

PARLIAMENT OF KENYA
THE NATIONAL ASSEMBLY

THE HANSARD

Wednesday, 29th September 2021

The House met at 9.30 a.m.

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

PRAYERS

QUORUM

Hon. Deputy Speaker: Hon. Members, we are short of the required numbers. Therefore, I order that the Bell be rung for 10 minutes.

(The Quorum Bell was rung)

Hon. Deputy Speaker: We now have the required quorum, so let us proceed.

PETITION

COMPENSATION OF FAMILY PROPERTY IN GITHUNGURI

Hon. Deputy Speaker: Order Members.

Hon. Members, Standing Order 225(2)(b) requires the Hon. Speaker to report to the House any petition, other than those presented by a Member. Further, Article 119 of the Constitution provides for the right of any person to petition Parliament to consider any matter within its authority, including petitioning the House to enact, amend or repeal any legislation.

In this regard, Hon. Members, I wish to report to the House that my office has received a Petition from Mr. Samuel Gilbert Njenga Karumbi of P.O. Box 32180 Nairobi seeking compensation for the loss of family property destroyed as a result of skirmishes that occurred in Githunguri, Kiambu County in 1997.

The 62-year old petitioner who hails from Riagithu Village in Githunguri avers that on 9th December 1997, the Kenya African National Union (KANU) Party held party nominations in Githunguri Town in which his brother Mr. Stephen Waweru Njenga vied for nomination for the Githunguri parliamentary seat. Disputes arising from the party nominations led to politically instigated skirmishes where thugs burnt three houses, maimed his mother with an axe, burnt a new pick-up van, slashed six cows to death, uprooted bananas and maize from the farm, and caused considerable damage to the entire homestead while mocking the family following his brother's loss in the nominations.

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Hon. Members, the Petitioner, who has unsuccessfully attempted to obtain redress from the Ministry of Interior and Coordination of National Government, seeks the intervention of this House in order to secure compensation for the loss of property and distress occasioned to his family.

Hon. Members, having determined that the matters raised by the Petitioner are well within the authority of this House, I order that the Petition be committed to the Departmental Committee on Administration and National Security. The Committee is required to consider the Petition and report its findings to the House and the petitioner in accordance with Standing Order 227(2).

I thank you.

I see a few Members who want to comment on this one. I will give four Members, if not more. Let us start with the Hon. Maanzo Kitonga.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Deputy Speaker, for giving me an opportunity to comment on this very important Petition. Although under the law, the petitioner cannot now sue the Government because of time lapse, he has every right to come to this House for assistance. Nominations and election violence are very destructive affairs and occur due to competition. In this case they are the ones who lost and still suffered damage. That tells you how painful it is. It damaged important property which would have served the family very well. It results to destruction of property, losses of livelihood of that family and of an individual. So, other than what the House is going to do out here, we have to come up with a very strong law.

What happens is that nominations of political parties are very chaotic. Even up to today you may expect to be nominated but fail. Violence may occur and you miss your chance in this House. That is why even 70 per cent of Members never come back due to botched or rigged nominations. What follows immediately are tribunals inside the party and if you want to go to the High Court, it is not an election petition. So, you are struck out and at the same time people are still campaigning and you unfairly lose your chance to come to this House or an opportunity to be in politics.

I think other than just the House looking at this Petition, it should be looked at universally. So, we can come up with a better way of dealing with nominations competition in political parties. You know in many occasions once the nominations are over, the election is over. Many times, you are given a certificate, you take it to the Independent Electoral and Boundaries Commission (IEBC) and you are told it is not the correct one. This is because somebody else has already been cleared by your party and there is no legal redress. This is a very important Petition and when the House is looking at it, let it be universally so as to solve this problem once and forever.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: When you say universally it includes the international systems. I think you should have said broadly, maybe this is what you meant. Let us have the Member for North Imenti.

Hon. Rahim Dawood (North Imenti, JP): Thank you, Hon. Deputy Speaker. I want to join the Petitioner in...

Hon. Deputy Speaker: Let us be brief so that more Members can speak.

Hon. Rahim Dawood (North Imenti, JP): Thank you, Hon. Deputy Speaker. The matter of electoral violence needs to be tackled. This Petitioner is talking about electoral violence which was meted on him. As we approach the elections next year, we need to tame people's appetite for violence and not just burning things. Even when meetings are held, intolerances should be

condemned completely like what happened in my constituency on Sunday. We need to take care of these issues and the National Cohesion and Integration Commission (NCIC) should see how to tame these people.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Sankok and by the way what time did you place your card?

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Deputy Speaker. I come early and I always come before the Speaker and leave after the Speaker. This is because I was taught by my parents to earn from my sweat and this is my work station. So, I must be in my work station on time.

Electoral violence is action caused by a loss and we have to address it once and for all in this House. I think what we threw out of this House, the issue of capping the amount of money to be used in campaigns is something we need to rethink and relook into. Sometimes, it is a mega loss when you have spent a lot of money and this is what causes emotions. Apart from ethnic and tribal alienation, it is the amount of money you have used during campaigns, which you think is lost when you do not get a certificate. I think we should have the capping in the Election Campaign Financing Bill and give a maximum for the President. He should not use more than Kshs1 billion so that emotions do not run high. Members of Parliament should be advised to use Kshs5 million.

Thank you, very much, Hon. Deputy Speaker.

Hon. Deputy Speaker: Okay. Hon. Okelo Odoyo.

Hon. Jared Okelo (Nyando, ODM): Thank you, very much, Hon. Deputy Speaker. In law there is what we call the doctrine of laches where somebody would want to come out after a very long period of time to seek relief. Suffice to say, this is a person who was meted on electoral violence by goons and as a result lost humongous amount of property. I do not think the law of laches would apply in this case and he will be refused to seek relief.

This is a lesson to all of us particularly, those who are in this House and those wishing to come to this House. That, certain times when we mete violence on innocent people, the destruction takes too long to be indemnified and that is why this gentleman has come before us. This is a person I would support but with a rider that Kenyans need to learn very great lessons out of this. That it does not pay to get involved in any form of violence. We need to live as one unitary society and this informs the *azimio la umoja*. So, we live together as brothers and sisters without necessarily having to fight over leadership positions. At the end of the day, Kenya will stay, our brothers and sisters will stay and if you lose your life in violence, it does not pay anything.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Okay. Hon. Pukose. I think I will give two more Members.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Deputy Speaker. From the outset, I want to support this Petition. To avoid skirmishes during elections, I think we need to relook at our laws. You know this is also related to leadership because when leaders do not accept results and go to Uhuru Park to swear themselves, they set bad examples. The same leaders are the ones who mobilise people in Kibra to uproot the railway line. This is a depiction of the society we have. It should start from the top, so that people down there can follow our examples. Otherwise, we will not be talking of election violence and skirmishes...

Hon. Jared Okelo (Nyando, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Odoyo what is your point of order?

Hon. Jared Okelo (Nyando, ODM): On a point of order, Hon. Deputy Speaker. Is it in order for Hon. Pukose to apportion blame on Kibra, yet the Petitioner has ably said where he comes from in Kiambu? Kiambu is not in Kibra unless his geography is at stake. So, he has to put this Petition where it belongs. Let us not drag Kibra here.

Hon. Deputy Speaker: I hear you Member for Nyando. As you heard what your colleague the Member for Makueni said it should be looked at broadly. Probably, the Member for Endebess is trying to look at it broadly.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Pukose, I do not want you to bring unnecessary emotions into this. This is because if we start throwing words at each other, probably we will lose this Petition which is specific by this Member. So, as you do it broadly, let us get something which can help us.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Deputy Speaker for your guidance and assisting the Member for Nyando understand that I was looking at it broadly. I think as the Committee looks into this Petition by the Member for Githunguri, it is important they look at the law and how we can strengthen the Elections Act including making amendments. Yesterday, the Independent Electoral and Boundaries Commission (IEBC) said there are Bills hanging in this House. I think this is an area they need to look at, on how to strengthen and ensure our elections are peaceful and everybody goes home having accepted results in an honourable way.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Alright, let us have the Member for Kiminini. Order! Order Members! There are no governors in this House. There are only Members of the National Assembly. Did you say, gender or governor?

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Thank you, Hon. Deputy Speaker. We say may God's will be done, halleluya. Leadership comes from God and we as players in the electoral process must condemn electoral violence. I was working on a Bill with Hon. Sen. Mwaura on party primaries but unfortunately, you know what happened. I was looking for a way of getting that Bill so it will guide party primaries, particularly, when it comes to nominations.

Indeed, this is critical because political parties are the ones that conduct these party primaries and that brought about violence as per the Githunguri case. We call upon the political parties to put measures in place and minimise issues of electoral violence. In case somebody somewhere is responsible, there must be strict measures and punishment so that people can be free to exercise their democratic right. It can even go to an extent of disqualifying that person. So, if we condemn violence from the political party's point of view, particularly when it comes to party primaries, it will add a lot of value. This is something that comes in the Elections Act. I am aware that Parliament has done so much. Parliament has done well in as far as legislation on political parties and elections are concerned. Maybe what is remaining is the Elections Act, which will go through some amendments. At that particular time, it had provision for electoral violence. We must put some stringent measures to mitigate against this vice because as we approach elections, as players we should participate in the process in a peaceful manner. This is because from the look of things, temperatures are going to be very high in the 2022 election. We want to have a peaceful country and anybody involved in matters of violence must be disqualified.

I support this petitioner. The Committee that is going to be responsible should actually move with speed so that we come up with recommendations and if possible bring in some informed amendments in any related law or regulation.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Tong’i. Hon. Members, I have decided to give a little more Members. I realise that this is an extremely interesting area in terms of the period we are in. So, probably, I will give chance to a few more Members and then we will proceed to the next Order.

Hon. Richard Tong’i (Nyaribari Chache, JP): Thank you, Hon. Deputy Speaker, for not just looking at it broadly...

Hon. Deputy Speaker: Hon. Members, I have decided to give chance to a few more Members. I realise that this is an extremely interesting area in terms of the periods we are in. So, probably, I will give few more Members an opportunity then we go on.

Hon. Richard Tong’i (Nyaribari Chache, JP): Thank you, Hon. Deputy Speaker, for considering the face of Kenya on this Petition. You have looked at it broadly, which is a good way to capture the feelings and the mood of the country on matters violence. I agree with my colleagues who have spoken ahead of me. The violence that has been meted on innocent people over the years is completely unacceptable. It was not necessary because I know the petitioner had done nothing to deserve what he got as a family or the damage they suffered as a family. I can relate with this because we lost our properties in Kisumu during the post-election violence. That was unacceptable and uncalled for. Innocent people had gone out there to do business. Some people who had invested their pension watched it go up in flames in the name of politics. Some of these people were supporters of the party then. This needs to be condemned in the strongest terms possible. It should never happen again. This brings to mind the fact that there are people who have not been compensated following the post-election violence. Majority of those who deserve to be compensated have not been given a penny to date. The principle of indolence does not set in where innocent people have suffered criminal activities like this one. Notwithstanding the time that has lapsed in between, they deserve to be heard. They deserve to be compensated and comforted in whichever way we can as a country as a way of encouraging and telling people that this should not happen to anybody else. More importantly, violence does not define who we are as a country. We are better off than what we have done.

Hon. Deputy Speaker, as I support the Petition, I hope we will consider members of the Kisii community who lost their properties during the post-election violence.

Hon. Deputy Speaker: Hon. Members, I do not want to be accused of being gender insensitive. Let us hear Hon. (Ms.) Paulata Korere.

Hon. (Ms.) Sarah Korere (Laikipia North, JP): Thank you, Hon. Deputy Speaker. I also want to support the Petitioner. Political violence is indeed totally unacceptable.

Hon. Deputy Speaker, thank you for allowing me because you know the recipients of political violence in most cases are women. I speak as a victim. In 2017, two days to the party nominations, some militia believed to be supported by some of my opponents drove away my 600 goats, which I have not recovered to date.

Hon. Deputy Speaker, you know that my goats do not vote. So, I do not know why they took them. Then four days to the general elections, I lost 300 cows – which I have also not recovered to date. This kind of violence is meant to intimidate the person who is vying. Again, in the run-up to the next general election, especially now, violence is already happening in Laikipia North, where houses are actually being burnt down. I would like to support the Petitioner. There is a security agency that is mandated to take care of the lives and properties of Kenyans. When

they fail to do so, the Government must be held accountable and the victims must be compensated. So, I plead with the Committee that will handle this Petition to at least relook into these issues so that as we proceed to the general elections, people do not lose lives and property and become hopeless after the election.

I beg to support.

Hon. Deputy Speaker: Hon. Kibiwot Melly.

Hon. Julius Melly (Tinderet, JP): Thank you, Hon. Deputy Speaker, for giving me this chance. Electoral violence is a serious issue in this country. As my colleagues have said, it affects the lives of children, elderly people, women and even young men. Electoral violence needs to be condemned by every sensible leader in this country because our country loses a lot every five years. The problem arises as a result of leaders not accepting when they lose in the elections. The Government needs to take action to compensate the people who have been affected because it is the onus of the state to protect lives and property. In the case of the old man in Kiambu, he lost his property about 30 years ago. The Government needs to compensate him since it failed to protect his property. A number of people have lost their properties in this country even in major towns and cities. We have several cases in Nairobi, Kisumu, Eldoret and in many other parts of the country. Innocent businesspeople, and even fellow Members of Parliament, have lost a lot of property. It is time we sat down as a House and made very clear laws, which the Executive, through the National Police Service, should implement impartially. There are instances when the police allow violence to take place because of partisan politics. This time round, the police must be nonpartisan and play safe politics for the good all Kenyans. It has been noted that when the Government is neutral, we will not have electoral violence. Even political leaders have to mind their tongues when they speak in public.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Wanyonyi Wetangula.

Hon. Tim Wanyonyi (Westlands, ODM): Thank you, Hon. Deputy Speaker. This is a Petition that has been brought by a victim of electoral violence. Electoral violence normally happens when elections are bungled, when people mismanage elections, rigging and all manner of things. This creates a lot of emotional imbalance and people start fighting, property is destroyed and lives are lost. It is high time we managed our affairs properly especially those managing our election. The Independent Electoral and Boundaries Commission (IEBC) must now be preparing itself well so that they do not mismanage the election and people end up fighting again.

We believe that the laws are there. Those who are supposed to implement the law must adhere to the letter of the law and not just acting on the whims of perpetrators of violence. We support. As we go to the next general elections, we must be careful as a country, because emotions are already high. President Uhuru Kenyatta must carefully manage the transition of power to the next Head of State.

I support the Petitioner.

Hon. Deputy Speaker: Hon. Members, there is still a lot of interest on this Petition but we have flogged it enough. Let us leave it for another time.

So let us proceed to the next Order.

ORDINARY QUESTIONS

Hon. Deputy Speaker: Under this particular order, we will start with the ordinary questions. Two of the questions are deferred to a later time, that is, the question by Hon. Chepkut

and Hon. Ezekiel Machogu. Now, let us start with the Member for Embakasi East, Hon. Babu Owino Ongili.

Question No.375/2021

INCREASE IN FEES AND STUDENT ACCOMMODATION AT UON

(Question deferred)

Question No.378/2021

PROGRESS OF CONSTRUCTION OF SOSERA-RAMASA ROAD

(Question deferred)

Question No. 353/2021

OWNERSHIP STATUS OF TWO PARCELS OF LAND IN EMBAKASI EAST CONSTITUENCY

Hon. Babu Owino (Embakasi East, ODM): Thank you very much, Hon. Deputy Speaker. There is a very contentious issue within Embakasi East Constituency, that is, the land question within Embakasi. There are two parcels of land, LR. Nos 3334 and 4422, which have been grabbed within Tassia and the parcels of land are meant for the construction of public schools. We know the advantages of education in this country. Article 53...

Hon. Deputy Speaker: No, Hon. Babu Owino. I want you to ask the Question. I can see how critical it is for you, but ask the Question first, then when we refer it to the Committee. From there, we will be able to bring all those facts and circumstances.

Hon. Babu Owino (Embakasi East, ODM): Hon. Deputy Speaker, Article 53 (1) (b) of the Constitution states that every child has a right to free and compulsory basic education, therefore:-

(i) What is the ownership status of the parcels of land L.R. Nos. 3334 and 4422, which had been set aside for public use in Embakasi East Constituency but have since been illegally acquired and/or grabbed by a private developer who is the current area MCA, Michael Ogada who has since constructed apartments on them?

Hon. Deputy Speaker: What is your point of order Hon. Dr. Pukose? Just a minute Hon. Babu, let us hear what the point of order is.

Hon. (Dr.) Robert Pukose (Endebess, JP): With all due respect to my friend Hon. Babu Owino, I think he is not reading the question as it is and I request that you direct him to read it as it is on the Order paper. Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: That is the true position. Of course there are emotions involved in land you can imagine, but I would rather you read the question and you do not need to mention names at this point. Those are evidences, circumstances and facts that you are going to give when the matter is referred to the Committee.

Hon. Babu Owino (Embakasi East, ODM): Okay, Hon. Deputy Speaker.

ii. Could the Cabinet Secretary in the Ministry of Lands undertake to institute action against persons, to be specific NSSF, Moses Cheseto who is responsible for facilitating the grabbing and the irregular transfer of the land?

Hon. Deputy Speaker: I have asked you not to mention any names. Please read the question as you requested it yourself. You were free to have put all those things. By the way, if you had, probably they would have been expunged at the point of entry.

Hon. Babu Owino (Embakasi East, ODM): Can the Cabinet Secretary in the Ministry of Lands ensure that the grabbed parcels of land are given back to the community for construction of public schools in Tassia without delay because as we speak, I am ready with the funds to construct the schools?

Hon. Deputy Speaker: Order Hon. Babu. You have actually asked a very serious question. The only thing is, you are putting quite a lot of other issues that I have actually lost it myself. I was following you but you seem to have had a different set of questions. This is a different set of questions. This is a serious question for sure. I know you have talked about the fact that you want to construct something that needs to be canvassed quickly so that you can progress especially with CDF live in the House. Let us have the Chair of the Departmental Committee on Lands. In the absence of the Chair of the Departmental Committee on Lands, I think through the Leader of the Majority Party who is in, as usual, this is a matter that should be worked within two weeks, 14 days. It is a quite a serious issue. That is why you can see Hon. Babu bringing all facts. I think he is anxious to put facts on the table. Take those facts and be ready to appear before the Committee as the Cabinet Secretary responds to this particular question.

The next Question will be by the Member for Tigania East, and that should be the last one on this particular. Hon. Kabeabea.

Question No. 384/2021

DEPLOYMENT OF STAFF TO NEW LOCATIONS AND
SUB LOCATIONS IN TIGANIA EAST CONSTITUENCY

Hon. Josphat Kabeabea (Tigania East, PNU): Thank you, Hon. Deputy Speaker. My question is about many administrative units which were created and gazetted but have never been functional because we have never had chiefs and assistant chiefs employed.

In this regard, I rise to ask Question No. 384 of 2021 which reads;

- (i) Could the Cabinet Secretary explain why, staff are yet to be deployed to the new locations and sub locations created in Tigania East Constituency despite the gazettelement of more than five years ago.
- (ii) What measures is the Ministry taking to ensure that the said administrative units are adequately staffed, particularly, ensuring that the chiefs and assistant chiefs are recruited to facilitate enhanced service delivery in the said administrative units.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Having committed the other Question to the Departmental Committee on Lands, this one will be replied to before the Departmental Committee on Administration and National Security. So, we go to Statements. We will start with Hon. Olago Aluoch.

REQUESTS FOR STATEMENTS

FAILURE OF THE TSC TO PAY ENHANCED HOUSE ALLOWANCES
TO TEACHERS IN MOMBASA AND KISUMU CITIES.

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Hon. Olago Aluoch (Kisumu West, FORD-K): I rise to request for a Statement on the failure of the Teachers Service Commission (TSC) to pay enhanced house allowances to teachers in Mombasa and Kisumu cities.

Pursuant to Standing Order No. 44(2) (c), I wish to request for a Statement from the Chairperson, Departmental Committee on Education regarding the failure of the TSC to pay enhanced house allowances to all teachers engaged in all schools within the boundaries of Mombasa and Kisumu Cities as defined under the Urban Areas and Cities Act No. 13 of 2011. Under that Act, Mombasa and Kisumu are defined as cities. Under the collective bargaining agreement between the TSC on one hand and the KNUT and KUPPET, all teachers engaged within these cities are entitled to enhanced house allowances. Since 2011, the TSC has been paying the enhanced house allowances only to some teachers in some schools in a manner that is not only opaque but also discriminatory.

It is against this background that I seek a Statement from the Chairperson to address the following issues.

- (i) Could the Chairperson explain why the TSC does not pay all teachers engaged in Mombasa and Kisumu Cities equally?
- (ii) What criteria does the TSC apply in determining which teachers and in which schools in Mombasa and Kisumu are to be paid the enhanced house allowances?
- (iii) Is the Chairperson satisfied that the criteria applied by the TSC is not unlawful or discriminatory?
- (iv) Is the Chairperson able to inform the House when payments of enhanced house allowances together with the accrued arrears to all affected teachers within Mombasa and Kisumu cities boundaries will be effected?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well, that one is referred to the Departmental Committee on Education and Research. We will then go to the next one by Hon. Sara Korere.

FAILURE BY SECURITY AGENCIES IN LAIKIPIA COUNTY
TO PROCESS LOCAL INTELLIGENCE INFORMATION

Hon. (Ms.) Sara Korere (Laikipia North, JP): Hon. Deputy Speaker, pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding the failure by security agencies to process local intelligence information in order to deter banditry attacks in Ol-Moran area in Laikipia County, Laikipia North Constituency.

Over the past two months, residents of Sosian Ward in Ol-Moran Sub-County, Laikipia North Constituency have suffered banditry attacks which have resulted in loss of human lives, destruction of properties, cattle theft, disruption of learning and other socio-economic activities in the area. This has consequently necessitated the re-arming and facilitation of community National Police Reservists (NPRs) to ensure protection of lives and properties, facilitation of insecurity-prone police posts and stations in terms of both equipment and personnel and opening up and maintenance of security roads for ease of movement of security personnel.

It is on account of this concern that I seek your indulgence under Standing Order No.218(2) and ask you to direct the Departmental Committee on Administration and National Security to urgently inquire into matters, particularly on the following issues:

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- (i) Failure by security agencies to process local intelligence information in order to deter banditry attacks in Ol-Moran area, Laikipia County;
- (ii) The plans put in place by the Ministry to re-arm National Police Reservists in three wards in Laikipia North Constituency that are prone to insecurity, namely, Sosian Ward, Mukogodo East Ward and Mukogodo West Ward.
- (iii) Delay in establishing Tura and Nadung'oro General Service Unit and Anti-Stock Theft Unit camps as undertaken by the Ministry that are very crucial in deterring banditry invasion;
- (iv) Budgetary allocation for purposes of opening up security roads in the three named wards above; and
- (v) Actualisation of the gazetted administration units to ensure improved efficiency of Government services in the vast Laikipia North Constituency.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. That one will be referred to the Departmental Committee on Administration and National Security.

Next Order.

BILLS

Second Readings

THE KENYA DEPOSIT INSURANCE (AMENDMENT) BILL

(Hon. Rahim Dawood on 18.8.2021 – Morning Sitting)

(Debate concluded on 22.9.2021 – Morning Sitting)

Hon. Deputy Speaker: The Question will not be put. We do not have the required numbers on that one.

(Putting of the Question deferred)

Next Order.

THE KENYA FOOD AND DRUGS AUTHORITY BILL

(Hon. (Dr.) Robert Pukose on 22.9.2021 – Morning Sitting)

(Debate concluded on 22.9.2021 – Morning Sitting)

Hon. Deputy Speaker: Same fate. So, the Question will also not be put.

Just a minute. I can see there is a Member who has raised the fact that there could be numbers. Give me a minute to confirm. I have already confirmed, but I can do so beyond doubt.

Let us leave it there, Hon. Pukose, because the other consequence can be even more adverse. So, please, let us leave it there. Numbers will be required for the Question to be put.

(Putting of the Question deferred)

Next Order.

THE EMPLOYMENT (AMENDMENT) (NO.2) BILL

(Hon. Gideon Keter on 22.9.2021 – Morning Sitting)

(Resumption of Debate interrupted on 22.9.2021 – Morning Sitting)

Hon. Deputy Speaker: On this one, we have a balance of three hours and ten minutes. I want to confirm whether it was moved and seconded. Yes, it was. Hon. (Dr.) Ombaka had a balance of nine minutes. She is absent. Only two Members had spoken, so the rest have an opportunity.

Hon. Maore, do you want to speak to this one? No. Hon. Koske Kimutai, do you want to speak to this one? Okay. Hon. Rahim Dawood? Hon. Wangwe, do you want to speak to this? The next one. Hon. Koyi Waluke? Queuing. Hon. Wilson Sossion? Hon. Sankok? I would be very surprised if Hon. Sankok did not want to speak to this. He speaks to every bit of legislation that is brought here.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Deputy Speaker, for giving me this opportunity to speak on the Employment (Amendment) Bill (National Assembly Bill No. 79 of 2019) that was moved by Hon. Gideon Keter.

Hon. Gideon Keter is a youth who is properly representing the youth in this House. We know that the employment issue is very emotive when it comes to the youth. Currently, our country has four million unemployed youth. That is a ticking time bomb if not taken care of. The youth have always been taken for granted in this country. You remember the shenanigans around the Building Bridges Initiative (BBI) where the youth were promised tax holidays and waivers yet they are unemployed. How do you waive taxes for somebody who was not paying taxes in the first place? Hon. Keter is simply saying that the youth need employment not tax holidays. We thank God that the document was declared illegal, unconstitutional, null and void because it was devoid of any assistance to the youth who are a ticking time bomb because of unemployment.

Article 54 of our Constitution is very express when it comes to the employment of persons living with disabilities. It states that 5 per cent of all job opportunities in this country should be allocated to persons living with disabilities. As it is currently, the Cabinet is not properly constituted in line with Article 54 of our Constitution because there is no person living with disabilities in the Cabinet - even though I heard that the Cabinet has not sat for the past eight months meaning that Kenya is on auto-pilot. The Cabinet is normally the highest organ in terms of security and development of all the issues that affect our country.

Again, the positions of Chief Administrative Secretaries (CAS) and Principal Secretaries (PS) are not properly constituted in line with Article 54 of the Constitution because they lack persons living with disabilities apart from the PS position where we have Hon. Josephtha Mukobe representing persons living with disabilities. If the highest organ of Government management - the Executive - does not represent persons living with disabilities, our employment is in question in terms of representation because it does not adhere to the standards of our Constitution.

Our youth are suffering out there. Hon. Keter came up with a Bill concerning potential employees being requested to produce a Higher Education Loans Board (HELB) Clearance Certificate, a Tax Compliance Certificate and a Certificate of Good Conduct. They end up

spending a lot of money apart from the money they spend tarmacking or potholing - because our tarmacs are full of potholes - around the country seeking employment. They also pay the Government a lot of money when searching for jobs that are not there. The Bill seeks to remedy such expenses that are levied on our youth, so that potential employers can only request for such certificates when they are assured that a person has been shortlisted and is going for an interview and have benefitted from the employment. Currently, the youth can apply for as many as a hundred job opportunities in a year. So, if you have applied for a hundred job opportunities in a year and every job you apply for requires a Certificate of Good Conduct, a clearance certificate from the Kenya Revenue Authority (KRA) and a clearance certificate from HELB, you will use a total of Kshs5,000 to apply for one job. If you apply for a hundred jobs and you do not get any of them, you will have already spent almost Kshs500,000 just for job applications before you even get the job.

This House must address this issue of unemployment. I can assure you that what you have heard about the bottom-up economic model, even though many people do not understand, it is the remedy for youth unemployment. The money that we have used to resuscitate Kenya Airways (KQ) will support small enterprises of *mama mboga*, *boda boda* riders and M-Pesa shops, almost one million of them. Those are a million job opportunities, and a million new tax payers. We should specifically make laws in this House that target the small and medium sized enterprises. For a long time in the trickle-down economic model, we have targeted the large corporates like KQ, Safaricom and the Kenya Power Company, so that we could protect them in law to become monopolists. While we think they will offer job opportunities, they are actually laying off employees. While we thought we could benefit from taxes paid by big corporates, they have ended up declaring nil returns! That means they do not even pay taxes. While we thought they could have corporate social responsibility (CSR), it is private entities like Equity Bank that have CSR. You will never see any CSR by KQ. Those big corporates have been open to massive corruption. They do not offer any employment opportunities. In the bottom-up economic model where you target the bottom of the pyramid, it will be very difficult for thieves like the people in the KEMSA scandal, those mentioned in the *Mafya House* scandal, and the COVID-19 billionaires to steal from *boda boda* riders, *mama mboga*, and kiosk owners.

What will sort out the four million youths in this country is the bottom-up economic model. Some people do not understand because they are thinking in terms of the bottom... They are thinking in terms of alcoholism. Indeed, this will be the saviour of this time bomb that is youth unemployment.

I urge Hon. Gideon Keter that as we go forward, we should also try to convince the Executive to be specific. We should invest in labour intensive infrastructure rather than capital intensive infrastructure. Our country is still poor, but we have enough human resource. We will create more jobs if we invest in labour intensive infrastructure. An example is the Nairobi Express Way that cost us Kshs80 billion and yet it only created 3,000 job opportunities for Kenyans. It will only benefit a few of us who go to the airport regularly. Had it been a labour intensive infrastructure, we would be better off.

Hon. Deputy Speaker: What is your point of order, Hon. Wangwe?

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Deputy Speaker. I have a lot of respect for Hon. Sankok. When he is making a statement of economic concern, it should be a real statement. He should understand that labour is a function of capital. You cannot dismiss the two. He is dismissing capital in the favour of labour and yet he is speaking to the nation. Let us not portray the House in the sense that we do not understand economic functions.

Hon. Deputy Speaker: Hon. Sankok, you know you are a medic and not an economist. Sometimes you mix things.

Hon. David ole Sankok (Nominated, JP): Hon. Wangwe is also far from being a businessman. My time is up. The Nairobi Express Way is capital intensive. It will use a lot of money, Kshs80 billion to be specific. For example, if it was affordable housing, we would have created...

Hon. Deputy Speaker: What is your point of order, Hon. Maore?

Hon. Maoka Maore (Igembe North, JP): For the record of the House, I think it is good that Members do not just utter words that add no value apart from incitement. The Member is quoting the Nairobi Express Way and putting a price tag on it when he knows that he is misleading us. I am asking whether it is in order to allow him to record that there is taxpayers' money from the National Treasury, by this Government or whichever Government, that has gone into the Nairobi Express Way before he sits down with that kind of reckless talk?

Hon. David ole Sankok (Nominated, JP): Whether it is borrowed money or not, it is Kenyans who will eventually pay it. The borrowed money is Kenyans money. It is through the private-public partnership (PPP). Kenyans will eventually pay. If we used the Kshs80 billion in the affordable housing plan, it would construct approximately 80,000 units and each unit would require five plumbers and five carpenters. We would have created 400,000 jobs instead of 3,000 jobs. Do your maths well! I am clear in my mind and I know what I am talking about.

Hon. Deputy Speaker: Your time is over. We will go to the next Member. I am having problems picking Members because I see many of you placing requests to speak yet you want to speak to the next one. Let me start with the Leader of the Majority Party because, of course, you know he takes priority as per the Standing Orders.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Deputy Speaker. I rise to support this Bill and congratulate the Member for not only this Bill, but several others that he has sponsored. I believe that is the spirit we want; Members to be fully involved in legislation. So, congratulations, Hon. Gideon Keter, for bringing this up and addressing the issues affecting the youth in this country. We know that job opportunities, not just in Kenya, but on a global basis, are on a decline. The COVID-19 Pandemic did not help. We saw from the statistics by the Kenya National Bureau of Statistics (KNBS) that upwards of 1.2 million people could have lost their jobs and sources of livelihoods because of COVID-19. There is a disruption in the way people do business or relate within the work place.

Hon. Deputy Speaker, the Constitution of Kenya 2010 introduced Chapter Six and declared what people must comply with. Unfortunately, it also brought within it onerous responsibilities that for you to seek a job and get employed, you need to get all these clearances from several people. Whereas the intention is good, the cost associated with that has been estimated at close to Kshs5,000 for one to get the requisite certificates. For a jobless Kenyan, it is a cost we need to re-look. The certificates are given by the Government. In the spirit of this Bill, if we resolve this issue, people will not be required to pay unless there is certainty that they are going to get employed. It makes sense so that it is a background check, but only after you have made the cut. Only then can you be told: "Before we give you the contract, bring the following documents." It should not be at the point of applying for a job. That way, the integrity check becomes an integral part of the interview. It should be your competence that matters at that point. Among the competent, you then have people being required to pay. I believe that should be the spirit. Making people incur the cost may not be the way to go.

I support the Bill in terms of principle. It is a fairly straightforward Bill. It is simple. We do not even need to belabour much on it. I hope the Committee will also guide us in terms of any other tinkering with the Bill as required to make it better. This is the kind of policies and laws that we need in order to facilitate our youth and remove the bottlenecks that hinder them from accessing employment. I know Hon. Sankok may want to appeal to another audience out there, but I do not want to even respond to what he is saying.

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

Hon. Amos Kimunya (Kipipiri, JP): I know you have been mentioned, which is fine. We can mention anyone.

Hon. Deputy Speaker: Order! Take your seat, Hon. Sankok. From where I am, I am able to tell when you are adversely mentioned. Mentioning your name, like I have just done, does not really require your intervention. Order, Hon. Sankok. Lately you are a very agitated man. Relax like you have always been.

Hon. David ole Sankok (Nominated, JP): Point of order.

Hon. Deputy Speaker: What is your point of order? We need to determine whether there is a major issue that we do not know.

Hon. David ole Sankok (Nominated, JP): Hon. Deputy Speaker, I am an honourable Member of Parliament. When Hon. Amos Kimunya, whom I respect very much as my leader, says that I am talking to appeal to people out there, really, I am not appealing to anybody. We are making a law. I have mentioned employment of PWDs and the youth. So, am I appealing to anybody out there? He is out of order. I am representing my constituents.

Hon. Deputy Speaker: The reason you are actually out of order is that the Leader of the Majority Party has stated what is obvious. You are definitely appealing to an audience within and without. That is why we provide live broadcast of the proceedings. You could be appealing to PWDs or anybody else.

Hon. David ole Sankok (Nominated, JP): I am not appealing to anybody. I am stating the facts.

Hon. Deputy Speaker: Take your seat, Hon. Sankok, and relax. I have just said there was absolutely nothing wrong with you appealing to people because that is the business of a Member of Parliament. You are supposed to appeal to your colleagues here to support your case, which unfortunately is not this Bill. You also talk to the public out there because it is your business to represent them. You could be representing everybody, especially given that you are Nominee 001. You are probably a representative in *rem*. I do not know if you understand that particular bit, Hon. Sankok. That is about appealing to the world. I explained because I realised you are not a lawyer, but a medic.

Proceed Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Deputy Speaker. I believe you have really helped Hon. Sankok to understand what he actually just did. I believe the spirit of creating employment through infrastructure projects does not mean it is a choice between housing and the Express Way. Both are necessary.

The housing programme was targeted to create over half a million units, but it was not expected that the units would be done overnight. It is a process. As of now, for example, we know 2,500 units have been completed and have been handed over to buyers. Just this week, there are

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another 1,242 units that have been contracted to be constructed. Across the entire country, housing units are being constructed and employment is being created. So, it is not one or the other. All these projects should be going on in tandem. That is why I am saying let us not tell the youth out there that they lack employment because the Express Way is being constructed. The Express Way is a public-private partnership. It has nothing to do with Government funds. Hence we want to encourage many more of such projects, including construction of housing units in each county. That is what we need to encourage to get the youth employed. It also includes what we are doing through the NG-CDF projects. We are creating employment. Let us not give the impression that funding has been channelled to a certain direction thereby creating unemployment. You must look at what happens in the country from a holistic perspective.

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

[The Temporary Deputy Speaker (Hon. Jessica Mbalu) took the Chair]

The sure way to help the youth is to commit things to policy and laws and not the empty sloganeering that we hear in political rallies. The youth are being incited they will be given money. We should tell them to apply for the Kenya Youth Empowerment and Opportunities Programme (KYEOP), which is now at cycle 7D for youth between 18 and 29 years who never passed through O level of education. They are entitled. Once they compete, they could access up to Kshs40,000 of Government grants plus training. You still hear the youth saying they do not want that. They want to wait for some futuristic promises that they have been given, that they will be given Kshs100,000 to start businesses. Until that money has been appropriated by this House and we have the legal framework to operationalise it, we know it is just an empty promise. Get the funding available. We are confusing our youth through the messaging by politicians who want to make political capital by misleading the youth, saying the reason they do not have jobs is because of what the Government is doing or not doing. There is a lot of money available for the youth.

Going back to Hon. Keter, thank you very much for this Bill. I hope Members will support it. It is a good Bill. The youth of this country will see that this House is conscious to their issues. Indeed, these are the same things that the youth told BBI promoters and the BBI steering committee. They said they would want some of these burdens to be removed. It also goes in tandem with what President Uhuru has been committed to in terms of reducing the cost of doing business. Reducing the cost of doing business is not necessarily restricted to companies. The cost of doing business should also be extended to individuals. All this is quite in tandem with what is happening, but because of the noise that we hear over the weekends by people who are in Government, but do not want to accept that fact and want to rubbish what the Government is doing, it ends up crowding out all the good things that are being done. People are left to imagine, as Hon. Sankok says, that the Government is on autopilot. The Government cannot work on autopilot. Every decision that is made is thought through by people. Do not forget that we are part of that Government. Parliament is part of the Government. So, when Hon. Sankok wants to mislead people and say that the

Government is on autopilot and we are here as part of that Government, then it changes the perception out there that perhaps we are not doing what we are supposed to be doing.

I am aware that the Cabinet meets. I am aware that the Executive works. If some members of the Cabinet, who are paid for being in Cabinet and live in Government residences, choose not to participate in the Government, it does not mean that the rest of the Government is not working or functioning.

I do not know whether the Member is speaking on behalf of the people who are in the Government and have decided not to participate, but to rubbish the Government. We know that the Government is working and there is proof, based on all the things that happen and Members of this House are privy to that information. I think we always have cabinet secretaries appearing before committees responding to what is happening within the Government. We also go lobbying them in terms of projects.

Hon. John Mutunga (Tigania West, JP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Leader of the Majority Party, let me get the point of order from Hon. Mutunga. Members, as you rise on points of order, please, quote the point of order. You must understand your Standing Orders in terms of whether a Member is out of order or you simply want to inform them. Can you, please, do that? I will, otherwise, rule you out of order if you make it a debate.

Hon. John Mutunga (Tigania West, JP): Hon. Temporary Deputy Speaker, the Leader of the Majority Party is misleading the House.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Which point of order and which Standing Order are you referring to?

Hon. John Mutunga (Tigania West, JP): Hon. Temporary Deputy Speaker, he is misinforming the House that there are Members who have abandoned or decided not to be in the Government. We would like him to name those who have abandoned the Government. We are also aware that the Government moved to the opposition. Why is he not articulating that fact? This is a Government in confusion. It is not even a Government.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Leader of the Majority Party, please, substantiate that statement.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, some actions are not defensible because what does it mean when someone goes to the public and starts saying that the Government is not doing this-and-that yet they are in the Government? It basically shows that either you do not know you are in the Government or you do not know what the Government is because you are not privy to it. You could as well have abandoned your job! Therefore, some things are very self-evident and I do not have to give names. It is not necessarily one person because there are several people who are supposed to be in the Government. They are paid by the Government, but behave as if they are not in it.

In terms of the Government working with the opposition, I think one of the things we must internalise is that the Constitution does not provide for a Government and an opposition. We have a majority and a minority party in Parliament. We have one united Parliament that is supposed to work as Parliament.

(Hon. David Sankok consulted loudly)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Hon. Sankok. You are actually a noise maker. Hon. Sankok, you have been here for long and you cannot be the only Member shouting. If you want to express yourself, just use the right way. This is just for the information of the Members.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Temporary Deputy Speaker for that protection because we need some decorum in the House. I am saying that we need to internalise that fact. I think Dr. Mutunga may have confused about what was happening before and what is happening now. When we work together in a bi-partisan manner in processing business in this House, it does not mean that the Government is in the opposition or the opposition is in the Government. In Parliament, we have a majority and a minority party and we are supposed to work together for the common good of the society and just Government of the people. That is what binds us together. His Excellency Uhuru Kenyatta has reached out to everyone in his mission to unite Kenyans. I mean that is everyone's dream that every Kenyan is working together to achieve the greater good without saying I am in Government or the opposition, or without saying I am in the Government, but do not believe in it. We need everyone working together and that should be our objective.

With those remarks, I beg to support and once again congratulate the promoter of this Bill, Hon. Keter, for a job well done.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. The Floor goes to the Member for Chepalungu, Hon. Koske Kimutai.

Hon. Gideon Koske (Chepalungu, CCM): Thank you, Hon. Temporary Deputy Speaker. From the outset, I want to support this amendment Bill because it targets the majority of youths in this country. I fall in the category of youths in this country and recent research shows that the youth in Kenya are experiencing higher rates of unemployment than the rest of the Kenyan population. According to a recent survey done in 2020, total unemployment, excluding those involved in small-scale farming and pastoralists, is estimated to have increased from 17.3 million to 18.1 million. There are outrageous requirements that are normally made mandatory by employers. For instance, the Kenya Revenue Authority clearance. How do you tell someone who has never filed any returns anywhere because there are no turnovers at all to file returns to get clearance from KRA? This is someone who has never engaged in any meaningful business!

Secondly, how do you ask someone who has never borrowed any loan anywhere to bring a CRB clearance? Unless you are seeking clearance from Safaricom for *fuliza*, which is accessible to all. In the case of other lending bodies, because of the requirements sought, so that an individual can get a loan... It is important that we do not make these bodies that are mandatory for clearance a way of the Government to generate revenue by charging Kshs2,200 and Kshs1,050 for the Certificate of Good Conduct. As a Government, we should make all these services free so that everyone can hustle anywhere in Kenya to get jobs. As it is now, unemployment in Kenya is one of the pandemics. I call it a pandemic because the next general election in 2022 will bring a revolution in the sense that most Kenyans will decide on their future not determined by the tribes that we are engaged in or regions we come from. Kenyans will decide the next election based on what will be coming to their tables. The levels of education or the careers we have chosen will not matter because the election will be determined by what belongs to each Kenyan.

Hon. Temporary Deputy Speaker, this will be very critical for most of us because with the few jobs in the Government, the question we have in Kenya is: "Who sent you or who do you know?" In other countries, the question that comes to all people who are eligible whenever there are job opportunities is: "What do you have in terms of credentials?" In Kenya, it is the opposite.

We need to change that and bring Kenya to be at par with other States where the economy is opened and all the youths absorbed regardless of their level of education, be it at certificate, degree or masters' level.

Hon. Temporary Deputy Speaker, it is good to open up the economy for everyone to have something to do at any given time. We need to be honest with our campaign pledges. We always promise the electorate employment while in reality our Government does not open up areas of employment. For example, the National Police Service and Prison Service normally recruit annually. We allocate budgets for recruitment, but from 2018 to date, these services have recruited only once. What has happened to the money that was set aside for employing our youth?

While in my constituency, recently, I met some youths who asked me if there was a way I could assist them to re-apply for identity cards. They wanted to increase their ages to 70 years and above so that they could qualify for the stipends that the Government gives to elderly people. It is so embarrassing when you come across such situations. Majority of the youth have specialised in just looking for work. They say: “*Ile kazi imebaki ni kazi ya kutafuta kazi.*” I am deliberately using this expression so that this dire situation can be understood by everyone. The only profession remaining in this country is “job seeking”.

Let us change the way we deal with the youths and other people graduating annually from universities and colleges, so that we can bring this country at par with other countries in the world.

Hon. Temporary Deputy Speaker, I once again thank you very much for giving me an opportunity to add my voice to this debate.

I support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Interesting debate. Let us now hear the Member for Kimilili.

Hon. Didmus Barasa (Kimilili, JP): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to support this very important Bill.

All the agencies responsible for clearing persons for employment purposes are available in the country. If an employer wants to verify whether particular candidates paid their Higher Education Loans Board loans, he should write an email to that particular institution and the institution should reply. So, we are not saying that employers should not solicit for that information, but they should use their own means of finding out at their own cost. Employers could send emails to HELB or inquire through phone calls to establish whether a candidate is suitable for employment or not.

We have had a very big problem in this country. All employers, including those in the private sector, normally develop their recruitment procedures and policies based on the many laws enacted by this House. Government ministries and agencies must lead the way in removing the burden of looking for the various documents from the shoulders of unemployed youths looking for employment. I am saying this because even Government agencies always require applicants to produce these documents. Why would the Government ask job seeking youths to produce these documents when its own agencies are the custodians of the documents? It does not make sense for the Public Service Commission (PSC) to require candidates to produce documents like Certificate of Good Conduct when an agency of the Government of Kenya is responsible for the production of the same. The PSC should access such documents without bothering job seekers with the process of their production.

Hon. Temporary Deputy Speaker, even as we decry the many issues that exist in this country, I want to sharply differ with what the Leader of the Majority Party said that, as Parliament, we should pull in the same direction. We cannot pull in the same direction because we represent

different interests. Sometimes we are forced to pull in a different direction from that of the Government because we are here to check on the excesses by Government agencies.

Even as we support this Bill, I want us to appreciate that employers implement the laws we make in this House. I want to thank the Mover for bringing this Bill to the House. We will improve it during the Committee of the whole House.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Just to inform those Members who are walking in, we are in the Second Reading at Order No.10, which is the Employment (Amendment) Bill.

I can see we have a lot of interests from the Members. Let us hear the Member for North Imenti.

Hon. Rahim Dawood (North Imenti, JP): Thank you, Hon. Temporary Deputy Speaker. From the outset, I congratulate Hon. Keter for bringing this Bill.

As previous speakers have said, the rate of unemployment in this country is over 60 per cent. When the youth apply for jobs, they face so many bottlenecks. They are required to comply with so many requirements such as producing Certificates of Good Conduct, clearance certificates from the CRB, among many other certificates. Complying with these requirements takes much time and money. By the time you get the certificates, the time frame for application has already lapsed. The cost of implication is also so high. We need to see how we can manage this process.

Hon. Temporary Deputy Speaker, even though this Bill is very good, we need to see how to create more jobs for youths and women. We need to have equal opportunities. There are instances when somebody advertises a job vacancy and there are so many applicants.

(Hon. Gideon Keter consulted without a face mask)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Hon. Keter. As much as you want to approach your colleague, please, put on your mask. Let us protect each other even as we consult.

Hon. Rahim Dawood (North Imenti, JP): Thank you, Hon. Temporary Deputy Speaker. The other day, some nursing jobs were advertised in the United Kingdom. Some 3,000 vacancies were available, but we had more than 20,000 applicants for the jobs. For every one job in Kenya, we have about 4,000 applications. It becomes very difficult when we have so many people applying for jobs and at the end of the day, only one becomes successful. So, we need to see how people can get jobs as well as be self-employed. We have the Uwezo Fund, the Youth Enterprise Development Fund and the Women Enterprise Development Fund. The only problem we have is that some of these Funds are not working because of the many bottlenecks that have been put in place. We need to remove the bottlenecks, so that people can access the funds and employ themselves. Hon. Keter has indicated that any employment contract should be simple and understandable. Many times when you go to any employer, you realise that contracts are written in small letters that are hard to understand. It ties you. One should have an exit clause or notice period as well. If somebody is employed and is not satisfied, what are the ways of complaining? Is there an employment ombudsman?

We need to have something, so that if someone is aggrieved, he or she can go to a place and complain about the terms of employment. Going to court is tedious in this country, even though we have a new Chief Justice, Madam Martha Koome, who is from my constituency. She has promised that cases will be concluded fast enough. Even that fast enough will take you between

four to five years. By that time, whatever you wanted to do like giving notice will not have been done.

We need to have an ombudsman since we have an employment tribunal so as to speed up anything in the contracts which cannot be solved through arbitration. Earlier, Hon. Sankok mentioned about the Express Way. I want to put it on record that the superhighway being done will cost Kshs60 billion and not even a coin of the Government is in that contract. It is being done through the public private partnership and is a buy operate and transfer (BOT) project. The contractor doing it is already impacting the system because of employing people. If anybody uses Mombasa Road or Waiyaki Way, they get to see the number of people employed. So, jobs have been created and in 30 years, if they do not recover their money, it will be their loss and problem. They will have given the whole project to the Government of Kenya and that is what the contract is about.

We need to encourage more PPPs, so that the Government and the National Treasury do not take any more loans because it is affecting employment opportunities and the Small and Medium-sized Enterprises (SMEs).

I want to congratulate the Member and join others in supporting the Bill. Like the Member for Kimilili, Hon. Didmus Barasa has said, this Bill has already been passed. We need to find a way of putting the Question for all Private Members' Bills. This is the second week and we have been unable to vote on my Bill. We will never reach the threshold of quorum, if this is the way we will go. I beseech you to get a way of voting for Private Members' Bills because if they will be done on Wednesday Mornings only, then I am afraid they will not be passed by this Parliament. This is not just about passing, but also implementation.

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

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well, Member for North Imenti. I have a request from the Member for Navakholo, Hon. Emmanuel Wangwe.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. From the outset, allow me to appreciate and thank the Nominated Member, Hon. Keter Gideon, because this Bill is timely. It has come at a time when the issues he is addressing would have been best addressed in the BBI. Now that BBI is not there, I think he has taken a good shot. We are moving on well as we await the decisions of the Supreme Court.

Hon. Keter is addressing issues of the youth and all of us must rise to the occasion and support the youth of this country. With the population rising and also the level of academics, it behoves us to consider the youth as a population that is really needy. Let us not train our youth and then leave them on their own. We must check what is happening to them whenever they seek employment. There is an issue Hon. Keter is addressing to do with documentation. Whereas documentation is necessary and supports in terms of selection and shortlisting, it should not gag people from participating.

Remember the Constitution bars us from discriminating against anybody. We must not discriminate against our youth whenever they seek employment because of documentation which already exists. For example, an error might have happened and a youth is blacklisted by the CRB because of using *fuliza* to borrow money. Maybe, he wanted to date a girlfriend which is something normal for that age, then he is blacklisted because of failing to pay. Then, it comes a time when the very rightful and qualified youth seeks employment and CRB is on their necks. That is unfair and unfortunate.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): He wants to get employed or get a girlfriend.

Hon. Emmanuel Wangwe (Navakholo, JP): Social wellbeing is part of human beings. To get a girlfriend is not illegal, but something very normal. Even for a girlfriend to travel and visit a boyfriend is very normal. If she does not have fare, she has to *fuliza* to board a motorbike just to have a word with her boyfriend.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Just carry on.

Hon. Emmanuel Wangwe (Navakholo, JP): Therefore, it is a good thing and we must entertain the social wellbeing of our youth. What Hon. Keter is addressing is very pertinent and a real-life situation. We must support the youth. Let the candidates be examined and for the qualified ones, they can reference their documents. Why should we gag and bar somebody with knowledge from the university from sitting an interview? What Hon. Keter is addressing is good and we should support our youth. Whenever there are employment opportunities, let as many people as possible apply so that once shortlisted, they can be interviewed and get a chance to serve in the position advertised.

As I conclude, we need to consider job creation because of the kind of education we are offering our youth. How are we offering employment to our youth? Is it just because they want to be employed in offices or because we want to train them to be open in terms of self-employment? As we address this issue of discrimination, let us also consider the kind of education we are giving to our youth. Let us encourage Technical and Vocational Education and Training (TVETs). As they train, they should not go for formal employment. Instead they should seek self-employment. As we do this, we need to bring on board the funding perspective. So, if these documents are available, they can seek funds from Government organisations like the Uwezo Fund and others. One can make a proposal and get funds to start their own enterprise and move on without being gagged because of not having something to show in terms of history.

I want to thank Hon. Keter because he has already proposed a Bill which is with us and has been assented to. The people who will be awarding honours this year should award the youth like Hon. Keter, who are fighting for fellow youths. He is a good example of how the youths are supposed to defend themselves in the future.

Thank you, Hon. Temporary Deputy Speaker. I support this amendment Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Next is the Member representing the people of Sirisia, Hon. Waluke. Give him the microphone.

Hon. Member, you do not have a card. Your name is appearing here.

Hon. John Waluke (Sirisia, JP): Thank you, Hon. Temporary Deputy Speaker. I am sorry for that. Where I was sitting there was no handle.

Hon. Temporary Deputy Speaker, I thank Hon. Keter for bringing up this Bill. It is timely for us, as a House, to discuss it. The youth of this country have suffered and as a House, we need to be serious as Members of Parliament who represent the people of Kenya. We represent the youth of this country, and many of them who have graduated from universities out there need help. The Government of Kenya needs to be serious to create employment for these young people. We are sitting on a time bomb. The time these people will get annoyed for the suffering that they are going through and go out to the streets of Nairobi or all the cities of this country, it is going to be in a big problem in this country. This is because it is the right of your child, son or daughter who has graduated from the university to get employment. They do not have money even for their upkeep after finishing their education. After graduating from the university, remember your son or daughter is begging even to get something to eat or even soap and clothing.

I blame the World Bank, which ordered many of our institutions to be privatised. During our time, the youth of this country used to enjoy. When the World Bank came in forcing privatisation, this country started to have a problem of unemployment for our youth. This is because government industries have collapsed; and sometimes people force the industry to collapse so that other people can buy it at a throwaway price. When they buy it at a throwaway price, the person who bought it will only employ people who he/she knows are from his/her tribe. That is why we have a big challenge in this country of unemployment of the youth. So, we need to be serious. As I speak, Members of this House must be serious because over 5 to 6 million youth or graduates are out there, tarmacking looking for a job; they are jobless. Something must be done immediately – like yesterday – otherwise, where we are going in this country? Even the leadership that is going to come in another two or three years...

I have watched the former Prime Minister talk about employment and that our youth should get good jobs after completing their school; but there is no employment. Politicians talk, but after voting for us, as politicians, there is nothing because that person will complain again after five years. This is the problem we have in this country and it is a very serious problem. This Bill is very important at this time of need talking about the youth of this country.

With those few remarks, I support and urge the Members to support this Employment (Amendment)(No.2) Bill.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Jessica Mbalu, JP): Next is the Member representing the people of Tigania West Constituency, Hon. Mutunga Kanyuithia.

Hon. John Mutunga (Tigania West, JP): Thank you, Hon. Temporary Deputy Speaker, for this opportunity to also add my voice particularly to this very important Bill. Hon. Keter, who is the chairman of the Youthful Parliamentary Group, has made a major move to support his own category of members. There are very many youths who are not employed in this country. The reason is that we are not creating jobs in Kenya. In better planned economies, we train with specific possibilities in mind and we do planning. The unemployment rate for Kenya is 2.98 per cent, having increased by 0.38 per cent. If you look back to those other years when the unemployment rate was decreasing prior to 2019/2020 pandemic, the decreases were marginal. That implies that we have not been really reducing the unemployment rate at a rate at which we are discharging youth into the market.

Hon. Temporary Deputy Speaker, the timing for training and career development should match the timing for availability of jobs. What we are doing in this country is producing very educated Kenyans and throwing them into the job market. As many other Members have said, their main occupation becomes job seeking. Therefore, we should ask ourselves what we have in our hands to help the youth of this country. Being a country with sufficient skilled labour which is not utilised, do we not think it is time that we changed into a labour intensive economy where every employer, institution or formation that offers employment is compelled to increase the number of people they can engage and reduce the levels of mechanisation? I may sound illogical in the 21st Century proposing that we reduce mechanisation, but we have a problem. The problem is that we have Kenyans who are not employed and who cannot support themselves in anything. We have Kenyans who leave school and when they leave universities and colleges, they do not have any mechanisms of supporting themselves. We have Kenyans who have gone through school under difficult circumstances. They used the Higher Education Loans Board (HELB) to get loans, the NG-CDF bursaries, *harambees* and borrowed money from individuals; and then when they get to the employable stage where they are already qualified, they have no opportunity for employment.

My proposal is that we need to look at this Bill and ask ourselves: do we not think it is time we changed into the mode of asking those who can employ to increase the numbers instead of reducing them? We need to stop lying to our youth. There are many things that we say as individuals, institutions and even as government which are lies. I remember the BBI proposed that there was going to be creation of a youth commission. We are alive to the fact that in this country, there is a whole Ministry of Youth, which is sufficient. We do not need a constitutional commission for us to attend to the issues of the youth. Let us tell the youths the truth; that we are not creating jobs and, therefore, we need to wake up to the reality that we need to create these jobs. We need to employ all levels of flexibility at the institutional level and at the training level so that even the jobs that we are training for should be known so that we package these youths usefully to get to the job market.

There are opportunities to create jobs; one of them is in the agricultural sector. If you look at the entire value chain that we operate in, and we look at the supplies management within those value chains, we can create many jobs. However, we have left our agricultural sector unorganised. We have left our farmers to survive somehow. We cannot declare quantities of anything. We have progressively lost our quota in the world market and even in the East African market. We have retrogressed in value addition, which are opportunities to create jobs. It is time to reorganise the agricultural sector so that we may be able to create jobs.

When you look at the SME's in this country, the best targeted agencies for destruction are the SME's. You will hear that Gikomba market burnt down; or Mukuru kwa Njenga has burnt down and businesses have been destroyed. We normally throw the hawkers out of our towns so that we have better streets to walk through and promote other shops. We have travelled widely in this world. We know that in other jurisdictions, there are days that are set aside for the hawkers. Streets are closed, hawkers are organised and they are allowed to sell their wares. Can we not do such simple things? Is that rocket science? We will need to look at how we can deal with these issues.

The other issue is recycling very old people. We are in a situation where we have many young people who can share the salaries of old people who are supposed to retire. If someone is retired, let them retire in peace. Let us look at the individuals who have retired. They are people who have been there for a long time. Possibly, they have stolen from the government, they have invested, they have institutions and businesses, yet we give them jobs instead of giving these jobs to the youth, who are suffering. Why do we not have a policy that bars anybody who has reached the retirement age from being given a job? Who says that somebody who is 35 years cannot head a board? What does somebody who is 70 years have that is so significantly different from a 40-year-old person? We are making mistakes, yet we know what we are doing. We need to ensure that in this Bill, anybody who has retired is not qualified to be given a job. End of story. If they want jobs, let them go to the institutions of higher learning and teach at universities or go to research, that is where we need long standing experience.

If we analyse the situation as it is right now, we have very qualified youth in the market, yet we discharge them into wastefulness. We are wasting these people. They become permanent job seekers. If they are just job-seeking and we have nothing to give them, how do we consider ourselves to be a growing economy? Kenya is a young economy which should have more of young employed people than the old.

As I summarise my support for this particular Bill, let me look at one thing that is likely to happen in this country. Equity does not play out when it comes to employment opportunities. When

it comes to recruitment of disciplined forces, it is the person who has money that gets that position. We know it. We cannot do such small simple things. It is not possible that those who deserve, get it. Those who deserve do not get, but those who have the money get it. So, only the rich get these positions. How can we say that we are supporting our youth? We are in a situation where we are creating potential chaos deliberately. Training young people who are energetic, giving them the knowledge and wasting them away. That is a potential chaotic situation. It is extremely dangerous because if you look at the level of destitution... People who are not knowledgeable can probably cope with destitution. However, people who are extremely knowledgeable may not and will not. Actually, Kenyan youths are very good. We are creating a very chaotic situation. We are likely to lead this country into a crisis; we see it and we are doing it deliberately. What is so difficult in having policies that will enable us to have the youth employed? We are creating an increasing population of dissatisfied people who are suffering disaffection. We are relegating them to the dogs. We are sending them to waste when they are so young. How can we say we are nation building when the younger people can no longer engage in family life and development at a young age? We are making mistakes as a country. It is time we thought of job creation.

The Bill we need right now in this country is one on job creation. We need a Bill for job creation. We need to compel ourselves, and if we have to go through the law, so be it. We must compel ourselves to create jobs. We give people quotas to create jobs if you have to invest in this particular country so that we can solve this problem. Otherwise, we shall get into a crisis and it will not be manageable. The reason why we have post-election violence is because there are youths in this country who are unemployed and very poor, and they are easily bought with very little money. They then can engage in whatever is available. That is a crisis. Why do we allow this to happen? There was no need for the BBI; what we needed was to create employment opportunities for Kenyans. That is the direction we need to take and unless we take that direction, we are headed for a crisis. I support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well spoken. Let me have the Member for Nyando.

Hon. Jared Okello (Nyando, ODM): Thank you, Hon. Temporary Deputy Speaker, for this opportunity. On the same breath I want to thank my brother, Hon. Gideon Keter, for coming up with such an incisive amendment of the Employment Act.

It is true that as a nation, we are bogged down by documentation, some of which are utterly unnecessary. When people apply for jobs, there are five critical documents that they have to annex to their letter of application, some of which according to the employers are very critical in determining the character of a person that they would want to recruit. As we know in this country, those documents are again susceptible to abuse and manipulation and, therefore, there is nothing that stops an applicant from annexing fake documents. The employers have now wherewithal or capacity to determine what is fake and what is genuine. This is what should happen. If we still insist that these documents are so necessary, let the employers – be it the Public Service Commission, ministries because they have a latitude to employ certain number of employees directly; or individual business holders or enterprises – on their own volition write to those investigative authorities. That way, those investigative authorities would hence reply and state that indeed we have perused all the files of so and so, whom you intend to recruit for employment, and the file is clear, he has no criminal record. That is the direction that should be taken if at all those documents are anything to go by.

From where I stand, I have never been convinced that if somebody holds a clearance certificate from the DCI, the CRB, HELB and those others, that that is a testament of purity. That

is far from it. I mean, we have seen people with all sorts of clearances still turning out to be crooks and siphoning monies from their would be employers or from their employers. So, I am not convinced that these documents are helping in any way.

At the moment, we are grappling with unemployment, which is really a catastrophe. It is a time bomb anywhere in the world, but more specifically in this country. Our President, Hon. Uhuru Kenyatta, has admitted that our country is losing Kshs 2 billion to crooks in the name of corruption every day. Every single day, this country is losing Kshs 2 billion. We know where Hon. Uhuru Kenyatta sits, I have no authority to doubt that kind of statistics. You can imagine how many youths or the unemployed populace would access jobs as a result of Kshs2 billion.

It reminds me of Singapore. When they were confronted with the biggest challenge of turning their country around after they left Malaysia to become independent, their first leader, Lee Kuan Yew, called his Cabinet and asked, “What should we do in order to turn this country around?” They looked at certain proposals and carried out a comprehensive introspection of all the things they set to do, some of which included making Singapore a digital hub for the entire world and the best financial custody. The best banks in the world are found in Singapore. Many people around the world, including crooks who are in the trade of siphoning money abroad, keep their monies in Singapore.

Another thing they looked at is how to ensure that corruption did not form part and parcel of their day-to-day interactions and transactions. They stopped that. Today, Singapore has one of the greatest Gross Domestic Products (GDPs) in the world. It has over 26 people owning up to US\$30 billion in terms of businesses and wealth; and over 3,000 people with over US\$30 million in their accounts. That is a decision that only a government can make. A time comes when a nation also has to step back, reflect, retool and ask themselves fundamental questions on the direction they want to take as a country. That is what Singapore did. That can also be done here.

The President admitted that we are losing a lot of money in a single day. Money that would have perpetuated our infrastructural development, expanded businesses and created an enabling environment for businesses to thrive is being lost to people who use it for their own selfish aggrandisements.

In any business course, you are taught about economies of scale. That is where the volumes that are driven would create issues such as needs, more markets and, therefore, more money. On this, I am speaking specifically to what we have lately been confronted with, as a nation, which is the hike in fuel prices. We understand that the Government gets a lot of revenue from fuel taxes. A litre of petrol currently goes for over Kshs137, out of which Kshs.70, which is more than half of that, goes towards payment of taxes. The Government should be proactive enough to subsidise fuel levies so that we buy fuel at Kshs.90 – because nothing stops us from buying it at that amount – so that those who have chosen to park their vehicles at home would drive them to work. Consequently, fares that have since escalated would go down, many people would now jump into *matatus*; and motorcyclists who are in that trade would easily carry out their businesses. At the end of the day, we will push volumes of oil into the market which will create many job opportunities for deserving Kenyans. However, here is a Government that thinks that if they hike fuel prices, they will make much more money. You only make much more money if you create a demand which is met by supply, which is turned around into monies which will then be taken over by Government taxes, which should be less than what they are today.

As I conclude, how I wish that even as our Departmental Committee on Finance and National Planning retreats to take an in-depth look at the issue of fuel, which has denied many

Kenyans a livelihood, one of the biggest proposals that will be presented to the Executive will be to do away with the punitive taxes that have put us into this mess.

For that, I thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let us have Hon. Chris Wamalwa, Member for Kiminini.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD - K): *spoke off-record.*

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Wait for the microphone, Hon. Member. This is a House of records. Give him the microphone. You can move to the next microphone.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD - K): Thank you very much, Hon. Temporary Deputy Speaker, for this opportunity.

First and foremost, I congratulate Hon. Keter for this amendment to the Employment Act. The Employment Act is specifically to provide regulations on matters of employment. It also provides for the fundamental rights of employees. It cuts across the entire chain, starting from the time of entry, during the work and during exit.

When you look at Clause 9 of the Bill, one of the fundamental issues is about the documents that are required before you are employed. You are aware that in this country, if you want to run for a position, there are many documents that are required. When it comes to academic qualifications, you must have a certificate from a recognised learning institution. You are also required to get a certificate of good conduct from the Directorate of Criminal Investigations (DCI), which comes at a cost. Currently, organisations demand that you must also get clearance from the Credit Reference Bureaus (CRBs).

In the circumstances that we are in, a majority of the people who are looking for employment are the youth. Statistics clearly show that currently, 90 per cent of the unemployed are the youth. Most of the time, those youth have just come from learning institutions. If you are told that you need a certificate of good conduct, it comes at a cost; so you pay money and you have to travel to that place to obtain it. Again, when you are told that you must submit a certificate from the CRB, when you go the CRB, you do not get that certificate without pay, notwithstanding the cost of visiting those areas and people at times demanding extra money for facilitation. That alone worsens the situation. Majority of the people who use *Fuliza* are the youth. If you have *fulizad*, your name has been listed in the CRB. Recently, there was a proposal that if you are unable to pay your Higher Education Loans Board (HELB), your name is listed in the CRB. Those are some of the practices that are worsening the situation and bringing a lot of problems for the youths in getting jobs.

I support this proposal. I call upon prospective employers not to demand all those certificates. Those things can be done during the probation period. Ordinarily, when you are given a job, you are also given a probation period. During that time, an organisation can do some due diligence. They can even write to those institutions – whether it is the DCI or the CRB – and in case of any cost, the employer can pay and recover the money from the employee's salary. That will be the best way to go. However, asking an interviewee who is not even assured of getting that job to incur the cost of getting the CRB clearance and the certificate from the DCI is wrong.

I call upon my colleagues to support this. If that prospective employee has been given that job, the employer has an opportunity to write to those authorities during the probation period, namely, the CRB, DCI or even the universities because we are aware people are coming up with fake degrees. At that time, we will be able to minimise those costs. Currently, the youth are heavily disadvantaged. If we do this, it will help in reducing the cost of employment. We are aware that

we have a Ministry that is specifically in charge of youth affairs. There was a Bill by Hon. Sakaja that I seconded. That Bill sought the development of a database of youth in the country. The institutions responsible would be focussing on dealing with issues that would help the youths to acquire employment.

We are told that the GDP of this country has reduced drastically. During Kibaki's time, the GDP grew from negative growth to almost seven per cent. Our Vision 2030 was premised on the assumption that we would become a middle income country with a sustainable GDP growth of 10 per cent. Unfortunately, that has not happened. If we encourage the youth to get employment through such policies, we will increase the number of people who will be paying taxes. In this country we look at taxes that help in running the operations of the country. The biggest labour force we have is the youth. So, the Government should put measures in place to make it easier for the youth to get employed. Once they get employed, they will contribute to revenue growth as they remit PAYE to Kenya Revenue Authority (KRA). We will not be having shortfalls of revenue.

This is an important Bill, particularly for the youths. I call upon my colleagues to support it so that we remove the mandatory requirement to produce many documents as one applies for a job. The youths cannot afford to acquire them as they seek employment.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Sossion Wilson, Nominated Member.

Hon. Wilson Sossion (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Amendment Bill. I congratulate Hon. Keter for bringing it to the House.

Of course the bureaucracies that have been created as requirement by various employers are because of an obvious factor. Labour is a factor of production. In this country, historically, there has been scarcity of labour. These conditions were never in place. Currently, we have one of the highest unemployment rates in the world, from statistics. Particularly, youth unemployment in this country stands at 68 per cent. The barriers that have been in existence have greatly affected the youths. According to statistics, and as alluded to by many Members, we have a very high oversupply of even skilled manpower through youth unemployment. It is, therefore, not surprising that we have university graduates in different fields doing odd jobs like security guard duties and *boda boda* riding. Another area of oversupply is that the teaching profession. Currently, we have over 350,000 trained teachers who are unemployed. Some of them graduated as far back as 2009. This is a phenomenon that we must deal with.

I would have expected the Leader of the Majority Party not to delve into trivial politics and instead tell us what the Government is doing to implement the Vision 2030 agenda. Vision 2030 should be guided by a clear and simple strategic plan to ensure that all the youths are employed. That should be the target of the Government. We have talked about various economies. Of course, amending the law to remove the existing barriers is not enough. It is good to look at the overall objective of ensuring that the youths of this country are employed.

Hon. Temporary Deputy Speaker, I have looked at Malaysia's statistics of 2007 on industrial development and service delivery, and they are very impressive. I will refer to a service industry which Kenya can afford. Malaysia benchmarked from Kenya in the 1960s. They went back and developed very specific and successful five year strategic plans. In the area of tourism in 2007, Malaysia received 23 million tourists against a population of 22 million, meaning each citizen was receiving a tourist. The tourism sector was a great source of income for that country. Another important area of service industry in Malaysia is education. Malaysia receives many foreigners who go there to study in their universities. So, the service industry alone is driving

Malaysia's economy in a very tremendous way. Labour availability is beyond the existing population to an extent that Malaysia is importing labour in large numbers from Philippines, India and Singapore. Kenya's economy has the potential to create jobs for all the citizens and even employ people from elsewhere.

As I support this Bill, I would wish to remind the House of the provision of Article 54 of the Constitution. Our Constitution was optimistically written and negotiated. Article 54 says very clearly that it is the responsibility of the Government to train the youths and provide them with meaningful employment—train the youth, not just the youth, all the youth. Therefore, progressively, within the frameworks of Vision 2030, the national Government's economic agenda, in line with the manifestos that various political parties generate prior to general elections, should be conscious to the provisions of Article 54. I also urge the youth, led by Hon. Keter and the rest, to struggle, lobby, fight and advocate for all the youth in this country to be employed so that they can lead decent and meaningful lives.

The Constitution was not written in vain. The National Assembly, the Executive and the economic planners of this country should customise and endeavour to ensure that this provision is implemented. The Master Plan of Vision 2030 also talks of Kenya being able to produce the most competitive human resource by the year 2030. We should not only be having skilled labour within the country, but even exporting labour to other markets and other economies.

The bureaucracies that have been created – getting a clearance certificate from Income Tax and a Certificate of Good Conduct from the Directorate of Criminal Investigations (DCI) – are just semantics to pacify the youths who are not employed. This was never done before during times when there was a shortage of personnel. Those of us who were trained in various universities were employed even before we graduated or satisfied the boards of examiners that we had passed. What Kenya should be doing is deal with finality with the problem of youth unemployment.

Mr. Temporary Deputy Speaker, the other aspect of data is that it should be automated. As a country, we have come so far in terms of ICT integration in governance. Therefore, data should be digitised for all citizens, including the unemployed youth, so that it would be very easy to assemble that data and analyse it when there are jobs. This country at some point shifted the retirement age from 55 years to 60 without any good reason. It was an escapist strategy to run away from meeting pension obligations. This has created a logjam in the public service, including the teaching service. If we have 350,000 trained and unemployed teachers, what rationale do we have as an economy to push the retirement age to 60? There is need for the government to review the retirement age in the public service and scale it down to 55 years so that the youth who are trained and unemployed can be employed. I can imagine a teacher who graduated in 2009 cannot be employed because of unavailability of space. The unavailability of space is created by raising the retirement age. And it is not just raising the retirement age. There has been a practice in the public service where even those who attain retirement age are given contract extension. This is an affront against the youth.

The Temporary Deputy Speaker (Hon. Jessica Mbalu): Hon. Sossion, you have repeatedly referred to me as Mr. Speaker. Not once, not twice...

Hon. William Sossion (Nominated, ODM): Hon. Temporary Deputy Speaker, I apologise.

Finally, sometimes we trivialise serious matters in this House. If we talk about bottom-up economic model, middle-out economic model which Joe Biden has been talking about or more investment in social sectors, we are talking about the same things. What we are simply saying is that we must work hard and make our economy work. I believe that will be the flagship of the

coming general election. The theme of the general election is revival of the economy to ensure that the youth get employment.

The Temporary Deputy Speaker (Hon. Jessica Mbalu): Let us have the Member for Juja, Hon. Koimburi George.

Hon. George Koimburi (Juja, PEP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to add my voice to this Bill. This government has lost focus. During the 2017 campaigns, they promised Kenyans that they would create more jobs for our youth. Now they have spent over four years.

I want to support Hon. Sankok. This government has spent over Ksh80 billion constructing a very wide road, whereas they could use the same money to empower the youth and *mama mboga* and the hustler nation who have no jobs or capital to conduct business. I support the Bill. In the coming general election, we urge the government to create jobs for our youth to enable them continue building our nation and paying taxes.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Jessica Mbalu): I have 19 requests from Members who wish to speak. Dr. Nyikal, you had requested to speak.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this Bill. The objective of this Bill is very clear and specific; it seeks to remove the requirement that has financial implication at the time of applying for jobs. There are many requirements, and although they are in line with the Constitution, particularly Chapter 6, they have become a hindrance and a roadblock to people applying for jobs. For example, you need a certificate from the KRA to determine if you are tax-compliant; a certificate from the police of good standing; a certificate from CRB, a certificate from HELB and a certificate from the EACC. All these certificates have a financial implication, yet the people applying for these jobs are mostly in financial hardship and are not able to raise the money to have the certificates issued.

As much as it is good that we implement Chapter 6 of the Constitution and consider the integrity of the people that we employ to ensure that services are delivered efficiently, it has turned out that it is a disadvantage, particularly to the youth. Whenever there is a job opening, you will be amazed at the number of people who apply for it. When we erect these other roadblocks, it is not fair. That is what this Bill is about. Although we cannot completely rule out the requirements of Chapter 6 of the Constitution, this Bill provides that at the time you are offering a contract, then you can ask for these requirements. That makes sense because you are more likely to get the job. It may even go to the extent where you have been employed and you need to be confirmed. The Bill also provide that should there be issues raised on your integrity, then you can be removed from the job. So, the Bill has been well thought out. It addresses a specific problem and it also gives a way out, so that we balance the need to observe integrity without blocking people from applying for jobs. That is all the Bill is about.

The Bill also brings out one issue. When we implement laws and policies, it is important to look at their impact on the people, particularly the common people they are supposed to serve. Many times the laws and policies look good and progressive, but at the time of their application, they become a great disservice. I will give you another example in higher education. Because of Covid-19, we have virtual learning. It has brought about a requirement for laptops and smartphones as an absolute requirement for a student to get into university. Yet when we send out fee structures, this is not included. Many students get shocked when they get to university and realise that learning

is virtual and they cannot participate. So, it is very important that when we develop and implement policies and laws, we must look their implications. That is the greatest message out of this Bill.

However, the real issue with employment is that we have to create jobs. The issues we were considering in the BBI process – like creating the youth council and providing tax reliefs – are extremely important. Whatever our party or political alignment, we must agree. We can call the models anything – bottom-up and so on – but the question is: do we create jobs for our youth? Some people are saying that the Building Bridges Initiative (BBI) is no more, but it is not the term that is important, but the content it describes. In my view, whatever happens, we must go back and look at the content of all these ideas we have and implement them without bogging people down with the political jargon that we go into. I think job creation is a big thing and we must look at it. It is okay to say that we can reduce the retirement age but do you remember what happened in Spain? You will end up with many retired people that are being paid pensions. Therefore, you will end up with a pension load for people who are actually not working at all, but you are paying them. It is much greater than the simple things. We have to go back in our economy and politics and find the best way of creating jobs. This Bill addresses the problem and gives a solution and for that reason, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Let us have Hon. Ibrahim Sahal, Nominated Member.

Hon. (Ms.) Nasri Ibrahim (Nominated, FORD-K): Asante sana, Mheshimiwa Naibu Spika wa Muda, kwa kunipa nafasi hii kuchangia Mswada huu wa vijana. Ni huzuni sana kuona vijana wetu ambao ni wasomi wakitangatanga na kurandaranda mijini. Watoto hao walisomeshwa na wazazi wao kwa hali ngumu sana ya kulipa karo na inasikitisha sana kuona hawana kazi.

Hivi juzi, nikiwa Eastleigh niliona watoto ambao wanafanya biashara. Wanajitafutia pesa na kufungua maduka. Mwishowe wanasumbuliwa na *Kenya Revenue Authority* (KRA) kwa sababu ya ukusanyaji wa ushuru, na *City Council*. Unyanyasaji huo unafanya roho za vijana ziharibike na wanaweza kufanya uhalifu. Baadaye, tutasema kuwa vijana wa Kenya wameharibika na kuwa wahalifu. Unyanyasaji huo ndiyo huchangia. Jingine...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Hon. Sahal. There is a point of order by the Member for Navakholo, Hon. Emmanuel Wangwe.

Hon. Emmanuel Wangwe (Navakholo, JP): Mheshimiwa Naibu Spika wa Muda, naomba Mheshimiwa mwenzangu atueleze kwa kina kwa sababu amesema kuwa vijana wanatangatanga. Naomba nijue maana ya “kutangatanga”.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Tangatanga ni kutangatanga.

Hon. (Ms.) Nasri Ibrahim (Nominated, FORD-K): Mheshimiwa Naibu Spika wa Muda, kutangatanga ni kutembea ovyo ovyo. Watoto hawana kazi na wanaenda kutembea mijini. Ni sawa na kusema kutangatanga. Hilo ni neno la Kiswahili.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Asante sana. Ni kutembea ovyo ovyo.

Hon. (Ms.) Nasri Ibrahim (Nominated, FORD-K): Tunafanya roho za watoto wetu ziharibike ili wasifanye biashara. Tunawavunja watoto roho kwa kuwafanya kwenda kwenye maafisi kila siku wakibeba vyeti wakitafuta kazi. Ningependa kusema ni sharti vijana wetu waachwe wafanye biashara. Kama wanaeza pata pesa kidogo, wataweza kujitengenezea biashara.

Jingine ni kuwambia vijana watafute vyeti vya mwendo mzuri na mkopo? Hayo mambo yameharibu watoto kwa sababu hawana pesa za kulipia vyeti hivyo. Nataka kusema naunga mkono Mswada huu na hongera kwa Mheshimiwa Keter.

Asante sana.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Asante Mheshimiwa Sahal. Nafasi hii sasa nampa Mbunge wa Mwingi West, Hon. Nguna Ngusya. Je, yuko?

(Loud consultations)

He is in the consultation room. Let us have the Member for Igembe Central, Hon. Iringo Kubai.

Hon. Kubai Iringo (Igembe Central, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to add my voice to this Employment (Amendment) Bill. I thank Hon. Keter for bringing this amendment Bill. I hope that once it is enacted, it will bring sanity and solve many problems which the youth are already encountering.

Hon. Temporary Deputy Speaker, over half of the population in this country is the youth and three quarters of the youth are unemployed. When you find the youth out there loitering without jobs, they claim that we as Members of Parliament do not assist them get jobs. When you try to explain that the system is the one that has bogged itself with so many other things and forgotten the youth, it becomes very difficult.

Some of the entities which are supposed to be employing these people are closing down because of the poor economy. Others cannot expand and so they cannot absorb the youth. The Government itself which is supposed to create structures, infrastructures and open up avenues for job creation such as industries has failed. Therefore, you find that once we train the youth, they are left out there without anything to do. That is why most of our youth are going into drugs and crime. They also engage in things that are against social norms.

The Youth Enterprise Development Fund (YEDF) gives youth money to start their own enterprises. However, some youth apply for the money but they are not given. In my constituency, I have a big problem where the Ministry came in and recruited so many youth who had to cough Ksh1, 500 per youth to get a certificate that would enable them get that money. Unfortunately, once that was done they did not get the same money and now they blame the MP who is me or other leaders for not having got the money while it is the system which is not working in tandem with the numbers of the youth that we have.

Why would you ask a young person to fill up a form to obtain money and end up not getting the same? That is a big problem. When it comes to these other requirements, if you want a job, you will have to get a certificate of good conduct, clearance from the Credit Reference Bureau (CRB) and the Ethics and Anti-Corruption Commission (EACC) among others. The person who is being asked to bring these documents is even borrowing fare to go and get them from those offices and once he gets them, he is not guaranteed employment.

We are going wrong in this country in the management of our work force. Human resource is not being managed well and that is why you find that the streets are full of young people doing nothing. Some offices have been closed, industries are not working and getting revenue from the few people who are working necessitates that you increase taxes left, right and center.

Look at the education sector. We are training teachers but not employing them. The other day they closed colleges that train P1 teachers. Initially they were training a lot of teachers but at the end of the day not employing them. They are given TSC numbers to just keep them. In my constituency I have got people who got their certificates in Education way back in 2009/2010 and to date they have not been employed. They are growing old and they have no guarantee that they will be employed. When you go to our schools, you find that there are so many schools which are

understaffed. So, teachers are out there and children are in schools without teachers and the teachers are not being employed. That is very poor planning.

The youth are getting the worst services; they are receiving everything in a hot cup. These youth do not even have identity cards (ID). They spend the whole day queuing at the registration centers and end up not getting ID cards. If there is a job coming up, they run up and down looking for an ID card so that they can get a job because they cannot be employed without it.

Therefore, the focus in this country is that most youths are joining the disciplined forces like the National Police Service (NPS), Kenya Defence Forces (KDF), Prisons Service and others because they are directly employing and at least you get a salary after the short training. This is because other jobs which each and every person is looking for are easier but not available.

In this country we have many youths who can do other things without seeking employment or white-collar jobs. We need to have electricity in our rural areas. If you go to the rural areas and especially my constituency, we only have 30 per cent electricity connection. Therefore, even if a young person wants to open a barber shop or salon to do hairdressing or a carwash, they cannot because there is no power.

If you go to the Rural Electrification and Renewable Energy Corporation (REREC) asking for a line from point A to B, it takes three to four years. If you go to Kenya Power to get a meter to be fixed in your premises so as to start a job, it takes four to five years. We have cases in my constituency where transformers were put in place seven years ago but have never produced any light to serve anybody. I do not know where we went wrong, we have misplaced our priorities and that is why we cannot create jobs for our people. If we had electricity across the country, everybody would be employed and having something to do. People could be having hatcheries and incubating chicken and getting money from that business.

Therefore, we should focus on how to reduce the volume of unemployed people in our streets because if we do not this will be a time bomb. We are going to the election period and each and every person going for an elective position will be followed by a battalion of youths. They will be coming for handouts because they need something to keep them going. Therefore, in the process when the youths follow politicians that is where hooliganism starts and we get problems like arson, vandalism and political violence. These are created because everybody is running to the politicians for little handouts since they have nothing else to do.

If these youths had jobs and work, they would not be running around after politicians but concentrating in their jobs. We need to support the Technical and Vocational Education Training (TVETs) institutes which offer vocational training so that the youths can be self-employed instead of looking for jobs in parastatals or other places. More so, they are able to sustain themselves without going to other people.

Hon. Temporary Deputy Speaker, because my time is gone, I support this Bill and I know it will go a long way in solving this serious problem.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Hon. Members, as I said earlier, I have 20 requests from Members who want to contribute. Others have been here since very early in the morning and we must follow our list religiously. For your information, for those who are unable to wait for us to adjourn the House at 1.00 p.m., this Bill will have a balance of around 30 to 35 minutes. That is in the event that, according to our own Standing Orders, no one calls for closure of debate.

Member for Emurua Dikirr you are the next on the list, Hon. Kipyegon Ng'eno.

Hon. Kipyegon Ng'eno (Emurua Dikirr, KANU): Thank you, Hon. Temporary Deputy Speaker, for letting me also have an opportunity to contribute to this particular Amendment Bill introduced to the House by Hon. Keter. I would wish to thank him for actually thinking of those young Kenyans who are struggling to get themselves some opportunities in life. I hope all of us will support this Amendment Bill because the youths who are struggling to make ends meet come from our constituencies. These are people for whom we need to work day and night to ensure that they also attain opportunities in life.

It is an absurdity that we live in a country where the Government finds pleasure in taxing each and every opportunity they see fit to tax. All the demands we are making on our youths, especially those who are looking for employment, are payments towards Government agencies. When you ask a youth to pay Kshs1,000 or Kshs2,000 to get a clearance certificate from the Ethics and Anti-Corruption Commission (EACC), which is a government-funded agency, that is a very clear indication that our Government is failing in catering for its citizens. We ask struggling young Kenyans to pay Kshs2,000 to get Certificates of Good Conduct from the Directorate of Criminal Investigations (DCI) and other documents from CRB, HELB and other agencies. Some of these are Government agencies and they are supposed to be offering free services. We normally provide for their operations in national Budget in this House. It is absurdity that the Government finds pleasure in taxing her citizens.

These agencies siphon money from people who have just finished college in the name of trying to get documents from them or asking them to pay for certain Government services. These are people who have no money. They have not been employed. I would wish this amendment would go further to state that only people who will be applying for other jobs should be asked to produce these particular documents. Why should we demand a lot from people who are seeking to be employed for the first time? You ask them to produce clearance certificates from KRA and EACC to prove that they are not criminals. There are so many criminals in this country who are employed and we are not even asking for anything from them. The Constitution is clear that you cannot be victimised until you are proven guilty. We have so many criminals employed by this Government and earning millions of shillings yet we are not asking them to produce such documents. Why should we ask for these documents from young people who are struggling to make ends meet?

Looking at the demands that are made, even the procedure involved in acquiring the particular documents is so stressful. People waste a lot of time on queues and waiting for the documents to be ready. In some cases opportunity windows that the youths seek to seize lapse by the time they receive the documents. There is so much corruption in the departments from where people are supposed to acquire the documents. You have to pay money even to find your way into the premises where the relevant agencies are housed. The most appalling process is that of getting clearance from CRBs. Currently, cumulatively, Kenyans are indebted, especially through *Fuliza*, in the tune of billions of shillings. Individuals may be owing sums of Kshs200, Kshs300 or Kshs500. It is absurd that most of the lending entities forward names of people who have failed to pay a paltry Kshs200 to CRBs. These are mostly students who are looking for employment. They *fuliza* for food and small things like pens and when they fail to repay the loans, their names remain with CRBs until they get employment.

We deny them those opportunities. It is high time we relooked at the procedures and the methods these people use to forward names to CRB. Why are we criminalizing our people just because of *fuliza* of only Kshs50? There are people in this country who have loans. Even this country owes many other countries like China trillions of shillings and we have never put Kenya

in the international CRB. Why are we criminalizing our people who have just borrowed some small monies because they could not pay as they are not employed? When you employ someone that is when they can pay whatever loan they owe any entity.

The question of HELB has been coming up on and off. I remember, Hon. Kang'ata who is now a Senator had brought an amendment in this House which was meant to change the engagement of HELB with students. I wish to ask Hon. Keter to go further especially on this question of HELB. I am no longer a youth. I would have wished to bring that particular amendment here. I am, however, asking Keter and other youthful Members to bring an amendment to this House so that all the students who owe this country money in terms of HELB, should not have any interest. There should be zero interest on HELB. We were paying HELB to assist students get education. We were not giving them money to do business or to run up and down, we were lending them money to acquire education. Education in this country should be free. If we make it as a loan, then let us make all those loans, students have taken to be interest free. We should wait until they are employed for them to repay that money and not with a single cent in interest. I am requesting Hon. Keter to do that. He is still a youth. Save the youths out there.

Hon. Temporary Deputy Speaker, how much money goes to corruption or wastage in the government departments in this country? If you accumulate the total amount of money that is stolen in this country in ministries, it will pay for all the loans that students owe this Government. It cannot go beyond Kshs 12 billion. Yet, every year, over Kshs 50 billion is stolen in this country. Over Kshs 50 billion goes to waste in this country. I think this country needs to find a way of getting money, but not through taxing students and youths. We should make it free.

I also wanted to request Hon. Sankok to ensure that education is made free for all people with disabilities from primary through secondary schools to universities. Why should we tax them? These are people living with disabilities, they cannot run up and down like we do. When you hear a person with disability being asked to produce a document to prove that he or she has paid HELB or they are not listed in CRB, you wonder how this country is saving itself from that shame.

Lastly, I would wish to say even as this country is grappling with the high cost of fuel, it sometimes looks for money through unscrupulous means. Why would you tax this country to the level that you pay Kshs 150 per litre for petrol? It is sad. The country should find ways of making money not through taxing citizens and even young people. I support this amendment in totality.

Hon. Mwambu Mabongah (Bumula, Independent): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): A point of order? The Member has already finished his contribution. Unless it is not procedural, the Member has finished his contribution.

Let me hear you, Hon. Member for Bumula

Hon. Mwambu Mabongah (Bumula, Independent): Hon. Temporary Deputy Speaker, whatever is being discussed here cuts across all constituencies. As you said, Members have been here since morning. I know that it should have come at the beginning of the debate, but I request Members to be considerate. If you take three minutes to deliver your message, each one of us will have an opportunity to speak for our people. I kindly request the Members who have been here since morning to be considerate, if given an opportunity. I know that it should have come at the beginning of the debate, but I am just making that request.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Now you are answering yourself on the limitation of debate. All Members have 10 minutes. The Member has arisen on a point of order to see whether we can reduce the time taken by Hon. Members to contribute to

debate. However, he has already answered himself that the same should have been asked at the start of the debate.

Hon. Members, as I said, now that I have 15 requests, it is good to be considerate. I have 15 requests.

Hon. Member for Emurua Dikirr, you have the right to defend your people. Hon. Gideon Keter, you can still bring an amendment to the House because you represent the youth and people living with disabilities.

Member for Mogotio, you have the Floor.

Hon. Daniel Tuitoek (Mogotio, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Amendment Bill and congratulate Hon. Keter for bringing it to the House in a timely manner.

Speaking the truth, the youth are under siege. Currently, there are so many youths with no jobs. Most of them have finished high schools and universities and are not seeing job opportunities. When employers start asking for many documents as they seek to provide jobs, they make the lives of jobs seekers harder. Their lives are already hard because they are not employed. Therefore, this amendment Bill has come at the right time. Demanding excessive documentation from the youth should be done away with. The idea of asking for clearance certificates from KRA, DCI, EACC, CRB and HELB should be done away with for the youth.

The idea of asking them to pay interest on some of the loans they receive from various agencies should also be considered. I agree with the Hon. Member from Emurua Dikirr that we should not further burden the youth by asking them to pay interest yet we are currently not giving them employment.

We have agencies like the Uwezo Fund, the Youth Enterprise Development Fund and the Women Enterprise Fund. That is where we need to make things easier for them. Those three agencies are a way of empowering the youth to make their businesses grow and have a decent way of life. Therefore, we should be increasing money to those agencies. The Uwezo Fund has a small pool of money which is accessible to the youth. The Youth Enterprise Development Fund, which has a bigger vote, should be accessible in every constituency.

We keep hearing about the bottom-up economic approach. If the idea is to invest in the constituencies so that they help the youth, *mama mboga* and such people, we should embrace such ideas. We want to invest in our constituencies.

The much that the National Government Constituencies Development Fund (NG-CDF) has done in Kenya is great. We all see how it has transformed the education sector, especially primary schools and the security sector, such as chief's offices. The NG-CDF has made an impact. If we can come up with another fund which is specifically targeted towards increasing funding to the youth at the constituency level, we will go a long way in empowering them.

Therefore, this amendment Bill has come at the right time. Because I want other Members to also contribute, I beg to support.

Thank you.

There is a point of order from the Member for Gilgil, Hon. Wangari.

Hon. (Ms.) Martha Wangari (Gilgil, JP): Thank you, Hon. Temporary Deputy Speaker. I know we have been waiting to contribute to this very important Bill. But, noting that it may not come on the Order Paper any other time and there is concurrence on debate, I rise on Standing Order No. 95 to ask the Mover to reply.

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Wangari is in order to rise on a point of order and from where I sit, I will have to put the Question.

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

So, we continue. The Member for Kabuchai, Hon. Majimbo Kalasinga.

Hon. Majimbo Kalasinga (Kabuchai, FORD-K): Thank you very much, Hon. Temporary Deputy Speaker.

The major reason this Bill is with us and why I am thankful so much is that it is addressing the roadblocks at the initial stages of employment of these youths. There are four serious roadblocks. One is experience which is a requirement and a serious one to our fresh college and university graduates. If it were even possible we would have made all tertiary education years in college years of experience. If it is three years in a medical college, be given three years of experience to start off. If we look at this one serious roadblock called experience, no youth will get a job because they are fresh from colleges and they have had no place to get experience.

Secondly, the idea of CRB is serious and it is affecting a majority of young and trained graduates who are supposed to join the job market. One, even if this student or somebody who is looking for a job gets money to clear the debts, it takes a lot of time for the CRB to clear this person. It can take even two or three weeks and the time of this one looking for a job gets expired. The issue of a Certificate of Good Conduct is so painful to us and so painful to these young men. If Kenya as a country has this body that issues Certificates of Good Conduct, every citizen of this country who has no criminal record must be having that certificate. So, it should not be a must that one produces the certificate. It is supposed to be on soft system so that everybody who has a problem is the only one who gets a certificate of no good conduct. Anybody or any employer, at any time, can click your name or the name of the applicant and find that he is good on Certificate of Good Conduct, not necessarily producing the certificate itself.

Finally, as *Mheshimiwa* for Emurua Dikirr has just said, we have students who are in this country and they are living with disabilities. They must be given free training and supported by Government because, one, they are disabled. If you look at this, I have a national school in my constituency called Nalondo CBM. This school produces the best but now, we have serious challenges. One, they cannot walk and two, they need free medication in this institution. If I look at this, I support this Amendment Bill because it is very important for our youths.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The Member for Bumula, Hon. Mabongah Mwambu. Remember you were the first one to say Members should be considerate.

Hon. Mwambu Mabongah (Bumula, Independent): Definitely, I will be very considerate. Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to also put my voice on this important Bill. This is a very timely Bill.

As leaders we have to be very serious to analyse what is happening in this country. If we do not fix it, it will soon become an emergency and a crisis. There is an outcry. The importance of this Bill is to ensure that job seekers do not spend even a single cent while looking for employment. You are asking for documents from people who do not have even a meal to eat. Some of them have to travel to get these clearance documents. Why do we have probation period for new employees in any organisation? It is for the employer to check the record of the employee and for the employee to be acquainted with the working ethics of the organisation. If you have any query,

you are able to establish from these agencies, so that you have the choice to keep the employee or let them relinquish the job.

I would urge the Government to ensure that the young people looking for jobs are not restricted in any way through these documents. The minimum amount required for all these documents is about Ksh6,000. You apply for a job, which you are not sure of getting. The following day another job comes up and you need to apply. Within one month, you have spent over Ksh30,000 yet you have nothing to show for it.

I sit on the ICT Committee and I want to recommend that when the Bill gets to the next stage we have to look at the usefulness of Huduma Namba. With every Kenyan having registered for Huduma Namba, you are able to access information about somebody through the number, if you are serious. So, it is important that the Government sets up an agency from which prospective employers can access the information they require. During probation, employers will be able to get every kind of information that is required. We need to remove all these bottlenecks that hinder our young people from looking for employment. That is the bottom line. There is an outcry. Some of the youth have missed out on a lot of opportunities, not only in private organisations but also in Government, just because they do not have the Ksh3,000 to get the certificates required during employment. It is important to ensure that these amendments are implemented to the letter. The youth are crying and 80 per cent of the population is made up of young people looking for employment. Tertiary institutions release youth every year. We must stamp our authority and create a way for the youth to get what they need at the right time and the right age.

Thank you, Hon. Temporary Deputy Speaker. I wanted to be that brief so that I give opportunity to other Members to contribute because they equally have the young generation in their constituencies. I support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): That is good example, Member for Bumula. Member for Mandera North.

Hon. Major (Rtd.) Bashir S. Abdullahi (Mandera North, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill by Hon. Keter. It is very timely. I wish that it had come quite early. The gist of the matter is employment. The youth are looking for employment for the first time. Government agencies ask them to provide clearances from the EACC, DCI, HELB and KRA and yet they are not sure if they will get the jobs. Members who spoke before said it amounts to between Ksh6,000 and Ksh10,000. Cumulatively, looking for the clearance certificates costs money. The EACC says their clearance certificate is free, but look at how you obtain the certificates. You go through a lawyer; you pay. It is not free. It is high time that employers were asked to employ these youth and given time, like three months which is also the probation period, to provide those clearance certificates. In fact, if you have employed him already, the charges should be absorbed by the employer. It is sad that youth who have no experience are asked to provide compliance certificate from CRB.

Hon. Temporary Deputy Speaker, they have not done any businesses and have not been absorbed anywhere else. Why would they be asked for it? On the HELB certificate, if they do not have employment, how would they have cleared this HELB loan? It is actually sad. We are talking about 60 per cent of Kenyan youths who are unemployed. That is 35 years and below. Therefore, if we have this kind of amendment and ensure that it is implemented, we will help the youths. It does not mean that once we have this kind of amendment and it goes through, there is employment for the youths. We will still urge the Government to roll out elaborate plans to ensure the youths are absorbed. It is sad that we are being told we want to increase youth employment and expand the economy, but it is very difficult to facilitate them to acquire employment. Some youths are in

remote places and they have to travel all the way. They have to pay for bus fare and lodging to stay in as they wait for these clearances. They have to go to these offices and maybe it is their first time, they end up getting frustrated and have to go back without the documents. They appear in an interview and they are told that they do not have certain documents. Having been turned down, they just go back and so the rate of unemployment continues and it is a cycle.

This Bill is very timely. We support it and I hope that we will pass it as soon as possible so that our youths, who are 60 per cent of Kenyans, get employment without bureaucracies.

I support, thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The Member for Gilgil, Hon. Wanjira Wangari is next on my request list.

Hon. (Ms.) Martha Wangari (Gilgil, JP): Thank you, Hon. Temporary Deputy Speaker. I also rise to add my voice to this very important Bill. I am actually very proud that Hon. Keter comes from Nakuru County. We are proud of you because you are one of the people who have come to this House to represent the youth and you have done exactly that. If you want to know how big this problem is, look at this scenario:

Recently, the Independent Electoral and Boundaries Commission (IEBC) announced recruitment of clerks for registration. We had young people who are holders of master's degrees applying for this position which only requires a diploma. It really does not make sense at all for the Government to ask you to pay to be cleared to show that you are not corrupt, that you are not a criminal and that you pay your taxes. This had come in the 11th Parliament in terms of Motions that were moved in this House. They were also moved in the Senate where I sat then. I like the fact that Hon. Keter has gone a step forward because Motions from Parliament are not usually implemented in this country. However, when you put it in law, you make it mandatory that they have to be implemented. Therefore, I congratulate Keter for that thought.

Hon. Temporary Deputy Speaker, without repeating, the one thing that I would want to touch on is that we must go ahead and not only make it a mandatory requirement, but we also tax and ensure we put the responsibility of getting these clearances on Government agencies. What do I mean? With this amendment, some employers may circumvent the law to only employ those who can provide those documents and discriminate against those who are unable to get them. We must ensure that if you want clearance certificates from HELB, EACC, KRA or DCI the cost should be borne by the Government agency. We must task them to pay so that young Kenyans do not have to pay a shilling. The employers are also cushioned because some of them are young people trying to make a living. That burden should be shifted not only from the employer but also to the Government agency. In doing so, we will have made it lighter not only for the employee but also for the employer.

With those few remarks, and noting the interest, I beg to support. I also would like to congratulate Hon. Gideon Keter for coming up with this important Bill.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Member for Trans Nzoia County.

Hon. Member, you are not a Member for Trans Nzoia County. On this matter she is not in the House; she is consulting.

Let us have the Member for Taita County.

Hon. (Ms.) Haika Mizighi (Taita Taveta, CWR, JP): Asante sana, Mheshimiwa Naibu Spika wa Muda kwa kunipatia fursa hii ili niweze kuchangia Mswada huu ambao ni muhimu sana kwa taifa letu la Kenya wakati huu ambapo vijana wengi hawana ajira. Vijana wengi hawana ajira

kwa sababu wengine wana matatizo na changamoto zao. Hawajakuwa na uwezo wa kulipia vyeti ambavyo vimefanywa kuwa lazima ili waweze kupata ajira.

Vijana wengi wanatoka kwa familia ambazo zina changamoto. Wengine wamesoma kupitia ufadhili na misaada kutoka kwa wasamaria wema. Familia kama hizo haziwezi kabisa kulipia vyeti hivyo. Watoto wengine ni mayatima. Nimekumbana na wengi sana ambao wamesoma kwa shida na wamepita mitihani vizuri. Wako na vyeti vizuri ambavyo vinaweza kuwasaidia kupata ajira. Lakini suala la kupata vyeti hivi limekuwa mojawapo ya vikwazo ambavyo vinawachuja kwenye kinyaganyiro cha kutafuta kazi.

Nampongeza sana Mheshimiwa Keter kwa kuleta Mswada huu Bungeni ili tuweze kuujadili. Kama viongozi, ni lazima tuithibiti hali hii na tuweze kusimama na vijana wetu.

Ni vyema tuondoe hili suala la mtu kuwa na hivi vyeti anapotafuta ajira. Tumewaona vijana wengi wakiwa na msongamano wa mawazo. Watu wamejitia vitanzi kwa sababu wameambiwa ni lazima wawe na hivi vyeti na wameshindwa kuvipata, na wakapatwa na msongamano wa mawazo na wakajiuwa. Gharama ya maisha nchini Kenya imepanda. Bei ya mafuta imepanda sana. Tusipoweza kuithibiti hali kama hii tutapata kesho tukiambiwa kuwa hata wale akina mama mboga sokoni watawekewa masharti ya kuwa na vyeti fulani ndiyo wao pia waweze kufanya biashara zao.

Kwa hivyo, ni vyema kuwa Mswada huu umefika Bungeni. Ninaunga asilimia mia ili vijana wetu waweze kupata afueni na wajisikie wako huru ili waweze kutafuta kazi bila vikwazo wanapomaliza masomo yao.

Kwa hayo machache, naunga mkono.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let us hear the Member for Kwanza.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity.

First, I want to thank Hon. Keter for bringing this Bill to the House. The bottom line is that prospective employers must be bearing in mind people who are credible enough to be employed. In this regard, this House ought to make it mandatory for Government agencies to provide clearance for prospective employee free-of-charge. We should provide for days within which one should get clearance upon applying for the same. If I were to apply for clearance from whatever agency, it should take the minimum time possible for me to get clearance. The requirement for clearance must be retained so that we do not end up employing people with forged academic certificates and crooks.

Since the youths, including our own brothers, sisters and sons, are unable to get formal employment, they are engaged in funny activities on Nairobi's River Road. Just go there and see what is happening. Today I met somebody with a fake certificate and he wanted me to help him get a job at the Teachers Service Commission (TSC). I looked at the certificate and told him that it was not possible.

So, let us say that if one wants a clearance certificate, he must have it done free-of-charge by the appropriate Government agency within the shortest time possible.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Wanyonyi, I wish to cut short your debate on the same, but you will have a balance of eight minutes, when the debate resumes on the Bill.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Lovely. Hon. Temporary Deputy Speaker, I will appreciate.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You will have priority in speaking. Otherwise, if you do not present yourself to have priority in speaking, you will have forfeited your time.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Temporary Deputy Speaker, most obliged and thank you, so much.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, I wish to appreciate the Members in the House who wanted to contribute to the same, Hon. Ibrahim Ahmed the Member for Wajir North, Hon. Chepkwony Kathambi the Member for Njoro and the Member for Migori among others who were willing to contribute.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The Bill will have a balance of 35 minutes when it is placed next in the Order Paper. So, Members you can still prepare to contribute on the same. The time being 1.00p.m., this House stands adjourned until Wednesday, 29th September 2021 at 2.30 p.m.

The House rose at 1.00p.m.