

PARLIAMENT OF KENYA**THE NATIONAL ASSEMBLY****THE HANSARD****Wednesday, 24th November 2021**

The House met at 2.30 p.m.

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

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

(The Quorum Bell was rung)

Order! We now have Quorum, therefore, business will begin.

PAPERS LAID

Hon. Deputy Speaker: On this particular Order, we have the Majority Party Whip. I think you are the one tabling these Reports.

Hon. Emmanuel Wangwe (Navakholo, JP): Hon. Deputy Speaker, I beg to lay the following Papers on the Table of the House:

The Report of the Auditor-General and Financial Statements on the Last Mile Connectivity Project - Kenya Power and Lighting Company PLC for the year ended 30th June 2021 and the certificate therein.

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

- (a) National Employment Authority;
- (b) Athi Water Works Development Agency;
- (c) Jomo Kenyatta Foundation;
- (d) Kenya Institute of Special Education;
- (e) Policyholders Compensation Fund – The National Treasury;
- (f) Energy and Petroleum Regulatory Authority;
- (g) Communications Authority of Kenya;
- (h) Kenya Technical Trainers College; and
- (i) Kenya Agricultural and Livestock Research Organization.

The Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June 2019 and the certificates therein:

- (a) Athi Water Works Development Agency;
- (b) Kenya Agricultural and Livestock Research Organization;
- (c) Kenya Plant Health Inspectorate Service;
- (d) Kibo Seed Company Limited;
- (e) Simlaw Seeds (Uganda) Company Limited;
- (f) Kenya Seed Company Limited and its Subsidiaries; and
- (g) Simlaw Seeds Company Limited.

The Reports of the Auditor-General and Financial Statements in respect of the following constituencies for the year ended 30th June 2019 and the certificates therein:

- (a) Embakasi East;
- (b) Kajiado West;
- (c) Bumula; and
- (d) Bura.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. We go to the next one by the Chairperson of the Departmental Committee on Environment and Natural Resources.

Hon. Kareke Mbiuki (Maara, JP): Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Environment and Natural Resources on its Consideration of Sustainable Waste Management Bill, (National Assembly) Bill No. 22 of 2021.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Next, is the Chairperson of the Departmental Committee on Transport, Public Works, and Housing.

Hon. David Pkosing (Pokot South, JP): Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

Addendum to the Report of the Departmental Committee on Transport, Public Works and House on its consideration of the Kenya Roads (Amendment) Bill, 2021 (National Assembly Bill No. 13 of 2021) tabled on 5th August 2021.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: We go to the chairperson of the National Government Constituencies Development Fund (NGCDF).

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

A Report of the Select Committee on NGCDF on the list of nominees to the NGCDF Committee for Kiambaa Constituency.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: We go to the next order.

NOTICE OF MOTION

Hon. Deputy Speaker: As we get to that particular order, we will skip briefly Order No. 7 and go to Order Nos. 8, 9, 10, 11 and 12. That re-arrangement is basically for the convenience of the House. Give your notice and then we will jump to the next Order.

NOMINEES TO THE NGCDF COMMITTEE IN KIAMBAA CONSTITUENCY

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Hon. Deputy Speaker, I beg to give notice of the following Motion:

Pursuant to the provisions of Section 43(4) of the NGCDF Act 2015 as amended in 2016 and paragraphs 5, 2 and 10 of the NGCDF Regulations 2016, this House approves the list of seven nominees for appointment to the NGCDF Committee in Kiambaa Constituency laid on the Table of the House on Wednesday, 24th November 2021.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: We skip Order No. 7 and go to Order No. 8 but we will come back to it very shortly.

MOTIONCONSIDERATION OF REPORT OF THE COMMITTEE OF THE WHOLE HOUSE
ON SENATE AMENDMENTS TO THE PUBLIC PRIVATE PARTNERSHIPS BILL

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Senate amendments to the Public Private Partnerships Bill (National Assembly Bill No. 6 of 2021).

Hon. Deputy Speaker: I have confirmed that there are the required numbers for me to transact this business.

(Question put and agreed to)

BILL**CONSIDERATION OF REPORT AND THIRD READING**

PERPETUITIES AND ACCUMULATIONS (AMENDMENT) BILL

Hon. Deputy Speaker: Order, Hon. Members! We still have the numbers. So, I put the Question.

(Question put and agreed to)

Let me call the mover to move Third Reading.

Hon. Emmanuel Wangwe (Navakholo, JP): Hon. Deputy Speaker, I beg to move that the Perpetuities and Accumulations (Amendment) Bill (National Assembly Bill No. 24 of 2021) be now read a Third Time. I also ask Hon. Charles Kilonzo to second.

Hon. Charles Kilonzo (Yatta, Independent): Thank you, Hon. Deputy Speaker. I second.

(Question proposed)

Hon. Deputy Speaker: Of course having confirmed that we have the required numbers, I put the Question.

(Question put and agreed to)

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

Hon. Deputy Speaker: We go to Order No. 10.

BILLS

Second Readings

THE ASIAN WIDOWS' AND ORPHANS' PENSIONS (REPEAL) BILL

(Hon. Amos Kimunya on 17.11.2021)

(Debate concluded on 23.11.2021)

Hon. Deputy Speaker: I proceed to put the Question.

(Question put and agreed to)

*(The Bill was read a Second Time and committed
to a Committee of the whole House tomorrow)*

THE COUNTY GOVERNMENTS GRANTS BILL

(Hon. Kanini Kega on 17.11.2021)

(Debate concluded on 23.11.2021)

Hon. Deputy Speaker: Again, I confirm that we have numbers. I put the Question.

(Question put and agreed to)

*(The Bill was read a Second Time and committed
to a Committee of the whole House tomorrow)*

MOTION

ADOPTION OF THE 10TH REPORT OF THE SPECIAL FUNDS ACCOUNTS COMMITTEE

THAT, this House adopts the Tenth Report of the Special Funds Accounts Committee on audited financial statements for the Local Authorities Provident Fund, the Unclaimed Assets Trust Fund, the National Environment Trust Fund, the Land Settlement Fund and the Petroleum Fund, laid on the Table of the House on Tuesday, 10th August 2021.

(Hon. Erastus Nzioka on 18.11.2021)

(Debate concluded on 23.11.2021)

Hon. Deputy Speaker: We still have the right numbers.

(Question put and agreed to)

QUESTIONS AND STATEMENTS

Hon. Deputy Speaker: We come back to Order No. 7. We have several Questions: one by Private Notice and other Ordinary Questions. We start with the Member for Embakasi East, Hon. Babu Owino.

QUESTION BY PRIVATE NOTICE

QPN 011/2021

ABDUCTION AND DISAPPEARANCE OF MR. SAMSON TEKLE MICHAEL

Hon. Babu Owino (Embakasi East, ODM): Hon. Deputy Speaker, I rise to ask the Cabinet Secretary for Interior and Coordination of National Government the following Question:

- (i) Is the Cabinet Secretary for Interior and Coordination of National Government, *Bwana* Fred Matiangi, aware that Mr. Samson Tekle Michael, Passport No. EQ0076115, an Ethiopian Citizen and a businessman dealing with LPG gas was abducted by security personnel in the presence of a traffic police officer in Kileleshwa area, Nairobi on Friday 19th November 2021 around 5.45 p.m?
- (ii) What is the status of the investigations into the disappearance of Mr. Samson Tekle Michael, from Friday last week to date and how many suspects have been apprehended or questioned, including the said traffic officer so far, regarding his abduction?
- (iii) What specific measures has the Government put in place to protect Kenyans and foreign citizens from the spate of abductions that have been rampant in this country?

Thank you, Hon. Deputy Speaker. We are going on recess next week on Thursday, so kindly let the Cabinet Secretary treat this matter urgently by answering it before then.

Hon. Deputy Speaker: You know Hon. Babu Owino, you have asked this Question by Private Notice. First, you have been given a priority and you have had it on the Order Paper. It is normal that as per our Standing Orders, when the Question is coming by Private Notice, it is treated as such. I hope the committee is able to handle that as fast as it is possible because it is a serious matter.

Thank you very much, Hon. Owino. The Question will be replied to before the Departmental Committee on Administration and National Security.

Let us go to the Ordinary Questions. Starting us off is Hon. Annie Kibeh, Member for Gatundu North.

ORDINARY QUESTIONS

Question 494/2021

DISBURSEMENT AND UTILISATION OF UWEZO FUNDS IN GATUNDU NORTH

Hon. (Ms.) Wanjiku Kibeh (Gatundu North, JP): Thank you, Hon. Deputy Speaker. I rise to ask Question No. 494 of 2021 to the Cabinet Secretary for Public Service, Gender, Senior Citizens Affairs & Special Programmes: -

- (i) What steps is the Cabinet Secretary taking to ensure that funds are disbursed to the Youth, Persons with Disabilities (PWD) and Women in Gatundu North Constituency who have not benefited from disbursement of Uwezo Fund since 2017?
- (ii) Could the Cabinet Secretary explain the steps taken by the Ministry to ensure that Uwezo Funds disbursed to various groups and individuals are not misappropriated?
- (iii) Could the Cabinet Secretary ensure that officers responsible for the disbursement of the said funds are held accountable in case of misappropriations?
- (iv) Considering that out of the 192 groups which were allegedly listed to have benefited from the initial disbursement of Ksh16 million in 2015, only 61 groups exist or acknowledge having received money, while the rest are non-existent yet the bank account used for the disbursement of the funds which was operated by one of the leading banks in the country, is also non-existent. What steps is the Cabinet Secretary taking to bring the culprits to book?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. That Question will be replied to before the Departmental Committee on Labour and Social Services.

Next is the Member for Nakuru Town East.

Question 496/2021

DRUGS AND SUBSTANCE ABUSE IN SCHOOLS

Hon. David Gikaria (Nakuru Town East, JP): Thank you, Hon. Deputy Speaker. I rise to ask Question No. 496 of 2021 to the Cabinet Secretary for Education: -

- (i) Has the Ministry carried out any investigations into allegations that illegal drugs and substances are finding their way into schools through day-scholars and especially in Menengai High School in Nakuru Town East Constituency, and if so, what is the status of the said investigations?
- (ii) What action has the Ministry taken to ensure that students are not used as conduits for supplying narcotics and substances in schools?
- (iii) Could the Cabinet Secretary consider converting Menengai High School to either exclusively a day school or a boarding school to rid it of such behaviour and ensure discipline?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well, that Question will be replied to before the Departmental Committee on Education and Research.

*Question 498/2021*STATUS OF POWER SUPPLY TO ELECTORAL POLLING
STATIONS AND TALLYING CENTRES

Hon. Deputy Speaker: I have received information and request from Hon. Patrick Musimba that his Question be deferred and I proceed to defer the Question.

(Question deferred)

Hon. Deputy Speaker: We move to the Question by the Member for Kapenguria, Hon. Moroto.

Question 499/2021

CONFISCATION OF CATTLE BY POLICE OFFICERS IN KAPENGURIA

Hon. Samuel Moroto (Kapenguria, JP): Thank you very much, Hon. Deputy Speaker. I rise to ask Question No. 499 of 2021 to the Cabinet Secretary for Interior and Coordination of National Government.

- (i) Could the Cabinet Secretary explain the circumstances under which Anti-Stock Theft Administration Security Personnel in Chepchoina area at the former Agricultural Development Corporation (ADC) Farm in Kapenguria Constituency regularly confiscate cattle from the local community?
- (ii) What measures has the Ministry put in place to discipline and remove corrupt officers who demand bribes for the release of cattle illegally confiscated?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: That Question will be replied before the Departmental Committee on Administration and National Security. We will then go to Statements and we will be having three Statement requests. The first one will be by Hon. Wilberforce Oundo, Member for Funyula.

STATEMENTS

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Speaker, I had requested for a Statement and I was expecting a written answer today from the Chair of the Departmental Committee on Finance and National Planning. The Statement was requested on 7th July, the year of our Lord, 2021. There was indication from the Clerk that the Chair would move to read the Statement this afternoon.

Hon. Deputy Speaker: Actually, I can confirm that these are not statement requests, they are Statements that were supposed to be responded to. All the three Statements that are supposed to be responded to are by the Departmental Committee on Finance and National Planning. On record, yesterday, the Chair had confirmed that she was going to respond today. Is the Chair or the Vice Chair of the Departmental Committee on Finance and National Planning in the House? It seems the Chair is not in. So, this Statement should be responded to tomorrow.

What is it, Hon. Oundo?

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Hon. Deputy Speaker, this matter has been postponed for far too long and I suppose, through your office, you could give very firm

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instructions that the matter must be responded to tomorrow. The indication was given last week that it would be responded to today and, indeed, we came ready to receive the Statement and interrogate it on the Floor. Nevertheless, since they are not around, there is very little we can do. We have to accept. Now that we are almost concluding that section and the Chair is not around...

Hon. Deputy Speaker: Let us not go that direction. First, let us deal with the matter that is on the Floor right now, and that is the issue of the response by the Chair of the Departmental Committee on Finance and National Planning. She had three matters to respond to in terms of Statements. Now she is not in. Unfortunately, I cannot make extreme orders, because I would have been happy to know her capacity and availability to respond tomorrow. We will place it in the Order Paper tomorrow. The Majority Whip will be asked to ask the Chair of the Departmental Committee on Finance and National Planning to respond to these requests for Statements tomorrow. It would be proper because yesterday, she confirmed that they will be responded to. We will also be talking to one of the Committee Members. Is there a Member of the Departmental Committee on Finance and National Planning present? Who is that? Is that Hon. Mboni?

Hon. David Mboni (Kitui Rural, CCU): Hon. Deputy Speaker, we were supposed to meet with the Cabinet Secretary for National Treasury and Planning today, but he is not in the country. We are waiting for him to come back so that he can give us answers to that request for Statement.

Hon. Deputy Speaker: What is your response, Hon. Oundo? We do not want to issue any orders in vain. As far as I am concerned it would be proper if we put it sometime next week so that we take a chance that we might get a response.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Hon. Deputy Speaker, probably the Member is not well-briefed on the matter because the secretariat forwarded to me a copy of the Report. I was repeatedly invited to come without fail because my long-awaited response to the Statement would be read on the Floor this afternoon. The Member is not well-informed. Sorry for that.

Hon. Deputy Speaker: Okay. Tomorrow it is.

Again, what is your point of order, Hon. Oundo? I thought we dispensed with your matter?

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Hon. Deputy Speaker, my point of order relates to the next Order No.13 and specifically, part (i) on the Committee of the whole House in respect to the County Government Grants Bill (Senate Bill No. 35 of 2021).

Debate concluded yesterday evening. It was the expectation of every Member that we would be given adequate time to prepare any amendments we would want to move. In the past, the substantive Speaker has ruled that debate in the Second Reading is not in vain. It is disheartening that the only amendments appearing on the Order Paper are those prepared by the Committee. In all likelihood, it would seem that they were prepared even before listening to the debate in the Second Reading.

I seek your indulgence and that of the Chairman of the Budget and Appropriations Committee that we put this matter on hold until tomorrow, so that Members who contributed or who have interests can have adequate time to prepare their amendments, take them to the relevant legal offices and have them checked and approved before we bring this matter to the Committee of the whole House.

I submit.

Hon. Deputy Speaker: I do not know if there is any other Member who wants to speak to this. In absence of that, this is a fairly straightforward matter. It was supposed to be dealt with by leave of the House. If you look at the introductory part of our Standing Orders, leave of the House would mean that there are no objections by any Member, either with the sympathy of the Speaker

or with support of at least five other Members. There are only two ways of dealing with this. You either seek the sympathy of the Speaker or the support of five other Members. Which one would you prefer, Hon. Oundo?

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Hon. Deputy Speaker, I am sure that there are quite a number of my colleagues who share my views, but since I had not spoken to them because we have just been ambushed, I seek the benevolent sympathy of the Speaker so that we postpone this matter. Waiting a day or two will not be harmful or bring this country to a standstill.

I submit.

Hon. Deputy Speaker: I am very sympathetic to your case, Hon. (Dr.) Oundo. The only problem is that when seeking the sympathy of the Speaker, you do not also show that you have the capacity to marshal Members. If, indeed, you do, you should not even talk about it. You should quickly marshal them. However, I am sympathetic to your case. You look like you deserve some sympathy.

That particular Order is deferred. Let me confirm whether we will do it tomorrow or on Tuesday because we have to be sure that we will be dealing with the amendments that you are proposing. Hon. Members, we will consider it next week. There is some activity in the House on Tuesday, so we will consider it on one of the other two days. It is accepted.

COMMITTEE OF THE WHOLE HOUSE

THE COUNTY GOVERNMENTS GRANTS BILL

(Committee of the whole House deferred)

Next Order!

(Order for Committee read)

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

IN THE COMMITTEE

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

THE COMMUNITY GROUPS REGISTRATION BILL

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Order, Members. You can resume your seats. We are in the Committee of the whole House to debate the Community Groups Registration Bill (National Assembly Bill No. 20 of 2021).

(Several hon. Members walked out of the Chamber)

I will allow the Members who are walking out to do so. We need to have some decorum in the House as we start our business in the Committee of the whole House.

Clause 3

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): There is a proposed amendment by the Chairman of the Departmental Committee on Labour and Social Welfare. Chairman, please, move your proposed amendment.

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Temporary Deputy Chairlady. I would like to note that this Bill was listed second and not first. I am waiting for a report from our clerk. This has caught us off guard.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Were you waiting for a report from the clerk of your Committee?

Hon. Josphat Kabinga (Mwea, JP): Yes, there is something I am waiting for. I am not even prepared.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): The clerks are here. I can see you have the Report.

Hon. Josphat Kabinga (Mwea, JP): Yes, Hon. Temporary Deputy Chairlady. I have it, but it is also disorganising for the Bills to be interchanged just like that.

Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 3 of the Bill be amended in sub-clause (2) by inserting the following new paragraph after paragraph (g) —

(ga) approving, monitoring and evaluating the budget proposals provided by social development committees;

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): What is the import of the same?

Hon. Josphat Kabinga (Mwea, JP): Hon. Temporary Deputy Chairlady, this is an inclusion of new Paragraph g (a) that expands the objectives. It is on approving, monitoring and evaluating the budget proposals. This is part of the social development committees. We are just expanding their mandate.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Very well.

(Question of the amendment proposed)

We have the Member for Navakholo, Hon. Emmanuel Wangwe.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Temporary Deputy Chairlady. Just to set the record straight now that he has mentioned that this is a new paragraph, are we in order to proceed with it as it or does it mean that you will include it as a new clause as a matter of procedure?

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Chairperson, can you clarify on clause 3?

Hon. Josphat Kabinga (Mwea, JP): Hon. Temporary Deputy Chairlady, we are inserting a new paragraph g (a). I did not quite get what the Majority Whip wants to know.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): He wants you to clarify whether that is a new clause.

Hon. Josphat Kabinga (Mwea, JP): It is a new paragraph not a new clause.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Majority Whip, it is a new paragraph not a new clause. So, we are in order.

I welcome the Member for Muhoroni. Do you want to make a comment on this?

Hon. Onyango Oyoo (Muhoroni, ODM): Yes, Hon. Temporary Deputy Chairlady. I am a Member of the Committee and I support my Chairman.

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

(Clause 3 as amended agreed to)

(Clause 4 agreed to)

Clause 5

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): We have a proposed amendment by the Chairperson. Please, move your proposed amendment.

Hon. Josphat Kabinga (Mwea, JP): Hon. Temporary Deputy Chairlady, I beg to move: THAT, Clause 5 of the Bill be deleted and substituted with the following new clause—

Social
development
committees.

5. (1) There is established, in every sub-county, a committee to be known as the social development committee which shall comprise—

- (a) the sub-county social development officer from the national government;
- (b) two representatives from the county government, one of whom shall be the officer responsible for social development in the county government;
- (c) a representative of the Deputy County Commissioner responsible for the sub-county;
- (d) four representatives of development partners and civil society organizations operating in the county who shall be nominated by the county coordinator of social development;
- (e) five representatives of registered community groups operating in the sub-county who shall be nominated by the community groups; and
- (f) where necessary or practicable, representatives of national government ministries, departments or agencies operating in the sub-county.

(2) The persons under sub-section (1) shall be appointed by the county co-ordinator of social development who shall, in making the appointments, ensure ethnic and regional balance and the inclusion of persons with disabilities.

(3) The sub-county department responsible for social development shall provide the secretariat for the social development committee.

This amendment is in order to enhance fair and diverse representation of the social development committee by drawing the membership from the national Government, county governments and sub-counties. The amendment is also necessary for aligning the Bill with Article 232 of the Constitution which provides that one of the principles and values of public service is ethics, regional balance and inclusion of persons with disabilities in making public appointments.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Very well.

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(Question of the amendment proposed)

I see no interest on this one.

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

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

(Clause 5 as amended agreed to)

(Clauses 6, 7, 8 and 9 agreed to)

Clause 10

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): We have a proposed amendment by the Chairperson on behalf of the Committee.

Hon. Josphat Kabinga (Mwea, JP): Hon. Temporary Deputy Chairlady, I beg to move: THAT, Clause 10 of the Bill be amended in subclause (2) by deleting the words “the constitution of a community group” and substituting therefor the words “a community group constitution”.

This is necessary for correction of some grammatical error and to align an inconsistently used terminology.

(Question of the amendment proposed)

I see no interest on this. We all seem to be in agreement.

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

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

(Clause 10 as amended agreed to)

(Clause 11 agreed to)

Clause 12

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): We have a proposed amendment by the Chairperson. Please, move your proposed amendment.

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 12 of the Bill be amended—

(a) in paragraph (b) by inserting the words “or immoral” immediately after the word “unlawful” wherever it appears;

(b) in paragraph (e) by inserting the words “Public Benefit Organization or Non-Governmental Organization” immediately after the words “registered community group”.

The import of this amendment is to ensure that the law does not aid in the registration of community groups whose objects are to promote immorality. The amendment also seeks to protect existing Non-Governmental Organisations (NGOs) and PBOs and avert confusion that may arise from different organisations registered under the various legal regimes that bear the same names.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Member for Muhoroni, do you want to say something?

Hon. Onyango Oyoo (Muhoroni, ODM): No. I am loyally supporting my Chairperson because we deliberated everything in the Committee.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Then I see no more interest on the same.

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

(Clause 12 as amended agreed to)

Clause 13

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): We have a proposed amendment by the Chairperson. Please move your proposed amendment. Hon. Chairperson, we cannot see you on the requests. Press that you are requesting to speak. You need to be on the Hansard. You can use the microphone next to you.

Hon. Josphat Kabinga (Mwea, JP): I am now okay.

Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 13 of the Bill be amended by inserting the following new subclause immediately after subclause (2) —

“(3) A person aggrieved by the decision of the Director may appeal to the Cabinet Secretary in writing”.

This amendment seeks to provide an appeal mechanism for a person aggrieved by the decision of the Director in terms of refusal to register a community group.

(Question of the amendment proposed)

Hon. Onyango Oyoo (Muhoroni, ODM): Hon. Temporary Deputy Chairlady, as I stated before, I am a loyal Member of this Committee and everything we are discussing here, we discussed it in our Committee and passed them. So, I support the views presented by the Chair.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): You had requested to speak to it.

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

(Clause 13 as amended agreed to)

(Clauses 14 and 15 agreed to)

Clause 16

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): We have a proposed amendment by the Chair. Please, move your proposed amendment.

Hon. Josphat Kabinga (Mwea, JP): Hon. Temporary Deputy Chairlady, I beg to move: THAT, Clause 16 be amended in sub-clause (6) by inserting the words “in accordance with the community group’s constitution” immediately after the word settled”.

The import of the amendment is to ensure that the assets of a community group are distributed and outstanding claims settled in accordance to the community group’s constitution.

(Question of the amendment proposed)

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

(Clause 16 as amended agreed to)

Clause 17

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Chair, please move your proposed amendment.

Hon. Josphat Kabinga (Mwea, JP): Hon. Temporary Deputy Chairlady, I beg to move: THAT, Clause 17 of the Bill be amended by inserting the following new Sub-clauses immediately after sub-clause (6) —
“(6) A merged community group may change its name or constitution by issuing a notice of the change of name or constitution to the Director.
(7) A notice of change of a community group constitution under subsection (6) shall be accompanied by the new community group constitution.

This amendment is to allow community groups that have merged to change their names if need be.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Tonui Kiprotich, Bomet Central, do you want to make a comment on Clause 17?

Hon. Ronald Tonui (Bomet Central, JP): I want to support the amendment because I believe it will ease the working of these community groups.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Member for Navakholo, the Hon. Emmanuel Wangwe.

Hon. Emmanuel Wangwe (Navakholo, JP): Hon. Temporary Deputy Chairlady, I wish to support this amendment but with a small rider that in future, through the Chair of the Departmental Committee on Labour and Social Welfare, let the notice be very clear. Groups which are merging should not merge today by issuing a notice today and they want to assume office the following day. They might circumvent the rules and end up... In future, let the notice also be there.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): You are saying in future. So, for now you support. Are you supporting the amendment? Be on record.

Hon. Emmanuel Wangwe (Navakholo, JP): Yes, I support the amendment.

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

(Clause 17 as amended agreed to)

*(Clauses 18, 19, 20, 21, 22, 23, 24, 25,
26, 27, 28, 29, 30 and 31 agreed to)*

Clause 32

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Chairperson has a proposed amendment on behalf of the Committee. Please, move it.

Hon. Josphat Kabinga (Mwea, JP): Hon. Temporary Deputy Chairlady, I beg to move: THAT, the Bill be amended in sub-clause (3) by inserting the words as “in accordance with the community group constitution and any other written laws” immediately after the words “treasurer’s control”.

The amendment seeks to ensure accountability in the management of accounts of the community groups so that hand over of money or other assets by an outgoing treasurer to an incoming one is done in accordance with the community group’s constitution and any other written laws.

(Question of that amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): The Member for Mwingi West, NCC Ngusya Nguna. Is it so, Nguna Ngusya?

Hon. Charles Nguna (Mwingi West, WDM-K): Ngusya Nguna, CNN. I support the amendment because accountability in these groups is very critical. I support.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Member for Bomet Central.

Hon. Ronald Tonui (Bomet Central, JP): Thank you, Hon. Temporary Deputy Chairlady. This amendment will encourage transparency. It is important to have that transparency.

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

(Clause 32 as amended agreed to)

(Clauses 33, 34, 35, 36, 37, 38 and 39 agreed to)

Clause 40

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Chairperson, on behalf of the Committee has a proposed amendment.

Hon. Josphat Kabinga (Mwea, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended by —

(a) deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) procedures, requirements and guidelines on registration, suspension, cancellation and reinstatement of registration of any community group including a special interest group;”

(b) inserting the following new paragraph immediately after paragraph (j) —

“(ja) guidelines on community group management;”

This amendment seeks to create clarity on matters that the Cabinet Secretary may be required to prescribe in the regulations which include procedure requirements and guidelines on registration, suspension, cancellation, reinstatement or registration of any community group including special interest groups and guidelines on community group management.

(Question of the amendment proposed)

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

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

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

(Clause 40 as amended agreed to)

(Clause 41 agreed to)

(First Schedule agreed to)

Second Schedule

Hon. Josphat Kabinga (Mwea, JP): I beg to move:

That, the Second Schedule to the Bill be amended by inserting the following new paragraph immediately after paragraph 12—

Group Assets

12A. The procedures for handling the distribution, disposal and sharing of assets and upon voluntary dissolution.

The justification for this is that the amendment seeks to require a constitution of the community groups that will provide the procedures for handling of distribution, disposal and

sharing of assets upon voluntary dissolution. This is geared towards ensuring transparency and accountability in handling assets of a community group upon dissolution.

(Question of the amendment proposed)

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

(Second Schedule as amended agreed to)

Clause 2

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): The Hon. Chair, you have a proposed amendment to Clause 2. Please, can you move it?

Hon. Josphat Kabinga (Mwea, JP): I beg to move:

That, Clause 2 of the Bill be amended—

a) in the definition of the term “community groups” by inserting the words “Public Benefit Organization, Non-Governmental Organization or” immediately after the words “but shall not include”;

b) by inserting the following new definitions in proper alphabetical sequence—

“Civil Society Organizations” means organizations that provide technical and advocacy support to the communities but do not provide funding;

“Community Group Constitution” means basic rules or by-laws set by a community group to govern the operations of their group or any projects that the groups may undertake;

“Non-Governmental Organisation” has the meaning assigned to it under the Non-Governmental Organizations Act;

“Public Benefits Organisation” has the meaning assigned to it under the Public Benefits Organizations Act;

The justification for this is that the objectives of the group are not limited to charitable and public benefit objectives as is the case with NGOs and PBOs as espoused in the Non-Governmental Organisation Coordination Act and the Public Benefits Organisation Act of 2013. In this case, the amendment is necessary to exclude NGOs and PBOs from the definition of community groups. It is to avoid creating confusion on the nature of community groups. Also, the amendments seek to create clarity on the meaning of the term “civil society organisations”, “community group constitution”, “non-governmental organisation” and “public benefits organisation” which are often interchangeably used yet the terms are distinct.

(Question of the amendment proposed)

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

(Clause 2 as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Members, we are through with the Committee of the whole House on the Community Groups Registration Bill (National Assembly Bill No. 20 of 2021). I call upon the Mover to move the reporting.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairlady, I beg to move that the Committee doth report to the House its consideration of the Community Groups Registration Bill (National Assembly Bill No. 20 of 2021) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Members, we are going to proceed to a different Bill in the Committee of the whole House.

(Several Members walked into the Chamber)

Order, the Members who are walking in! Please, do that so that we can start business in the Committee of the whole House on the Landlord and Tenant Bill (National Assembly Bill No. 3 of 2021). We are now in the Committee of the whole House.

THE LANDLORD AND TENANT BILL

Clause 3

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): There is a proposed amendment by the Chair of the Departmental Committee on Transport, Public Works and Housing. Chairperson, please move your proposed amendment on clause 3.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, just give me one second. It is completely disorganised.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Are you disorganised or they have disorganised you?

Hon. David Pkosing (Pokot South, JP): Of course, I cannot be disorganised, but my guys are.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Which guys? I give you and your team time to get organised. This is a critical Bill.

(Hon. David Pkosing consulted with the Committee Clerk)

I can see the Chairman is now organised.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, clause 3 of the Bill be amended—

(a) in subclause (1)(a) by deleting subparagraph (iii) and substituting therefor the following subparagraph—

“(iii) residential premises whose monthly rent exceeds such amount as the Cabinet Secretary may prescribe, with the approval of the National Assembly.”

- (b) by inserting the following new subclause immediately after subclause (1)—
“(1A) The Cabinet Secretary shall prescribe the initial amount under subsection (1)(a)(iii) within six months of the commencement of this Act.”.

We are proposing that the House agrees with us in amending clause 3. So, that the CS can prescribe the threshold within six months of the coming into force of the Act. Earlier, it was not prudent because the clause set a limit and this was subject to inflation and escalation. So, we are doing this to accommodate inflation. The CS should be left to do this in real time, so the figure does not stay the same for 10 years because this will affect both the landlords and the tenants. Thank you.

(Question of the amendment proposed)

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

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

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

(Clause 3 as amended agreed to)

Clause 4

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): We have a proposed amendment by the Chair.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT the Bill be amended by deleting Clause 4 and substituting therefor the following Clause—

Establishment of
Tribunal.

4. (1) There is hereby established the Landlord and Tenant Tribunal to have jurisdiction within the territory of the republic of Kenya.
(2) The Judicial Service Commission shall appoint—
the Chairperson of the Tribunal who shall be qualified to be appointed a Judge of the High Court; and
deputy chairpersons, who shall be Advocates of the High Court who have served for at least five years, to preside over such geographical areas of jurisdiction of the Tribunal as the Chief Justice may designate by notice in the Gazette.

- (3) The Chairperson and a deputy chairperson of the Tribunal shall serve on a full-time basis.
- (4) The Chairperson and a deputy chairperson of the Tribunal shall hold office for a term of five years and shall be eligible for re-appointment for one further term.
- (5) A person shall not qualify for appointment under this section unless the person meets the requirements of Chapter Six of the Constitution.
- (6) For the purpose of exercising its functions under this Act, the Tribunal shall be presided over by the Chairperson or a deputy chairperson.

The reasons are to rename the tribunal as the Landlord and Tenant Tribunal. Also, to provide for the appointment of the Chairperson and several Deputy Chairpersons who may be designated to preside over the sittings of the tribunal, as and when required across the country. This will ensure access to justice in the country. In layman's understanding, this means the Bill provided for only five people to the tribunal.

After consulting with the Judiciary and the Ministry of Housing through public participation on the tribunals we are collapsing into one, we realised we have provided only five members. We are collapsing the procedures of resolving issues affecting residential and commercial buildings. Therefore, if we leave only five people to do that work in the entire country, it will not be possible. After consulting with the Judiciary and other stakeholders, we decided to allow the Judiciary to appoint as many deputies as possible. Just like Judges, they should appoint as many as possible depending--- Okay, that is enough, I can see you have understood. Thank you, Leader of the Majority Party. That is the gist.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Thank you, Chairperson for summarising.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): The Member for Suba North, Hon. Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Deputy Chairlady, I wanted to suggest we take the zebra approach, which is basically gender considerations. But after listening to the proposal he has given, that may not be feasible at this point. I urge they ensure this adheres to the constitutional requirements. I support.

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

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

(Clause 4 as amended agreed to)

(Clauses 5 and 6 agreed to)

Clause 7

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Chair, you have a proposed amendment to clause 7.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, clause 7 of the Bill be amended in subclause (2) by deleting the words “High Court” Appearing immediately after the words “to the” and substituting therefor the words “Environment and Land Court”.

Our reason is to replace reference to the “High Court” with “Environment and Land Court”. This will align the Bill with the new constitutional dispensation. Currently, land and environmental matters are handled by the Environment and Land Court. Thank you.

(Question of the amendment proposed)

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

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

(Clause 7 as amended agreed to)

(Clauses 8 and 9 agreed to)

Clause 10

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Chairperson, please move your amendment.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, clause 10 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause—

“(1) The Chairperson of the Tribunal shall—

- (a) assign duties to a deputy chairperson; and
- (b) preside over the Tribunal in matters where there are complex and substantial issues of law and which may be referred to the Chairperson by a deputy chairperson.”

The reason is that this will separate the roles of the Chairperson of the Tribunal and those of the Chief Executive Officer (CEO). It is as clear as that. Thank you.

(Question of the amendment proposed)

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

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

(Clause 10 as amended agreed to)

(Clause 11 agreed to)

Clause 12

The Temporary Deputy Chairlady (Hon. Jessica Mbalu): Chairperson, you have a proposed amendment. Please move it.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, I beg to move: THAT, clause 12 of the Bill be amended—

(a) in sub-clause (1) by deleting the words “to a” appearing immediately after the word “secretary” and substituting therefor the words “and chief executive officer of the”;

(b) in the opening statement of sub-clause (2) by deleting the words “A secretary” and substituting therefor the words “The chief executive officer”.

We are trying to establish the position of Chief Executive Officer (CEO) of the Tribunal to be in charge of the management of the day-to-day running of the Tribunal.

I thank you, Hon. Temporary Deputy Chairlady.

(Question of the amendment proposed)

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

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

(Clause 12 as amended agreed to)

Clause 13

The Temporary Deputy Chairlady (Hon. Jessica Mbalu): Chair, you have a proposed amendment on behalf of the Committee.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, I beg to move: THAT, clause 13 of the Bill be amended—

(a) by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) is incapacitated from performing the duties of the office by reason of prolonged physical or mental illness certified by a registered medical practitioner;”

(b) by inserting the following new paragraph immediately after paragraph (c)—

“(ca) is found guilty of professional misconduct by a professional body in which he or she is a member;”

We have two reasons in support of our proposed amendment. One is to require a qualified medical practitioner to certify any illness proposed as ground for removal of a member of the Tribunal. It was not there in the original Bill. Two, is to include professional misconduct by a member belonging to a professional association as a ground for removal. Those are the two important reasons that will warrant somebody to be removed from the Tribunal.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. Jessica Mbalu): Member for Bomet Central, do you want to say something on this amendment?

Hon. Ronald Tonui (Bomet Central, JP): I wanted to speak to the previous amendment, which has gone through.

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

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

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

(Clause 13 as amended agreed to)

(Clauses 14, 15 and 16 agreed to)

Clause 17

The Temporary Deputy Chairlady (Hon. Jessica Mbalu): Chairperson, move your proposed amendment.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, I beg to move: THAT, clause 17 of the Bill be amended—

(a) in sub-clause (2) by deleting the words “fair rent” appearing immediately after the words “determine the” and substituting therefor the words “rent payable”;

(b) in sub-clause (4) by deleting the words “fair rent” appearing immediately after the words “determine the” and substituting therefor the words “rent payable”.

Our reasoning is very clear. We are deleting the term ‘fair rent’ in the clause and replacing it with the term ‘rent payable’ for purposes of clarity.

I thank you.

(Question of the amendment proposed)

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

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

(Clause 17 as amended agreed to)

Clause 18

The Temporary Deputy Chairlady (Hon. Jessica Mbalu): Chairperson, you have a proposed amendment. Please move it.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, I beg to move: THAT, clause 18 of the Bill be amended in sub-clause (5) by deleting paragraph (d).

Our reasoning is to delete the provision of access to persons with disability as a basis of a landlord increasing rent. Why? Because the law currently requires that design of any new building must provide access for PWDs. It is a right, so nobody should increase rent on account of providing access for PWDs.

I thank you.

(Question of the amendment proposed)

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

(Clause 18 as amended agreed to)

Clause 19

The Temporary Deputy Chairlady (Hon. Jessica Mbalu): Chairperson, please move your proposed amendment.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, I beg to move: THAT, clause 19 of the Bill be amended in sub-clause (1)(a) by inserting the words “which shall be on the lapse of at least two months, in the case of residential premises, and three months in the case of business premises after the giving of notice”.

Our reason is simple. It is to provide for a notice period of at least 60 days for a residential property, and 90 days for a commercial premise to reduce conflict with regard to termination of leases.

(Question of the amendment proposed)

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

(Clause 19 as amended agreed to)

(Clauses 20, 21 and 22 agreed to)

Clause 23

The Temporary Deputy Chairlady (Hon. Jessica Mbalu): Chairperson.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, I beg to move: THAT, the Bill be amended by deleting clause 23.

There is a very simple reason for the amendment, which is to shift the offence to clause 50, because that is where offences are provided for.

(Question of the amendment proposed)

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

(Clause 23 deleted)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Yes, we were deleting.

(Clause 24 agreed to)

Clause 25

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Chairperson, you have a proposed amendment to Clause 25. Please, move it.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady. I beg to move: THAT, Clause 25 of the Bill be amended in sub clause (1) by—

- (a) deleting the words “twenty-four months in the case of business premises and not less than twelve months” appearing immediately after the words “not less than” in paragraph (a) and substituting therefor the words “three months in the case of business premises and not less than two months”;
- (b) deleting the words “three consecutive months” appearing immediately after the words “rent for” in paragraph (c) and substituting therefor the words “one month”.

The reasoning is to prescribe a 90 day notice period with regard to business premises; and a 60 day notice period with regard to residential premises before termination of any tenancy.

Our second reason is to allow termination of a tenancy, where a tenant has defaulted in payment of rent for one month following the last date the payment was made so that it is acceptable for tenants and also landlords.

Thank you.

(Question of the amendment proposed)

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

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

(Clause 25 as amended agreed to)

(Clause 26 agreed to)

Clause 27

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Chairperson, please move your proposed amendment on Clause 27.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 27 of the Bill be amended in sub clause (1) by deleting the words “two months” appearing immediately after the words “period of” in paragraph (b) and substituting therefor the words “one month”.

What we are trying to do here, and which is still on notices, is that we are harmonising on the requirement of this Clause so that it goes together with Clause 25. What we are saying is to harmonise the provision of Clause 25(1)(c), which we have just handled, and allow termination of tenancy where a tenant has defaulted in payment of rent for one month following the last date of payment of their dues.

Thank you.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Very well.

(Question of the amendment proposed)

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

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

(Clause 27 as amended agreed to)

(Clause 28 agreed to)

Clause 29

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): We have a proposed amendment by the Chairperson of the Committee.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, clause 29 of the Bill be amended in sub clause (1) by deleting the words “other than change of user” appearing immediately after the word “purpose” in paragraph (b).

Our motive is simple. It is to allow the landlord who requires a possession of the property for purposes of conversion through change of user to give a notice in this regard so that it does not do without the notice.

Thank you.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): So, it is about giving the notice in that regard.

(Question of the amendment proposed)

(Hon. Ronald Tonui consulted with the Clerks)

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

(Clause 29 as amended agreed to)

(Clauses 30, 31, 32, 33, 34 and 35 agreed to)

Clause 36

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Chairperson, please move your proposed amendments to Clause 36.

Hon. David Pkosing (Pokot South, JP): Thank you, Hon. Temporary Deputy Chairlady. I beg to move:

THAT, Clause 36 of the Bill be amended—

- (a) in subclause 2 by inserting the words “on the recommendation of a practicing valuer” immediately after the word “tenancy” appearing in paragraph (a);
- (b) in subclause (3)(a)(i) by deleting the words “two years” and substituting therefor the words “one year”.

The motive upon which we decided to do that is to require the tribunal to consult a practicing valuer before deciding on any rent payable.

Thank you.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): A practicing valuer.

(Question of the amendment proposed)

No interest to speak to this. Member for Keiyo South, Hon. Rono.

Hon. Daniel Rono (Keiyo South, JP): No, Chairlady, I am comfortable.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): You are comfortable; so, you are supporting.

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

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

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

(Clause 36 as amended agreed to)

(Clause 36 agreed to)

(Clauses 37, 38, 39, 40, 41, 42 and 43 agreed to)

Clause 44

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Chair, you have a proposed amendment to Clause 44.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, I beg to move: THAT, Clause 44 of the Bill be amended in sub clause (1) by deleting the words “not less than” appearing immediately after the words “law in force, on giving”.

The import of the amendment is to prescribe a definite notice period upon the lapse of tenancy. The amendment requires a person retaining possession of premises after the lapse of tenancy to give either the notice specified in the previous agreement, which is one month’s notice in the case of residential business and two months in the case of commercial business.

Thank you.

(Question of the amendment proposed)

Hon. Daniel Rono (Keiyo South, JP): I only wanted to add some meat to that. It is very important to be specific, because we are dealing with individuals. Their comfort in premises that they have paid for is paramount.

I support the amendment.

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

(Clause 44 as amended agreed to)

(Clause 45 agreed to)

Clause 46

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Chairperson, you have a proposed amendment to Clause 46. Please, move it.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, I beg to move: THAT, Clause 46 of the Bill be amended—

(a) in sub-clause (1) by inserting the words “except for” immediately after the words “the tenancy” appearing in paragraph (b);

(b) inserting the following new sub-clause immediately after sub-clause (2)—

“(3) A landlord shall provide a tenant with receipts for reasonable expenses incurred for repairing premises that the landlord proposes to deduct from any security deposit held.”

There are two reasons or imports. One, is to insert the missing words for purposes of clarity in sub-clause (1). The second import is to require a landlord to provide copies of receipts to the tenant for reasonable expenses incurred for repairing the premises.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): With that, your import or justification for Clause 46 is understood.

(Question of the amendment proposed)

Let us have the Member for Funyula, Hon. Oundo Ojiambo.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Temporary Deputy Chairlady. As much as the proposed amendments are laudable and progressive, the use of the term “reasonable expenses” appears a bit misguided. An expense to repair a damaged aspect or part of the building is an actual expense. I do not know how the Chairperson intends to enforce what qualifies or does not qualify as a reasonable expense. He should instead be straightforward that it will be reimbursement based on actual receipts for work done.

Thank you, Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Do you support the amendment or do you want a justification for the meaning of the term “reasonable expenses”?

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): The Chairperson can probably explain what is reasonable and how they intend to measure reasonable expenses. Otherwise, I suggest that we just make it a direct reimbursement for expenses incurred based on receipts or actual measured works done. That is a simple, straightforward and scientific process.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Chairperson, maybe you can confirm to the Hon. Member for Funyula what you mean by the term “reasonable expenses” and the extent of what is reasonable.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, there is no fixed cost when repairing a house. The law states that if you want to increase rent, you must have made some improvements to the house, such as repairs. Therefore, they should be reasonable. If you go to *fundis*, one will say this and another will say the other. Therefore, that should not be unreasonable. That is the best way. We are human beings.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): With that, Hon. Members, it is up to the House to vote on this.

(Several hon. Members consulted loudly)

Order, Hon. Members. Let us have one Committee of the whole House.

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

(Clause 46 as amended agreed to)

(Clauses 47, 48 and 49 agreed to)

Clause 50

There is a proposed amendment by the Chairperson. Hon. Chairperson, move your proposed amendment to Clause 50.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, I beg to move: THAT, Clause 50 of the Bill be amended in sub-clause (1) by inserting the following new paragraph immediately after paragraph (c)—

“(d) knowingly serves a notice containing false or misleading information,”.

Our reasoning is to include offences and penalties contained in Clauses 23 and 43(2) in Clause 50 for logical flow of the Bill.

(Question of the amendment proposed)

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

(Clause 50 as amended agreed to)

(Clauses 51, 52, 53, 54, 55, 56, 57 and 58 agreed to)

Clause 59

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Chairperson, I see you have a proposed amendment. Please, move it.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, I beg to move: THAT, Clause 59 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “sixty” appearing immediately after the word “terminated” and substituting therefor the word “thirty”;

(b) in sub-clause (2) by deleting the word “sixty” appearing immediately after the word “terminated” and substituting therefor the word “thirty”;

(c) in sub-clause (3) by inserting the words “upon production of relevant identification or legal documents” immediately after the words “tenants’ property” appearing in paragraph (b).

There are two reasons or two imports. One is to reduce the period within which tenancy is to terminate upon death or dissolution of a tenant from 60 to 30 days. The second reason is to require representatives of a deceased person to produce relevant identification and legal documents to gain access to rental premises for purposes of removing a dead tenant's property.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Very well. That import has been very well explained.

(Question of the amendment proposed)

Member for Funyula, do you want to comment on this? Just be on record.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Not on this. I think this is perfectly in order. It improves the existing laws.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): It is in order and you support it.

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

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

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

(Clause 59 as amended agreed to)

Clause 60

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): We seem to have a proposed amendment by the Chairperson. Please move your proposed amendment.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, I beg to move: THAT, Clause 60 of the Bill be amended—

(a) in sub-clause (1) by deleting the words “sixty” appearing immediately after the word “terminated” and substituting therefor the words “thirty”;

(b) in sub-clause (2)(b) by inserting the words “upon production of relevant identification or legal documents” immediately after the words “tenants’ property”.

Hon. Temporary Deputy Chairlady, our import is as follows. One is to require a landlord to keep a register of their tenants’ next of kin so that we can avoid a lot of issues if what we have just passed happens. That is the main reason.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Member for Keiyo South.

Hon. Daniel Rono (Keiyo South, JP): Hon. Temporary Deputy Chairlady, it is a good amendment because if you do not keep these registers, some funny guys can come asking for properties of the deceased and it can go to the wrong hands, and sometimes some of these properties are very expensive. Later on, the right people now show up and, of course, the landlord will be liable. It is a very important amendment.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Member for Mwea, Hon. Wachira Kabinga, do you want to make a comment on Clause 60 before I put the Question?

Hon. Josphat Kabinga (Mwea, JP): Hon. Temporary Deputy Chairlady, I was not aware that my intervention button was on, but all the same, I want to support that particular amendment and also take note that the Member for Pokot South is really doing very well.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): That is the Chairperson. Let me hear from the Member for Funyula, Hon. Oundo Ojiambo.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Hon. Temporary Deputy Chairlady, I think that particular amendment is good. It simply enforces what already exists with the passage of the Kaluma Bill on succession. I think we have resolved and covered these shenanigans that happen quite often. Probably, this could actually be redrafted by making reference to that amendment that was assented to so that we tie up all the laws in this spirit of succession and so as to deal with claims upon death of some funny characters way much from woods.

Thank you, Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Kaluma is in the House.

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

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

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

(Clause 60 as amended agreed to)

(Clauses 61 and 62 agreed to)

Clause 63

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): We have a proposed amendment by the Chair. Please move your proposed amendment.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, I beg to move: THAT, Clause 63 of the Bill be amended by inserting the words “and with the approval of the National Assembly” immediately after the word “Gazette”.

The reason is to require the Cabinet Secretary (CS) to seek the approval of the National Assembly whenever he/she seeks to exempt any premises from the provisions of this Act. The original Bill did not give this provision, which means the CS can do anything at any time. We do not want that to happen. There should be checks and balances.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Member for Funyula.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Hon. Temporary Deputy Chairlady, let me admit I was caught off time. I would have actually made far reaching amendments to that particular section, but as it stands, it is the most progressive way to avoid a situation where the CS and anybody else misuses and exempts literally all the properties that are affected from the provisions of this Act. On that score, I support.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Member for Mwea.

Hon. Josphat Kabinga (Mwea, JP): Hon. Temporary Deputy Chairlady, this is a very important amendment. If such an amendment is left out in an Act, then the CS will be at liberty to exempt premises without any reference to this House. I support.

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

(Clause 63 as amended agreed to)

Clause 64

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Chairperson, please move your proposed amendment to Clause 64.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, clause 64 of the Bill be amended by deleting the words “may make regulations for giving better effect to the provisions of this Act” and substituting therefor the words “shall make regulations for giving better effect to the provisions of this Act within six months of the commencement of the Act”.

Hon. Temporary Deputy Chairlady, what we are doing here is to give the Chief Justice, who will now make the regulations if this Act becomes operational, six months to make them.

Thank you.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Member for Funyula, Hon. Oundo Ojiambo.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Hon. Temporary Deputy Chairlady, I want the Chairperson of the Committee to listen and indulge us. Based on practicability, the same issue of timelines came up when we were doing the Sugar Bill. Based on the experience, those of us who sit in the Committee on Delegated Legislation and based on the timelines required to prepare and submit a regulation in terms of drafting, public participation, validation and the rest, it is not practically possible to achieve that feat within six months. We discussed this matter and I think it was already on *The Hansard* record that we will retain the same tendency or practice of giving whoever is responsible at least one year to prepare and have the entire process comply with the Statutory Instruments Act. Otherwise, we are proposing something that is not doable. Since there are no sanctions against the regulation-making authority, this is a wasted law. It is just legislating in vain. So, I request the Chairperson to move a further amendment and move it to one year. I put this on record because with four years sitting in the Committee, I have sufficient experience to talk authoritatively.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Before I give the Chairperson an opportunity to make his comment, let me hear from the Member for Mwea, Hon. Wachira Kabinga.

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Temporary Deputy Chairlady. I do not understand why in this issue of legislative regulations, the affected authority should not be able to give us regulations within six months. It is unfortunate that sometimes we labour so much on a Bill, just to have the Ministry or other institutions that are charged with the responsibility of coming up with regulations taking up to three years. That is not fair to this House that works so hard to ensure that Bills are worked on as quickly as possible.

I think six months should be reasonable. I do not see why with dedication; they should not be able to come up with regulations.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Member for Keiyo South.

Hon. Daniel Rono (Keiyo South, JP): Hon. Temporary Deputy Chairlady, I also support the six months' period. We cannot have two wrongs making a right. The hon. Member for Funyula says he sits in the Committee on Delegated Legislation, and he has witnessed wrongs happening. We cannot sit back and watch them continue happening. Systems should be put in place for this matter to be implemented in six months. There is no reason why it cannot be. I believe the Chairperson of the Committee deliberated on this at length. We are encouraging people to meet the deadlines. We cannot discourage that by increasing timelines. That is wrong.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Before I give back to the Chairperson just to make a comment, let us have the Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Indeed, the original wording of the Bill and which is consistent with what we have been doing in other Bills was, ‘The Chief Justice may make regulations’. So, it is not mandatory to make regulations because if they are not needed, he/she does not need to make them. It is obvious that some regulations will be required for this law. I am persuaded by Hon. Oundo and from his experience that if he then makes it mandatory, let us also be reasonable with the time. So, I am actually persuaded and I would like to persuade the Chairperson of the Committee that we actually amend the six months to one year, now that we are making it mandatory for the Chief Justice to make those regulations. Let us also now be reasonable and give one year.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Very well. Let me hear from the Chairperson of the Committee

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, this Bill went through a very vigorous public participation. Public participation went for close to three months. This is a very emotive issue; land and housing. So many people came. So, coming close to this, we can strike a compromise. We can also not rule out experience from the Committee on Delegated Legislation. We can also enrich and also benefit from them. I want to appreciate the Leader of the Majority Party and the Hon. Members for agreeing with us. If you allow me, I can move a further amendment.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): It is the best way to do it. You can move a further amendment.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, I beg to move:

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THAT, Clause 64 be further amended by:

Deleting the words “six months” and substituting thereof with “12 months”.

The import of the amendments is that the Committee on Delegated Legislation is there so that we can learn from them.

(Question of a further amendment proposed)

Hon. Emanuel Wangwe (Navakholo, JP): Thank you, Hon. Temporary Deputy Chairlady. I want to support the Chairperson on his further amendment. When it will come to a matter of regulations, it will have to go through the Committee on Delegated Legislation, go back for public participation and the entire process shall be involving in terms of time. Therefore, I want to support and thank him for his patience and understanding of the situation.

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

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

(Clause 64 as amended agreed to)

Clause 65

Hon. David Pkosing (Pokot South, JP): Thank you, Hon. Temporary Deputy Chair. I beg to move-

THAT, Clause 65 of the Bill be amended by deleting the words “Distress for Rent Act” appearing immediately after the word “The”.

The reason we are doing this, and we are asking the House to agree with us, is to delete the proposed repealing of Distress for the Rent Act. During public participation, we found out the procedure of resolving conflicts between landlords and tenants... Both landlords and tenants came before the Committee, the Judiciary, the Attorney-General, the Ministry and the Department of Housing present. We went for a retreat and we found out that the Bill had a major gap in terms of procedure on how to resolve conflict between landlords and tenants. We also went through the law and found that the Distress for Rent Act has very good details, and all of them agreed this should be retained so that it can give them a clear way of resolving conflicts that arise between the landlord and the tenants. I want to ask the House to agree with us, otherwise it would be a chaotic industry.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Member for Funyula.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Hon. Temporary Deputy Chairlady, if you read the totality of the Bill, the way it is drafted and set, it is in such a way that will delete the Distress for Rent Act. I must confess and admit that I have not gone through the amendments since the process began. I just hope and pray that the Act throughout the amendments has clearly realigned it so that we do not have an overlap between this Bill and the Rent Distress Act. I just hope and pray. I just wanted to go on record that there must be a clean-up process to ensure that whatever was made and the provisions made here and the Rent Distress Act are not retained here, so that we have an overlap of a jurisdiction. It will become messy, bad and so embarrassing to the National Assembly. I hope our legal team has done their bit to clean-up and make sure there is no overlap. I say so out of the practice that I implemented the three various Acts for a whopping 30 years. I know where the problems are, I know where the challenges are. I just hope that the legal team has done its work properly. I just wanted to go on record that I have already raised my concerns, and I hope the legal team will clean it up.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Let me have the Member for Mwea, Hon. Wachira Kabinga.

Hon. Josphat Kabinga (Mwea, JP): Hon. Temporary Deputy Chairlady, my intervention was on the previous amendment which was passed by the House. However, I just want to note that even after being given one year, the institution should work hard and ensure that they do so, because there is no need of us working here for Bills just to have the Bills delayed in the implementation stage for about three years because of some institutions.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Well, your point is taken. We are now in Clause 65.

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

(Clause 65 as amended agreed to)

(Clause 66 agreed to)

(Schedule agreed to)

Clause 2

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Chairman, you have a proposed amendment to Clause 2.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Chairlady, I beg to move: THAT, Clause 2 of the Bill be amended by deleting the definition of “Tribunal” and substituting therefore the following new definition— “Tribunal” means the Landlord and Tenant Tribunal established under section 4;”

The import is very simple; it is about definition, because two tribunals have now been put together. So, we are saying that then to defer the tribunal established under the legislation to the right section so that it reads: “Tribunal means the Landlord and Tenant Tribunal established under Section 4.”

I thank you

(Question of the amendment proposed)

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

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

(Clause 2 as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Members, this brings us to the end of the Committee of the whole House on the Landlord and Tenant Bill (National Assembly Bill No. 3 of 2021). I, therefore, call upon the Mover, who is the Leader of the Majority Party in the House, to move the reporting.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairlady, I beg to move that the Committee does report to the House its consideration of the Landlord and Tenant Bill (National Assembly Bill No. 3 of 2021) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Temporary Deputy Speaker

(Hon. Christopher Omulele) took the Chair]

REPORTS

THE LANDLORD AND TENANT BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Chairperson, we will start with the Landlord and Tenant Bill (National Assembly Bill No. 3 of 2021). The one that we have just completed.

Hon. (Ms.) Jessica Mbalu (Kibwezi East, WDM – K): Hon. Temporary Deputy Speaker, I beg to report that the Committee of the whole House has considered the Landlord and Tenant Bill (National Assembly Bill No. 3 of 2021) and approved the same with amendments.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Mover.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, I beg to move that this House does agree with the Report of the Committee of the whole House on its consideration of the Landlord and Tenant Bill (National Assembly Bill No. 3 of 2021). I also request Hon. Wangwe to second the Motion.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Wangwe.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. I second.

Thank you.

(Question proposed)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, I direct that the next necessary steps in this particular Bill be undertaken when the matter is set down again for consideration.

(Putting of the Question deferred)

The next one is the Community Groups Registration Bill (National Assembly Bill No. 20 of 2021).

THE COMMUNITY GROUPS REGISTRATION BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Chairperson.

Hon. (Ms.) Jessica Mbalu (Kibwezi East, WDM – K): Hon. Temporary Deputy Speaker, I beg to report that the Committee of the whole House has considered the Community Groups Registration Bill (National Assembly Bill No. 20 of 2021) and approved the same with amendments.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Mover.

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

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Wangwe.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. I second.

Thank you.

(Question proposed)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, I also direct that this particular business be undertaken when the matter is set down again for consideration by the House Business Committee.

I direct that we move to the next Order on the Order Paper for today.

(Putting of the Question deferred)

BILL

Second Reading

THE PROVIDENT FUND (REPEAL) BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Temporary Deputy Speaker. I beg to move that the Provident Fund (Repeal) Bill, 2021, be now read a Second Time.

Hon. Temporary Deputy Speaker, the principle object of this Bill is to repeal the Provident Fund Act. The rationale is basically to have all the funds regulated under the Public Finance Management (PFM) Act, which was passed by this House following the enactment of the new Constitution in 2010.

As Members are aware, the Provident Fund Act is an ancient piece of legislation that has been amended several times. It can be traced back to the early 1950s, where it was set up for the benefit of creating a Provident Fund for Government employees. This Fund was meant to be supported through contributions by everyone in Government. Initially, it was referred to as the Government Staff Provident Fund, which was established through the Government Staff Fund Provident Ordinance, as was the nomenclature on laws.

Hon. Temporary Deputy Speaker, by dint of Section 24(8) of the PFM Act, the CS National Treasury is empowered to wind up a Fund with the approval of the House, where it appears to him or the National Treasury, that the Fund is not serving its intended purposes or has become defunct or dormant. This is exactly the situation we have with this Fund, which was started and has been overtaken by events. It has just been sitting there, doing nothing and it is not being operationalised. Hence, we now need to close it off and move whatever balance there is to the Consolidated Fund, pay whatever is due to anyone, collect whatever is due to the Fund from anyone and clean up the books so that we move to the current pension schemes catering for people in the public service.

The PFM Act requires that this House be satisfied that the CS has ascertained and settled any claims due to the members of the public from the Fund; and also any claims owed by the public to the Fund are sorted out. I know we went through this. Clause 4 of the Bill, has provisions where before winding up, the CS will ascertain the status of the claims against the Fund and claims by the Fund. In terms of the membership of the Fund, immediately before the commencement of the winding up, they will continue for a while and not more than one year.

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Basically, we have provided a mechanism for transiting the dormant Fund which has a Board. I think this came out clearly, when we were looking at the Asian Widow's and Orphan's Pensions (Repeal) Bill. These Funds were created in those days and have ceased being of use. But they continued being in the books completely with a whole infrastructure and the Board earning some sitting allowances while doing nothing, yet this is money we can spend on better things in this Republic. Again, this is probably the second piece of legislation following what the House approved this week, the repeal of the Asian Widow's and Orphan's Pension Fund. This Bill is also meant to go through the same fate.

It is a very straightforward Bill. We do not even need to debate it a lot. It is as straight as they come. I know the Committee has looked through it and are in total agreement. Hence, I want to urge the House we take minimum time on this since it is straightforward so that we can move on to another matter. The long and short of it is that we have a Provident Fund that is not serving any purpose. It has been dormant for a long time, is no longer required and hence needs to be scrapped off the books. The only way to do that is through a repeal of that law to provide a transition mechanism on how the Fund will be wound up. After winding up, how the liabilities due either way will be sorted.

With those remarks, I beg to move and ask the Hon. Shakeel Shabbir, who is a Member of the Departmental Committee on Finance and National Planning, to second.

The Temporary Deputy Speaker (Hon. (Christopher Omulele): Hon. Shakeel Shabbir.

Hon. Shakeel Shabbir (Kisumu East, Independent): Thank you, Hon. Temporary Deputy Speaker. I beg to second. As the Leader of Majority has said, this defunct Fund has done nothing since 1986. It is the same as the Asian Widow's and Orphan's Pensions Fund. What beats me is that both Funds have a Board and infrastructure. They have done absolutely nothing and the last transactions were in 1986 and 1987. It is good to wind it up and I am sure there are such other defunct Funds that were set up by the colonial government. The Majority Leader has been kind, this Fund was only meant for Europeans. He said, the 'government servants' but they were very particular. It was for the European government servants and no one else and was working with the crown agents. Even if they were alive now and were widows, I do not think any of them would be beneficiaries; not unless we go to the second level.

I recommend that this Bill be repealed. When it came to the Committee, we insisted there should be a termination audit. The Leader of the Majority Party has said that there is a termination procedure. I hope part of it is a termination audit to see if there has been mischief. When such Funds are being closed, we certainly find mischief coming in, and if there are any funds, they disappear. We want to ensure people are not allowed to take advantage of this repeal. One year is recommended for the winding up. I think the Attorney-General's Office, as part of the transition arrangements, should already be informed and ensure they keep a very close eye on any transactions taking place in the last year.

Hon. Temporary Deputy Speaker, I second.

(Question proposed)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Tonui Kiprotich, Member for Bomet Central. Is he in the House? He is not in the House. Hon. Wangwe.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support the Provident Fund Repeal Bill (National Assembly Bill No.30 of 2021). As the Mover has alluded to the facts, this Bill came to force in 1951, way before most of us in

this House were born and has lived up to date. This is of good essence and I must congratulate the Departmental Committee on Finance and National Planning, for thinking it wise to clean up this Bill, since it ceased its meaningfulness immediately after the PFM Act came into force in 2012.

This Bill was meant to benefit the colonial rulers who colonised us and separated the Whites from the Blacks. However, that time has now gone. It is important that we need not invest more monies into the Board and the administration of this Fund, yet we have now moved on into the pension schemes. We now have pension schemes which serve various categories of staff, and at the same time management of various organisations. We do not have to depend on the old school of a fund whose life has expired.

I wish to use this chance to ask the Leader of the Majority Party to consider similar funds, if there are any or any organisations, preferably to bring us an omnibus Bill so that we clean up many of these funds which fill the balance sheet of the Government, yet they are not meaningful at all to the country. That is important.

What makes me happy is that in the Report of the Committee, they have proposed during the Committee of the whole House that they will be enforcing where there are asking the Attorney-General to furnish the Report of the Auditor-General, the audit of the entire funds such that if there are any liabilities or claims to the fund, let it be summarily be put in the House and the House shall express or debate it and take a position on how the fund has lapsed at the time. That will be good so that we do not have to live with debts. Let us not live to see our children come to meet costs or bills which were not incurred during their time. It is important.

I thank the Committee for thinking big and ensuring that during the Committee of the whole House, they come up with that.

In the Report, there was no person, either corporate or individual, who submitted a memorandum towards this Bill, although the Committee had advertised. So, we lived up to the public participation provisions in our Constitution. I thank the Committee for that. Whether there was no corporate or individual who submitted a memorandum, the Report is open. We are very happy. I wish to thank the Committee for what they did and have tabled the Report in the House. We look at this as a small Bill, which I would beseech my colleagues that we dispense it very fast so that we look at other serious Bills ahead of us.

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

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Okuome Adipo, Member for Karachuonyo.

Hon. Adipo Okuome (Karachuonyo, ODM): Thank you, Hon. Temporary Deputy Speaker. This is a Bill that should take a very short time, because it served its purpose during the colonial days and soon after Independence. The people it was serving are no longer there. I do not think it serves anyone today. So, the only thing we need to do is to ensure that if there are any funds remaining in that account, they do not disappear into thin air. It is taken care of so that our assets are not lost. Let the Mover get us out of this discussion so that we finish.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): The Member for Kisumu, the Hon. Buyu.

Hon. (Ms.) Rozaah Buyu (Kisumu CWR, ODM): Thank you Hon. Temporary Deputy Speaker, for this opportunity. Yesterday we had an opportunity to rid the country of a law that was redundant. That law was on Asian Widow's and Orphan's Pensions Fund. This is yet another opportunity to give the country freedom from being held hostage by laws that are redundant. The

Act is archaic, colonial, and redundant and serves no purpose. It has been overtaken by time. I stand to support that we need to repeal it.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): The Hon. Nguna Ngusya, Member for Mwingi West.

Hon. Charles Nguna (Mwingi West, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I rise on a point of order. Based on the mood of the House let us close the matter.

I support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Is it the mood of the House that the Mover be called upon to reply?

Hon. Members: Yes.

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

The Temporary Deputy Speaker (Hon. Christopher Omulele): I call upon the Leader of the Majority Party. In any event, Hon. Nguna Ngusya, there is nobody else interested in speaking to it. So, it was just coming to the Mover to reply.

It is surprising that this kind of colonial relic of a law has stayed on our statute books for this long. It is a law that should have seen the very back door of our statute books as soon as we attained Independence. But the Leader of the Majority Party has done well.

I now invite the Leader of the Majority Party to reply.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, I thank Members for seeing the urgency of cleaning up some of these colonial relics. I thank the Committee for agreeing with us in doing it. I see concurrence in the House. I thank everyone. When something is so straightforward, we do not need to belabour the point. I see the mood in the House. I thank Members for the fast action. Probably, in the course of tomorrow, we should clear the Bill in the Committee of the whole House so that we clean most of these issues.

With those remarks, I beg to reply.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, I direct that this matter be set down on the Order Paper by the House Business Committee so that the next necessary steps will be undertaken.

(Putting of the Question deferred)

I direct that we move on to the next Business on the Order Paper.

BILL

Second Reading

THE KENYA INDUSTRIAL RESEARCH AND DEVELOPMENT INSTITUTE BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, I beg to move that the Kenya Industrial Research Institute Bill (National Assembly Bill No.44 of 2020) be now read a Second Time.

The overarching objective of this Bill is to give some legal recognition to a very important research institute that is currently hanging as an appendage of ministries, and at times it is not quite sure what it does. Its anchorage does not give it the gravitas to do what it needs to.

As we may remember back in 1942, the colonial Government established a central laboratory at Kabete, in Nairobi. It had an aim of initiating and developing industries to relieve the shortage of industrial goods as part of mitigation to the effects of the 2nd World War. There were shortages, so we needed to create industries everywhere so that we can be innovative and keep on the supply of goods. It is at this time that the Kenya Industrial Management Board was established. A number of Members of this House will remember there was a cooking fat called Kimbo. Kimbo came from the Kenya Industrial Management Board (KIMBO). It is one of the innovative things that was created as a result of this. The cooking fat was manufactured by East Africa Industries. KIMBO administered the central laboratory, which was later expanded to a regional level and its management was taken over by the East Africa Community. At that point it was renamed the East Africa Industrial Research Organisation.

Fast forward to the 1970s, unfortunately the East Africa Community collapsed and Kenya passed a Science and Technology Act, Cap.250, with the mandate to conduct research on industrial and applied technology, which included civil engineering, mechanical engineering, textile technology, electrical engineering, mining, power resources, chemical engineering, industrial chemical food technology, ceramics clay technology and all those things. With the collapse of the East African Community, Kenya had to continue moving on with research and industrial development initiatives. This continued until 2013. In cleaning up most of those laws, especially within the Ministry of Science and Technology, the Science and Technology Act was repealed. The Institute was then reverted to the Ministry of Industrialisation, Trade and Enterprise Development. It is currently domiciled there. Although it is managed by a Board of Directors and has a Chief Executive Officer (CEO) who is responsible for overseeing the day-to-day running of the Institute, it does not have the status of a semi-autonomous Government agency that would delink it from the day-to-day emasculation by the Ministry on its decision making.

Hon. Temporary Deputy Speaker, considering the historical development of the Institute, the intent of this Bill is to rectify some of the loopholes that were left in 2013 when the House repealed the then establishing statute. The Bill intends to give legal recognition to the Institute to empower it and guide its existence, to give it its proper mandate and guide its operations. As I mentioned, currently, it is not properly guided by law. It is not quite clear how the Director-General will be appointed. It is not clear whether the current law recognizes the Institute as a body corporate and the extent of the Institute's independence *viz-a-viz* the Ministry's mandate over the Institute.

Additionally, the law does not expressly capture its mandate. As you all know, research, especially industrial research, is what will take us to the next level of development. Every country is embracing innovation. You cannot innovate unless you have invested heavily in research and development and protection of innovations. The Institute has been doing quite a bit of that. For those who have visited KIRDI, they have seen what KIRDI has done through the various exposures it has given on their work. One of the things I remember they did is even creating leather from fish skins, and several other innovations. They support the micro-enterprise sector through all that development.

We know governments are now supporting research, especially with lots of grants and agencies. The United States of America (USA) has the National Science Foundation (NSF). The USA has research and development tax credits that are very common there. Besides the monetary support, governments are also keen on establishing government oriented research and innovation centres that complement research emanating from universities.

We cannot effectively recover from the effects of COVID-19 without research and innovation, and doing things in a slightly better way than we have done in the past. Hence, giving bodies like KIRDI more authority to define their status in law will incentivise them to get out there and be innovative. We have been in Government for long. Usually, the Government is about asking: “Why do you want to do this?” The example that was being given, if you remember, was by the President of Uganda, His Excellency Yoweri Museveni. He used to give the example of the powers of immigration officers. When you appear at the airport and you give them your passport, the first thing they ask you is: “Why do you want to come to our country?” You have chosen to be a tourist. Instead of telling you: “Welcome to our country and bring more”, they ask why you want to come in. It is almost like an interrogation. That is a culture that was inbuilt into the Civil Service.

So, even when some of these institutes want to go out of their way and become innovative, the hurdles they face in justifying everything they want to do are like this. Innovation is not about waiting. I can give you the example of when Safaricom invented M-Pesa. After doing a lot of work in 2006, they went to the regulator then, the Central Bank of Kenya (CBK). The CBK was like: “What is all this you are bringing? This will bring money laundering. Why are you competing with the banks? Why are you competing with the bureaus?” Safaricom came to me in December 2006, very frustrated and said: “Here we are. We have an innovative product but every question we are being asked is a hurdle being placed on us not to move forward.” I listened to them and said: “Let us give these guys a chance”. I asked what the risks were.

There are the usual people who look for all manner of excuses to ensure that you are not allowed to move forward. I asked the CBK then to give me some reasons, in two days, as to why we should not license these guys or allow them to continue. They said: “We do not have a regulatory law.” I asked: “When are you going to have the law?” They said: “We need to do benchmarking.” “Where are you going to do benchmarking on a new product that has never been invented before?” So, it is the kind of thing that happened but, eventually, I said: “Let us try with this one. If it works, fine. If it does not work, they will risk.” The rest, as they say, is history. Between December 2006 and 17th March 2007, we were able to launch M-Pesa, an innovation that has won recognition across the entire world.

KIRDI is now in that kind of situation where whenever they come up with something, they have to go through the Ministry for verification and validation of everything they do. They do not have the requisite independence to get through most of their innovations. It is not because the Ministry is stifling them, but that is the nature of bureaucracy. People housed in the Sixth Floor would write a letter to the people housed on the Fifth Floor of the same building, and the letter might even have to go through the post office. I remember when I was the Minister for Lands, the Commissioner of Lands and the Director of Survey were housed one floor apart at Ardhi House, but the communication from the Commissioner of Lands to the Director of Survey was through the General Post Office (GPO). So, a letter would move from Ardhi House’s Third Floor to the GPO. It would then come to the Registry and taken to Fourth Floor instead of people just communicating directly. That is bureaucracy. That is how it works. It stifles innovation. It stifles the kind of innovativeness we need. Hence, it is important that we look at ways of breaking those

barriers and giving bodies like KIRDI the operational independence they need so that they can take this country to the next level.

I listened to His Excellency the President addressing a meeting in South Africa in the presence of his host, President Ramaphosa. He mentioned the whole issue of why Africa should be moving and working together, and not competing against each other just because some boundaries were drawn by some colonialists and separated us. He talked of how we need to do an integrated African trade. Much as we are removing the boundaries through Africa wide trade, we are not going to compete with Uganda or Rwanda or South Africa or Egypt unless we can come up with products that are cost effective. Such products can then be competitive in the market to be able to attract customers and have an upper hand over goods coming from the rest of Africa. That is where institutions like KIRDI can come in. Although KIRDI was initially formed to respond to shortages arising from the Second World War, we have also seen what happens with pandemics like COVID-19. There was disruption in the supply chain on a global basis. We could not get personal protective equipment (PPEs). Such institutions came through in terms of innovativeness and we were able to supply PPEs to our hospitals and to our neighbours. We have capacity in this country. All we need is to be able to support research for industrial development and the youth in this country will become innovators. You have seen what happens in the *Jua Kali* industry. All the people need is some validation and quality control over what they produce and Kenya will produce products that are at par with products from the rest of the world. That way, we can give hope to the youth of this country. They will have enabling institutes that are fully funded and that will help them move forward in a better way. They will thus not have to fall for political promises anchored on ancient tools.

Again, this is a very straightforward Bill. Basically, what we want to do is to capture the spirit of giving KIRDI the legal anchorage and challenge them to respond to the issues that were raised in Vision 2030, which recognizes innovation and advancement in technology as some of the things that will take Kenya to a middle-income status and afford us the quality of life that we aspire for. I could go on and on talking on this topic. It is something I love.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Leader of the Majority Party, the discussion we are having is very interesting. It is a discussion that excites me. It is one on which I am willing to be innovative and allow you to speak as much as possible. It is very educative. I have always wondered what KIRDI is all about. I know it is an old body. I did not know all the things that you have mentioned and the exciting things you have said about M-Pesa. So, do not be afraid.

Hon. Amos Kimunya (Kipipiri, JP): Sure, Hon. Temporary Deputy Speaker.

In terms of the wider role of KIRDI, we are expanding what they can do. Previously, they were doing up to ceramics power resources mining technology. Now, especially for Members from livestock keeping areas, leather technology is being added as one of their mandates. As I said, leather technology is not necessarily confined to hides and skins. We have seen them making things using fish skins, which are turned into handbags and other things. I am glad that Hon. Nyikal has come in because he can talk about KIRDI and innovation better than me. I am sure he will be contributing to the Bill.

Basically, the Institute will be advising the Government on all aspects, develop their agenda and collaborate with institutions of higher learning so that we can have an interlink between what the markets wants and what universities teach. We should not have the current disconnect where people go to university and acquire degrees, but they do not know what to do with those degrees. By collaborating in terms of innovation and learning, universities will produce graduates who are

fit for the market. Universities will also become centres of innovation, which is what happens in the West.

The other thing is that right now, we have so many policies on industrial research and development that seem to disappear in the shelves. KIRDI will be part of facilitating the implementation of such policies, among other things. Most importantly, under this law, KIRDI will be mandated to establish industrial technology transfer centres. Whatever technologies are developed will be taken to the market for uptake by youth centres. There will also be an industrial technology depository, where people will be able to access what has been developed. Even as we speak, we do not know where to access the technology that has been developed by KIRDI. That will be available. With technology advancement, people will be able to access the internet and know what to do.

As I said, this is a good Bill. It is actually surprising that it has taken us so long to recognize KIRDI. We have passed laws to recognize some lesser bodies because they were able to agitate faster for their recognition to make them semi-autonomous Government agencies. For the very important ones which were 'kind of' pushed to the back row, like KIRDI, they have had to wait for this long. I am glad that we will now give them a lifeline so that we can be happy to say we did this for generations to come.

I do not want to go through the various clauses of the Bill. It sets up a Board. It sets out how the Director-General will be appointed and how he can be removed. It spells out his roles. It also talks about having a Corporation Secretary in line with the *Mwongozo* Code. The Corporation Secretary must be a member of the Certified Public Secretaries Association so that they are accountable. It also provides for what will happen to innovations and inventions by its employees in terms of how they will be protected and rewarded and the rights that will be vested in the Institute. Anything invented by staff will be retained by KIRDI so that people do not go there to invent things and then run away with the same. There is a lot of protection. It is a good law. I have gone through it. I went through it before signing it. I want to recommend it to the House. Let us pass it and then challenge KIRDI to take us to the next level.

Hon. Temporary Deputy Speaker, I want to stop here. I beg to move and request the Whip of the Majority Party, on behalf of the Departmental Committee on Trade which has done a very good Report, to second. I know the Committee is still following up on some assignment they were given by the House.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Wangwe.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to second this Bill.

As well elaborated by the Leader of the Majority Party, this is a very good Bill. It follows the trajectory of the previous two Bills, the one on Asian widows and orphans and the one we passed a few minutes ago. The only difference is, having been established in 1979, we are giving the Institute a better life. As the Leader of the Majority Party has said, this Bill is updating a law whose history dates back to 1942 – those old colonial days of innovation. In 1979, a fully-pledged law came into force through Cap.250 of the Science and Technology Act.

Hon. Temporary Deputy Speaker, the Institute has come a long way but, to date, we are looking at it in terms of independence, organization and giving it a legal framework within which to operate. How would these kinds of amendments provide a better legal framework? There are various issues that came up with the law as it exists. For example, we are looking at the issue of the appointment of the Director-General, who is the key person in terms of administration of an organisation like this one. In the current law, there is no clear picture of how to appoint the

Director-General or how the Board is supposed to be appointed. The Minister for Education, rather than the Minister responsible for industrialization, appoints one of the Board members to chair the Board. We find this kind of arrangement inappropriate since this is a research institute that is responsible for fostering development in the country. The main purpose of KIRDI is to conduct research and development. Development is the output that we all see when the Institute conducts research that results in innovation.

I know most people in Kenya have not visited the Institute's giant equipment centre on the way to South B in Nairobi. Maybe, you have not walked along that road, Hon. Temporary Deputy Speaker. But there is a big godown just after the flyover next to Kenya Polytechnic, which is currently the Technical University of Kenya (TUK). You will see a wonderful display of machinery and equipment. That is a product of KIRDI. If you want a good mowing machine or hard equipment that is locally manufactured, go there. I want to be a marketing manager for KIRDI today. Please, visit the machinery godown along the South B Road. The products of research that they display in their factory and warehouse are of very high standards. The equipment is manufactured and assembled there.

If you look at Section 53 of the Act of 2013, you will see that the Research Institute set out in the Fourth Schedule is established under the Repeal Act to continue to operate as if they had been accredited under this Act. The current law does not really give latitude to KIRDI to operate on its own. It has been tied up and is being held to ransom. Even in terms of decision-making, the management cannot make a decision on anything and move on.

As it is today, the Science and Technology Innovation Act state, in Section 14 (b), that the Institute shall undertake more functions beyond what is outlined. It is like someone who is straining to operate outside the law. Conditions in the industry want you to work beyond certain limits, but the existing legal framework does not allow you to operate outside. That is what informs in coming up with this amendment Bill. As per its Report, the Committee has proposed good amendments for consideration during the Committee of the whole House such that, that kind of extraneous working condition is addressed in law to enable KIRDI to carry out its operations within the regulations that are stipulated in the law. Despite all the good work that KIRDI is doing, it has to rely on funding from the Ministry. If the Ministry is headed by someone who is not keen on supporting innovation and research in order to come up with development, the Institute is likely to have problems.

I want to thank the current Cabinet Secretary, Mrs. Betty Maina. She is a home-grown research fellow. She is very keen and happy. Her submissions before the Committee is what has given rise to what is happening in terms of making KIRDI a good institution that is autonomous so that we can have a better Institution. I thank Mrs. Betty Maina for this very good idea that she has come up with.

This House has funded the construction of the Institute's new building in South B. If you pass via there, you will be very happy to see the good work of the Departmental Committee on Trade, Industry and Co-operatives. The current Chair of the Budget and Appropriations Committee was the Chair of the Departmental Committee on Trade, Industry and Co-operatives. He worked hard to make sure that, that project gets to where it is today. He found it and five years later, it is under construction. I am happy that this Parliament will be associated with that new building. I hope the passage of this Bill will enable the Institute to make use of that building to accommodate all its units.

With those remarks, I beg to second.

(Question proposed)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Wangwe, is this KIRDI the one on Mombasa Road off the Old Kapiti Road, where Kenya Bureau of Standards and the old Kenya Industrial Property Institute used to be? I think that road used to be called Old Kapiti Road?

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. In Nairobi, KIRDI is located in two places: Along Kapiti Road and in South B. You are right but the Institute's premises are on both roads.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well. I see interest from Hon. Okuome Adipo, Member for Karachuonyo.

Hon. Adipo Okuome (Karachuonyo, ODM): Thank you, Hon. Temporary Deputy Speaker. The Kenya Industrial Research and Development Institute has its headquarters in South B. The other one is a branch. It used to be the headquarters before they moved to South B. The Institute is a sleeping economic giant. We can help this country move steps forward in terms of development by supporting that Institute.

Kenya is suffering from unemployment. We need to industrialize, which can only come from proper research that can only be conducted by institutes like KIRDI. That Institute has a lot of potential. From its own research, it has come up with some products. Previously, they used to advertise those products asking for investors.

[The Temporary Deputy Speaker (Hon. Christopher Omulele) left the Chair]

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

Hon. Temporary Deputy Speaker, that Institute has a lot of potential to move us forward in terms of industrialisation. Noting this potential, I strongly support the Bill. This Institute should be independent and should be given enough funds to do what it is supposed to do, which is to properly carry out research and come up with products so that we can benefit from them. Previously, KIRDI used to advertise the results of their research in terms of products that they thought could move us forward. Those products could benefit Kenyans. Investors were starting small businesses. I remember that in Kisumu, there was a sorghum plant that was supposed to supply raw materials for making *mkate* and other products of that kind. Small ventures like the one I am referring to were supposed to employ 15 to 20 people. That is the kind of thing we need in this country, so that we can create employment.

We are on the right path with this Bill. We need to support KIDRI and give it the legal life it needs.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Let us have the Member for Bomet Central. Hon. Nyikal, I can see that you are interested in speaking to this Bill.

Hon. (Dr.) James Nyikal (Seme, ODM): Yes, I am interested, but it is a little bit too early. However, there is enough to say about this Bill.

Hon. Temporary Deputy Speaker, KIRDI has been in existence since 1979 with the sole mandate of doing research on industrial development. It is sad that, to date, it has not had a legal infrastructure to make it sound.

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Let us go back to the value of research. The world consists of only two areas of knowledge. There is science, which is normally known as Science, Technology, Engineering and Mathematics (STEM), and the humanities. All the things that affect human life are based on science. Water, food, furniture, health and agriculture are all based on science. The humanities that we study are supposed to organise that science so that it can improve human life.

This has its origin in the Bible. In Genesis 1:26, 27 and 28, God created the world and everything in it. He created man and, in verse 28, gave man dominion over all that was created. You cannot have dominion over anything if you do not understand it. That is the basis for research and universities. You will remember that most universities originated from church organisations. Research found out how physical forces in the universe are structured and how to use those forces to improve our lives. The humanities help us to organise those forces to improve our lives or use those forces to destroy ourselves. That is where it all started. The value of research is to find that knowledge and apply it in our everyday life.

A big gap known as the “know-do gap” exists in most developing countries. That is where people know, but the knowledge is not used. It has been there in history. After Vitamin C was discovered, it took 100 years before it was known that it could save sailors from scabies, a disease which killed many of them. Similarly, if you go to our universities and other institutions of higher learning, there are heaps and heaps of research findings, thesis of PhDs and Master’s Degrees, but all that knowledge is not used in everyday life. The problem is what motivates the people who ask research questions. Largely, they have been motivated by passing exams or getting promotions, if one teaches in the universities. That knowledge is not used. That know-do gap is killing this Continent.

We must have a way of applying that research. We must have research questions that provide answers to the problems in our countries. It is the problems in our countries that should constitute the research questions on which money is spent to do research. The Science, Technology and Innovation Act state that we should dedicate about 2.5 per cent of the National Budget to research. That is the difference between developing and developed countries. We do not invest in research and even when we do, we do not use it.

What happens in other countries? They have industrial research parks where industries ask questions. They will say that they are looking for a particular product to solve a specific problem. If you research on it and innovate, someone will invest money to develop your innovation. You will find that within and around universities, there are industries and companies that build those parks, so that professors go there and do research. They ask research questions. What medicines and treatments do we need? What do we need in agriculture? What do we need in our communications? Look at the cars that we use. They are not always designed, and if they are, it is done for sale. We can design our own. In those places, once that research is done, the company or industry that funded it immediately takes the results and applies them in the industry, so that products are manufactured, sold and used. That is where we should start.

The Kenya Industrial Research and Development Institute was established to do research related to industries, which can then be used. However, we did not fund it. As much as we are saying that the Government will fund it, it is also important for industries to fund research. I have not completely looked at the Bill, but we will look at the funding aspect and propose that industries fund research and utilise the information available to produce goods that we can consume and sell. That is the only way we shall develop. It is sad that from 1979, we have not established this in law. Therefore, I cannot hesitate to support this Bill, which does exactly that. I like this Bill because it actually creates a structure. It creates a Board and stipulates how the Board will run itself. It states

how it will regulate its functions. It also states how it will be funded and, to me, that is the most important one. We must now start pushing to ensure that, as the Government funds research, it also funds industries that research specifically to produce goods that we need. It is sad that in the last 10 to 30 years, we have actually depended more on imported materials than before. There was a time when this country was almost self-sufficient in clothes. Clothes used to be produced locally but now, we are using second-hand clothes. Why? We must do the research that will answer those questions and fund that research so that it produces goods that we sell.

There is something that has been bothering me with *boda boda*. You see how sometimes Muslim ladies in particular struggle to sit on *boda bodas*. I have always wondered why somebody has not come up and just do a little partition between the driver and the passenger and make something that separates the legs of the rider from those of the passenger. I am sure that will sell. This other research question...

The Temporary Deputy Speaker (Hon. (Ms. Jessica Mbalu): Let me add you one minute so that you can tell us more.

Hon. James Nyikal (Seme, ODM): Those are actually the kinds of research that should be funded and then applied immediately. We should not even be importing motorbikes. Again, if we do not do research, innovations that come will not be patented. Therefore, our intellectual property will be lost. People will come and take that intellectual property away. They refused to sign the trade-related intellectual property agreements because they did not have the intellectual property. Now they have signed it. I think this is a great institution. It has been there for too long without a legal framework and, therefore, I support. I can assure you that I will read into details of the Bill and look at the areas of funding and the areas of collaboration with the industry.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms. Jessica Mbalu): Next is the Member for Likuyani, Hon. Kibunguchy Wamalwa.

Hon. (Dr.) Wamalwa Kibunguchy (Likuyani, FORD-K): Thank you, Hon. Temporary Deputy Speaker. I would like to support this Bill. I have three reasons why I support the Bill. One of them is the fact that KIRDI has been with us this long, but it does not have legal status. Just for that reason, I think this Bill should be supported.

Secondly, Kenyans are very innovative. We should have a body that will support some of our youths who have come up with various ideas. I think this is a body that will be very useful in that sense. I am thinking about some of the problems we have in this country and, indeed, in the world. One of the biggest problems we have in the world at the moment is the problems of diseases being resistant to some of the very common drugs that we are using. As a medical doctor, I know that in the medical fraternity, we are very concerned at the moment that many of the common diseases that we have been treating very easily in the present and in the past are becoming increasingly more resistant to common drugs, especially antibiotic drugs. When I think loudly to myself, I know that, as Africans, we used to have our own way of treating our people. So, if we get a body that can do a lot of research in that direction, maybe, it can come up with products that will take the place of the medical products that are becoming increasingly resistant to some of the common illnesses.

As I conclude, I just want to touch on the aspect that Hon. (Dr.) Nyikal has talked about – that of funding. I know in the more developed countries, funding normally comes from the industries because, maybe, the industries are looking at a certain product or a certain way of doing their things. So, they will fund the research bodies to be able to come up with solutions to the

problems they have. Let us not just look at the Government as the one funding KIRDI. Let us also look at how the industries that currently exist in our country can step in to fund that body.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms. Jessica Mbalu): Let me hear the Member for Bumula, Hon. Mabongah Mwambu.

Hon. Mwambu Mabongah (Bumula, Independent): Thank you, Hon. Temporary Deputy Speaker. At the outset, I wish to support the Kenya Industrial Research and Development Institute Bill. For over 40 years, we have had an Institute that is dormant. Most of the challenges that the world is facing today, Kenya not being an exception, are things that can be resolved through research. Research is basically there to solve most of the problems that humanity faces today. It is unfortunate that, as the developed world or partners look for solutions in research and investing, we are busy fighting things that do not add value. When you look at our Budget, you will be shocked that even today, most of our universities are not provided with money or they are allocated very little money for research. This is a very important Bill. At the end of the day, we shall have a body that will be responsible. The passage of this Bill will ensure that the Institute is active enough to get the right information that is latest in the market.

You all know and understand that research will give room to expansion of knowledge to not only the researchers, but even to our learners. They will be able to tap into the new skills that are coming up every day. My colleagues have alluded to most of the challenges that we are facing today. If we have sufficient funds and a proper Institute of research, we are likely to provide solutions to most things like the products we are consuming from the market, the diseases we are facing today and even the challenges that we have with the climate today.

In this modern world, the only way to assist the current generation is to get access to modern and advanced technology through research. If we do not put sufficient investment in research, we are likely to consume anything that comes to the market. You realise that most of the food products that we are consuming today have a lot of issues. At one time, we struggled with sugar that had mercury and it just disappeared. It probably ended up in our body system. Without research, we are likely to fight anything without knowing exactly what we need to fight for the society or even the nation. So, it is important that, as we sit here today, we put our knowledge together and ensure that, regardless of whether that Institute was established several years ago without proper structures, this Parliament is remembered for establishing something that is going to change many lives and shape the destiny of quite a number of learners.

Research is very important. We need to know what is happening globally because new things are coming up every day. You only remain competitive if you are exposed to that kind of knowledge through research.

With those few remarks, I beg to support this important Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Member for Laisamis, Hon. Malimo.

Hon. Marselino Arbelle (Laisamis, JP): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to add my voice to the Kenya Research and Development Institute Bill. We have some of the best institutions in this country. Unfortunately, they are not being utilised as required. For instance, other than KIRDI, we have other institutions like Kenya Medical Research Institute (KEMRI) and Kenya Forestry Research Institute (KEFRI). All those institutions combined have been put in place to ensure that research takes place in various sectors, so that Kenya can be able to realise development.

In the 1980's, there was nothing like M-Pesa. Today, every Kenyan, and even globally, people are using M-Pesa for their day-to-day monetary services, which has actually enabled people to easily transact businesses without necessarily walking into banking halls. This innovation has made life very easy. We want KIRDI to be empowered so that it can be able to take up research to ensure that Kenyans get employment. We have many youths out there who do not have employment. If we can be able to utilize that kind of institution and give it some teeth, then we can be able to see something.

You will agree with me that we have a thriving *Jua Kali* sector in this country. From the time I was young, I have heard about *Jua Kali*. The *Jua Kali* sector has not been assisted or upgraded so that, at least, it can move from what they do manually to technology-driven production systems. We need to give KIRDI the structure it requires. Those are some of the areas that need to be strengthened.

With those few remarks, I support.

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

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Hon. Temporary Deputy Speaker, thank you for giving me this opportunity.

This Bill is important for us as a country. Under Vision 2030, Kenya is supposed to be industrialised by the year 2030. That means more Kenyans need to be employed directly and indirectly in the manufacturing and industrial sectors. However, as we stand now, the industry and manufacturing sector's contribution to GDP has always remained small and has not been of much importance to this economy. As you are aware, many of the products we have in this country are imported. Even very basic items like toothpicks, which we can easily manufacture, are imported. We have an endemic problem of counterfeit and substandard goods simply because there is no market or manufacturer for authentic and good quality goods. When the Government, through a multi-agency taskforce; clamped on fake, substandard contraband goods in 2018, it became apparent that, as a country, we must focus our attention on industrial production. For us to do so, we need to make concerted efforts in terms of research to find a cost-effective way of producing goods that meet both local and international standards.

For many years, KIRDI has literally been domesticated. It used to lie between the Ministry of Education, Science and Research and the State Department for Industry. It never had any specific governance structure that would enable it to move forward. If you look at the Fourth Schedule of Science, Technology and Innovation Act, you will find that KIRDI is mentioned among the various state organs that are overseen by the National Council of Science and Technology.

Because of the overlap of mandate, it has become extremely difficult for KIRDI to undertake their mandate, which is essentially research in industrial production, among many other related activities. The Bill before us seeks to give KIRDI its own mandate so that it can stand on its own and undertake its functions independently, without being saddled by bureaucrats from various State Departments which seem to have so many people sitting on the Board and, therefore, seem to lack direction on how to proceed.

The Bill basically provides the governance structure which lays down the specific functions of KIRDI as relates to industrial production. This country has had enumerable research findings in agriculture and other sectors. We have probably proceeded well in the medical sector, but we have lagged behind in industrial production. That is why whatever the *Jua Kali* sector produces does not meet international standards and, therefore, cannot be sold anywhere beyond the confines of

Kenya. Whatever we produce are not our own products as we are simply in the assembling business. We import knocked down kits, assemble and then pretend that we are seriously doing research. If KIRDI had been appropriately supported, the Nyayo Pioneer Car would be roving this country. However, since KIRDI has had no support in terms of research to produce new technology domestically, we have had to import most of those things. Surely, we cannot progress on our own that way. Our constituencies have industrial development centres where basic tools are supposed to be produced. It is not surprising that 90 per cent of basic tools like sewing machines, leather machines and even grinders are imported and yet, we have the technology. We have the Numerical Machining Complex, but it is unable to progress because there is no input in research.

Hon. Temporary Deputy Speaker, I sit in the Departmental Committee on Trade, Industry and Co-operatives and when the Cabinet Secretary appeared before us one day, we asked what the problem was. We were told that Kenya Industrial Research and Development Institute has assets, but is not independently funded. It is funded through the State Department of Industrialization and whatever they get is not enough for them to undertake serious research and disseminate the information they have gathered over time. We were convinced that there is a reason to separate and debunk it from the National Science and Technology Commission of Kenya so that it serves on its own.

It is also important that they get their own separate budget lines so that we are able to deal with them meaningfully. Once they have their own budget lines, they will be able to attract additional funding from elsewhere. They will also be able to have collaborations and networks with universities so that whatever research and theory we teach our children in school can be translated into practice when they go out. We hope they will, over time, give us tools and equipment that will allow incubation. Generally, we have our young bright guys, but they lack incubation centres. Even though there are physical bureau of incubation centres, there is basically no equipment that are cost-effective to enable them produce goods that can compete in the market.

We look forward to a time when the best items in our households will be locally manufactured and marketed through the “Buy Kenya Build Kenya” campaign. You should not import furniture from Malaysia and yet, we have our young men and women who have skills in carpentry. They produce items for the low income cadre of our society and, therefore, the middle class members of our society do not want to buy from them. It beats logic as to why you would go to Bata to buy sandals or slippers and yet, our friends in Lower Eastern Kenya make very nice and long-lasting sandals from tyres. This is simply because we do not have a medium or state organ that has mainstream local research in manufacturing of our products. To some extent, we glorify imported goods. Many of us go for trips in Europe and buy items, including shoes, that can be locally manufactured and of a much better quality. The enactment of this Bill should be a wake-up call to all Kenyans. We should not be ashamed of our own products even if they are not as glittery as products from other countries.

Hon. Temporary Deputy Speaker, this Bill has its own challenges and shortcomings. As a Committee, we had public participation where we listened to stakeholders. We will bring amendments to enrich the Bill and make it much better so that we legislate for posterity. We hope and pray that in the next remaining eight or so years, we will have a truly industrial country or one that will set off for industrial development. This means we need to ensure that the revenue generated in this country is used prudently and not stolen through corrupt means so that we have enough funds for research. We call upon all manufacturers in the country to market their products so that we move this country to the next level.

With those few remarks, I support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Let me have the Member for Saku, Hon. Ali Rasso.

Hon. Ali Rasso (Saku, JP): Thank you, Hon. Temporary Deputy Speaker. I stand to support this very important Bill. As it is, KIRDI existed, but it did not exist at the same time because it lacked infrastructure, funding and output. We did not have it. It appeared to be an institution that was there. Its founders knew what it stood for but, in the end, there was no output. Through this Bill, we are likely to see an institution of this status become a formidable institution that contributes to the productivity and advancement of our country.

Research and development is the frontier of discovery. It extends the envelope of discovery such that unless a country invests in research and development, it cannot industrialize, innovate or manufacture. It is the basis upon which certain things are built. All of us travel on Boeing and Airbus. We use Toyota and simple gadgets like TVs and the cellphones. All those equipment and items have been brought into being by companies, individually and in groups. After engaging in research, those individuals or companies came up with gadgets and machinery that have made work and our lives much easier.

The major function of this august House is to oversee Government Ministries and State Departments. One of the questions we must ask those we oversee is whether they have a department of research and development. If it does not have, it means that the institution is dead because there is nothing new they are going to come up with. It means that people will walk into offices in the morning and in the evening, they will walk out. They will continue with that routine for as long as they remain consumers of taxpayers' money.

Hon. Temporary Deputy Speaker, research and development is about scientific innovation, mathematics and measurements. It is good to have institutions like the Kenya Bureau of Standards (KEBS), Kenya Industrial Property Institute (KIPI), Kenya Medical Research Institute (KEMRI) and Kenya Forestry Research Institute (KEFRI). All of them are research-based, but the fundamental we should ask ourselves is how much cost in terms of funding of their administrative structures they incur. One of the major weaknesses we have found through our interaction with those institutions is that most of them are under Ministries or State Departments. So, their growth is stunted. They are controlled by Ministries and, in the end, they become employment bureaus that consume the taxpayers' money and produce nothing in return.

Hon. Temporary Deputy Speaker, M-Pesa is an innovation that is celebrated the world over. It is an innovation by an individual, but Safaricom took it up as their own innovation. This means this country can come up with world class innovations if institutions can put money into research. In the recent past, the Kenya Defence Forces (KDF) came up with the National Defence University. It is a landmark thinking that will bring together very experienced officers from different sub-sectors of defence to sit together and think on strategy, innovation and research with a view to coming up with policies in the areas of military industrialisation. This is the kind of thinking that the various sub-sectors in the Public Service, including Ministries and State Departments, should embrace. To-date, the National Police Service (NPS) uses old methods of tracking criminals. Apart from a few techniques like the use of Closed-Circuit Televisions (CCTV) cameras and DNA tests to nab criminals, our National Police Service has no modern technology for resolving complex crimes. If we must effectively fight crime in Kenya, there must be enough research and development within the National Police Service to counter modern crime.

Hon. Temporary Deputy Speaker, in order for Kenya to industrialise and become a middle-income country as contemplated in the Vision 2030 development blue print, we must put a lot of money into research. We go to benchmark in different countries around the world. One of the

things we find is that even when constructing a highway, people do research on the kind of materials to use in a particular area to ensure that a road lasts as long as possible. Initially, when we started tarmacking our roads, Kenyans borrowed a lot from Put Sarajevo General Engineering Company Limited. This is the company that built roads in Europe in modern times.

Hon. Temporary Deputy Speaker, this is a very important Bill. We must try to build on it and ensure that, that institution is funded and managed properly. The institution must employ highly qualified personnel to ensure that it contributes to the wellbeing of our society.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Member for Mukurweini, Hon. Kiai Githiaka.

Hon. Anthony Kiai (Mukurweini, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this chance. I rise to support the Bill.

I have known KIRDI for some time now. It has been around for some decades. It is unfortunate that this pre-eminent institution has not had a legal framework to support it. Having this Bill before Parliament today is a big stride in the right direction as it seeks to ensure that the Institute is anchored in law as opposed to the current situation where it is a mere appendage of a certain Ministry. As it is, the Institute does not have legal autonomy and, therefore, cannot work and exploit its full potential.

Hon. Temporary Deputy Speaker, the great economies of the world thrive on innovation. The industrial revolution set the path to greatness for European countries. There is no country that will ever develop without innovation. That is why we must ring-fence KIRDI to ensure that Kenyans become innovative, and that their ideas are well protected. China, India and most of the South Asian economic tigers have become economic titans on account of research and development. They have institutions which are supported by their respective governments to ensure that they conduct research, develop new things and innovate. That way, they have been able to grow their economies. Their universities are research and development centres. That is a sure way of ensuring that graduates churned out from universities are responsive to the labour market and the needs of a particular country.

Kenya is a country that exports raw materials and in return imports manufactured goods at a higher premium. If that situation remains, then I can assure you that Kenya is not about to become a developed country. We will rely on outside countries to supply us with manufactured goods that fetch a higher premium and yet, we supply them with raw materials at a very low price. In Kenya, there are various examples of innovations.

I will pick the example of a local car model called Mobius, which has been around this country for about five years. Through innovation, Mobius has been able to produce a car that responds very well to the local terrain. It may not be up there with the Land Cruisers and Range Rovers, but we are getting somewhere. This is what we are talking about research and development. Someone has put money into researching the kind of motor vehicle we should have in our local terrain. He has developed it and right now, we are at Mobius 3, which is an improvement of Mobius 1 and 2. That shows what research and development can do.

Hon. Temporary Deputy Speaker, most of the multi-national corporations thrive on research and development. That is a key aspect and an integral part of their management to churn out new products and ensure that they respond to customers' needs. I want to believe that KIRDI will do exactly that. As it does so, I want to imagine a KIRDI that is protected by law, and which will collaborate with local and international universities to create innovations that will ensure our country produces small items like toothpicks, whistles and ploughs. In Kenya, we import all those

simple but very effective items. Why should we import toothpicks from China, and clothes and motor vehicles from other countries? We must dream big. We can only do so by ensuring that KIRDI is protected and given the legal foundation upon which to be ground.

A government's support of innovation for reduction of unemployment is also critical. I had a chance to visit KIRDI in Industrial Area about three years ago with my team. I was impressed by what was happening there. They are a hub for cottage industries. I saw young people making pure honey, manufacturing banana flour, cassava flour and other items. They are supported by KIRDI and some of the machines used there are local innovations funded and supported by KIRDI itself. The Director told us that the only issue is that the institution is starved of money. I want to believe that after KIRDI attains an autonomous status, it will be able to thrive better. As we do so, we must also note that there must be a correlation between the law we are making today and other laws that support such innovations. We should have institutions like Kenya Bureau of Standards (KEBS) coming in.

We must also look at the Industrial Property Act, under which we have set up the Kenya Industrial Property Institute (KIPI). This will ensure that those who come up with innovative ideas have their intellectual property protected. In the absence of protection, we will give pirates a field day. We have seen it in music and other industries. Immediately you produce a hit song, the next day it is out there having been pirated. We have seen what happens in Kenya. The moment you come up with an innovative idea and you do not protect it under the Industrial Property Act; it is copied, replicated all over and the original founder or innovator of the idea goes home bankrupt. As Parliament, we must strengthen the legal framework for KIRDI and provide for inter-linkages amongst all the existing laws to protect those who come up with innovations.

I am happy to note that one of the innovations founded by the Kenya Industrial Research and Development Institute (KIRDI) is a banana based flour called Afya Chap Chap, whose innovator is from my constituency. He is doing very well in the market. Suppose we fund such people and such standards through KIRDI, and other institutions and legal frameworks that are in place, what will happen? I have seen him employ young people and farmers. The whole chain that supplies raw materials to that company are employed courtesy of innovation by somebody who was funded and supported by KIRDI.

We have to do away with KIRDI as it is now, a department of a ministry somewhere, and make it autonomous. By making it autonomous, it would mean that it will be independent to hire its own experts to spur innovation. It will be free to collaborate with universities and other institutions of research. The research can be localised in such a way that it can jumpstart the economy and reduce the rate of unemployment. It is not that we do not have innovative young people, but they do not know where to go. There is no Government department to show them where to register their innovations. They do not know where to go or what to do when they have a burning issue. We have seen innovations displayed on televisions, but at the end of the day, it ends there; televisions. It does not help the young people. With direct funding from the Government, bilateral and multilateral donors, I believe KIRDI will be responsive to the needs of this country.

I support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Osotsi Godfrey is next on my request list.

Hon. Godfrey Osotsi (Nominated, ANC): Thank you, Hon. Temporary Deputy Speaker, for the opportunity to also support the Kenya Industrial and Research and Development Institute Bill.

As it has been pointed out, the Bill is quite timely because KIRDI has been around for some time. It is a surprise that it has been running without a substantive law, but this is an opportunity for them to have legislation to support their operations.

As I support the Bill, allow me to point out a few areas of concern in the Bill. Clause 5 provides a list of various areas in which KIRDI will be handling industrial research and development. One of the critical areas that is missing is ICT. They have listed all the other things like civil engineering, electrical engineering, food technology and industrial technology, but ICT is not among the areas that KIRDI is going to look at. This is a big problem because this sector is not managed very well when it comes to research and innovation, yet it is one area Kenya has made a mark globally. The M-PESA is a global innovation that has earned a name for this country. We have had other innovations in the industry which have gone unnoticed and which are not regulated. Young people who come up with these innovations have lost in a big way because multinationals or other individuals end up stealing the innovations from them.

I know of cases involving Safaricom where they float a tender on a particular innovation, young people give their propositions, but nothing happens. Before long, you hear they have implemented that technology. I have a company called Transcend Media Group that has even complained about that. It is a criminal issue, but nothing has been done about it. We want a situation where when our young people innovate, they have somewhere they can take their innovations and intellectual property is protected. Unfortunately, they have nowhere to go. I thought KIRDI would provide that opportunity, but ICT is not among the areas that are going to be considered in this Bill. We are very good in policy formulation. We have many nice policies, but they are not well coordinated.

Recently, this country launched the digital economy policy that talks about good things and how this country is going to make money through digital technology. There is no way the digital economy is being protected through intellectual property rights or through protecting the rights of the people who innovate. My expectation was that ICT would have been listed as one of the areas to be considered. In any case, all the listed areas still revolve around ICT because it is an enabler of all the listed areas. I have a concern on that.

This Bill talks about innovation and invention by employees. Where does it leave non-employees? For example, if I have my innovation, as any other Kenyan, it needs to be protected and so, I would take it to KIRDI to make it better and protect it. That is an omission that we need to consider at the Committee of the whole House.

Generally, this is a step forward because the Bill will give us a framework in which we will coordinate research and innovation and we are going to ensure there is commercialisation of research activities and most importantly, we are going to have an industrial technology repository where we will have information on all industrial technologies. We need to do much more than what has been done in this Bill.

Another important thing is that although the Bill is coming now, an Act of Parliament was passed by this House called the Science Technology and Innovation Act, 2013, that is largely unimplemented. Many parts of it are not implemented. So, these are challenges. This House passes pieces of legislation which are never implemented. I would have expected that even as we come up with this Bill, we are told what happened so far in terms of the Science, Technology and Innovation Act, which was passed in 2013.

For this country to innovate, we must invest in research, technology and innovation. This country cannot develop by telling people that instead of innovating or going the technology way, we should go the wheelbarrow way. The country will not develop through wheelbarrows. The

country will develop through innovation and research, but not through wheelbarrows. Any leader who aspires to become the President of this country, but tells our youth that we cannot innovate instead we go back to the 17th or the 19th centuries, is not supposed to lead this country. We must, as leaders, and I am happy we have some Members of Parliament professing the wheelbarrow technology, not go the wheelbarrow way. We are going to go the research and innovation way. The only leader who knows how this is supposed to be done in an engineer, Raila Amolo Odinga. I support the Bill.

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let us not shout, Hon. Members. Some of you are just talking and you are not on record. Can I have the Member of Parliament for Mogotio, Hon. Tuitoek Kamuren?

Hon. Daniel Tuitoek (Mogotio, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to also chip in on this issue of KIRDI.

This institute is a multidisciplinary research and development body in industrial and such like technologies. It has been under the Ministry of Trade and Industry for a while. Most of the areas this institute covers include engineering, energy, environment and ICT. I know the Member who has just spoken, Hon. Osotsi, left out the fact that ICT is part of the areas this institute covers. Leather, textiles and food technology are others.

This institute has almost become moribund. It was meant to boost or come up with new research technologies to boost SMEs and innovate new technologies in Kenya. Unfortunately, most of the things we are using here are imported from abroad, specifically from China. I know, until recently, before it was clamped down, we had so many types of products which were not of quality. I know this institute works closely with the Kenya Bureau of Standards (KEBS) and the Kenya Industrial Property Institute (KIPI). The KEBS is to certify the quality of products. The idea was actually good. The KIRDI was to come up with innovation and enable incubation centres in which some of these prototypes could be developed and then be up-skilled, as somebody said, through commercialisation and looking for partners to produce the products. Unfortunately, this has not happened. It just remained a department within the ministry and so, this Bill is very important because it will give life to the institute. Let us give it independence and money so that it can start concentrating on its research and development aspects.

We know that China or even the Asian Tigers, namely, Korea, Taiwan, and the others, became industrial giants. They started becoming big because they spent a lot on research and development. In China and western countries, every company is forced to first have research and development centres which can innovate and make sure that they pass the technology to the young people. They make sure the technology they bring from outside is passed to the young scientists in their countries. We will look forward to seeing that KIRDI starts taking their job seriously. As Members of parliament, we should give it more money so that they can start producing products or coming up with innovations that can be taken up by investors. In this aspect of innovations, we should have a strategy in which we reduce products that we import from other countries. We can list all the products we import and start giving ourselves deadlines and say that certain production be phased out from importation and be produced locally. Even though the products may not be of high quality, with time, competition can be sharpened, and some of these products will start improving in quality. We should not fear that our products are not of high standard. I believe this can happen.

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We had something called the Numerical Machine Complex that was meant to produce cars. I remember the Nyayo Car that was supposed to be produced under the complex, but unfortunately, that institution died. They had some of the best technologies or workshops. They could produce many products. Some universities like the Technical University of Kenya (TUK), which is the former Kenya Polytechnic, have good laboratories. If you visit their labs, some of them have high quality goods. They can start producing goods like bolts and nuts for the industry, so that we do not have to import them. Therefore, KIRDI should work closely with universities especially technical universities. We have TUK, the Technical University of Mombasa (TUM) and other universities with engineering departments. We have the University of Nairobi (UoN), Kimathi University of Technology and even the Jomo Kenyatta University of Agriculture and Technology and other institutions with engineering departments. If we work with them closely, we may move forward in reducing reliance on other countries for products. In fact, this is something which we should look at. I remember there was a Bill here which we were trying to introduce to gradually phase out some products. I have heard of toothpicks. Surely, it is an embarrassment at this age that we can import these products. The reason we have no jobs for our youth is because the manufacturing industry is very low. We are producing things which are not enough. We should be boosting that. I know that part of the recent agenda of the President or the Jubilee Government was to improve on manufacturing and creation of jobs. This is an area in which KIRDI should champion through the production of goods and enabling our youths to get jobs.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let us have the Member for Gem, Hon. Elisha.

Hon. Elisha Odhiambo (Gem, ODM): Thank you very much for this opportunity, Hon. Temporary Deputy Speaker. More importantly, I rise to support the Kenya Industrial Research and Development Bill of 2020.

It is important that we, as Members of Parliament, who are at the top of legislating for this country support one another in legislating for something that will help the country move forward. I know we are also a budget-making House. It is important that chairmen of all the respective committees ensure that when budgets are brought here, we put a lot more emphasis in budgeting for research and development. There is no country in this world that can go places and experience exponential growth and innovation without investing and putting our money where it is required. I am aware, for example, of the many innovations that have been done in this country even the innovations that are done in a small way. Take for example my constituency where a member developed a mechanism for stopping lightening. That in itself is innovation. If we do not support them, they die a natural death.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You mean there is a person who stopped lightening?

Hon. Elisha Odhiambo (Gem, ODM): Yes. What is important to us as Members is that we need to be a little bit more serious by ensuring that we invest where our money, the money that belongs to Kenya, is utilised properly. That is why I support the fact that KIRDI should have a budget line that will ensure it can accommodate the young engineers lying in the streets of Kenya. They are the young men and women who have gone to school to study mechanical and electrical engineering, but do not have no jobs. Kenya is a gifted country. We have very talented young men, but you must ensure that those talents are nurtured so that the future can remember that the 12th House did something.

I am aware, for example, that the country is at a point of deciding whether to have a research reactor. Look at, for example, having a research reactor as a country, what would it do? It would help us in production of isotopes which will help in ameliorating the problem facing the brothers and sisters who are suffering from cancer. Right now, we are getting isotopes from South Africa. If we had a research reactor in Mombasa or Kisumu, we would have ultimate research in agriculture and medicine, and majority of Kenyans who go to India may not necessarily go there because we would have an institute that controls what happens in the country.

I have looked at the Bill, and there is more emphasis on procedures of employing the members of the board and a director. I would rather we spend more time and effort in giving it a cognitive dimension by deeply looking at what matters most in the Bill, which is the facet of research. That is what will help this country. As we talk about patenting inventions, it is important to protect the young men and women. More important is to ensure that they are financed so that their inventions can go places.

This is a country of innovators. One thing that the President will be remembered for is the Nairobi-Mombasa Expressway. If you look at the way that road is being constructed, I am sure Hon. (Eng.) Nduati and Hon. Prime Minister Raila Odinga, who are engineers, are the only ones who would appreciate the beauty and aesthetics that have come with the engineering. Kenyans will remember the President for making a decision to leave this country better than he found it. I am sure this country will be better if it is led by engineers. I believe that when Raila Amolo Odinga takes over, Hon. Nduati, who is his personal friend, will see better days. This country needs to see a better tomorrow rather than talking about wheelbarrows.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members have become so creative and innovative. They are marrying their politics and debate, which is in order. We are dealing with the Kenya Industrial Research and Development Institute Bill. Member for Masinga, Hon. Mwalyo Mbithi, you have the Floor.

Hon. Joshua Mwalyo (Masinga, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to air my views on the Kenya Industrial Research and Development Institute Bill (National Assembly Bill No.44 of 2020).

This institute needs to be established by a law enacted by Parliament because it is the only industrial research institute that I know of. I have known about it for some time and that is the reason why we need it like yesterday. We have spent our money importing items from China, Germany and the United Kingdom. For example, the air conditioning vents in this chamber are all imported from abroad. They are so simple and can be manufactured here, but that cannot be done because no establishment has been given direction by KIRDI to manufacture them. The work of KIRDI is to research, come up with models for manufacturers and give them to manufacturing companies. The manufacturing companies can then copy those models through their engineers and start manufacturing. We will then minimise the importation we are doing because all our money is going overseas.

This country will only grow if we make something of our own. We can then proudly say, for example, that this melted steel is manufactured in the country from a model that has been produced on paper and in practise by KIRDI. We have many engineers who have studied manufacturing, but are unable to manufacture because they do not have models. If you manufacture something that has not been certified by KIRDI, people will say that it is only manufactured in Kenya and it will not pass the Kenya Bureau of Standards (KEBS) test because it has not been accepted locally.

We all go overseas to even purchase our suits from Germany and Italy, so that we can boast that we are wearing imported suits. In fact, some do not remove the tags from their coats so that they can show off that it is a designer suit. We need to do more in our industrial research so that we can be a growing country that is proud to manufacture its own products that can be accepted and sold locally.

[The Temporary Deputy Speaker

(Hon. (Ms.) Jessica Mbalu) left the Chair]

[The Temporary Deputy Speaker

(Hon. Christopher Omulele) took the Chair]

I am sure engineers in this country yearn for this Bill to pass so that KIRDI is established and given autonomy and its own budget. If you go to Industrial Area along Lusaka Road on your way to Mater Hospital, you will see the KIRDI complex whose construction has stalled for 10 years because of lack of funds. If it had its own budget, that complex would have been completed and research could be happening there instead of being done along Mombasa Road at Bellevue. I support the establishment of the Kenya Industrial Research and Development Institute so that our young people who are innovating in universities can have a research place where they can come up with models for manufacturing.

With those few remarks, I support the Bill.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Let us have Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support the Kenya Industrial Research and Development Institute Bill (National Assembly Bill No. 44 of 2020). This Bill is about research in all fields, not just engineers. Even if it was about engineers, it is not about welders with no known classmates in primary school, secondary school or university. Therefore, it is about research and I support it. The Bill is important to the country. This is the way to go. Although I have heard much being said on the issue...

Hon. Joseph Nduati (Gatanga, JP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon Sankok, you seem to have attracted the ire of Engineer Nduati, the Member for Gatanga. Hon. Nduati, what is out of order?

Hon. David ole Sankok (Nominated, JP): *(Spoke off-record)*

Hon. Joseph Nduati (Gatanga, JP): Thank you, Hon. Temporary Deputy Speaker. I rise on a point of order because Hon. Sankok has demeaned welders in this country. When we have invested a lot of money as a country to take our children to Technical and Vocational Education and Training (TVET) centres, you cannot demean them. They are also important and we are trying to encourage them to enrol in colleges so that they can be self-employed. Please, withdraw that remark. It is very unparliamentary.

Hon. David ole Sankok (Nominated, JP): I just said this Bill is not about engineers, and even if it is about engineers, it is not about welders with no known classmate in primary and secondary school or university. It is about the young welders with known classmates. We do appreciate them. This Bill will mostly look at research in terms of what we produce as a country. For instance, we produce three million...

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Sankok, just hold on. Just relax, Members. Hon. Members, the Bill is about industrial research. I can advise you that some of the people who have made serious innovations in industry have not been to any class. Some of them have made innovations which have been useful to humanity. So, it would be prudent for you to withdraw that bit about welders.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker. I have to withdraw because even my own crutches are made by very good welders, some of whom may not have gone to any school. But I was making reference to the alien characters other people were mentioning as engineers and yet we do not know their classmates in primary and secondary school or university. We also do not know their teachers. I have withdrawn.

I am talking about research in hides and skins, for instance. Annually, we produce three million hides, but 2.7 million of them go to waste. Yet we annually import 25 million pairs of shoes. If we do our calculations very well and make sure that we conduct research in innovation and our ability to have tanneries and cottages that will transform the wasted hides and skins in the pastoralist regions into shoes, then, they will have a ready customer base. We can even be exporters. Each hide can produce 40 shoes. So, we are talking of a wastage of 120 million shoes and yet we import more than 25 million pairs of shoes. Nine million of our school-going children are required to have leather shoes yet we waste hides and skins in pastoralist regions.

It is shameful that we import even toothpicks. You can imagine what technology is required in production of toothpicks. Using your own labour, you can literally use a knife and make good toothpicks. One tree is capable of producing 30,000 packets of toothpicks. At a price of Kshs10 each, that is Kshs300,000 from a mere small tree. Our youth are innovative. You have seen how they produce durable *akala* shoes from used tyres. We only need to invest in the youth to make the *akala* shoes more presentable, of high quality and affordable, so that we can even export them to countries from which we import sandals. Herbal medicine is another area. My father is a specialist herbalist. He can tell you which herb is useful for joints and which one is useful in treating malaria or gonorrhoea. He can even tell you which herb is good for male erectile dysfunction, and yet he did not go to any school. If we can tap on such innovation and knowledge through KIRDI, we may become a medicine-producing country instead of a medicine-importing country.

Why have we not done all these things as a country? It is because for a long time, we have been doing trickle-down investments, in which we offer legislative and financial support to large corporates. These innovations do not take place in large corporates. They are found in the *jua kali* industry, with hustlers. If we empower the youth through the bottom-up economic model, we would be far. Go down to the Maasai with the knowledge of herbs and invest in them and protect them through legislation so they can patent their innovations, and we will grow our economy. We also need to invest in labour-intensive undertakings. You invest in the *jua kali* artisan who makes *akala* shoes to make sure that the *akala* is an internationally accepted sandal that can be sold anywhere in the world. We need to adopt the bottom-up economic model. I am sure the leader who talks about the model is the best leader to invest in the youth.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Maanzo, the Member for Makueni.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this very important Bill. I am on the Committee dealing with this Bill and I had opportunity, when the Bill was presented to us by KIRDI led by the CEO Prof. Tuigong, to tour their facilities in South C, Industrial Area and Kisumu.

Construction of the facility in Industrial Area has been stuck for 10 years. Contractors have been frustrated. It would be very important to fund this particular initiative by KIRDI, which was really boosted during the term of President Kibaki, to become a reality. The background of Prof. Tuigong is traceable to a Russian university, and so, he understands this area of research very well. When I visited the facility in Kisumu, I realised that fish has very good leather.

(Hon. David ole Sankok spoke off record)

Hon. Temporary Deputy Speaker, please, protect me from my good friend, Hon. Sankok.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Sankok, you want to fly across the chamber? Let the Member for Makueni also have his say. Proceed.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Speaker. The facility in Kisumu manufactures leather from fish, which is very strong and good leather. It makes fish by-products useful to the country. The leather makes very expensive goods.

Once the park in Industrial Area is complete, it will be used to incubate SMEs from research. Once businesses are incubated, young people would be able to begin production by themselves. If we think of a post COVID-19 era and post COVID-19 economic recovery, this is the way to go. Many young Kenyans are looking for jobs yet they are talented. They can be guided to incubate their businesses.

There is a young man in South C manufacturing Apple Cider Vinegar, whose quality is so good such that it is similar or close to if not better than the Apple Cider Vinegar manufactured in Italy and other places.

(Hon. Elisha Odhiambo consulted loudly)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Elisha, please, allow the Member for Makueni to contribute. You can discuss, but in low tones.

Hon. Daniel Maanzo (Makueni, WDM-K): The KIRDI is very useful. Research in the country is important and manufacturing is key. I am a little disappointed as a Member of the Department Committee on Trade Industry and Cooperatives because manufacturing has not been funded properly, and it is a responsibility of this House. Any young person who tries to manufacture or venture, having borrowed money from KIE and other places...

I have a lady in Makueni Constituency who is manufacturing nails having been helped by KIE and properly incubated after university. She did not look for a job, but went straight into manufacturing nails and she is making a living out of that and have been able to repay the loan she took from KIE.

I also have a young person who, in an effort to go into manufacturing, met so many conditions. One has to have this sort of qualifications and approvals from all manner of places. Eventually, most of them give up. As a country, we need to develop an attitude of helping young people with great ideas to make them a reality and this is what KIRDI is doing. That is why this law is very important.

You have heard of the Science and Technology Act which has not been implemented. Part of this is shared in the KIRDI dream. It became a debate when we were coming up with this law and to some extent, some people thought that there was a duplication. That law not having been applied and KIRDI being so specialised – and it has been in operation for decades - this is the time Parliament needs to go into history as people who approved KIRDI and changed manufacturing

and industrialisation in this country. This will ensure that young people no longer go outside the country to look for jobs, manufacture there or use their technology in other parts of the world. They will invest, manufacture, run their businesses, create employment and employ other young people at home which has not been happening.

I have been observing the situation in the country and the policies we market as politicians. It is very important to invest in research and technology. If young people will not be given an opportunity after every election to decide, they should be supported to go into innovation because they need to invest in modern technology. Other than the bickering and politics, what is key is modern technology, research and coming up with innovations.

There are many creative young people in this country who have lost opportunity to exercise their creativity. They have also lacked proper protection and funding. I want to agree with Hon. Osotsi that in the Third Reading, we must include technology. Many young people are now creating jobs through innovation and ICT. They are editing books and many other jobs online and are able to raise a lot of money. With that, they are able to pay taxes and concentrate with schooling when still at the university because some of the jobs they get are in line with what they do, like the School of Journalism and all that.

If you go to Bilbao, Spain, manufacturing of spare parts of BMW and Mercedes Benz in Germany has been subcontracted to young innovators. They manufacture brake parts, design new bodies of Mercedes or those cars manufactured in Europe. This is done by young people. If we do like Mondragon University, which we used as a role model for the Co-operative University of Kenya in that regard, then our country will begin to move forward. We will keep our young people busy. They will find themselves properly employed, earning a living and also raising revenue. We have to support this so that many young peoples' businesses can be incubated professionally. The moment they are released, they are able to know how to comply with taxes, quality of the products they are making and will find themselves making a living out of this.

I really want to support this Bill and say that the Committee, which I am part of, went through it thoroughly. There were many discussions back and forth to clean up the text and purpose, so that we can have KIRDI running on a law of its own securing the future of that institution.

I beg to support and I urge Members to also support this important Bill. I believe we should pass it as soon as possible, so that it does not get lost when a new House comes.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Mose, Member for Kitutu Masaba.

Hon. Shadrack Mose (Kitutu Masaba, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to add my voice to this critical Bill which is long overdue.

The history of KIRDI dates back to 1942 by the then colonial Government that established a laboratory that was meant to do research. In 1979, the Kenyan Government came up with KIRDI. It is unfortunate that from 1979, when we should have taken it up seriously as a research institute to develop research innovation in our country, we seem to have gone into slumber land. I categorically state that this is an appeal whose time is long overdue. It should have started from 1942. If we had developed it as country, we would have made great strides as per today.

We are talking of undertaking research development, innovation in industrial and alike technologies. I have listened to colleagues exchanging not forgetting that this is an extremely juicy Bill that is before us that we need to develop. We need to put in all that we can do to ensure that we catch up with what is happening in developed democracies. This development or innovation

that we are talking about is in many fields, namely, civil engineering, mechanical engineering, electrical engineering, chemical engineering and textile.

Hon. Temporary Deputy Speaker, when it comes to textile in this country, you will realise that it is one of the least developed in terms of technology. We have a lot that remains unexploited in that area. We also have industrial chemistry, food technology, ceramics and clay. For instance, in my constituency, we have clay soil in a wider spectrum that we have done very little in terms of coming up with tiles that are extremely good. Other developed democracies have utilised this technology. Every now and then, we run to those countries like China, India, Singapore, and Malaysia, to import things that we could manufacture locally.

We have innovations like in power technologies that we have not exhausted. In mining natural resources, we have rota technology. I once visited in South C and was thoroughly impressed by the kind of technology developed there. I witnessed the bee and the banana industry. In my constituency, Kitutu Masaba, we have a banana plant that we have been toying around for quite some time. However, because we have not funded this research, innovation and development, we find that our friends who would like to develop in that area are conspicuously lacking in terms of resources to enable them to make some progress.

Hon. Temporary Deputy Speaker, what are some of the benefits we expect once we establish a legal framework where KIRDI is empowered, given feet, and the flowing infrastructure for it to operate? We have many of our young people who have graduated from universities, tertiary colleges and even the very many TIVETs. Anchoring KIRDI in a legal framework would ensure that the young people will have places to showcase their talents, get employment and other benefits will also accrue.

We have an industrial park meant to come up in a place called Sironga in Nyamira County. This is where we have plenty of clay and, therefore, we will come up with many things. Once we pass this Bill, you can be assured that some of those will lead to even infrastructural development. We would also develop social amenities, schools, electricity, and markets. This is a Bill that we really need to move expeditiously as a House to ensure that it is passed. Our country will stand to benefit.

Some of the things we always run to import from other countries are of inferior material. I wish we had anchored this and exploited the talents of our youth and other young graduates from universities, who have skills and talents. It is unfortunate that as a country, we train, but many young trained people are going out of this country to do things they could be doing locally. Imagine this is a country that trains the best nurses and doctors, but once we train them, we do not provide employment and other countries end up getting ready manpower. I would urge my colleagues to move with speed and ensure that we pass this Bill, so that we stand to benefit as a country.

Finally, innovation, invention, and research are things that we must invest in. How do we invest in this? The only thing is to ensure that we provide a budget for the same. This is to ensure that we do not pass an Act that looks good and very admirable, but at the end of the day, we have no resources that enable us to move.

With that, Hon. Temporary Deputy Speaker, I stand to support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): I agree that we need to look into KIRDI. The relevant Committee should look into the thread that runs through KIRDI, KIPI and KBS. This is because it will ensure that the intellectual properties of our innovations that will be curated through KIRDI will receive protection through KIPI and validation through the KBS. Those series of agencies work hand in hand, and I agree with Hon. Mose. The next on my list is Hon. Tonui Kiprotich.

Hon. Ronald Tonui (Bomet Central, JP): Thank you, Hon. Temporary Deputy Speaker, for this opportunity to also support this important Bill. I also want to commend the Government for coming up with this Bill, so that we can strengthen KIRDI. At the moment, that is lacking. For it to become stronger on a piece of legislation, it needs to be a substantive law. This Bill will create KIRDI in a very substantive manner and it will become semi-autonomous. It will also be innovative in its operations. This is a good start. I know many Members have raised issues that have been left out such as ICT. I believe this is a good start and we can even deal with those issues at the Committee of the whole House Stage by moving some amendments.

Research is very important. We must always do research, so that we can get better quality goods and items. It is important to do research so as to get new knowledge. I believe by ensuring that we have this institution under substantive law, they will engage in more research and get more knowledge and base their issues on factual situations and not assumptions. Therefore, we are strengthening research and creativity in this country by anchoring it in law. That is a positive thing. It is in the right direction.

I support the Competency Based Curriculum (CBC) that we have recently adopted in the education sector, that is also trying to encourage research right from primary, secondary, and university levels. Creativity is very important. We have neglected to provide more funding towards research whether it is in KIRDI or elsewhere. We are providing very little funds. In universities there is no funds for research, universities are struggling despite the fact that they are important institutions. Funding is what we need to address ourselves to so that they are taken care of. I know the mainstream Government may not be prioritising funding these institutions or research activities. Under research, there is nothing edible. It could be better to fund projects which provide status and indirectly provide avenues for those in power to eat, but it is good to also invest in research and knowledge because without knowledge, we will not be heading in the right direction as a country.

It is also good to ensure that we strengthen this institution so that we can have assurance of quality goods in the market which are well researched. I know of quality goods in the market which are well researched. I know once we strengthen this institution, it will ensure that it assists even the common man, the hustler, who is creative to come up with good quality items, so that when the common man comes up with a wheelbarrow, they can do a very good wheelbarrow which can even go uphill. This is a very good thing. Sometimes we dismiss these small beginnings and items like wheelbarrows, forgetting that we are unable to provide the exciting things which we talk of. If we do not wish to provide our people with small catches to enable them to walk like wheelbarrows, it could be good to provide them with cars. Who has stopped anyone from providing them with cars?

Hon. Temporary Deputy Speaker, allow me to comment in that direction because previously, there were so many such comments before you arrived. I know you are very hard on Hon. Sankok, but he was only reacting to comments made before you arrived and it was not controlled. I think Hon. Osotsi talked about it at length and you know when you are not sitting and things did flow, that is where you missed and misinterpreted what Hon. Sankok was trying to bring out.

When we have a strong institution like KIRDI, it will assist the small man, the hustler, who is hustling, to improve on the quality of the goods and small items like the wheelbarrow, so that when they are using it even in the market places to sell oranges and such, there should be something to cover like a shade. There should be a better way of improving on that wheelbarrow to make it adaptable to the kind of businesses our people are doing. The small beginning should not be

dismissed and I believe KIRDI will participate strongly in ensuring that what we have as future policy of the bottom up economic model will be anchored in KIRDI, so that it can assist the small man.

Hon. Temporary Deputy Speaker, thank you so much. I support the Bill and I hope we will pass it with amendments.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Ronald, this Speaker was not hard on the Nominated Member, Hon. Sankok. He was merely protecting the welders of this country from adverse mention. That is well. Next is Hon. Oyoo Onyango.

Hon. Onyango Oyoo (Muhoroni, ODM): Thank you very much, Hon. Temporary Deputy Speaker, for giving me this opportunity to add my voice to this very important Bill. From the outset, the forefathers of this country, those who fought for Independence and who meant very well for this country, made sure that they put in place arrangements that were going to enable the country to have proper industrialisation. They put gadgets that could safeguard any ills, make improvements and innovations and foster industrialisation. I can remember very well that the Kenya Industrial Estates was put in place to finance the little businessmen or industrialists who wanted to manufacture goods that they would supply to the country. This also gave birth to several mushrooming small companies that were built in the countryside for the purpose of mitigating urban migration.

Unfortunately, somewhere in the middle, the political class changed and made sure that KIRDIs of this world were starved and pushed out of the place by denying them budgets that were now taken to easy and grey areas where money was transferred into the pockets of individuals without doing actual jobs. These people meant very well. The Kenya Institute for Public Policy Research and Analysis (KIPPRA) and KEBS were put in place for standardisation. Those who are complaining of the economy saying they want to bring the so called bottom up model, if for any reason they have been in the Government, they would first explain to us why they were not able to make these things practical while they were in active positions in the Government rather than coming too late when the water has become a bit sour and the country remains the same. Whoever is coming to lead does not matter to us. We want the country to continue growing and we want good ideas. The KIRDI must be there for research and development and for innovations. We have several innocent kids who are very talented, but there are no proper places that have been raised for further training and improvement of innovations and some intelligence quotient measurement. It is unless you know somebody important who can lift your hand and this is not the case. How I wish this time the Government will be serious. The Committee in charge should fight for proper budgeting such that KIRDI can be given an opportunity to achieve the dream for which it was built. Otherwise, I take this opportunity to support the Bill and wish that the Departmental Committee pushes it to success.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Lodepe.

Hon. Lodepe Nakara (Turkana Central, ODM): Thank you, Hon. Temporary Deputy Speaker. I join other Hon. Members to say that this is an issue that we need like yesterday. What is shocking is that this institute was established in 1979. I thank the Committee which has taken the initiative to come up with a legal way to make sure that the institute operates in the right way to attract investors and donors for it to be operational.

The institute can help Kenyans to drive economic growth and enhance innovation and invention in our country. A country that has no knowledge about innovation and inventing new things cannot go far. China is growing seriously because they invest in research and development. Even in primary schools and high schools, students start manufacturing small things that we are

buying and yet they are being done by high school students. We need to make this institute a technology partner that makes small firms and industries to be familiar with the recent technology so that they can grow. There are things that we need this institute to provide, namely, research on product and development. We have some products in this country that if we can add value, we can sell them to other countries. We can become the leading agency. The problem we have with this country is that the products we have are good, but we do not add value and that is why our market is low. These kinds of institutes can help us to add value on products. We can become competitive in the market which will enable us to attract more people to buy our products and this will help our industries to grow.

On the issue of training and capacity building, this institute can help our small farmers and business people to get training and capacity building. This institute can make our business people to grow by making them know what they are supposed to do. Some people are in the industry, but they do not have capacity. For this particular reason, they do not know what to invest in. If this institute can be established legally, we can use it to give knowledge on entrepreneurship, innovation, industrialisation to the people. In doing so, we can enlarge our economic space and we can enable our people to compete with our neighbours.

We should invest in research and development because when we do so, we create new products and add value to the old ones. We research on how to create new products and at the same time, add value to the old ones. That is why we need this institute. Secondly, research and development give us knowledge to enhance our products. When we go to this institute, we learn how we can enhance our knowledge on a particular product.

As I conclude, there are things that kill our institutes. First and foremost is the issue of funding. These are good institutes, but when we do not fund them for their operations, they fail. Unless we fund them in our budget, they are bound to fail. That is the only way they can do research. Our universities do not conduct research nowadays because they have no funding. So, we need to make sure that we fund these institutions, so that they can conduct research and explore new ways to develop our products. The other thing that kills our institutes is politics. Our politics are not developmental. We just want to kill everything that comes from the other side. We also kill our institutes by employing unqualified personnel. Due to the network and connections people have, we give jobs to the wrong people to lead particular institutes. When they get there, they fail the institutes completely. We need to check such kind of things. The institutes that are coming up right now, we want to tell those responsible to employ qualified Kenyans no matter their backgrounds, political affiliations or tribes. Giving jobs in such institutes to the right people will enable the country to do better than other countries. That is my view.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Obo, Member for Lamu.

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP) : Asante, Mhe. Naibu Spika wa Muda. Naunga mkono Mswada huu unaohusika na utafiti. Utafiti unafaa kuwa na sheria na taasisi husika zinafaa kupewa fedha za kutosha ili wafanye utafiti.

Inasikitisha kuwa taasisi tulizonazo zinategemea wafadhili. Nimefurahi kuwe na sheria hii na pia Bunge hili kupitia kwa kamati ihakikishe kuwa tumewapatia pesa za kutosha maanake utafiti ni ghali na tukitengeneza sheria na tusiwape pesa za kufanya utafiti, itakuwa kazi bure.

Kuna vitu maeneo yetu ambazo zinatushangaza hatujui ziko hivyo kwa nini. Tunajiuliza maswali. Ikiwa utafiti utapewa nguvu, pengine sisi tunaweza kua tumekalia mali au utajiri fulani. Kule kwetu, kuna kijiji kinaitwa Mtangawanda ambapo kuna mchanga baharini ambao huwezi

kuuona pahali pengine. Ni mchanga mweusi na unanga'ra sana. Lakini hizi taasisi zetu hazina nguvu hizo za kufika sehemu hiyo na kuangalia kiini cha jambo hilo. Hata kijiji hicho kimeitwa Mtangawanda kwa sababu ya huo mchanga mweusi. Inaweza kuwa mchanga huo ni madini au vitu muhimu ambazo ziko hapo na labda zingineua sehemu hiyo.

Mhe. Naibu Spika wa Muda, kuna watu wengine wanatuchekesha sana. Wanasema toroli au wheelbarrow ni utafiti. Ni utafiti aje? Nyanyangu ametumia wheelbarrow. Nyanyake nyanyangu, alitumia wheelbarrow. Ni kitu gani kipya kiko hapo ? Utafiti unafaa ufanywe na kama ni kutengeza toroli, ziwe ni za kimbinu za kisasa. Angalau angekuja na toroli ambayo ina mbinu ya kitofauti na zile nyanyangu au babu yangu alitumia. Lakini hizo hizo na tunaambiwa ni utafiti, tunafaa kupatia taasisi hizi mbinu ili wakenya waweze kulinganishwa na nchi zingine zinazounda vitu. Sisi wakenya tumesoma baada ya COVID-19. Hatukuwa tunatengeza barakoa lakini sasa hivi, Kenya inatengeza barakoa.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Member for Keiyo, what is out of order. Hold on, Hon. Obo.

Hon. Daniel Rono (Keiyo South, JP): Hon. Temporary Deputy Speaker, I want to inform the Member that even cars that were used by our grandmothers are not the cars that are operational now. We want to redesign those wheelbarrows. The ODM uses orange and Wiper uses umbrella. Are we talking about the umbrellas here?

The Temporary Deputy Speaker (Hon. Christopher Omulele): The Member for Keiyo, you are out of order. You want to inform the Member for Lamu. The Member for Lamu, do you wish to be informed by the Member for Keiyo?

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): No, Mhe, Spika Naibu wa Muda.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Proceed.

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP) : Asante, Mhe. Naibu Spika wa Muda. Mhe. amejichanganya mwenyewe. Amesema wanataka kufanya. Wangojee wakati huo ukifika watuonyeshe hii ndiyo toroli au wheelbarrow ya kisasa. Lakini hizi tunazoitumia ni zile zile za mtaani tunazozijua.

Tumesoma kupitia COVID-19 na tumeanza kutengeneza barakoa ambazo hatukuwa tunatengeza. Kwa hivyo, hizi taasisi zikipatiwa hizi sheria na pesa zitafute mbinu zile, watahakikisha vitu vingi vimetengezwe Kenya. Tunajua wana kipawa. Watoto wetu ni wasomi. Kwa hivyo, Kenya iwe sawa na nchi zingine.

Asante, Mhe Naibu Spika wa muda.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Now, the Member for Keiyo, you can speak about the information you wanted to give to the Member for Lamu as your contribution.

Hon. Daniel Rono (Keiyo South, JP): Thank you, Hon. Temporary Deputy Speaker. I thank you for giving me this chance. I wish to support the empowerment of KIRDI. We lost direction when we stopped or reduced funding research in this country. For example, a university research professor is paid pathetically. If you compare a professor with a cabinet assistant secretary (CAS) who is technically a messenger of the cabinet secretary, you wonder who is who. Here we want to do research, and there is an individual being glorified for technically doing nothing. We want to avoid issues where we are importing products that we can have in Kenya. We are importing toothpicks yet we have trees here. We are importing furniture yet we have trees here. It is ridiculous. We should be asking ourselves how we can make better and more durable furniture than China. Actually, ours is more durable by all standards and you wonder why.

I want to commend the President of Kenya for saying “Buy Kenya, Build Kenya” although he falls short halfway because he does not see this through. As we talk now, furniture continues to be imported from China, Malaysia and all over the world. Let me also equally borrow a leaf from the President who sometimes wears clothes from our Rivatex Factory. This is a good example we should emulate. Why are we importing clothing instead of empowering the cotton industry and farmers? We have no business doing so. Why are we importing shoes when we have hides and skins in Kenya?

The route to take at this point in time is to empower research. We should have these research institutes like KIRDI in almost every county. That way, we will be tapping talents countrywide, from every region. We have diverse talents in many regions. A colleague mentioned the fact that we need to add value to our products - particularly farm products. We farm tomatoes and yet we import tomato paste. We farm pineapples and mangos and yet we cannot even make mango juice for heaven’s sake. We still import mango juice yet here we have guys already processing mango juice and we do not support them. Laws should be made to strengthen products being developed here.

I wish to inform Hon. Members about the issue of wheelbarrow. We are getting wrong impressions about it. Wheelbarrow is compared to what an orange is to the Orange Democratic Movement (ODM) or an umbrella is to Wiper Democratic Movement of Kenya (WDM-K). So, can an orange carry any luggage? If we are to compare this scenario, then a wheelbarrow is by all standards ahead of an orange and an umbrella which can only be used when it is raining.

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

Hon. Daniel Rono (Keiyo South, JP): I accept, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Ole Sankok, what do you want to inform the Member for Keiyo South? Proceed.

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Speaker, I just want to inform my good friend and desk mate here in Parliament that a wheelbarrow is just a party symbol, meaning those willing to push beyond the limit and earn from their sweat, rather than stealing from Kenya Medical Supplies Authority (KEMSA) and Kisumu Molasses Plant. Again, when it come to the issue of wheelbarrow, it is a bit expensive...

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Sankok, who is stealing from Kisumu Molasses Plant?

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Speaker, I will mention them when I have a substantive motion.

The Temporary Deputy Speaker (Hon. Christopher Omulele): No, you have to because you brought it up. Just proceed and tell this House. Substantiate or withdraw.

Hon. David ole Sankok (Nominated, JP): Of course, you know that Kisumu Molasses Plant collapsed, there was the KEMSA heist and Covid-19 billionaires. So, I am saying a wheelbarrow has a symbolic meaning of those willing to push beyond the limit to earn from their sweat rather than stealing from Kenyan taxpayers. Again, I wanted to inform the Hon. Members who are discussing about the wheelbarrow to mind their own business and tell us the meaning of an orange, an umbrella, and a broiler chicken called *jogoo* in another political party. Of course, we do not expect those who...

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Sankok, you are out of order.

Hon. David ole Sankok (Nominated, JP): I have informed him and that is very important.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Sankok, let me just advise you. You were doing well when you said a wheelbarrow is a party symbol. That was okay, but when you go in a way that is pejorative of other parties' symbols, then you are out of order. You can explain that a wheelbarrow is a party symbol and I think every Member here knows that. However, when you adversely mention other parties' symbol in a way that is adverse, then you get out of order. Are we together?

Hon. David ole Sankok (Nominated, JP): Surely, Hon. Temporary Deputy Speaker, I do not mean to demean any party. I withdraw. I just wanted to say that a wheelbarrow is Kshs6,000 and an orange is Kshs3. If we give a wheelbarrow, please give an orange.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Proceed, Member for Keiyo South.

Hon. Daniel Rono (Keiyo South, JP): Hon. Temporary Deputy Speaker, also I wish to inform the House that as we empower KIRDI, we need to know who is better placed to manage this country in that route of empowering individuals from bottom up not up down. We need to ask ourselves who exactly is better placed. That is within everybody's knowledge and is in the public domain.

When we talk about a symbol like a wheelbarrow, we want a situation where this honourable House should sit and say how best it can improve it. Maybe by putting an engine so it can go uphill the way we put an engine in a bicycle and now it is a motorbike so it can perform better. If we really demean issues of party's symbols, then we will end up demeaning the orange because we can only eat it. If we go the Wiper route, we can go far. So, let us not get deviated by party's symbols and stick to where we are heading.

Are we empowering research and the dealers of this world who are all over the place? Nowadays, our children admire the individuals who supply to Government institutions. They forget the university research assistant professor is doing a better job. We are glorifying dealers and thieves of KEMSA and so forth. We forget what we are supposed to be gearing our attention forward. So, I support the empowerment of KIRDI and all research institutes in Kenya. We need to make laws that can empower every institution that supports all individuals and hustlers from bottom to up.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): I think we live in very interesting times but the oranges, wheelbarrows, *jogoos* and others are our symbols. Hon. George Macharia Kariuki, the Member for Ndia.

Hon. George Kariuki (Ndia, JP): Thank you, Hon. Temporary Deputy Speaker, I rise to support this Motion on the importance of strengthening KIRDI. If you look at this country from the year 1961, our growth pace has been really slow, compared to other nations that started at the same level with us...

The Temporary Deputy Speaker (Hon. Christopher Omulele): Just hold on, Hon. George. Hon. Tongi, you are next on my list. Proceed, Hon. George.

Hon. George Kariuki (Ndia, JP): I was trying to compare us with other countries that are doing very well and we were at the same level like Singapore. When we gained our Independence in 1963, our Gross Domestic Product (GDP) was around US\$800 million. Singapore's GDP was somewhere around US\$750 million. Today, Singapore's GDP is over US\$300 billion while we are around US\$98.8 billion. The reason why we have not been able to grow at the same pace as Singapore and other countries is industrialisation. We have lagged behind in this area. That is

where KIRDI comes in handy. We need to support it and put in more resources to help our youth get into active economic activities.

I know that many times when we talk about public participation, we think of going out there to talk to the public about the importance of the Bills we make here. However, it goes beyond that. Public participation is the ability of every citizen to contribute to the wellbeing and growth of the country. There are about 2 million Kenyan taxpayers today. Compare that to the number of Kenyan voters who are about 17 million. If those numbers are compared to the number of Kenyans doing other activities, you will see that the reason why we are not able to contribute by paying taxes is because Kenyans are not empowered enough. The best way to empower Kenyans is to invest more in industrialisation.

One reason why we have not been able to get to that level is the quality of our governance. Good governance is about provision of goods and services to our people and being able to better our market efficiencies. We cannot take this country forward if we do not embrace good governance. Good governance is being able to empower the people at the bottom - what we call the bottom-up economy. Help that young man who just left university or Form Four the other day to go to a Technical and Vocational Education Training (TVET) institute, get skilled and be able to do something active. It does not necessarily have to be a white collar job, but they should be able to set up something in the village, not necessarily in Nairobi, and put food on the table. This is what we are talking about when we say that we want to grow this country from the bottom-up.

We want to invest down there at the grassroots, not up here where the Kenya Medical Supplies Authority (KEMSA) billionaires will take away everything, and where dynasties and those who have reigned for many years want to manage us. We want to grow from the bottom up. We want to use the wheelbarrow because it is a good symbol of where we are going. It is a symbol of struggle and success. I have used that wheelbarrow.

(Applause)

As I conclude, when I cleared Form Four, I did not want to sit at home and trouble my mother. I joined a neighbouring friend who was a mason. We would seek jobs out there as *kanda ya mkono* and he would pay me Ksh40 per day. I would use a wheelbarrow every day. I was not confined to that wheelbarrow for the rest of my life. Today, I believe I drive one of the best vehicles in this country.

(Applause)

However, I started by using a wheelbarrow. I am happy to use and support the wheelbarrow.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. George, God has blessed you and you have moved from using a wheelbarrow to driving one of the best cars in the country. May the same God continue blessing you.

Let us now have Hon. Tong'i, Member for Nyaribari Chache.

Hon. Richard Tong'i (Nyaribari Chache, JP): Thank you, Hon. Temporary Deputy Speaker. From the outset, you are a fair leader. You see your sheep from where you are seated. You know what, where and when to give. I am grateful that you read my mood and figured it out correctly. I thought that your fair judgement was disappearing, but you proved me wrong. Once again, you are a fair leader and you give your people equal opportunities to do what they must.

From the outset, I support the Kenya Industrial Research and Development Institute Bill (National Assembly Bill No. 44 of 2020) for many reasons. The most important reason is because I believe that a country which has not invested a lot in research will not go far. When we are net consumers of products which are imported into our country, *vis-à-vis* what we export to other countries, we are losers in that sense. We can only develop through manufacturing. When there is manufacturing in the country, we have opportunities to create employment for our youth and grow the country's tax base.

We cannot keep whining and complaining about not getting our portion of the "cake", yet we have not done anything to improve the baking of the "cake". I believe that this Bill is timely and will help to improve the number of "cakes" we bake. We will not just bake one "cake" but many "cakes", so that everybody can have a portion.

The fathers of this country had the wisdom of coming up with the county model of leadership and government. Using the county model, we are able to identify the strengths in every county's local industry and build on them, so that we achieve a lot more than we have as a country. For the longest time, we kept whining that our regions have been marginalised, but now every county receives billions of shillings. If governors were innovative enough, they would come up with local industries that would address the unique challenges of those counties. That way, we will have factories.

All over the world, countries which have succeeded are those that have invested in local strengths. If all of us can build on what we are good at the local setup, we will succeed. For example, Kisii is known for soapstone. We produce the best soapstone in the world. However, we have not invested or added value to the soapstone, so that when it goes out there, we get a good price for producing what Mother Nature has given us. We encourage both the county government and the national Government to invest in that industry. It is an untapped and underutilised industry. If we invested in that industry as a country, we will get benefits which will go beyond many generations to come. We believe that if the soapstone in Kisii were manufactured in a more scientific way, we should export it to countries in demand of the soapstone products. The way we do it at the moment using the cottage industry does not help us because only 10 per cent of the product is used. The rest, 90 per cent, which should be used to make tiles and other products goes to waste because we do not have the capacity, the knowhow and we have not invested in an industry which will tap into that and make Kenya a better and great country.

Last week I had an opportunity of attending the Dubai Expo. I noticed, and took time to visit stands of different countries, all that they have beyond us is that they have leadership which is determined to make a difference and make Dubai a great country. I believe Kenya would be that type of a country, if we decided and purposed to make it great. We have what it takes to make it a great country because God has given us a good climate; as well as good leadership. He has enabled our people to go to school and to the best universities the world has. I am sure if we tap into that knowledge and embrace Kenyans by making them feel proud of being Kenyans, I believe we will make Kenya great again because it has what it takes to grow.

In Kisii, for example, we are known and God has given us a good climate, to effortlessly produce tonnes of bananas. At my market centre Keumbu, there are tonnes and tonnes of bananas going to waste. Yet this is food which can be used not just for a day but preserved to be used in days to come. We have parts of this country where people die of hunger and starving yet in other parts of the country we have excess food but we do not have technology and systems in place to preserve the food so that it can be shared to the less fortunate in the country.

What kind of industry are we talking about? We do not need the most expensive and most sophisticated industries, if we can do our best. I had an opportunity of going to Turkana, where Hon. Nakara wants to be the governor and I pray for him to become one because he is a good man. I noted they have very many goats whose meat is very sweet. If we can get a way of developing that industry so that they can export and sell their goat meat to other parts of the country, it will make Kenya a great country. As it is now, almost 100 per cent of that county depends on the whims of the Government to survive, yet they have a good lake with soft water but they die of hunger and drought afflicts them. Those are some of the small low hanging fruits we should invest in as a country. If we all depend on the national Government to provide, there would have been no need of coming up with devolution which has not changed much other than enriching a few individuals at the county level.

There are some industries we have as a country and we must have a way of ring-fencing them so that even if they may not produce good quality products as Japan, China or any other country, our can people come up with something which is usable. We need to make a deliberate decision of investing and supporting them. The COVID-19 pandemic has taught us and given us an opportunity to learn that until we depend on ourselves, we will not go far. Let us look at the hospital beds for example. Our jua kali artisans have come up with one of the best beds. But our governors have not invested in the jua kali beds. Instead they go for the imported ones at the expense of the local industry. We should do a little better than we are doing. The beauty is that the banks are willing to invest in the small jua kali companies because that is where the economy is going. We all thought it is a bad industry to invest in as banks, but we now know that the most honest people you can deal with in the banking industry are the small scale farmers and the jua kali entrepreneurs. This is because their first charge whenever they make any money is to service their loans. That has proven that they are credible people we can invest in.

With those many remarks, I support this Bill because I believe it will make Kenya a great country once again. Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): The Hon. Ruth Mwaniki, Member for Kigumo and the vice Chair of the Committee.

Hon. (Ms) Wangari Mwaniki (Kigumo, JP): Thank you Hon. Temporary Deputy Speaker for giving me this opportunity. I see the Leader of the Majority Party has come perhaps to have a chance to reply.

This Bill came for the First Reading on the 8th June 2021 and we subjected it to stakeholders participation. Our Committee handles a very technical area. A lot of the things that interest people are the economic enablers that this country has put almost three quarters of its Budget on.

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

The Temporary Deputy Speaker (Hon. Christopher Omulele): The Hon. Sankok, what is out of order?

Hon. David ole Sankok (Nominated, JP): With due respect to Hon. Mwaniki, is she is properly dressed? The last time I checked, a T-shirt is not an official dress of the House.

The Temporary Deputy Speaker (Hon. Christopher Omulele): The Hon. Mwaniki, the Hon. Sankok is absolutely right. You will have to retreat and come back when you are appropriately attired so that you can proceed. Those are our rules. Yes, you can retreat.

(Hon. (Ms.) Wangari Mwaniki left the Chamber)

Thank you, Hon. Sankok for notifying the Hon. Temporary Deputy Speaker. Decorum in the House is one of the most important things.

We will have contribution from the Hon. Okelo Odoyo, Member for Nyando.

Hon. Jared Okelo (Nyando, ODM): Thank you very much, Hon. Temporary Deputy Speaker. I am a Member of the Departmental Committee on Trade, Industry and Cooperatives and when the Kenya Industrial Research and Development Institute (KIRDI) idea was born, my Committee played a pivotal role towards its success and that is what has brought it into this House today.

The KIRDI has its headquarters here in Nairobi and offices in Kisumu, Mombasa and other major towns. It has been doing a lot of projects in Kisii areas and other adjacent towns. Basically, it deals with business incubation. People come up with ideas on a daily basis and KIRDI offers a platform upon which people share with them and consequently get the right information on how to undertake both micro and macro enterprises.

All business ideas are good, but doing them is another thing. That is why KIRDI together with what we are doing today needs to be expedited so that the ideas – and they are myriad – our people out there have to undertake business enterprises can be made into practicability.

On the flip side, it is sad that a research that was carried out on businesses indicated that every business in Africa tends to have a lifespan of only three years. Only three years! Any business that has gone beyond three years will be successful. So, between the time businesses are created and a lot of capital is injected to the time that businesses die under three years, you can imagine the amount of losses accruing from investors. So, KIRDI is there to augment and provide a remedy so that before anyone engages in any sort of business, you will have all the pros and cons and make an informed decision on whether you still want to pursue their agenda or you would want to change course.

We acknowledge that there are no jobs in Kenya. That is why we must encourage people to do businesses, however small. My brother and good friend the Hon. Member talked about how he began from the lowest to the highest. He will tell you the amount of challenges he had to surmount on the way. If KIRDI existed then, he could have had a better platform to do it much better. That is why we must fast-track this Bill and make it an Act of this House so that our people can get the right information.

We know of attaches in our embassies abroad. You will be amazed that even though we have education attaches and military attaches, trade attaches are not there. That is a big gap that we need to fill so that our goods here can get markets abroad by engaging these trader attaches. A classic example is what happens in the Arab world. They are in dire need of beef up to now. They had given an opportunity for Kenya to export beef. But our standards are poor, we do not have trade attaches to negotiate on our behalf out there. Therefore, even as we expand the horizon of KIRDI, we must also push the Government to engage trade attaches out there.

We have heard enough about Singapore. When you go to Singapore and look at part of their success, it is that you register business enterprises within 30 minutes. All their systems are integrated. All Government departments are integrated. In Kenya it will take you forever to register a business enterprise. Even if you people eat your money in between here as conmen, brokers and agents who are appointed by nobody; we must acknowledge that if we must succeed as a nation, then the bureaucratic processes and procrastinations championed by the Government must be eroded so that we have a fair platform for people to do business.

We know that Kenya is an agricultural country and tourism has also played an important role as number two earner of our revenue. But, with Corona and many other challenges, tourism

is no longer as juicy as it used to be. If agriculture is the only thing that we are going to remain with or have as our main source of revenue, let all the parameters governing agriculture and trade be enhanced through this most important KIRDI Bill. Any business idea will be shared with KIRDI for success and even for its formation. I reckon the good work that the social media is doing. But, blogging is not work.

There are people who have created wonderful platforms such as M-PESA in the social media. It is our biggest achievement as a nation. People are wondering how people transfer monies using a mobile phone? Even Americans were asking me this same question. That was birthed by one of our own. A Kenyan came up with this idea. These are the kinds of innovations that we need to have, not somebody sitting from morning to evening calling himself a blogger yet the main work is to insult other people. It is even worse in our politics. People will call you names, people who do not even qualify to even address you on any subject. When we were going to school –

you know about this very well because you went to school –

there was a category of people who were not allowed to talk where the educated were. But today they are now hiding behind their cell phones and also trying to address us. They want us to buy their ideas, ideas that do not pass for anything.

Therefore, I want to challenge the young people. We recognise that you have your phones, tablets and computers and that at the touch of a button you can inflame a country. I have seen many people who have been denied jobs because, when they carry out your background check, they even check what you wrote at a particular time in your life. Social media never forgets. This is a message that must be very clear. Before you press that “send” button, I want to challenge our young people, think twice. Is it something that will come later to haunt you and to deny you opportunities? I know that, at a time such as this, politicians both from this House and those who would want to come to this House and any other house in this country would want to engage those young people. Social media can only contain 256 human beings. Looking at the amount of information, insults and castigations in social media, you would think they are addressing a million people. It is only 256 people, some of whom are not even active on those social media platforms. So, on social media, I would challenge our young people to be as innovative as they can be. The M-PESA will ever remain a classic example and a beacon of hope and maturity in the usage of social media to this country and to the world at large.

Therefore, I encourage all of us to support this Bill and enact it into law so that we can have a place where our people will be sending their ideas. Those ideas will be transformed into business enterprises and this country is going to have a rapid flight towards its economic progress.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): The Hon. Bunyasi, Member for Nambale.

Hon. Sakwa Bunyasi (Nambale, ANC): Thank you, Hon. Temporary Deputy Speaker. I rise to support the Bill on KIRDI. The KIRDI is one of our premier institutions – I will take off my mask because of the distance and the absence of anybody near me – it is a landmark institution by intent though it has not been by performance. They have had leadership problems and value for money has usually been a challenge. This has been raised for many years in reports. I interacted with this when I was in the Public Accounts Committee (PAC). But it still has good manpower. It can have more.

Whereas I support the Bill, there must be a means towards which the institution is oriented and looking inward into the talents that opportunities that exist in the country in a way that is measurable. How many of these processes are they picking up? How many of them are seeing

through? Who are some of the high talents they could bring on board? It is good to have heavyweight engineers sitting in KIRDI. That is good enough. But they need a serious outreach programme because we have a lot of talent on the ground.

We used to have somebody in Nyeri who was making things and another who had been making an aeroplane back in the 70s. Now, people like those must be admired. There was something they could offer. Institutions of this nature should look out to our talents and abilities, particularly now that we have universities of technology, but also institutes of technology. Somehow, pick up ideas from there, nurture them, and bring the authors on board so they can own what it is they are doing. They comfortably sit with the Government resources. Hopefully, over time and with that kind of approach, Government can win them off progressively. Perhaps maintain their interests but win the more progressively so that they can earn their keep as they do what they are doing.

I would like to add something. The engineering part is not the only important thing that needs to be done. We need to combine that hardware part with the software part where we have supporting institutions so that when we talk about ideas being picked up in some of these countries and they run with them and so on; they have supporting casts of the institutions. These are those that will give venture capital or some risk capital of one kind or another to good ideas that have come up.

We should have supporting institutions that will give venture capital or risk capital to good ideas that have come up and those that will pick it up and do the scaling up of the idea commercially. It is that whole link. We should do so while respecting where our own institutions and people are. It is not enough for us to admire what others are doing. Everybody is now praising China. I know it as an economy. As a people, China has been sophisticated for many centuries but it has not been market oriented to make an impact in the world. I remember one time the USA claimed that they had borrowed their ideas on space science and China came out with evidence of the mathematical prowess they had in 1000AD long before the founders of the USA began getting out of their caves. That is however an exaggeration but that means that they had the sophistication but did not have the market presence that they have now. They have come a long way. That does not just happen overnight. It is well integrated.

The institutes of technology that we have copied our Technical Training Institutes (TTIs) from have become a major part of revitalizing the villages. The activities in the villages like enterprises and engineering components can move up and borrow ideas from equivalents of the Kenya Industrial Research and Development Institute (KIRDI). While KIRDI cannot be doing everything, it can help by crystallising, selecting and sieving. We need an integrated system in engineering and commerce that will help bring this to bear. Financial institutions will be critical if they will be willing to pick this up. Other investors may see a good idea, pick it up and replicate it. The engineering components of this are good. They are part of the big chain and we hope that, as this develops, other chain components will come on board so that we become a small industrialised giant nation that is growing by leaps and bounds.

Company failures around the world are common in the USA, Europe and Japan. Only a small portion of these companies succeed. However, those that succeed make a difference. Those that fail, learn from it. We have to get people who can do hand-holding so that when a company fails with an idea, it can come back with another idea and there will be somebody who is willing to offer resources. We have communities in this country that do not normally go to banks to raise start-up capital. They are so organised that they can do it within their extended family circles. So,

they do not start up with debt. You cannot pick up a good idea then go and borrow heavily and succeed. It is not easy because mistakes at that level are grave. If you make any mistake, you may collapse and fail for good. So, they have family settings where they get resources, counselling and a support system and they grow into big enterprises. Culturally, we do not have that arrangement in this country. We have to rely on formal institutions to help to create them by providing incentives to these kind of institutions to be present to support our new entrepreneurs who will pick up these engineering ideas. The engineering ideas by themselves are not going to be useful because they will still be picked by somebody elsewhere where soft institutions are operating. So we must have them and be able to domesticate what we need so that they can turn into a business that grows to a bigger business.

We must respect talent. Talent can come from young people even the pre-college ones. You can, for example, look at a person and say he is behind this or that but if you look at their education and find that they are in form three or form four, you may dismiss them and maybe that is where talent lies. How do we pick up this kind of people along the age progression chain, work with them and nurture their ideas? The TTIs we got are a starting point. They are structured like schools. The intention was that they will grow beyond being big schools to be market oriented processing institutions. However, that is not what is coming out. I hope that we will reorient them. Part of the problem is that we do not have enough instructors who have the same understanding to pick it up. Those institutions can link to the things that KIRDI is doing, benefit from it and offer ideas. That is one area that we can network in the country.

I am sure there are many people in the *Jua Kali* sector who are making innovative things. For example, we have been denigrating the wheelbarrow not as an ideology but an equipment. If we can make these wheelbarrows from scratch to finish on materials that are fabricated entirely by us, including the iron and steel – I know we are doing some of it – then we would be making progress. We can build on that by having our lawn mowers and other simple equipment done by us and go to “Nyayo One” and pick the idea and continue with it like India. If you went to the streets of New Delhi in India 20 years ago, just until recently, you would find the old Russian vehicles called “Pravda” or something like that. I have forgotten the exact name. They did not look good but that is what the State and their people used. Only ambassadors and other licensed people would ship in beautiful sophisticated cars that someone has talked about here. India has now changed. When they began manufacturing, they used the base of the ugly cars they were using as a platform on which they have now become one of the global producers of modern brands with high local content. Therefore, we must learn to harness the knowledge that we get. What KIRDI can do and produce must be harnessed and nurtured with other supporting institutions that will help us grow talent. Beyond that, it can be a business opportunity for entrepreneurship.

I support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): There being no other person interested in speaking on this Bill I call upon the Mover...

(Hon. (Ms.) Wangari Mwaniki stood up in her place while dressed in a t-shirt)

The Vice-Chair has offended many rules. Hon. Ruth, let me advise you that there is a requirement for formal dress when you are coming to the House. It will be good for you to observe that and to also carry your card with you. Also, the fact that you had spoken on this Bill, the rules cannot allow you to speak further to it. So, next time you come to the House, kindly be formally

dressed so that you do not run into these problems. You are in leadership and it will be good for you to formally dress so that all of us obey the rules.

Let us have the Mover.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Temporary Deputy Speaker. I am delighted this evening because when I moved this Bill and it was seconded, there was only one Member who had indicated an interest to contribute. Gradually, the numbers grew and for the last three hours, we have been discussing this Bill which shows the interest that this House has had in this Bill. There is general concurrence and consensus that KIRDI and research institutions are important and they should be empowered to do what they should be doing. Apart from the legal empowerment, we also need to give them financial empowerment. I am encouraged as we go forward on this. We will be soon looking at the Budget cycle and I hope Members will push for more funding for these research institutions.

A lot has been said about what has been happening in Kenya in terms of development and innovations that have been taking place in the following sectors, namely: *Jua Kali*, cloth, manufacturing and the Information Technology (IT). I believe we are all coalescing together towards bringing all these into a formal way of working such that KIRDI does its development and the Kenya Industrial Property Institute (KIPI) will help in preservation of those innovations. This will ensure that we do not have a situation like in a case where *kikoi*, a coastal lesso, which is a Kenyan word is registered out there. We hope that by now using KIRDI with renewed power, we can move be able to preserve those innovations.

I have really nothing much to respond to; there was really no points of disagreement. Perhaps for the record, because I seem to know this better than a number of people, there is a story that goes around that M-Pesa was invented by an individual and it was then taken by Safaricom. The truth of the matter is that M-Pesa evolved out of what used to be called Sambaza credit programme. You could buy credit and share with a friend, which still happens to date. It soon became clear that there was a lot of credit sharing. Safaricom looked at what was happening, especially with people in the UK. People would buy the credit cards in Kenya, go with them to the UK and spread the same to other people in Kenya. The natural question then became: Why can't we create a product so that instead of people sharing airtime, which is then sold for money, they directly send money? A lot of work was done around the idea. Vodafone was involved. The British Department for International Development was also involved. Then came M-Pesa.

Naturally, every time something like that happens, people are bound to say, I am the one who invented it and it was taken away from me. You may have seen something on social media about a supposed Kenyan appearing on America's Got Talent, singing one Mugithi song, which we know is obviously a photo-shop. But the person is doing rounds and becoming a hero. You can tell, if you connect all the words and the sequence...

The Temporary Deputy Speaker (Hon. Christopher Omulele): Leader of the Majority Party, it is true that a good child has many fathers, but a bad one has none.

Hon. Amos Kimunya (Kipipiri, JP): The good thing is that irrespective of its origin, what M-Pesa has done to the world cannot be ignored. Similarly, when we renovated this Parliament, Members may remember that the Prisons Department was invited and none of the materials used here was imported; they were all made in Kenya. So, there is evidence that we can do things with just a bit of research and tweaking here and there to not only supply this country, but also the world. I am really encouraged that we are moving in the right direction with regard to giving KIRDI and, indeed, other research institutions the required legal anchorage. I thank Members for the robust debate and engagement. I hope by the time we come to the Committee of the Whole

House, perhaps in the course of next week, anyone with any amendment will have the opportunity to move the same. I got an indication that some Members may want to propose amendments. They should take this weekend to bring their amendments so that by next week we can finish this matter in the Committee of the Whole House and give KIRDI and innovators in Kenya and the business and industrial community a befitting gift from this Session.

With those words, I beg to reply.

The Temporary Deputy Speaker (Hon. Christopher Omulele): I direct that the next steps with regard to this business be undertaken when it is next set down in the Order Paper. I direct that we move to the next business in the Order Paper.

THE COFFEE BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): The Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, this Bill is being harmonised with the Coffee Bill that was introduced in this House. The Committee is still in the process of harmonising the two. They have pleaded for extra time to be able to bring a report that will have harmonised the two Bills. Hence, I would wish to withdraw it.

The Temporary Deputy Speaker (Hon. Christopher Omulele): I direct that business appearing as Order No. 16 be stepped down.

(Senate Bill No. 22 of 2020) withdrawn)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Next order.

THE MEDIATION BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, I was ready to move this Bill, but the Chairperson of the Departmental Committee on Justice and Legal Affairs has pleaded that they are adopting the report tomorrow. Because of the importance of this Bill, he did ask that we give him a bit of time so that they formally present the report. In keeping with the decision of last week, I would rather we have the report before I move the Bill. So, I would like to ask that the Bill be stepped down.

The Temporary Deputy Speaker (Hon. Christopher Omulele): I direct that business appearing as Order No. 17 be stepped down. Let us move to the next business.

(Bill No. 17 of 2020 withdrawn)

MOTION

ADOPTION OF SPECIAL AUDIT REPORT ON UTILISATION OF COVID-19 FUNDS

The Temporary Deputy Speaker (Hon. Christopher Omulele): Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, on this particular business, the Chair of the Public Investments Committee really wanted to move it. This is the second time it is in the Order Paper without the mover. We will take a decision on it at the next House Business Committee meeting. For now, it looks like there is no mover. We can step it down.

The Temporary Deputy Speaker (Hon. Christopher Omulele): I direct that business appearing as Order No. 18 be stepped down. Next order.

(Motion deferred)

BILLS

Second Readings

PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, this particular Bill is currently undergoing public participation. I believe the last day of public participation is 30th November 2021. Because it is potentially controversial, we would want to ensure that we do not shorten that period. We would want public participation to run the whole course up to the 30th. Therefore, we can step it down until we complete public participation.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Without anticipating debate, I am sure Hon. Kaluma will raise his issues at that time. I doubt whether he will support the aspect of advocates being made agents of the Kenya Revenue Authority (KRA). I direct that this business be stepped down.

(Bill No. 39 of 2021) withdrawn)

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

The Temporary Deputy Speaker (Hon. Christopher Omulele): What is out of order, Hon. Sankok?

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Speaker, I do not know why Hon. Kaluma is not wearing his mask.

The Temporary Deputy Speaker (Hon. Christopher Omulele): He is.

Hon. David ole Sankok (Nominated, JP): Yes, he is. I think my eyes are not seeing properly. You know when you are dark in complexion, please learn to wear a lighter mask. I cannot differentiate your face from the mask.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Sankok, you are very humorous today. Hon. Peter Kaluma is adequately masked. Maybe what you would have raised is the fact that he was sitting too close to the Member for Nyando against the protocols. But he has corrected himself appropriately. We shall proceed to the next order.

THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Leader of the Majority Party, I am sure you will step in for Hon. Gikaria.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, when we were in the House Business Committee and we asked the House to extend the time to 9.00 o'clock, we had in mind that we will also be considering the Bills from Private Members. Hence, we worked on the Bills appearing from Orders No.20 to 26.

Unfortunately, I do not seem to see any of those Members who had Private Members Bills present in the House. Perhaps, what we need to say is, if you are not there, obviously, there are implications. They lose their slots and go back to the very far back of the queue. That is the only thing I can say.

It is unfortunate, we gave them an opportunity, but they are not even here to move their Bills. Hon. Temporary Deputy Speaker, you might want to make a decision on all those Bills from Nos.20 to 26 in the absent of the Movers.

The Temporary Deputy Speaker (Hon. Christopher Omulele): I direct that the Business appearing as Order No.20 be deferred.

(Bill deferred)

Next business.

THE PHARMACY AND POISONS (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Alfred Keter being the owner of this Bill and not being in the House, I direct that this business be deferred.

(Bill deferred)

Next business.

THE COMPUTER MISUSE AND CYBERCRIMES (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Aden Duale. He is not in the House. I direct that this Business be deferred. It will definitely join the queue from the end as the Leader of the Majority Party had alluded to.

(Bill deferred)

Next Business

THE HEALTH (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Mwambu Mabongah, Member for Bumula is the owner of this Bill. He is not in the House. I direct that the Business be deferred and it joins the queue of Private Members Bills from the end.

(Bill deferred)

Next Business.

THE NATIONAL GOVERNMENT CONSTITUENCIES
DEVELOPMENT FUND (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. (Dr.) Makali Mulu. He is not in. I, therefore, direct that this Business be deferred and that it joins the queue for Private Members Bills from the end.

(Bill deferred)

We move to the next Business in the Order Paper.

THE PUBLIC PROCUREMENT AND ASSET DISPOSAL
(AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): The Hon. Rigathi Gachagua. He is not in the House. His Business is therefore, deferred. I direct that it joins the queue for Private Members Bills.

(Bill deferred)

Next Business.

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Alexander Kosgey. Not being in the House, I, therefore, direct that this Business be deferred and joins the queue of the Business from the end.

(Bill deferred)

Next Business.

MOTION

OFFICIAL DOCUMENTING OF THE HISTORY OF THE NATIONAL ASSEMBLY

The Temporary Deputy Speaker (Hon. Christopher Omulele): Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Temporary Deputy Speaker. We have five minutes. I do not know whether we proceed or not. However, for the convenience of the House, I am prepared to move.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Leader of the Majority Party, I think it would be prudent for you to take this opportunity to start moving. You will continue from where we shall stop.

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

THAT, aware that the history of any institution is key to evaluating its development;

FURTHER AWARE that documenting history provides a knowledge bank for future generations;

NOTING that the history of the Parliament of Kenya is largely unrecorded, scattered and piecemeal;

FURTHER NOTING that most comparable jurisdictions have elaborate records of their history which are periodically updated to capture new developments;

COGNISANT of the fact that the Parliament of Kenya marks its 114th anniversary this year having been established as the Legislative Council (LegCo) in August 1907;

FURTHER COGNISANT that the legislature has been transforming in the last century both in mandate and composition starting as a fused unicameral legislature, to a bicameral one at independence to a unicameral legislature before again reverting to a bicameral Parliament after the promulgation of the Constitution of Kenya 2010; recognizing the many works of arts, including statues, frescoes, murals and pictures connected with the history of the Parliament of Kenya, including the contributions of great men and women, families, architects and politicians throughout the 114 years of the history of the institution, and its transformation and growth throughout the period;

NOW THEREFORE, in order to ensure the preservation of the history of the institution for future generations, this House resolves:

- i. THAT, at an appropriate stage, the House appoints a Committee comprising of not more than nine Members to oversee the preservation of these histories for posterity, with special focus on the National Assembly;
- ii. THAT, the copyrights of the History of Parliament of Kenya projects be reserved for the benefit of Parliament and the people of Kenya; and,
- iii. THAT, the Clerk of the National Assembly puts in place and executes appropriate mechanisms to actualise this Resolution.

Hon. Temporary Deputy Speaker, we met as a House Business Committee and asked ourselves what we would want in terms of the future generations that would come to Kenya, scholars, people who want to study and who would want to know what has been happening in Parliament. What is there to show that somebody can go towards central depository, look at all the things, documentation of that and feel that after 114 years going forward, this is what has been happening in Parliament of Kenya?

Great speeches have been made.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Leader of the Majority Party, I think you have done well. You have entered the record. I want you to freeze there so that when we resume, you will have a balance of 15 minutes, for you to move this Motion when it is again, set down for consideration.

(Motion deferred)

Hon. Members, I want to thank you for being patient and staying to the end. I think what we are doing is important for this nation.

ADJOURNMENT

Hon. Members, the time being 9.00 p.m., this House stands adjourned until Thursday, 25th November 2021 at 2.30 p.m.

The House rose at 9.00 p.m.