi Nyoro, I imagine that actually you have eaten today or that you will eat unless you are on a hunger strike. So, please let us not go to that route of food unless you are using it figuratively.

Hon. Nyoro.

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Speaker, I do not know why some Members have become defensive. I am yet to name people. And I am going there. I will be mentioning names, so relax. Be patient. We are going to know the traitors and separate them from sycophants and sellouts. So, please, be patient. If the shoe fits, wear it. If it does not fit, do not wear it. Please give me time.

Hon. Speaker: Hold on, there is a point of order. Hon. Duale, what is your point of order.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, I want you to guide the House. We are turning the plenary into discussing what the Committee on Powers and Privileges should hear under your chairmanship. The whole country is watching us. We cannot conduct the business of a committee of this House, which you chair, in the plenary. The route Hon. Nyoro is taking, saying he is going to name people, means we are moving from one murky issue to another. I have been here and I am sure Hon. Mbadi and Hon. Kimunya will agree with me. In the 10th Parliament when we were sitting where the Senate Chamber currently is, the great lady and then Minister for Justice and Constitutional Affairs, Hon. Martha Karua—I can remember, I will go back to the *Hansard*—said, “This House has been turned into the biggest auction House.” A number of times, Members have even called others rent seekers. You remember that time, the matters were referred to the Powers and Privileges Committee. Some Members ended up being invited by the Ethics and Anti-Corruption Commission. We just finished, in the last Parliament, dealing with the matter of mercury and sugar, and your Committee made recommendations. When a Member is named, the route is not this one. The route is different. The Member should be given an opportunity to appear before the Powers and Privileges Committee.

In the 11th Parliament, we wanted to amend the Standing Orders and introduce, just like the House of Commons, a standard and ethics officer within Parliament. We must do it. We must have a standards and ethics officer. Hon. Speaker, you brought it up. We wanted to amend the Standing Orders. On that day, if the *Hansard* can bear me witness, I said that you better have your own internal officer. Today, we are the standard and ethics officer. By now, the Speaker could have heard the truth or the lies behind this matter. The earlier you give direction to this debate, the better. I agree with you that we vote electronically. I have never seen people vote through the stomach.

Hon. Ndindi has serious privileged information. If he has it, he can give it. The moment he mentions the Member for Garissa in this plenary, or the Member for Limuru, or the Member for Suba, then it becomes another sensational matter. It affects the integrity of Members, their

families and constituencies. The route we are going, and let me say it as a ranking Member... I indulge you, Hon. Speaker, that this matter be referred to the Powers and Privilege Committee so that it can be investigated. You can refer it to the Directorate of Criminal Investigations, Ethics and Anti-Corruption Commission or Powers and Privileges Committee, but I am not comfortable now. When it comes to naming of a Member, and many have been named before, I never thought it would go to a debate.

On a light touch, and with a lot of respect to Hon. Moses Kuria, I am aware he has tweeted many bad things about me when I was the Leader of the Majority Party. He also tweeted many bad things about you, Hon. Speaker, in the 11th Parliament. Even after this matter happened, he tweeted worse things about the current Leader of the Majority Party. There are people who have the freedom of using the social media platform. Maybe, some of us do not use it. Hon. Speaker, give us direction. If we go this route, that is my advice as a ranking Member, we will make the whole House look bad in the eyes of the people of Kenya.

(Loud consultations)

Hon. Speaker: Hon. John Mbadi, kindly, have the Floor.

Hon. John Mbadi (Suba South, ODM): Hon. Speaker, while I rise, I may be persuaded to agree with Hon. Duale but I want to disagree.

Hon. Makali Mulu stood on a specific point of order. He stood under Standing Order No.108 and asked you to name the Member for Gatundu South. In the process, another Member also requested that you name Hon. Ndindi Nyoro. I think it was the Majority Whip. We are operating under Standing Order No.108. The matter, therefore, cannot be referred to the Committee on Powers and Privileges.

I have no problem with Hon. Ndindi Nyoro naming anybody, including Hon. John Mbadi. He has the evidence. Our rules are very clear that you name and produce evidence. If you do not, you are forced to withdraw and the matter rests there. It will not be on *Hansard*. So, nobody should fear being named. If Hon. Ndindi has evidence, he should name the Member. We should in fact, encourage him to name the said Members. This issue of bribery has become a joke in this country and must come to an end. It is either you have evidence of bribery and we deal with it, or if you do not, you should not utter those words because we all have reputations. By the way, Hon. Speaker, if you mention that some Members, without specifying who, were bribed, then all of us stand indicted until you name the Members.

Hon. Speaker: Hon. John Mbadi, even as you do that, Hon. Moses Kuria is holding a wad of Kenyan notes. What is that supposed to be? Is this how you trivialise debates? Is this how you have reduced yourselves to the level... Why would an Hon. Member come here carrying a wad of notes? Hon. Moses Kuria, what is this?

(Loud consultations)

Hon. Moses Kuria, you started by saying that I made some remarks about you. I still insist that you need to spend a little more time in the Chamber. Please, read through the Standing Orders and internalise them. What is this you are doing? This is not a market in Gatundu. These are the people you are saying you want to...

Hon. John Mbadi (Suba South, ODM): Hon. Speaker, can I conclude?

Hon. Speaker: Hon. Mbadi, please, conclude.

(Loud consultations)

Hon. John Mbadi (Suba South, ODM): Hon. Speaker, there is loud consultation. Sometimes Members of Parliament make names by being radical, principled and by standing for the country.

If someone could allow Hon. Ndindi Nyoro to listen a bit, there is an Hon. Member, I think Hon. Melly... Hon. Washiali is destructing Hon. Ndindi Nyoro. There is nothing wrong with making a name out of being principled, forthright and so forth. However, those individual Kenyans, dead and alive, who have made names in this House have operated within the rules. If you follow the *Hansard*, you will realise that those fiery politicians of the then years, whenever the Speaker called them to order, they were very obedient and would listen to him. They did what he wanted. There is a tendency which is gaining route in this House and it is very dangerous.

I have previously disagreed with many of your rulings, but I have respected the Chair. Anytime you called me to order, I could get back to order. Hon. Members must learn that. Hon. Nyoro you can make a name and still respect the august House and the Speaker. If we do not respect the Chair, there would be no order in this House and that would be the end of this august House. I request that we operate under Standing Orders No. 108.

Finally, on the issue of Hon. Moses Kuria, the tweet was released when he was in the Chamber. If we can confirm that, then he should be named.

Thank you.

Hon. Speaker: Hon. Members, I want to give direction on how we are going to conclude this matter.

Hon. Ndindi Nyoro, you have admitted that you referred to some people as traitors, cowards, conmen and the rest, but you are on your way to naming people? Is that correct?

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Speaker, if you give me just three minutes, I will be done?

Hon. Speaker: No, no, no. First of all, you have to confirm that.

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Speaker, what I have is evidence. If you guide me to name, I will do so now.

Hon. Speaker: Did you refer to some Members that way?

Hon. Ndindi Nyoro (Kiharu, JP): As what?

Hon. Speaker: As conmen, traitors, sellouts and cowards?

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Speaker, I referred to some people as cowards, traitors and sellouts. However, I also want to add that they are also sycophants and betrayers of the Kenyan people.

(Loud consultations)

Hon. Speaker: Very well, that is enough. You may resume your seat.

Hon. Members, you just revised the Parliamentary Powers and Privileges Act in 2017. Therefore, it must be very fresh in your minds. You are also aware that I have expressed my own reservations about some of the provisions, especially the processes contained in that Act. This is

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especially with regard to the fact that any proceedings must be reported to the House. Moreover, like any other business, it must be voted on. Decisions are not made on the basis of evidence received by the Committee, which is supposed to be a specialized Committee but on the basis of usual standards in any House of Parliament, which is debate and politics. I have actually expressed the desire that the Act should be amended so that the Speaker should not be the chairman of that Committee. This is because it does not look very tidy that you sit - Hon. Duale indicated - not in plenary here but in some room and get evidence, some of it in great details. Moreover, many of us will appreciate how you analyse, based on facts, the law and evidence and you make some findings. Additionally, you come and within no time you are told 'put the Question', and the matter is over one way or the other, whether you are convicting or not convicting. I think there is need for any one of you Members to propose an amendment so that the Speakers of the Houses of Parliament do not chair that committee. This will enable the Speaker to impartially preside over debate from a report of the Parliamentary Powers and Privileges Committee.

(Applause)

It is not very easy that you have sat, taken evidence and then when it comes here you are told, "No, this is rubbish." You see everybody is a human being. Moreover, you may be doing it for many reasons. You know, Members have even alluded to some of the reasons. Therefore, I think we will go to what is in our Standing Orders. We will respect what Hon. Ndindi Nyoro was about to do.

I will, therefore, not allow Hon. Ndindi Nyoro – and this is my ruling – to move in the direction of naming any Member here in the plenary without a substantive Motion. That is our Standing Orders. You cannot come and make disparaging remarks in the form that you have admitted in your own words, Hon. Ndindi Nyoro. Were you to name a Member here without a substantive Motion, you will be in breach of the Standing Orders. Therefore, I will be satisfied with your admission that you actually referred to Members as such.

With regard to the Member for Gatundu South, whom I have also known for a long time – it is good for me to say this because he also claimed to have known me for some time, and he knows that I am incapable of getting intimidated or even getting annoyed by any remarks – he is at liberty to make whatever remarks. In fact, he has made several remarks about me, including one after he saw me presiding at a church function somewhere in Uriri Constituency, where Hon. John Mbadi was present. Hon. Moses Kuria went ahead to claim that I had been fed with some fish and that is why I had said that the Report of the Building Bridges Initiative cannot come here, which is a fact. It could not come here except in the manner that it was brought, through a Bill. The Members who were there, including Hon. John Mbadi and others, would have told Hon. Kuria that was what we were discussing.

However, Hon. Moses Kuria is at liberty, as he did at that time, to claim that Hon. John Mbadi, who left the function even earlier to go to another one, had fed me with some species of fish. I do not know which one. Hon. Moses Kuria knows best which one. However, I take them to be the things that entertain Hon. Moses Kuria in his free time. I know that during his free time he is a very active Member. Those are the kinds of things that cannot, in any way, make me hold anything against Hon. Moses Kuria. I do not know what species of fish he himself prefers. Maybe, he prefers some species of chicken or some other stuff. However, Hon. Kuria is at liberty

to hold views about himself, about me and about any other person. The only thing that we request of all of us is, please; let us have respect for one another. Anything that disparages anyone of us disparages the entire House and the entire institution of Parliament.

Why would you want to call yourself a Member of Parliament and you still want to destroy that same Parliament? Any small thing you say out there, it is the shame that is visited on that particular Member that is visited on all of us. Therefore, my plea to all of us is, please; let us have respect for one another even if you think someone came here howsoever. As long as that Member is in this House, he remains one of your colleagues and Member deserving of your respect just as much as he or she would be expected to respect you.

Hon. Members, I am convinced that the two other Members, particularly the Member for Kiharu, has conducted himself in a manner that is not in keeping with the dignity of this House. Therefore, I hereby invoke the provisions of Standing Order No.108 and name you, Mr. Ndindi Nyoro and reprimand you for your conduct.

(Loud consultations)

Hon. Members, it is for this reason that I have been saying that it is important for us to spend some little bit of time here so that we get to know our rules. Therefore, Hon. Ndindi Nyoro, it suffices that any Member is at liberty hereafter to move a Motion for your suspension from the House, in keeping with the provisions of Standing Order No.108(2)(a).

With respect to Hon. Moses Kuria who has clearly denied ever having made the statements that he is alleged to have made about the money, which he has in his hands, that is his property. Where he takes it to and how he uses it is his business. I will not direct Hon. Moses Kuria. He can donate it to a charity in Kamukunji. This is because Hon. Moses Kuria has clearly denied having made the statement that Hon. Makali alleged that he made. I also not having heard or seen it here, I decree that there are no further proceedings with regard to Hon. Moses Kuria.

(Applause)

Hon. Members, as I said before, the issues of ethics and morality are sometimes matters of personal conscience, particularly for those of us in leadership positions. In this regard, if there is any iota of truth even though denied, I am going to leave that to the conscience of the Member to prick him.

I thank you, Hon. Members. Hon. Wangwe.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Speaker. In line with your ruling that Hon. Ndindi be named, I beg to move:

THAT, Hon. Ndindi Nyoro be now suspended from the House pursuant to Standing Orders No.108 (2)(a) and 110.

Hon. Speaker, I beg to move and ask my deputy Hon. Maoka Maore to second.

Hon. Maoka Maore (Igembe North, JP): Hon. Speaker, I beg to second that Hon. Ndindi Nyoro, MP for Kiharu be suspended according to Standing Order No.108.

I want to qualify by saying that at the moment we were voting, it was very easy to be excited and angry with what was happening. This can be explained as acting on the spur-of-the-moment but to come here and actually emphasis, threaten or imagine there is any explainable reason for those words, is unacceptable to this House. There is a reason why we say this room is

different from any others out there. It is the precincts of the august House and when you want to use one word, you call it the hallowed precincts. It is not meant for juveniles, delinquents, drunks and all other adjectives we can use to protect the dignity of those who come here. It does not matter what excitement is there.

I wish you had allowed the Member for Gatundu South to say what he was holding because the story would have been different from what you have ruled. I wish to seek the indulgence of the House that we need to teach Hon. Ndindi Nyoro and others who may wish to follow his path that *hakuna duka linauza adabu*. It is taught.

Hon. Speaker, I wish to second the Motion.

Hon. Speaker: The Member for Endebess, I invite you to also look at Standing Order No.108, there is no debate.

(Question put and agreed to)

Hon. Members: Division.

Hon. Speaker: Hon. Members, you do not have the threshold to claim for a division. It therefore means that the Motion is carried. Hon. Members, that behaviour is not good. I want to explain to you your Standing Orders and this is in reference to the point made by Hon. Duale.

Your own Standing Orders are crafted in such a way to treat you with a lot of dignity. It is for that reason that under Standing Order No.110 the Motion has been carried. Hon. Ndindi Nyoro will only be suspended from the precincts of Parliament including his office for the period of four days starting today. You must follow your own Standing Orders. They did this because you are supposed to be treated with dignity.

Hon. Members: We are going on recess.

Hon. Speaker: The recess period is obviously not counted. Hon. Ndindi Nyoro please make your way out of the House and precincts of Parliament for four days.

(Hon. Ndindi Nyoro spoke off record)

Hon. Ndindi Nyoro that is inviting... You do not make noise, just go to Kiharu or wherever.

(The Serjeant-at-Arms escorted Hon. Ndindi Nyoro out of the Chamber)

Hon. Aden Duale (Garissa Township, JP): On a point of order, Hon. Speaker.

Hon. Speaker: Yes, Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): On a point of order, Hon. Speaker. I just want to remind Members that in line with the Standing Orders, I think they need to consult the Chair of the Public Accounts Committee (PAC) who was a victim of this and even worse until the Committee of Powers and Privilege rescinded and forgave him. The Standing Orders are very clear and it is good our friend Hon. Ndindi got four days. You can ask Hon. Wandayi because he went for more days and missed many privileges, even the freedom of thought and speech which you enjoy within the precincts of Parliament.

I agree you have saved the situation and I think the Standing Orders No.108... I really wanted Hon. Ndindi to be forgiven but it looks like he does not want to be forgiven.

Hon. Speaker: Now, let us go back to business. It is not about this, we cannot spend the whole day on this. Member for Kilifi North. We are through with that issue now.

Hon. Owen Baya (Kilifi North, ODM): Thank you, Hon. Speaker. I presented an amendment to the Chiefs' Act in July 2019. I prosecuted this matter with the Committee and the Budget and Appropriations Committee, but as at today, it has not come back to me. I have made many follow-ups with the Chairperson and Clerk of the Committee. Can I catch the attention of the Speaker for a minute? I have made many attempts to get feedback on this so that a report can be written for me to know if we can proceed or not. I would like to request your indulgence that the Clerk writes and forwards the report so that you can use your discretion to decide whether it is a money Bill or not. I need it to be debated in this Chamber but the time it has taken from July 2019 to date, I have tirelessly followed this matter and I would like to request for your indulgence and direction on the matter, Hon. Speaker. I thank you.

Hon. Speaker: The Director of Legislative Services is here, so take up that matter as soon as the House resumes.

Hon. Owen Baya (Kilifi North, ODM): I am much obliged. Hon. Sankok, what is it?

Hon. David ole Sankok (Nominated, JP): Hon. Speaker, I had a request that I wanted you to address. There is a parking slot that is normally reserved for persons with disability. It is internationally recognised. The sign is known all over the world that it is reserved for persons with disability and it is not for cosmetic purposes. If some Members are dropped in front of this House, they will need to be carried to the Chambers. If they are dropped very far, it will be very difficult for them to access this Chamber.

Specifically, the parking for persons with disability is just opposite the door that goes to our media centre. However, Hon. Members do not read those signs. Even members of staff end up parking their cars in those parking slots. We have complained several times and we have told the security people and the Serjeant-At-Arms to preserve those parking slots for Members and staff with disability. Today I found cars registration numbers KCU 396S and KBS 597F parked on the parking slots that are reserved for persons with disability. If you have the ability to walk across the streets, some of us do not have that ability. If you have the ability to walk upstairs, some of us do not have that ability. Some of the reserved parking slots are specific so that we access ramps to access this Chamber.

Hon. Speaker, I ask for your protection.

Hon. Speaker: That matter will be taken up by the Clerk and the Serjeant-At-Arms is advised to enforce. The Serjeant-At-Arms is the one who is supposed to enforce but the Clerk will take up the matter to ensure that those reserved parking slots are not taken up by other Members who may not be qualified to park in those places.

Next Order!

ROCEDURAL MOTION

CONSIDERATION OF CERTAIN BUSINESS RECEIVED DURING THE RECESS PERIOD

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to move the following 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 210(2) relating to Tabling of Statutory Instruments, this House orders that during the period of the May Long Recess (14th May to 7th June, 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 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; and,
- (iv) upon the submission of the Report of the relevant Committee on the Vetting of a nominee for appointment as the Chief Justice of the Republic of Kenya as envisaged under Article 166(1) of the Constitution, the Speaker shall, upon approval of the Report, forthwith cause the Report to be circulated to all Members (in electronic form) ahead of any Specialittings of the House convened pursuant to the provisions of Standing Order 29 to consider the said business, so as to accord Members time to apprise themselves on the contents of the Report

Hon. Speaker, this is a Procedural Motion. We do it every time we are going on recess. Basically it is to insure ourselves against delays in the processing of business that comes before the House when we are away. It is to ensure that Bills, Notices and all that can be channelled to the committees so that they can look at them and by the time we come back we report. It is something we do every time we go on a break. I seek Members' support for this so that as we go home today over the next three weeks, committees, in addition to budgetary matters, can continue with consideration of any urgent matters that will be referred to them without necessarily having to come for plenary before they get to them.

It is a very straightforward matter. I beg to move and ask the Leader of the Minority Party, Hon. Mbadi, to second.

Hon. John Mbadi (Suba South, ODM): Hon. Speaker, in seconding, I just want to say the following: Number one, we have timelines for the approval of the nominee for the Office of Chief Justice. We are likely to have a Special Sitting but when the Report from the Committee is ready, instead of waiting to have a sitting to have the Report tabled, what is being suggested here is that the Report could be circulated to Members well in advance of the Special Sitting to discuss and debate this matter.

Secondly, there is a possibility of some Bills being published. Those Bills really do not have to wait for the House to reconvene for them to proceed to the committees.

With those few remarks, I second.

(Question proposed)

Hon. Members: Put the Question!

(Question put and agreed to)

Hon. Speaker: Hon. Members, we appreciate what Hon. Mbadi said, especially with regard to Item (iv). It will be circulated electronically, so that when Members are called, they will not say it has just been tabled. That clarification made by Hon. John Mbadi is important.

Next Order.

MOTION

FORMULATION OF PARLIAMENTARY BROADCASTING CHANNELS

THAT, this House adopts the Report of the Select Committee on Parliamentary Broadcasting and Library on the Formulation of Parliamentary Broadcasting Channels, laid on the Table of the House on Thursday, 3rd December 2020.

(Hon. Justus Kizito on 11.5.2021)

(Debate concluded 11.5.2021)

(Question put and agreed to)

Hon. Speaker: Next Order

BILL

Second Reading

THE PUBLIC PRIVATE PARTNERSHIPS BILL

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to move that the Public Private Partnership Bill be read a Second Time.

This Bill went through the First Reading on 26th March 2021 and thereafter, was committed to the Departmental Committee on Finance and National Planning pursuant to Standing Order No. 127.

As you all know, our great Republic has been engaged in a whole set of activities to do with infrastructure development ranging from roads, hospitals, railways and all other forms of social development that are critical for opening up the economy and creating job opportunities; creating the transport corridors that will facilitate farmers to get their inputs into their farms and outputs out of their farms and facilitate industries in terms of goods, as raw materials and as final

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products into the market. We are talking about our interconnectivity with the rest of the region and as part of enhancing our trade capabilities, our airports, our ports and all the infrastructural development that we can see, including ratification of programmes. They are all over. However, we all know that these investments are capital intensive. We also know our limitations in terms of our revenue streams, including taxation. Kenyans are constantly saying that they do not want any more taxation, they do not want to burden their future generations. I believe that is within Kenyan people's view. So, when you now look at the dwindling resources, unless we become slightly more innovative in terms of our financing mechanisms for development projects, we are not likely to achieve our objectives.

One of the most innovative ways of financing development projects has been the Private Public Partnerships (PPPs), where a public project is partnered with a private sector with each deriving a certain benefit, so the private sector will put in their money, their design and expertise, and then run the project for a pre-determined period of time. They collect all the revenues which will obviously have to be agreed upon. At the end of that process, they will hand over the project to the public sector, basically releasing the money that the public sector would have used to do other projects that are perhaps more urgent. For example, right now the choice is between constructing our roads and undertaking COVID-19 mitigation measures. Do we do roads or pay for education? We pay about 27 per cent of our Budget to education only. That 27 per cent is derived from a constitutional commitment that all basic education is compulsory and free. We have to provide water in sufficient quantities and provide for people who are not quite endowed. All this takes money away into the recurrent expenditure. You find all these debates and we keep talking about it. Hon. John Mbadi keeps reminding us that perhaps we are borrowing to finance recurrent expenditure. What choice do we have? We have to do all these things because they are constitutional obligations under the 2010 Constitution. Before 2010 or 2013, we did not have to finance education beyond primary school. Now we have to do it up to A-Level. We have to do Technical and Vocational Education and Training (TVET) institutions and we have to do capitation in universities, including private universities. All these are obligations that have come that need to be factored in the Budget hence it takes away money that would otherwise go to development projects.

So PPPs then come in to provide this window for private capital to fund public projects, especially the ones with a long term quantifiable benefits to both parties. This is not a new initiative, it has been there from 2012. It was first captured in the Public Private Partnerships Act of 2018 which has become antiquated and require some modification given the hindrances and the lessons that have been learnt over the last eight years it has been in operation.

The intent of this Bill is to streamline this area of law, to further encourage foreign direct investment in line with the Government's industrialization agenda, in line with the Big Four Agenda, the 500,000 housing units that need to be done and the opening up of the agriculture sector for food security.

This Bill broadly has 87 clauses. It is now a comprehensive Bill encompassing what was there in 2013 and the amendments that were there in 2017 which was bringing in the issue of counties. The Bill was passed by this House and subsequently taken to the Senate. The Senate brought it back with amendments and it went for mediation. In between the waiting period to discuss the mediated version of the Bill, it became clear that there were still some other issues that needed to be amended. Based on experience and the feedback from people wanting to engage, it became clear that the natural route to take was to stop dealing with individual pieces

and do a comprehensive Bill that covers both national and county projects within a holistic framework, hence the birth of this new Bill.

This Bill seeks to provide the participation of the private sector but this is not possible now because there are challenges chiefly attributed to the legal framework. So, it seeks to provide for the participation of the private sector, not only in financing but also in construction and operational maintenance of infrastructure and development projects through the partnerships. It will also streamline the regulation framework for the PPPs. I did mention that this is now a consolidated view taking into account the Public Private Partnership Bill of 2017 and the one of 2013 plus the new thinking now.

Hon. Temporary Deputy Speaker, some of the changes proposed include reduction of committee members. Within the mediated version, there was a proposal that the composition of members should be 15. Now, 15 members in a committee is such a... The more members you have in a committee, the longer the decision-making. Good standards mean that the ideal committee membership should be between six and 12. The Mwongozo Code also talks about those numbers.

This Bill intends to reduce the PPP committee members to 10 from 15. It is in the stead of having seven Principal Secretaries sitting in the committee. It is like everyone wants to be there, but that will only delay the wheel. This Bill is looking at having not more than three and also removing the Attorney-General (AG) who will be replaced by the Solicitor-General, who is the Principal Secretary in the Attorney-General's Office, three persons from the private sector, one person representing the Council of Governors (CoG) and a Director-General. So, it makes it so simple in terms of the number of people to serve in the committee.

In respect to the functions and the powers of the PPP committee, it has been given some more policy direction functions while some of the technical functions have been assigned to a directorate. This is catered for under clauses 15 and 19. Due to the delays occasioned by requiring Cabinet approval of all the projects that are listed from the various ministries, this Bill has then gone ahead and removed Cabinet approval requirements and empowered the PPP directorate to consider and approve the project list from ministries and the supporting consent papers, and then to periodically brief the Cabinet.

Hon. Temporary Deputy Speaker, as in the original Bill, the 2013 one, the architecture was such that ministries would generate a list of Bills that need to go to PPP and then to the Cabinet. That depends on when Cabinet will meet next and whether the item will actually be reached when it is on the agenda. So, it is lots of bureaucracy over bureaucracy. At the end of it all, we are talking of a whole Government approach. It is ministries proposing to co-ministries. So, instead of all that, let the ministries do it through the directorate. After approval, Cabinet is made aware and then it is processed through this committee that has Government representation. This is part of speeding up the decision-making and you will soon see why.

This Bill has also — which is a different change that was neither in the 2013 Bill nor the mediated version — introduced local content provisions which give clarity on how the local communities and the local services are supposed to be tapped into any PPP. We have got this Nairobi Express Highway being built over Uhuru Highway. It was won by a Chinese group. They are doing their thing, but where is the provision for local content to be inbuilt within that? It is not in the law!

What this Bill is now proposing to do is: when somebody comes to do the next PPP, it could be a flyover, a road over Kiambu Road, Limuru Road or somewhere in Eldoret or

Mandera, there will be some provision for using local content so that the local community also feels a sense of ownership in the project. I do not want to belabor the point but I just highlighted those four items to see the difference we have between the 2013 and the 2017 versions. So, this particular Bill is an improvement.

Hon. Temporary Deputy Speaker, this Bill also proposes timelines on key project processes and stages for a more efficient and predictable project development environment. This is critical because of the need for that predictability. For those of you who may be in the know, discussions over this Uhuru Highway Overpass began way back in 2004 and we are now in 2021. We are talking of 17 years ago. We wasted 17 years in debate: one group came, another one went away and, of course, the cost of the project escalated while the benefits delayed. I believe there are Members who were talking of the traffic "cham" on Mombasa Road because of some of these things, yet we could have decongested all these things by the time we were doing Thika Road. In fact, we are supposed to have done it in a seamless way, that is, Thika Road all the way to the Overpass. Right now we know what has happened.

We had settled for a road with some grass and trees, but now they have all been uprooted. It is because they were put in the wrong place and we cannot continue like that. Timelines will be inculcated into that. I do hope by the time we finish some of these things, people will be now enticed to go to Lamu. The Government, having done the first three berths, can then get the private sector to say, "Yes, we can come in because we are on a legal framework that is conducive. We can create the extra 15 berths on a PPP and get the Port of Lamu working." So, I really do not want to get into the details. I believe PPPs are clear cut and everyone understands how they work.

The other thing I want to highlight is the Public Private Partnerships Act of 2013, which I am happy I gave input during my time in the National Treasury in 2007. The PPP did not see the light of day until 2013. Despite this Act being in place for eight years, there are only two projects that have achieved financial closure and yet there are lots of projects. These two are Lot No. 33 of the Roads Annuity Programme.

Members who were in the previous House will remember that there was an annuity program for roads. Nobody seemed to understand or appreciate why we needed to go that direction. However, one road, the Ngong-Kajiado-Imaroro-Mashuuru Road, which is 91 kilometers, was the only one that was done under that project. It was completed in 2020. It is a lovely road and it is open to public use. The issue with it is that instead of the Government now committing the billions of shillings... The Government does not receive its money on a monthly basis just as we pay our monthly taxes. It needs to figure out and synchronize its development outlays, in terms of funding, with the payments made on a monthly basis. So, instead of borrowing billions of shillings and having to pay over a long time, if somebody can do it, the better. You may then use the road as you pay on a monthly basis! It means you are able to use your monthly income to provide services to *mwananchi* on a monthly basis. That road is, perhaps, the only one of its kind that has come up.

The only other PPP project that I have been talking about is the Nairobi Expressway Project, which is currently under construction. The target completion date is December 2021. Evidence shows that the implementation of the PPP is faced with challenges, which are chiefly attributable to the legal framework because it is not conducive to attract the kind of investors that we want. There is a lot of money out there waiting to be invested. You see people putting it in buildings and everything else. People are moving to countries where there is conducive

environment. We are opening up Public Private Partnerships. When you keep money in the bank, especially in the West where the interest rates tend towards the negative, you lose it by having it there. You would rather release that money into a project that earns you some return in the future, especially when you believe that the country can provide you the conducive environment.

This Bill also expands the scope of arrangement that qualify as PPPs and available procurement methods by introducing direct procurement as one of the approved methods. Previously, all you needed is the Government to say that they wanted to construct a certain road and people would then bid on who can do it better. However, here we have a situation where you want something to be done, including privately-initiated investment proposal where somebody comes and says that he would like to dualise Mombasa Road to Voi Road section. He does his maths and believes that he can make money. He can also say that he wants to construct the road from Lunga Lunga to Kiunga. He does his maths and sees that he can make money from it. We allow people to do that. It used to happen in the past. For those who may remember, the old Nyali Bridge used to be on a PPP by Kenya Bus Service and other people. These things have been done. You charge your toll, make your money and then you surrender the project.

When you come now with your Lunga Lunga to Kiunga Road construction project and you have done all your numbers, you are told that under the law, we need to advertise it. Your project is then used to compete with other people who have not even invested in it. Knowing the seepage or leakage of information that we have, your data is used by your competitors and before you know it, your project is given to somebody else. We want to have this situation where you can come up with an innovative project which can help the public in a certain way.

For example, you want to construct a road in Kipipiri Constituency which you believe you can do and you are allowed to do it. You agree with the Government on when it can happen. I am paid my money and the public gets their full benefit. There are many county governments that do not have hospitals and headquarters. All we need is to get a local landlord to construct the county headquarters or a hospital and then lease it to the county government. We will get immediate benefit. They will pay on a monthly basis. They do not have to tie billions in capital expenditure. All they need is the delivery of services. These are the kinds of things that we are looking at now. The demand for services is there, but we do not have money. That is the direct procurement that we will talk about.

I also mentioned that this Bill is about reduction of bottlenecks and steps that are unnecessary. It reduces the approvals that are necessary. Currently, you need 12 approvals. The Bill reduces them to only three. Like I said, it will also limit the Cabinet role in the PPP process to policy and not the contract approval which makes it faster.

The Bill has some provisions in terms of institutional infrastructure. It gives the Director-General a four-year term which is strategic. It gives him a reasonable period that is neither too short nor too long, which gives him a certain amount of independence and limits the political interference and influence. I said that this Bill is comprehensive now. It brings in both the national and county governments. County governments will now be brought into this Bill as contracting authorities. Like I said, within the board and the committee, there is a representative of the Council of Governors who will obviously take care of the interest of the counties. Previously, counties were wrongly described in Public Private Partnership Act of 2013. The amendment of 2017 attempted to sort out all these conflicts. This county representation has also been introduced not only in the PPP Committee, but also in the Petitions Committee. They are well represented.

The Bill also provides for all these other procurement processes in detail and various arrangements under Second Schedule. It makes them very clear for all parties, especially for our potential investors. When you look at the Public Procurement and Asset Disposal Act of 2015, and indeed all laws, they are designed with mischief and distrust in mind. We believe that everyone who is selling to Government is likely to steal. So, we make the law very difficult that you must pass so many hurdles to prove that you are not stealing from the public rather than facilitate you to do business. When something is being bought by the Government and then you load all those approvals and steps that you have to comply with which have costs, you end up with high prices. If you were to buy this water directly from the shops, you would do it at a fraction of what a Government institution would use by the time it lands here and because of all those bottlenecks that we make, the cost of doing business then becomes too much.

This Bill will ease all that. The chaps who are constructing the Nairobi Expressway can risk their money for the time they do the road because it must survive the time they need for investment and give them back money to maintain it. Hence, they do not need engineers to go there to check and countercheck and tell them that they should redo. We see disputes which frustrate contractors.

The Bill also provides for foreign exchange, inflation and interest rates adjustments. We know that all these development projects have long time frame. They are more likely to involve foreign currency in terms of investments, cost and borrowing. If you do not include all these things and a shock comes up like COVID-19 disease which affects the markets, somebody can be hit hard by this, and yet he is doing it for public good. If something happens, then we need to know how to insure both the private person and public sector.

This is a topic which I love. The Bill provides contract timelines for the various PPP projects. If you are constructing the Nairobi Expressway as a public sector under the supervision of the State Department for Public Works, perhaps you would still be at the design point. However, you can see the work that the private sector has done. It is in their interest to complete the project fast enough, so that they can reap the benefit of this project. Once you are told that you have 20 years on this project, if you spend five years doing it, you only have 15 years to recoup your money. If you are able to do it in two years, then you have extra three years of earning. That kind of incentive is important for achieving project objectives in good time and not continue being on construction mode. I am not saying that the Ministry of Transport, Infrastructure, Housing Urban Development and Public Works is slow, but we have also seen some roads that have taken up to five years. There is a four-kilometre road in Ol kalou Town that started in the last term of Parliament. A four-kilometre road within a town that is still ongoing. We have also seen others, but we have seen the speed with which this Expressway and the Lot 33 that I talked about earlier were executed.

Hon. Speaker, I believe that this Bill will go a long way in enabling Kenya to achieve better quality infrastructure. It will reduce reliance on Exchequer for development, create more job opportunities for Kenyans and facilitate Ministries and current county governments to provide their expertise in the Public Private Partnerships agenda.

Hon. Members, when we travel for benchmarking, you will note that most of the highways in the United States of America (USA) are private projects and that is why they are tolled. So long as you want to use the smooth highway with all the overpasses that speeds your transition from point A to B, then you pay the toll. If you do not want that, you go through the public road and you could be in the traffic jam for ages. That is the kind of flexibility we also

want in Kenya. This is so that, at all points, we can have all these variations of people seeking to create overpasses to help people move faster and give them opportunity to recoup their investment, while making business flow faster. People do not have to be congested in traffic jams.

Like I said, this is not limited to roads; it could also be in hospitals. There is no reason why Nairobi Hospital cannot team up with Kenyatta National Hospital to treat the public using the expertise from the private sector. There is simply no limit as to the kind of variety of PPPs that could be started.

I know that there are several amendments that the Committee has proposed and I am sure the Chair of the Committee will be sharing some of those with us. I really want to thank the Committee because, as I said, this Bill was introduced in the House in March 2021. The Committee took it upon themselves and has done public participation on it. They have internalised what was there from 2014 to 2017 and what is there currently.

If you all remember, we had already passed this through the 2017 amendments, but in terms of the new matters, there has not been that much. We are able to debate this and finish it, and hopefully have it in law in the next couple of days or even weeks, so that as the rest of the world is beginning to recover from COVID-19 and people are looking for places to invest their money, Kenya will be ready saying: "We have simplified business laws as we changed the business regime." We will also be telling them that we have a modern and simplified PPP framework that they can participate in. We will have a new constitutional order that guarantees peace and unity, and avoids the turbulence that we see during elections, which is one of the things that keeps off investors. They are the ones who see that predictability.

The sum total of all these investments in terms of legal, political and economic frameworks is what will help increase the flow of direct foreign investments into the country, which will then spur the development that we need. It will create jobs and revamp our economic base for taxation to go up. And we will be able to repay some of the loans that we took to do things that perhaps we should have funded through these PPPs. For example, we could have handled the railway and a number of roads through PPP. In return, all that money could now have gone into other social interventions to secure the vulnerable groups and others.

So, Hon. Temporary Deputy Speaker, like I said, I love this topic and the changes that are coming with this Bill. I want to encourage even our own Kenyan investors. I know the highway was done by the Chinese while Lot 33 was done by a Kenyan company. This thing is not about foreigners; even Kenyans can participate in these initiatives. I encourage them to take advantage. When we pass this law, we should have a whole lineup of projects that people think they can do - not just at the national level, but also in our constituencies and our counties - to spur development across the entire country.

With those remarks, I beg to move and ask the Hon. (Ms.) Gladys Wanga, the Chairperson of the Departmental Committee on Finance and National Planning to second.

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

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to second the Public Private Partnerships (National Assembly Bill No. 6 of 2021) that has been ably and passionately moved by the Leader of Majority Party. This Bill was published on 26th February 2021 and read a First Time on 25th March 2021, and thereafter committed to the Departmental Committee on Finance and National Planning, pursuant to Standing Order 127.

For the record, the Committee conducted public participation pursuant to Article 118 (1) (b) of the Constitution and Standing Order 127 and received written memoranda and all submissions from the National Treasury, the Public Private Partnerships unit, the Institute of Certified Public Accountants of Kenya (ICPAK), the Public Procurement Regulatory Authority, the Council of Governors (CoG), the Engineers Board of Kenya (EBK) and the Kenya Association of Manufactures (KAM).

Hon. Temporary Deputy Speaker, all the stakeholders were in support of the Bill but proposed amendment which the Committee put into consideration while preparing the proposed Committee amendments. Some of the proposals were adopted, forming part of the Committee's amendments.

As it has been elaborated by the Leader of Majority Party, the PPPs target is to unlock funds that exist within the private sector; to enable us foster economic development without necessarily falling back on money from our Exchequer. There has been a lot of national debate around the issue of our growing public debt. One of the ways and reasons why my Committee took the matter as serious and urgent, and one of the reasons we moved with speed to engage the stakeholders on this matter, is to be able to provide a legal framework within which we can attract private money. This is to find other avenues for the debate on public debt.

The country has to develop. We must find ways of getting vaccines, educating our children and funding their free primary and secondary education, while at the same time providing infrastructure and becoming the region's hub in terms of investment and development. One of the avenues through which we shall be successful is by providing this legal framework for PPPs.

Hon. Temporary Deputy Speaker, Majority Leader mentioned that since the passing of the Public Private Partnership Act of 2013, which has now been in place for close to eight years, only two projects have been brought to financial closure. Of course, there is a problem; if you have only closed two projects in eight years, you must look at where the gaps are. When the legal framework was looked at, this is what resulted in the amendments that have been brought in this Public Private Partnerships Bill of 2021. As the Leader of the Majority Party elaborated, the one that came in 2017 was to bring in the county governments so that they could also become players. There are no private persons bringing in their money; they would like to get into a partnership that would take three or five years to negotiate and then they are told: "Okay, having finalised the negotiations, we are now waiting for the Cabinet" or "the Cabinet met but our agenda was not reached. So, let us wait for another two weeks" or "the President is out of the country at the moment. So, let us wait for another month."

Months and years will go by and what will ultimately happen, because these are private persons with their own money, they will look for another place. They will go to Ethiopia or Tanzania or to any other regime that will accept their money as quickly as possible. So, that is why it is critical that we review this Act with a view of reducing the bureaucracy and creating an enabling legal framework so that we can close more deals.

I am happy that the PPP Unit has now been revamped and has the required skills on board so that we can close deals. The PPP is about investment or business; it is not so much about engineers or the projects themselves. It is about business and having competent staff who will decide on which deals can bring returns on investment and if the country will benefit from the project.

This Bill will enable Kenya to achieve better quality infrastructure and reduce reliance on the Exchequer for development, and hence reduce the need for seeking loans to undertake development projects. It will also facilitate Ministries and the county governments to provide expertise to the PPP agenda.

Most importantly, in Clause 77 there is introduction of local content. As the Leader of the Majority has alluded to, Kenyans might think about PPP as a foreign concept or a concept to attract foreign investors. However, you will be surprised at how much money even Kenyans themselves have and do not know where to invest it. So, the provision for local content is such that even if you have a foreign company or person coming in to carry out a programme, there will be a mandatory room for local content. That is very important because it will enable Kenyans to get jobs and create business opportunities.

There is now a provision for a fully-fledged Directorate of PPP so that it can attract good staff. What happened previously, in 2013, the law provided for what are called; “Nodes”, which are PPP units in every contracting authority. So, if you went to, for example, the Kenya National Highways Authority (KeNHA), it would have to have a PPP unit, and these were called nodes in every contracting authority.

Because of the expertise required to close deals quickly, this Bill seeks to create a directorate to attract the skills that we need to close deals. So, the directorate will take the place of all the nodes that we have in the various contracting authorities. The Bill seeks to reduce the bureaucracy by reducing the statutory approvals by the PPP Committee from 12 to three. Previously, you would have to go through 12 sets of approvals. They would tell you: “Come back another day. Is this your proposal? Okay, go. Is this a feasibility study report? Okay, go to the Committee.”

The Committee, as set out in the Bill, consists of Principal Secretaries (PSs). You have the PS for the National Treasury, the PS for Planning, and so on, up to 10 PSs. By the time you put all these people together and get a date when they are available to meet to look through your feasibility study, you will be staring at a nightmare. So, that number has been reduced from 12 to three. The Bill now limits the role of the Cabinet to policy direction, and not contract approval. So, the Cabinet will be giving guidelines. The Committee and the directorate will be sealing the deals or concluding the contracts.

The Bill also defines county governments as contracting authorities. It provides for representation of the Council of Governors (CoG) in the Committee. The reason is that a lot of these projects actually go on in counties. Some of them fall within the mandates of county governments, for example, hospitals or sometimes water projects.

The Bill provides for a procurement process for PPPs which are not covered in the Public Procurement and Assets Disposal Act, 2015. I will speak a bit on this provision on what the Committee’s thoughts were. The Bill provides for contract timelines which are not covered in the Public Private Partnerships Act. The Leader of the Majority Party has alluded to this aspect. Apart from providing the time within which you get feedback after submitting your proposal, there is also provision for timelines for the time within which, after you get into a PPP, you must begin the contract.

There is a PPP that was signed for the Rironi-Nakuru-Mau Summit Highway – the one that we signed with a French firm. Up to date, they want to come back for renegotiation upon renegotiation without starting the project. So, one of the amendments that we are proposing in the Bill is to have a period within which you have to begin the project. We are proposing a six-

month period within which, after signing the contract, you must begin the project and not create any further room for negotiation and renegotiation.

Members might have had a chance to look at the Bill, right from Clause 37 through to Clause 60-something. It is all about procurement processes for PPPs. One of the issues that the Committee was concerned about is why PPPs cannot follow the Public Procurement and Assets Disposal Act or why these modalities of procurement cannot be included within that Act. This was, however, explained to us and it is important to note that PPPs being special arrangements where you more often deal with private firms, you cannot subject them to the Public Procurement and Assets Disposal Act. They are unique compared to the Budget-based projects.

The Leader of the Majority Party is whispering that they are apples and oranges. If I am coming in with my money, you do not want to subject me to a public procurement process. I want to come in with a proposal and say that I would like to do A, B, C, D, and bring in my money, which I can recover, from my own studies, within a given period of time. That is why it is important to note that Section 4 (2) (e) of the Public Procurement and Assets Disposal Act, 2015 lists PPPs as one of the procurements to which the Act does not apply. Consequently, PPPs are excluded from the scope of application of the Public Procurement and Assets Disposal Act.

There was concern on the issue of representation in the PPP Committee. In the process of reducing the number of representatives, especially the PSs, the PS for Industrialization was retained. The Committee felt that we can have the PS for the National Treasury, the PS for Planning and the PS for Infrastructure and have the rest of the PSs co-opted occasionally on the basis of which project is being discussed at any given time. Otherwise, we would have all the PSs of all the State Departments. So, when dealing with a water project, you will need the PS responsible for water. When dealing with a hospital project, you will need the PS for Health or their representatives at any given time. So, that is one of the thoughts that the Committee had.

The Committee felt that the scope for qualification for the position of Director-General should be looked at. Currently it is a bit narrow. The Bill is also silent on the process of recruitment of the Director-General. This being a position in public service, the Committee felt that the Bill should expressly provide for this recruitment in order to ensure that filling up of the position is done competitively and in a transparent manner. In that case, the Committee proposed that recruitment be vested in the Public Service Commission (PSC).

There is a whole conversation and discussion around how the staff of the directorate are recruited. There is secondment of staff which was seen as a good proposal.

The other key issue that we thought about is the role of Parliament in the PPPs. The role of Parliament in approval of PPPs should be clearly outlined because this Parliament approves budgets for every project that is conducted in this country. As the BPS comes, it does so with the status of our debt. So, we as a Committee felt that the issue of PPPs must have a mechanism at a global level, not on a day-to-day basis. However, at a global level, Parliament is apprised of which PPPs the country is getting into. There is also the aspect of contingent liability which the Government has to sign. So, it is important that the role of Parliament is included as we negotiate the PPPs.

As I conclude, in order to safeguard the interest of the public, the Committee was of the view that PPP contracts should not exceed a concession period of more than 30 years. The Committee's conversation was that a generation lasts 30 years, or a generation is 30 years; such that if we enter into a PPP, we should not enter into one that binds the next generation as well. There are many models and some are much less in time. For example, if you rehabilitate, operate

and transfer as a model, it is capped at not more than 15 years. The annuity based design, build, finance and operate is capped at not more than 12 years. This is in the Second Schedule of the Bill. The Committee proposed that the upper limit for any concession should not be beyond 30 years.

This has been spoken to, but lastly, I know that in the minds of many Members they may be asking how Kenyan citizens will benefit from PPPs. The Bill recognises local content. We have already said that in Clause 77 the Bill provides priority be given to services provided in Kenya and also supplies manufactured in Kenya; provided that they meet the specifications. Likewise, there will be mechanisms to ensure that there is technology transfer, mainly due to personnel that will be employed under the project company. So, the project company is a company that is formed between the contracting authority and the private partner doing the PPP. So, if we talk about the Expressway, there is a private company or a project company between KeNHA and the Chinese group. When staff are seconded to that project company, it is for purposes of technology transfer, so that as our private partners leave, we have enough capacity locally to run the projects.

There also will be opportunities for corporate social responsibility programmes. The parties will be expected to comply with local content requirements provided under any other written law. There also will be opportunities for optimisation, for trade concessions for Kenyan goods and services outside Kenya.

In order to achieve the aforementioned, the Committee, on advice of the directorate, will issue required guidelines. All the above issues were addressed in the amendments proposed by the Committee which shall be considered during the Committee stage of the Bill.

With those many remarks, I second the Bill and thank you.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Sankok. Is Hon. Kiarie here? I just skipped him because I cannot see him. He is top on the list. The next is Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker, for giving me this opportunity to support this very important Bill.

Let me start by thanking the Committee led by the iron lady, Hon. Gladys Wanga, who is actually the minister of finance. She brought a very important Bill that will solve the economic problems that we are facing now as a country. Not only as a country, there is an economic meltdown in the world courtesy of the Coronavirus pandemic. Hon. Gladys Wanga and the Committee did a very good job. They had public participation which is well informed because I have gone through the Report. This is the Bill that I can say is in front of this House properly.

The PPP is paramount and very important for our country. It is not only because of what we are facing in the pandemic, but also because of our Constitution 2010. Our Constitution 2010 places a very heavy burden on our Government and resources. It would be remembered that in the previous regimes, our burden in terms of wages was less. The Constitution 2010 which started its operation during the Jubilee administration in 2013 gave us an extra burden of mouths that we must feed, wages that we must pay for the governors, Senators, Women Representatives, additional number of MPs, MCAs, CECMs who are CSs of county governments, Cabinet Secretaries (CSs) who are not MPs and Chief Administrative Secretaries (CASs). That is an extra

whole lot that we had to maintain in terms of offices, infrastructure and wages for themselves, wages for their workers and also to fuel their vehicles. It was an additional burden to the Government.

The infrastructural projects that the Jubilee Government earmarked were also another very heavy burden to the taxpayer who is already overtaxed. The infrastructure of 7,000 new kilometres of tarmac, rural electrification projects, free maternity, free primary and secondary education, were all extra burdens that we had to bear. You know it is not the Government, it is the taxpayer. The Standard Gauge Railway (SGR) was also a massive burden. So many other projects and allocations to county governments which now stand at 18 per cent and all these came from the same taxpayer that is here and was there even in the previous regime. So, we as a Government had to be innovative. I thank the Leader of the Majority Party and Chairlady of the Departmental Committee on Finance and National Planning. Is it Hon. Wanga, Nyasuguta or Nyasuna? I thank them because this is where we have to be innovative and think of ways of taking care of this extra burden without overburdening the taxpayers who have remained constant throughout this period. One of these very important ways has been used all over the world, that is, public private partnerships. It is where the private sector come with their money, whether they come from within or outside this country, invest in roads like the Expressway and then they charge for use, just the way malls and apartments are built by the private sector and charge rent to recoup their money. In this partnership, the Government is the owner of the land. The private sector pumps in their money and charge for some duration they recoup their investment; a reasonable amount of profit and then hand over to the country. By doing this, we will be able to achieve a lot as a country.

Through the public private partnership, we will be able to create more jobs. A pertinent question is: How many Kenyans are employed by the Government? Almost 700,000, not even one million people. How many Kenyans are employed in the private sector, whether informal or formal? They are 81 per cent. Almost 15 million Kenyans are employed in the private sector, working and earning. By increasing the catchment area through public private partnerships it means we bring more investors on board to create more jobs. Very soon you will find that 90 per cent of our workforce is in the private sector.

I will bring amendments at the Committee of the whole House so that we can be very specific on timelines when the project must start and end, and timelines by which we will know that the private investor has already benefited and got their investment money and some reasonable profit so that we do not have the public private partnership open for eternity—that the person who has built the Nairobi Expressway will charge Kenyans for the next 200 years. We have to know and judge from our traffic how much time they require, so that they can also negotiate pricing to attract more people to use those roads. That way, within some duration of time they will hand over the project back to us. The land remains ours.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Who is that Member? What is out of order?

Hon. Julius Mawathe (Embakasi South, WDM-K): Thank you, Hon. Temporary Deputy Speaker. We have a lot of respect for our colleague Hon. Sankok, but is he in order to misinform this House by saying that the contractor of the road will charge us for the next 100 years?

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Sankok, you may want to repeat what you said and substantiate, so that you do not create unnecessary panic to Kenyans.

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Speaker, when you come to the House physically but not emotionally and psychologically, some of these things may pass you. For the benefit of the Member, I just said that we want a clause in which we put timelines. We should know in how many years the investor must have recovered their money with reasonable profit. I use the word “reasonable” because sometimes you may be told that the profit is 100 times the invested money, which then will stretch to so many years. That is what we want to avoid through this.

As I conclude, I will also engage with the Committee so that it will be dealing with tendering and procurement of public private investments will have a representative of persons with disability. According to the United Nations Convention on the Rights of Persons with Disability, there is nothing about us without us; persons with disability also need to access this Expressway. In the investment that will be put up through public private partnerships, PWDs also need access in terms of ramps and ease of accessing bus stations, just the way the SGR stations have been designed where you can walk on a wheelchair without being assisted, get into or out of the train and go to wherever you are going. You can wheel yourself on the ramp. There are also reserved places for PWDs.

Hon. Temporary Deputy Speaker, I do support this Bill and I wish it will be implemented as soon as we pass it. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): The Member for Bomachoge-Borabu, Hon. Ogutu.

Hon. (Prof.) Zadoc Ogutu (Bomachoge Borabu, Independent): Thank you, Hon. Temporary Deputy Speaker. I want to thank the Committee that has tabled this Bill for discussion. Infrastructural facilities are the nerve centres for economic advancement and development of a country. As a nation, we have had challenges in terms of creation of jobs and food security because of infrastructural problems.

The Bill before us brings in a new dimension in a much more strengthened way. The private sector has been a key player in Kenya but within an environment that is not properly regulated. I am happy that now we have this Bill that provides a framework within which the private sector can engage with the public. I see an opportunity that will enhance development of infrastructural facilities in this country. We now have a Bill that protects interests of the private and public sectors in the partnerships. We are not talking about a competitive environment but a reinforced environment where the private sector with its expertise and resources will engage with the national Government to turn around the many challenges that we face in this country, beginning from roads to electricity and provision of water.

When we have a framework that provides regulations that are required for implementation of a project, we will be better prepared to serve this nation. This nation has had a lot of challenges, especially in the area of electricity and roads. We are now inviting the private sector to work together with the public sector in order to provide the required facilities.

Hon. Temporary Deputy Speaker, we hope to manage some investors who will be coming as private actors and have been global conmen and con-women in terms of signing agreements and thereafter running away and changing their names. With the capacity that has been provided, that is, a directorate and also a committee, we should be able to monitor implementation of the various activities proposed in this Bill. We should be able to vet the investors who will be players with the national Government. We do not expect public funds to be siphoned through briefcase companies that will enter into partnership with the Government.

There are structures of implementation in the Bill. We have got various permanent secretaries with their technical support teams. So, we should be able to eliminate those investors who have got a bad image globally. We need to avoid a situation where deals become an avenue for swindling resources from this country.

Hon. Temporary Deputy Speaker, I am happy that a contracting authority will be established. That authority will work independently, but also in consultation with the respective bodies where the projects will be implemented. What is important is that the authority will not have a reason to fail to substantively understand the background of investors. It should be made clear that investors must operate within premises where deliverables are well-articulated so that we may stand to gain as a nation. The contractual process has been set up by the Bill.

The private public partnership has been on the ground for some time in this country. Green energy has advanced widely in Kenya, especially in the tea industry. It is because of the role the private sector has played, that is, working independently. However, the private sector will now work with public institutions.

Where the private sector has been very active, there is lack of baseline information. This is where we have to be very careful. With a partnership, and I know that it is clearly given, the private investor will be free to offer proposals and even do feasibility studies. We have to be careful. As a private sector consultant in the energy industry, I have witnessed a situation where a whole project is fully run by a private investor with a lot of information least known to the public. As we go through this Bill, we should be clear on how to source and protect information which is being used in implementation of various projects.

As I conclude, this Bill provides an opportunity whereby small companies, through a memorandum of understanding, can team up to bid for a huge project within the public sector. Such an opportunity should never be undermined.

Hon. Temporary Deputy Speaker, this particular opportunity should never be undermined because then as a country we are not going to develop our small investors. We see a situation in Kenya where over 50 years since this country became independent, our investors are not key players in the huge projects. We consistently seem to be going in that direction. I take note that in so doing, we are actually killing our own workforce and our economy because we are not the people in the key play of the economy. Other people are the ones taking the lead. Since the Bill gives us opportunity for our small companies to team up, I believe that window should be used carefully and competitively with the private sector or the Kenya private actors. I want to say that I see an opportunity where we are attracting large numbers of investors but, I also see an opportunity where we stand to lose unless we tighten the loose knobs that we have witnessed with the private sector in the previous years.

I support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Let us have Hon. (Dr.) Nyikal Wambura, Member for Seme.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. This is an extremely important debate we are engaged in today. The principle of private public partnership is actually a great principle that can facilitate development without straining us on taxes but, it is important to look at the relationship between the private sector and the public sector. As I see it, for a long time these two sectors, important as they are, have not had a very good relationship. The private sector has had a predatory approach to the public sector where if you get into a project where the private sector is involved, they look

at the public sector as one that can easily be hoodwinked, where you can make huge profits, and where you really do not have to provide services as required. That is an unhealthy relationship. There has also been an assumption in the private sector that the public sector is incompetent although in reality if you go into the public sector you get the most qualified people. I think the problem there is basically the bureaucracy which I think this Bill will probably address. In fact, the recent performance of public schools during the COVID-19 period actually begs the question. We have to analyze and say 'how did that happen?' What does the private sector do which they cannot do in periods of hardship?

The other issue you have to look at is that corruption is really key in all these relationships. For a long time, we have assumed that corruption is a problem or is based in the public sector. The truth is different. The private sector promotes corruption in a very huge way. There is the story of a prostitute who asked a priest a question that 'who sins more, the one who gives money to sin or the one who takes money to sin?' I think that is the relationship we should think about when we are talking about the issue of corruption in relation to the private and public sector. In any case, it takes two to tango. Therefore, those are areas you should look at. We have not put enough emphasis on trying to address corruption in the private sector as it affects the public sector but, the private sector is a key driver of our development and economy so we cannot wish it away.

The public sector provides the framework for the economy and growth of the country. So, both are complementary. A law that provides a healthy relationship between the two particularly in provision of services and infrastructure is necessary and essential. Therefore, I support this Bill because I know it will improve the current law. It provides for a regulatory process of engagement and comprehensive framework for the implementation of PPPs. Also, it addresses gaps in the existing laws. To that extent, this Bill if passed as a law will go a long way in improving our situation.

It also provides for methods of procurement that promote speedy implementation of projects. I know from my own past experience how the procurement processes can delay, derail and sometimes kill projects. To this end, I support this Bill because it establishes a PPP Committee that will look into the details, provide structures, manpower and process. Together with this, it also establishes a directorate together with a director.

Part 4 looks at the process of identification of projects which again is a big thing if the private sector gets to identify projects. Sometimes because of the push to get business you can get into a situation where the private sector identifies projects for the public sector. This will provide a process of doing this so there is mutual benefit.

Part 5 gives detailed process of procurement as I have indicated which is extremely important. Part 6 provides for a process of involvement of the county governments. All the PPPs we have done, two have worked well but they have not involved the county governments and yet if this country is to move ahead fast then, any process we bring into place must play out at the county level. Therefore, this Bill provides how the agreements will be signed by the counties and the role of the county assemblies in approving such agreements.

Part 8 provides for a funding process which is extremely important. We know of projects that have died where the funding process kills the project or if it works it becomes so expensive that eventually it does not serve the purpose. By establishing these PPP facilitation funds, I think this goes a long way. I must put a question as I end, that we need to look at this Bill carefully and scrutinise it well to ensure the services provided by these processes are not too expensive and out

of reach for the people. This is because it will be a futile effort and we could just take loans and pay them so that people do not pay the loans through the back door.

Hon. Temporary Deputy Speaker, with that I support this, Bill.

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

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. Allow me to join my colleagues in supporting this Bill by the Departmental Committee on Finance and National Planning. First and foremost, I want to congratulate them for the good work they have done.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Whip you have six minutes but we can transfer the remainder of your time.

Hon. Emmanuel Wangwe (Navakholo, JP): The Committee has done a commendable job. This is one Bill that spurs the economy. We have to look at it from the economic perspective considering the country and the global situation in terms of economics. Times are tough and they call for a country to be innovative to know how to assist its citizens. The nature of business is that most of the capital investment belongs to the Government but the service investment belongs to the private sector. Therefore, importantly, this Bill will amalgamate both capital and service to make a seamless investment into a particular economy, say for this purpose, our economy, so that we can make our people enjoy what is possible.

Hon. Temporary Deputy Speaker, this Bill addresses issues of heavy capital investment. There are issues to do with housing units in terms of huge numbers, road infrastructure, electricity production and water and agriculture. All over the world, the economy has grown through partnerships. It could be international, bilateral or multilateral. Therefore, the invitation of this Bill to the people that we can now formulate it and pass it in this House will make investment and access to very needy services possible. I have looked at the world. I have looked at India. India has grown in terms of electricity production through PPP such that they invite a lot of private investors to participate in the production of electricity. In the Departmental Committee on Agriculture and Livestock, I had the privilege of assessing most of the agricultural large farms in Israel. They are privately owned although in line with government policies.

In the last Parliament, through the Committee on Regional Integration, I had an opportunity to visit one of Canada's agricultural production zones and most of the investment is in the hands of the private sector but the government provides the alternative in terms of investing in large farms of 2,000 to 3,000 acres so that production of food is made easier and at a lower cost. You spread the economies of scale and the costing part of it becomes easier. If this Bill is passed as it is and the Kenyan people, together with the Government, enforce what we really believe in; most of our heavy cost will come down. I say so from the background of cane production. I represent farmers in this House. On most of the issues, like the road network, we have to rely on the Government. We have to rely on the Kenya Rural Roads Authority (KeRRA) to improve the road network. We have to rely on the Government to provide water. Should this Bill mature and we invite private players in a heavy scale, then we might find ourselves in a better situation than the situation in which our farmers are in today.

You cannot debate this Bill without anticipating another Bill. Although it is provided in the Standing Orders that it is not good to anticipate – there is a Bill on public debate by Hon. Sakwa Bunyasi before this House – we must understand that you have to look at this Bill vis-a-vis the public debt. The same way the Chair said while seconding, it is important to scale so that we do not just allow private players to balloon into the economy minus the assessment and

containment measures which will stop the appetite of our private sector together with the Government to borrow.

Itemising on the Bill itself, we have various good issues that this Bill is bringing along. We have the issue of the alternative source of funds by the Government. In line with what my other colleague mentioned, it is not good enough to have a structure that you will pay for quite a long time. It is good enough to know that the lifespan of Kenyans in terms of active employment is 25 to 30 years. Therefore, if you are borrowing for a young person who has just come from the university today, it is good that that programme is set such that we do not give leeway for a project to go for longer than 30 years. It is good that this model will ease access for the public because it will now access the otherwise unavailable facility.

The Bill has also highlighted the issue of approval, bureaucracy in Government...

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Wangwe, let me stop you there so that you do not start a new trail of thought.

Hon. Members, the Hon. Member for Navakholo, the Chief Whip, has a balance of four minutes having spoken for six minutes when this business comes back on the Order Paper.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): With that Hon. Members, time being 6.30 p.m., this House stands adjourned until Thursday 13th May 2021 at 7.00 p.m.

The House rose at 6.30 p.m.