

PARLIAMENT OF KENYA
THE NATIONAL ASSEMBLY
THE HANSARD

Wednesday, 2nd February 2022

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Speaker: Can you ring the Quorum Bell? We do not have quorum.

(The Quorum Bell was rung)

Hon. Speaker: Very well. We now quorate. We can proceed.

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Those making their way in, please, do so faster so we can transact business.

(Several Members walked into the Chamber)

DISCHARGE OF MEMBERS FROM COMMITTEES

Hon. Members, Standing Order 176 relates to discharge of a Member from a Committee and it provides as follows:

- (1) A parliamentary party may discharge a Member from a Select Committee after according the Member an opportunity to be heard.
- (2) The parliamentary party whip of the party that nominated a Member to a Select Committee shall give notice in writing to the Speaker of the intention to discharge a Member from a Select Committee.
- (3) The Speaker shall, within three days of receipt of the notice under paragraph (2), inform the Member of the notice.

In this regard, I wish to report to the House that my Office is in receipt of a letter dated 1st February 2022 from the Majority Party Whip, notifying that the Jubilee Party has discharged the following Members from membership of the specified Committees:

1. Hon. Catherine Waruguru has been discharged from the Departmental Committee on Agriculture and Livestock, where she also served as the Vice-Chairperson.

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2. Hon. William Kipkemoi Kisang has been discharged from the Departmental Committee on Information, Communication and Technology, where he also served as the Chairperson.
3. Hon. Kato Ole Metito Judah has been discharged from the Departmental Committee on Defence and Foreign Relations, where he also served as the Chairperson.
4. Hon. Japhet Kareke Mbiuki has been discharged from the Departmental Committee on Environment and Natural Resources, where he also served as the Chairperson.
5. Hon. David Gikaria has been discharged from the Departmental Committee on Energy, where he also served as the Chairperson.
6. Hon. Ali Wario has been discharged from the Select Committee on Regional Integration, where he also served as the Chairperson.

Having perused the documents through which the Jubilee Party transmitted the decision to discharge the said Members, I am satisfied that the process leading to the discharge met the requirements set out in Standing Order 176. This is because each of the six Members had been duly notified of the intended discharges by the Majority Party Whip through notices dated 17th January 2022 and accorded time to respond. Pursuant to the provisions of Standing Order 176(3), the affected Members are hereby accordingly informed. The discharges take effect today, 2nd February 2022. I direct the Clerk to transmit a copy of this Communication to each of the six Members.

Hon. Members, as you may be aware, hitherto this new development, the Members I have mentioned held leadership positions in the respective Committees. As such, by dint of Standing Order No.174(3)(b), the discharged Members served in only one Committee. In order to adhere to the Standing Orders, my previous Communication of 9th June 2020 regarding membership to Committees and in order to ensure that the operations of the particular Committees continue uninterrupted, I hereby direct as follows:

THAT, the Clerk of the National Assembly expeditiously conducts elections to fill the resultant leadership vacancies in accordance with the procedure set out in Standing Order No.179 relating to conduct of elections of Chairperson and Vice-Chairperson of a Committee; and,

THAT, pursuant to the provisions of Standing Order No.173(3), the Committee on Selection should expeditiously submit names to fill the vacancies occasioned by the removal of the six Hon. Members from the respective Committees and nominate them for appointment to other Committees in compliance with my previous ruling that “every Member should have a fair chance to sit in at least one Committee without appearing to entreat or beg any other party for a reasonable opportunity.”

The House is accordingly informed.

I thank you.

MESSAGES

PASSAGE AND REFERRAL OF EIGHT BILLS BY THE SENATE

(Hon. Kangongo Bowen walked into the Chamber)

(Laughter)

Hon. Speaker: Member for Marakwet East, maybe, you can sit, or do you think you are still in the bush? I see you looking up and around as if you are in unfamiliar territory.

Hon. Members, pursuant to the provisions of Standing Order No.41, I wish to report to the House that I have received eight Messages from the Senate regarding its passage of the following eight Bills:

- (i) The Natural Resources (Benefits Sharing) Bill (Senate Bill No. 25 of 2020);
- (ii) The Co-operative Societies (Amendment) Bill (Senate Bill No. 11 of 2020);
- (iii) The County Vocational Education and Training Bill (Senate Bill No. 6 of 2021);
- (iv) The Prompt Payment Bill (Senate Bill No. 16 of 2021);
- (v) The Startup Bill (Senate Bill No. 1 of 2021);
- (vi) The County Hall of Fame Bill (Senate Bill No. 9 of 2021);
- (vii) The Kenya Citizenship and Immigration (Amendment) Bill (Senate Bill No. 33 of 2021); and,
- (viii) The Kenyan Sign Language Bill (Senate Bill No. 5 of 2021).

Hon. Members, the first Message relates to the passage of the Natural Resources (Benefit Sharing) Bill (Senate Bill No. 25 of 2020), published *vide Kenya Gazette Supplement No. 197* of 19th November 2020. The Bill seeks to establish a system of benefit sharing in natural resource exploitation between resource exploiters, the national Government, the county governments and local communities.

The second Message is in respect of the passage of the Co-operative Societies (Amendment) Bill (Senate Bill No. 11 of 2020) published *vide Kenya Gazette Supplement No.142* of 10th August 2020, which seeks to amend the Co-operative Societies Act, No. 12 of 1997 so as to align it to the Constitution of Kenya, 2010 by setting out functions of the national Government and the county governments in relation to governance of co-operative societies.

The third Message relates to the passage of the County Vocational Education and Training Bill (Senate Bill No. 6 of 2021) which was published *vide Kenya Gazette Supplement No.26* of 8th March 2021. The Bill seeks to provide a framework for the establishment of systems for the administration of vocational education and training within a county.

The fourth Message relates to the passage of the Prompt Payment Bill (Senate Bill No. 16 of 2021) published *vide Kenya Gazette Supplement No.36* dated 12th March 2021. Amongst other provisions, the Bill seeks to provide for prompt payment for the supply of goods, works or services.

The fifth Message is in respect of the passage of the Startup Bill (Senate Bill No. 1 of 2021), published *vide Kenya Gazette Supplement No.9* dated 3rd February 2021. The Bill is seeking to provide a framework to encourage growth and sustainable technological development and new entrepreneurship employment, to create a more favourable environment for innovation, and to attract Kenyan talents and capital.

The sixth Message relates to the passage of the County Hall of Fame Bill (Senate Bill No. 9 of 2021), published *vide Kenya Gazette Supplement No.29* dated 8th March 2021. The Bill seeks to establish a county hall of fame in each county as an avenue through which the county governments shall bestow honour on individuals within their respective counties acclaimed as being outstanding, exceptional or illustrious in any profession or activity.

The seventh Message is in respect of the passage of the Kenyan Sign Language Bill (Senate Bill No.5 of 2021) which was published *vide Kenya Gazette Supplement No. 25* dated 8th March 2021. It proposes to give effect to Article 7(3)(b) of the Constitution on the promotion and development of the use of Kenya Sign language and to also to give effect to Article 54(1)(d) to

provide for the inclusion of sign language in education curriculum and to provide for the use of language in legal proceedings.

The last Message relates to the passage of the Kenya Citizenship and Immigration (Amendment) Bill (Senate Bill No. 33 of 2021) published *vide* Kenya *Gazette* Supplement No. 96 dated 12th May 2021 which seeks to amend the Kenya Citizenship and Immigration Act.

Hon. Members, having considered and passed the eight Bills, the Senate now seeks the concurrence of the National Assembly on each of the Bills. The Standing Orders require the Speaker to cause a Bill received from the Senate to be read a First Time upon conveyance of its Message. In this regard, you will notice that the Eight Bills have been listed for First Reading in the Order Paper for this particular Sitting. After being Read a First Time, the Bills will stand committed to respective Committees as follows:

- i. The Natural Resources (Benefits Sharing) Bill (Senate Bill No.25 of 2020) will stand committed to the Departmental Committee on Environment and Natural Resources;
- ii. The Co-operative Societies (Amendment) Bill (Senate Bill No. 11 of 2020) will stand committed to the Departmental Committee on Trade, Industry and Co-operatives;
- iii. The County Vocational Education and Training Bill (Senate Bill No. 6 of 2021) will stand committed to the Departmental Committee on Education and Research;
- iv. The Prompt Payment Bill (Senate Bill No. 16 of 2021) will stand committed to the Departmental Committee on Finance and National Planning;
- v. The Startup Bill (Senate Bill No. 1 of 2021) will stand committed to the Departmental Committee on Communication, Information and Innovation;
- vi. The County Hall of Fame Bill (Senate Bill No. 9 of 2021) and The Kenyan Sign Language Bill (Senate Bill No. 5 of 2021) will stand committed to the Departmental Committee on Sports, Culture and Tourism; and,
- vii. The Kenya Citizenship and Immigration (Amendment) Bill (Senate Bill No. 33 of 2021) will stand committed to the Departmental Committee on Administration and National Security.

Hon. Members, the reports of the respective Committees shall guide the House with respect to the next stages and prioritisation of the said Bills. I, therefore, request the Committees to prioritise the Senate Bills in their respective agenda.

I thank you.

PAPERS LAID

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg I beg to lay the following Papers on the Table of the House today, Wednesday, 2nd February 2022 (Afternoon Sitting):

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June, 2021 and the certificates therein:

- a) State Department of Livestock.
- b) Petroleum Development Fund.
- c) Kenya Citizens and Foreign Nationals Management Service.
- d) Veterinary Services Development Fund.

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:

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- a) Kasarani Technical and Vocational College.
- b) Kenyatta University Teaching Referral and Research Hospital.
- c) National Water Harvesting and Storage Authority.
- d) Energy and Petroleum Regulatory Authority Staff Mortgage and Car Loan Scheme.
- e) Kenya Airports Authority.
- f) Assets Recovery Agency.
- g) University of Nairobi Press.
- h) Agri and Co-operative Training and Consultancy Services Limited.

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) National Irrigation Board.
- b) Western Kenya Rice Mills Limited.
- c) National Museums of Kenya;
- d) Mwea Rice Mills Limited.
- e) Gatanga Technical and Vocational College.
- f) National Cereals and Produce Board.
- g) National environment Management Authority.
- h) Tourism Research Institute.
- i) Tourism Regulatory Authority;
- j) Imarisha Naivasha Trust.
- k) Agricultural Development Corporation.
- l) Murika Technical Training Institute.
- m) Mukurweini Technical Training Institute.
- n) Michuki Technical Training Institute.
- o) Coast Institute of Technology.
- p) Coast Water Works Development Agency.
- q) St. Joseph's Technical Training Institute.

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June, 2018 and the certificates therein:

- a) Imarisha Naivasha Trust; and
- b) Mukurweini Technical Training Institute.

I thank you Hon. Speaker.

Hon. Speaker: Very well.

Next Order.

NOTICES OF MOTION

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

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

That this House adopts the Report of the Committee on Delegated Legislation on its consideration of The Crops (Fibre Crops) Regulations 2020 laid on the Table of the House on Tuesday, November 17th 2020, and pursuant to Section 18 of the

Statutory Instruments Act 2013 and Standing Order 210 (4) (b) annuls, in its entirety, the Crops (Fibre Crops) Regulations, 2020, Legal Notice No. 120 of 2020.

ADOPTION OF REPORT ON ANNULMENT OF PFM REGULATIONS

I also beg to give notice of the following Motion.

That this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Biashara Kenya Fund) Regulations, 2021, the Public Finance Management (Uwezo Fund) (Revocation) Regulations 2021, the Public Finance Management Women Enterprise Fund (Revocation) Regulations, 2021 and the Public Finance management (Youth Enterprise Development) Fund (Revocation) Regulations 2021 laid on the Table of the House on Tuesday, 21st September 2021 and pursuant to the provisions of Section 18 of the Statutory Instruments Act 213, annul in its entirety:

- (i) The Public Finance Management (Biashara Kenya Fund) Regulations 2021, published as Legal Notice No. 55 of 2021.
- (ii) The Public Finance Management (Uwezo Fund) (Revocation) Regulations 2021 published as Legal Notice No. 56 of 2021.
- (iii) The Public Finance Management (Women Enterprise Fund) (Revocation) Regulations 2021, published as Legal Notice No. 57 of 2021.
- (iv) The Public Finance Management (Youth Enterprise Development Fund) (Revocation) Regulations 2021, published as Legal Notice No. 58 of 2021.

I thank you, Hon. Speaker.

Hon. Speaker: Very well. Next Order

QUESTIONS AND STATEMENTS

Hon. Speaker: Is it Hon. Shadrack Mose?

SECURITY THREAT POSED BY NAIROBI EXPRESS WAY

Hon. Shadrack Mose (Kitutu Masaba, JP): Thank you, Hon. Speaker. I have a Request for a Statement and the Enquiry of Parliament Security with regard to the Nairobi Expressway.

Pursuant to the provisions of Standing Order 42(2) (c), I rise to seek a Statement regarding the security of the institution of Parliament in light of the current design of the Nairobi Express way.

Hon. Speaker, I wish to draw the attention of Hon. Members of this House to the design of the Nairobi Expressway at the Section between the Haille Selasie Junction , Uhuru Highway and the Intercontinental Hotel.

Hon. Speaker, by its very nature, Parliament is a key national institution that requires strategic security considerations. To begin with, Parliament is the only place where senior state officers convene at the same time. The institution hosts the entire government, including the President, the Deputy President, Speakers of both Houses, the Chief Justice,

the Cabinet, the top military leadership and other leaders during the State of the Nation Address by His Excellency the President and other national functions.

In addition, Presidents and Heads of State of various countries visit the mausoleum within the parliamentary precincts as part of high level diplomatic programs. In view of these concerns, Hon. Speaker, considerable security arrangements ought to be accorded priority and forethought when executing infrastructural developments near Parliament precincts. This is, indeed, the practice in the United States Congress, the UK Parliament and in virtually all parliaments world wide.

Whereas we are not opposed to the Nairobi Expressway, given its huge economic potential to the country and are at the same time not seeking for a deviation of the aforementioned section, I nonetheless seek your indulgence to invoke Standing Order 218 (2) and direct the Departmental Committee on Administration and National Security and the Departmental Committee on Transport, Public Works and Housing to urgently inquire into the matter in order to:

- (i) Verify the security arrangements, if any, that have been incorporated into the design of the Nairobi Expressway with regard to parliamentary precincts encompassing the Junction of Haille Selasie Avenue, Uhuru Highway and Intercontinental Hotel.
- (ii) Involve relevant stakeholders, including the Ministry of Interior and Co-ordination of National Government, the Ministry of Transport Infrastructure, Housing Urban Development and Public Works and the project contractors in building consensus on effective interventions and solutions to the aforementioned security concerns, including the possibility of constructing a reinforcement at the affected sections of the Expressway.
- (iii) Require the two Committees to jointly report back to the House within 21 days on the findings of their enquiry and the measures taken by the National Executive with regard to this concern.

I thank you Hon. Speaker.

Hon. Speaker: Well, Hon. (Dr.) Pukose, I can see you are raising your hand up and I thought you knew the rules.

Hon. Dr. Robert Pukose (Endebess, JP): Thank you, Hon. Speaker. The matter which has been raised by the Hon. Member is very key. In view of the current situation where we are facing terror threats, the Expressway is above the Parliament Buildings! Somebody can come with a bazooka and hit Parliament. That is a very critical matter that this House needs to put a lot of seriousness when addressing it, so that Parliament can be secure. We can transact business here without fear of any threat. It is a very weighty matter that we need to look into urgently as the construction is going on. If possible, a perimeter wall can be put up to make sure that security is maintained. The General Service Unit (GSU) can patrol or be placed strategically within that Expressway so that the place can be secure and protected.

Thank you, Hon. Speaker.

Hon. Speaker: Dr. Makali Mulu, do you want to say something on this?

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Speaker. I want to take this time to thank Hon. Mose for this important request for a Statement or inquiry into this matter. Look at what is happening. The other day I was in my office, which is on the sixth floor of Continental House. I was trying to see what was happening outside along the road. I realised the

site wall of the road is not high enough! You can easily stand at the chase level. If somebody stands there and targets Parliament, I do not know what can happen.

We are aware that there were attempts to attack Parliament in the past. We need to take this matter very seriously. I urge the Chairpersons of those two Committees to convene as soon as possible, summon the relevant senior officers and see how this matter can be addressed. We could have the State of the Nation Address, again, this year. If it happens, we will have the President, Chief Justice, yourself and security chiefs in the House. You can see the kind of risk that we expose ourselves to. That is not a huge request. It is a reasonable one. There is need to make adjustment either technically or I do not what they can do, but it should be done before the road is completed. That matter should be taken seriously. With regard to the area which has been mentioned, you realise that as you go further to Nairobi West and Westlands, there is no such installation like the one near Parliament. I urge that you consider time when you are giving your direction so that we sort out this matter. We are all exposed. None of us is excluded.

With those remarks, I thank Hon. Mose once more for this request.

Hon. Speaker: Let us not debate this matter because it is weighty. Hon. Ndindi Nyoro.

Hon. Ndindi Nyoro (Kiharu, JP): Thank you very much, Hon. Speaker. I listened to Hon. Mose very clearly. I have a slightly different view. When we talk about the Expressway, the concern is about the height and location of Parliament. I agree with the sentiments of the Member in so far as the House is concerned. We host many high-level delegates and in terms of the pecking order of this country... This is the House that makes laws concerning the entire security of the nation.

I believe that the genesis of the security of Kenya is neither about building perimeter walls nor isolationism. It is about having the security within the country. For example, the kind of screening that we go through in malls in Kenya may not necessarily happen in other countries. This is because they first make sure that their security is present within their borders. Therefore, I do not believe security can be guaranteed by being an isolationist. It is by making sure that our country is safe within our borders. When Kenya and every Kenyan is safe, we may never mind about being isolated in a corner. When we go to other developed countries like the United States of America (USA) and United Kingdom (UK), we do not find the kinds of neighbourhoods that we see in Kenya where everyone builds high stone walls.

Hon. Speaker: The debate you are engaging in is an extremely general one. I do not know where you are headed. You are headed to Kiharu Constituency.

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Speaker, I am concluding.

Hon. Speaker: Please, conclude because you are lost.

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Speaker, I am concluding. I do not think that there is any security threat by having the Nairobi Expressway here even with its elevated stature because our concern should be....

Hon. Speaker: Very well. You talked about being to some countries. I do not know whether you checked what happens there. You speak like somebody who has not visited some of those places. Hon. Ndindi Nyoro, I should go out of my way to sponsor you to visit some of those places. You might have earned yourself a trip to some of those places, so that you can come back with better information.

(Laughter)

Anyway, Hon. Ndindi Nyoro, you might have earned yourself a trip. Let me hear from the Chair of the Departmental Committee on Administration and National Security. The issues which were raised in that request are weighty. It is good that we hear from the experts who will appear before you so that we do not get convoluted by Hon. Ndindi Nyoro, whom I will sponsor to some places so that he can give us a good report. It is good to get some expert opinion on this matter. Hon. Mwathi.

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Speaker. At the outset, I accept that this is a weighty and timely matter. Towards the end of last year, I was in UK. I was living next to Parliament. I saw the barriers that they had put up because of the security threat that was there. One time, there was a suicide bomber who tried to get into Parliament and was stopped by those barriers. It is a concern that is legitimate. I do not know whether there is any other part in UK which is not secured, especially those important buildings as alluded to by one Member.

This is a weighty matter. We cannot give solutions here. The best thing we can do is to engage the two agencies, that is, public works and security, and then bring a comprehensive report that is informed by technical advice from experts in the area. As requested by Hon. Mose, we will endeavour to bring a report within 21 days.

Thank you.

Hon. Speaker: Very well. Since I do not see your counterpart, Chair of the Departmental Committee on Transport, Public Works and Housing, please, take the lead Hon. Mwathi. Get those people in the Ministry of Interior and Co-ordination of National Government and Ministry of Transport and Infrastructure so that you can get something that is professional.

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Speaker. I will take the lead. I will ensure that we have something to present. By the end of the three weeks, we will have a comprehensive report. I will report the progress.

Thank you, Hon. Speaker.

Hon. Speaker: Please, try to give us something that is definitive. Next Order!

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD FOR A SPECIFIED BILL

Hon. Speaker: Leader of the Majority Party.

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

THAT, notwithstanding the provisions of Standing Order No. 120, this House resolves to reduce the publication period of the Elections (Amendment) Bill (National Assembly Bill No. 3 of 2022) from 14 days to 5 days.

This Bill was published on 28th January 2022. It is time-bound. It may have implications on the elections that we are preparing for. There are lots of debates on this matter. Members may remember that we had issues with the Chair of the Independent Electoral and Boundaries Commission (IEBC) who constantly referred to some electoral laws that were yet to be passed in Parliament.

All that discussion was taking place outside because there were drafts and intentions. This is the first time all those intentions have been captured within a Bill, which was published last week and is now five days old. Much as we expected to have the Bill running for 14 days, I just

want to draw the attention of the House to the fact that this was before the introduction of public participation where it was anticipated that a Bill be published for 14 days. Members of the public would know about it, then after the First Reading the House would process it with reference to the public. Now that we have 14 days of public participation, it does not make sense to have a Bill published for 14 days, then after First Reading you subject it to another 14 days of public participation. I do hope that even as we amend our Standing Orders that this will be one of the things we will be removing so that the Bill can be read immediately after publishing, then the 14 days kick off.

So, Members will lose nothing by shortening the days because we are going to have a public participation anyway, which was what was anticipated within the first 14 days. It is a Bill that I would also ask Members to pay special attention to. It is more of a clean-up of the various electoral laws because of election issues, court decisions that have been made and aligning them with calendars. It is also about issues that happened in the last couple of months, including the passage of the Political Parties (Amendment) Bill, just to ensure that matters are aligned properly. For now, the issue is just procedural. It is just a matter of alignment in terms of the reduction of days from 14 days to five days so that we can then have it read the First Time then the process of public participation kicks in and we can process this within the Sixth Session.

I beg to move and ask Hon. Wangwe to second.

Hon. Speaker: Hon. Wangwe.

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

(Loud consultations)

Hon. Speaker: Order, Members!

(Question proposed)

(Question put and negatived)

(Several Members stood in their places)

Hon. Speaker: Well, Members standing to claim for a division have the numbers. I, therefore, order that the Division Bell be rung for ten minutes.

(Division Bell was rung)

Hon. Speaker: Stop the bell. Close the Doors and draw the Bars.

(Loud consultations)

Order, Members! Order, Members! Hon. Members, I think we can finish this very quickly. I will put the Question.

Let us have every one log out. If you have no card, blame yourself. I cannot be babysitting adults – grandmothers and grandfathers. It is only fair that... Why do you come without your card? How is it that I do not forget mine?

Hon. Members, you are now causing unnecessary delay. How many Members do not have their cards? This could be reflective of where you spend your nights.

(Laughter)

If you have one fixed place of abode, you know obviously that when you are coming to the House... Nevertheless, listening to the pleas that have been made, those without cards, please... Hon. Serem may not have been in Eldoret or in Nandi. It is only the men. Hon. Hillary Kosgei! This must be Osoro. You also did not Hon. Fatuma Gedi, you also do not have your card. Even Hon. Rachael Nyamai. I thought the person who shouted loudest about not having cards, the Hon. Sophia... Do you have yours? So, you are screaming to help others.

Hon. (Ms.) Sophia Noor (Ijara, PDR): Yes.

Hon. Speaker: Hon. Members, the following Members have not logged out: Hon. Rono, Member for Keiyo South, Hon. Wangari Mwaniki, Kigumu, Hon. Mwadime Andrew... Hon. Mutinda Mule, yours is out. Perfect.

Hon. Members, I have already read out the Question.

You may log in now.

(Members logged in their cards)

Hon. Members, have you all logged in?

Hon. Members: Yes.

Hon. Speaker: Are there some of you having challenges with logging in? Have you all logged in, Hon. Members?

Hon. Members, sorry. Hon. Pukose, please. Have we all logged in?

Hon. Members: Yes.

Hon. Speaker: Hon. Members, vote now.

(Loud consultations)

(Voting in progress)

How is it, Hon. Members? When Mr. Njoroge helps you it means that you are sufficiently illiterate, or what is it?

(Several Hon. Members spoke off record)

You mean the machine is not accepting? It is not working!

(Loud consultations)

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

Hon. Speaker: Okay, Hon. Members, we need to be fair to everybody because the Clerk-at-the-Table has confirmed that a number of machines may not have worked.

Hon. Members: Yes.

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Hon. Speaker: Can you log out again. Log out. Has everybody logged out?

Hon. Members: Yes.

Hon. Speaker: Log in. Press the microphone button twice.

(Hon. Lodepe Nakara spoke off record)

Are you sure, Hon. Lodepe? Hon. Lodepe, this one is not from Turkana Central. Vote now.

(Loud consultations)

It is not working. Okay, Hon. Members. Now that it is confirmed by most of you that the system is not working, we have no option but to vote manually.

Hon. Members: Yes.

Hon. Speaker: So, even the ones who may not have come from their usual places of abode may now join the rest.

Now, Hon. Members, so that we clear this one, because this is a very simple matter, give us four tellers, that is, two for the Nays and two for the Ayes. There is a professional naysayer called Hon. Pukose. Hon. Osoro

Hon. Members, there is nothing wrong the world knowing how you have voted. To make it a little faster, we will ask the Clerk-at-the-Table to call out the names so that you vote in one way or the other.

Hon. Members: Yes.

Hon. Speaker: There is not much secrecy about whether you are voting no or voting yes. *Si, ndiyo?* After all, it is about whether you want to reduce the publication period or not. If you vote no, you just add another nine days. If the nays win, you just add another nine days. If the ayes have it, it will still go for public participation. Either way is okay. So, there is no need of you feeling shy about which way you vote. Let even the villagers know you have exercised your right in one way or another.

The Tellers, please, check that... Hon Osoro, you know *si kusimama kama maua, ni kuangalia* when a name is called, that it is ticked where exactly the voter has indicated so that we do not hear people say: "Ooh, *yangu imebiwa*", *ama "imebiwa nusu."* So, we are ready.

(Voting in progress)

(Loud consultations)

Hon. Speaker: Do not shake the microphone.

Hon. George Koimhuri (Juja, PEP): On behalf of the people of Juja, I vote No.

Hon. Speaker: Hon. Members, I will not allow that kind of voting. Just vote No.

(Voting in progress)

Hon. Members, I can see many of you who have no capacity to stay for more than one hour having difficulties. You should remember that we are in the middle of a Division and all doors are closed. I can see some of you appear to be taken short, but you have to be like your Speaker

who can stay for 10 hours. So, please, we are in Division and you must wait. The doors cannot be opened.

(Voting in progress)

Hon. Members, is there any Member who has not been called out and is in the House? Anybody in the Chamber whose name has not been read out? Silence means all have been called out. Proceed to do the tallies, the tellers are available.

(Tallying in progress)

Hon. Members, let us allow the Tellers to report the results of the Division. Hon. Osoro, proceed.

Hon. Silvanus Osoro (South Mugirango, KNC): Hon. Speaker, the result of the voting on the Division that the publication period for the Elections (Amendment) Bill, 2022 be reduced from 14 days to five days is as follows: Ayes 43 and Noes 62.

DIVISION

(Question put and the House divided)

(Question negatived by 62 votes to 43)

AYES: Hon. Yusuf Hassan, Hon. (Ms.) Fatuma Gedi, Hon. Olago Aluoch, Hon. Chachu Ganya, Hon. (Dr) Lilian Gogo, Hon. (Ms) Zuleikha Hassan, Hon. Peter Kaluma, Hon. Kassait Kamket, Hon. Peter Kimaru, Hon. Charles Kilonzo, Hon. Amos Kimunya, Hon. Jackson Lekumontare, Hon. Julius Mawathe, Hon. Stephen Mule, Hon. Makali Mulu, Hon. Andrew Mwadime, Hon. Teddy Mwambire, Hon. William Mwamkale, Hon. (Ms.) Wangari Mwaniki, Hon. Peter Mwathi, Hon. Abdullswamad Nassir, Hon. Joseph Nduati, Hon. (Ms.) Sophia Noor, Hon. (Ms.) Rachael Nyamai, Hon. (Ms.) Edith Nyenze, Hon. (Dr.) James Nyikal, Hon. David Ochieng', Hon. Tom Odege, Hon. (Ms.) Odhiambo-Mabona, Hon. (Prof.) Jacqueline Oduol, Hon. Gideon Ochanda, Hon. Pavel Oimeke, Hon. Benard Okoth, Hon. Adipo Okuome, Hon. Christopher Omulele, Hon. Godfrey Osotsi, Hon. Martin Owino, Hon. (Ms.) Shamalla Jennifer, Hon. Silas Tiren, Hon. Richard Tong'i, Hon. Opiyo Wandayi, Hon. Emmanuel Wangwe, Hon. Charles Ong'ondo.

Tellers of the Ayes: Hon. Peter Kaluma and Hon. Julius Mawathe

NOES: Hon. (Ms.) Florence C.K. Bore, Hon. Kangogo Bowen, Hon. Kinuthia Gachobe, Hon. James Gakuya, Hon. (Ms.) Rehema Hassan, Hon. Hassan Hulufo, Hon. (Ms.) Nasri Ibrahim, Hon. Moses Injendi, Hon. (Ms.) Rehema Jaldesa, Hon. Joshua Kandie, Hon. Kuria Kimani, Hon. Julius Melly, Hon. William Cheptumo, Hon. Kipyegon Ng'eno, Hon. Moses Kirima, Hon. Nixon Korir, Hon. Hilary Kosgei, Hon. Gideon Koske, Hon. John Waluke, Hon. Leonard Yegon, Hon. Joseph Limo, Hon. Peter Lochakapong, Hon. Patrick Mariru, Hon. Sylvanus Maritim, Hon. (Ms.) Cecily Mbarire, Hon. Vincent Kemosi, Hon. Shadrack Mose, Hon. (Ms) Halima Mucheke, Hon. (Dr) Victor Munyaka, Hon. James Murgor, Hon. George Gitonga, Hon. Japheth Mutai, Hon. Khatib Mwashetani, Hon. John Paul Mwirigi, Hon. Lodepe Nakara, Hon. Christopher Nakuleu,

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Hon. Daniel Nanok, Hon. George Koimburi, Hon. Kimani Ngunjiri, Hon. Charles Njagagua, Hon. (Ms.) Mary Njoroge, Hon. Joash Nyamoko, Hon. Ndindi Nyoro, Hon. (Dr.) Korei ole Lemein, Hon. Silvanus Onyiego, Hon. (Dr.) Robert Pukose, Hon. Ali Rasso, Hon. Daniel Rono, Hon. Cornelly Serem, Hon. Daniel Wanyama, Hon. Wilson Sossion, Hon. George Theuri, Hon. Gabriel Tongoyo, Hon. Daniel Tuitoek, Hon. (Dr.) Tecla Tum, Hon. Vincent Tuwei, Hon. (Ms) Soipan Tuya, Hon. Ferdinand Wanyonyi, Hon. Ali Wario, Hon. Qalicha Wario, Hon. Benjamin Washiali, Hon. John Kiarie.

Tellers of the Noes: Hon. Silvanus Onyiego and Hon. George Theuri

ABSTENTION: None

Hon. Speaker: Very well. I have another copy. On the result of the voting, I imagine there is no contestation. The Ayes 43, and Noes 62, and the result is the Noes have it. The net effect, therefore, is that the Motion is defeated. Therefore, Order No.9 is taken out and we move to the next Order. Open the doors and remove the bars.

Some of you, like the Member for Chepalungu, have no break. *Weka kidhibiti mwendo.* Members can now make their way in, including the grandfather.

BILLS

First Readings

THE COOPERATIVE SOCIETIES (AMENDMENT) BILL

(Loud consultations)

Hon. Speaker: Order Members! Order! Order! Those withdrawing from the Chamber, please, do so in silence. You do not have to interrupt business. Proceed.

THE NATURAL RESOURCES (BENEFITS SHARING) BILL

THE STARTUP BILL

THE KENYAN SIGN LANGUAGE BILL

THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL

THE COUNTY HALL OF FAME BILL

THE PROMPT PAYMENT BILL

THE KENYA CITIZENSHIP AND IMMIGRATION (AMENDMENT) BILL

(Orders for First Readings read - Read the First Time and ordered to be referred to the relevant Departmental Committees)

MOTION

APPROVAL OF HOUSE CALENDAR

Hon. Speaker: Hon. Members, I have noticed that even those who just walked in when the doors were opened have signed in and taken off. Surely, I cannot believe what I am seeing. Let us try to be a little more accountable to the Kenyan people. You cannot just have been out there and could not even come to take part in the Division, but when you walk in, you only sign and walk away. Let us listen to this other Motion. The Leader of the Majority Party.

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

THAT, pursuant to the provisions of Standing Order 28, this House approves the Calendar of the National Assembly (Regular Sessions) for the Sixth Session (2022) as contained in the Schedule.

Hon. Speaker, Members will know that the Constitution changed the way Parliament sits. Previously, Parliament used to sit, go on breaks, get promulgated and get dissolved at the whims of the Executive. We agitated for independence. I wish Members could get off their phones. I am getting distracted. Hon. Speaker, I need your protection.

The Constitution gave Parliament independence to set its own calendar and determine when it wants to go on recess or to adjourn. The only thing that the Head of State needs to do is to open Parliament. Thereafter, until the last day, which is the day of elections, Parliament operates on its own. It determines when it goes on a short or long recess, otherwise, it is assumed to be in session throughout. The Standing Orders also provide for when we meet, what time we meet and what time we break. That is settled. What we are doing today is determining when we will go on short and long recesses and when we will go on the *sine die* recess in preparation for elections.

The Schedule is attached to the Order Paper. We have 55 sitting days between now and 8th August 2022. In keeping with practice, it is expected that Parliament will break at least 60 days to elections to give Members time to concentrate on electoral campaigns. That will be Friday, 10th June 2022. We will have two recesses. The short recess will be between 4th March and 21st March 2022. That is a two-week break for Members to go back to their constituencies and participate in the preparation for party primaries which, as IEBC told us, will take place in April. We will come back and have sittings from 22nd March to 14th April 2022 to process the budget. The budget has certain milestones which have to be met from the time we start its consideration to the time we conclude. We will then go on a long recess between 15th April and 9th May 2022. That will be the crunchy time for party primaries. We will then come back for one month to complete remaining business, after which we will break to prepare for the elections.

We have a very short period with three Sitting Sessions and two Recesses which would, at least, give Members time to do that preparation. And since, I do not want a repeat of what happened last week when Members voted and then asked about the implication, they now have a chance to determine when they will go on Recess. If Members do not want to approve the Calendar for some reason, then the House will run until 8th August 2022; and you will be expected here every day. The Constitutional requirement says that a Member who misses more than eight consecutive Sittings in any Session will face some implications. If you do not take any break between now and the 8th of August 2022, and you decide to give yourself a break, there are implications. It is then important for Members to know that by the time they are voting, those breaks are meant to do

those things without being required to be in the House. It means you are officially on leave. If you do not do that, then you will be expected here today until the last day of the election. Otherwise, you will be in breach of the Constitution. That is important to underscore apart from the fact that there will be no break.

Again, it is a straight forward matter and I expect that those who wanted to ventilate, having done so, the judge of all these things will be Kenyans. We are here to vote and deliberate on matters of concern to the Kenyan people. Without going back to a matter that had been decided, we know that elections are critical to Kenyans. The electoral Calendar is going to affect each of us, our competitors and the Kenyans. Even as we look at this Calendar, it is good to know that the longer we stay without making decisions on the electoral cycle, it could affect this Calendar. The earlier we make some of these decisions, the better for us and Kenyans.

Without further ado, I wish to move that we approve this Calendar. I, request the Chief Whip of the Majority Party, Hon. Emmanuel Wangwe, to second.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Speaker. As well explained by the Leader of the Majority Party, I second.

(Question proposed)

(Question put and agreed to)

BILL

Second Reading

THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL, 2021

Hon. Speaker: Leader of the Majority Party.

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

THAT, the Public Procurement and Asset Disposal (Amendment) Bill, (National Assembly Bills No.32 of 2021), be now read a Second Time.

The principle objective of this Bill is to amend the Public Procurement and Asset Disposal Act of 2015 to address certain challenges faced by procuring entities in the implementation of the Act, and especially with regard to awarding of contracts. These are issues that have come up, lessons learnt from petitions that have been taken to the Disputes Tribunal, issues that have come from the courts and petitions to the various committees.

As Members would appreciate, the main objective of the amendment to the procurement law of 2015, which amended the earlier law that had come ten years before, is to create that governance framework on public procurement to drive the behavior towards achieving some certain public procurement objectives. These include better transparency, good management, accountability, control among other things, and put value for money principles that have been captured within our Constitution.

This Bill introduces various amendments that are geared towards streamlining this. If I just enumerate a few, first it proposes to amend the definition of procurement profession by expanding that definition to include other institutions which offer membership and professional qualification in procurement and supply chain management. Additionally, it also proposes to introduce the

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definition of who is a local contractor into the Act, which basically paves way for inclusion of categories such as sole proprietorships, which are now defined as contractors, partnerships, corporate societies, individual consultants, associations and groups that are registered in Kenya. This basically gives more opportunities and prudence to access public procurement opportunities to as many citizens as possible who can now apply to offer those services or supply goods to their Governments and agencies.

The Bill also introduces the idea of training of non-procurement professionals who, incidentally, are involved in procurement processes such as the user departments, disposal and contract implementation teams and suppliers.

Additionally, the Bill proposes to amend Section 26 of the Act which speaks to the publication of the draft annual report by the Procurement Authority to require the Board to publish the final report as opposed to the draft. The Bill further seeks to amend Section 43 of the PPDA by adding a new provision that is aimed at enhancing transparency in procurement and provision of information to the potential bidders. This is to allow them to plan and organise to respond to procurement opportunities. As Members will appreciate, transparency is one of the cardinal principles by which procurement law is meant to operate and, as such, any amendment to the Act that is calculated to enhance transparency should be a welcome provision to enhance the PPDA.

Another far reaching proposal of the amendment is that it seeks to amend Section 43 of the Act to empower the head of procurement function to carry out some market survey to inform the placing of orders or decision making on the relevant procurement Authority. This is to avoid purchasing items at inflated prices. I believe Members have all experienced through the comparison of what they do in terms of the contract they offer on NG-CDF *vis-à-vis* the contracts that are awarded through the public procurement; even on the simple issue like construction of a classroom. You will find that the NG-CDF may be able to complete that procurement for classrooms at less than Kshs1 million, but when it comes to schools being given money through the infrastructure grants, the value could go up to Kshs.1.5 million. This market survey would include, for example, if the NG-CDF can do it for Kshs1 million, why is the Government procuring it at Kshs.1.5 million? These are some of the things that would help drive down the cost of public procurement, reduce the wastage of funds, give better value to the Kenyan people, and as part of the bigger war on corruption which can only be better for this country.

The public procurement systems are at the centre of the wider strategic management of public funds to promote that overall value for money. Any changes we make on this Floor, we just make sure that whatever amount we appropriate in this House, will go a long way in achieving better outcomes than we have been doing in the past. We have had quotations and citations that we lose up to about 30 per cent of budget through procurement-related corruption. That could be going towards even what His Excellency the President calculated for us in terms of what the 30 per cent means; almost like Kshs.2 billion daily. If you are talking about Kshs700 billion being lost to procurement losses, then any tightening up that we do to bring that figure down will only mean that we can have more money cascading to the people, whose lives we really need to uplift for them to get out of poverty through the social investment that we make by ensuring value for money. I would not see why we would not want to support such.

This Bill – and Members will remember - is important that we get on with it given the urgency of trying to reform procurement infrastructure and hence the earlier we approve it, the better, so that as we go home later in the year, then the 12th Parliament can stand tall and say that it helped in sorting out the public procurement losses, thus giving Kenyans value for their money. I do not want to belabour the point. The matter is straight forward. The Departmental Committee

on Finance and Planning has looked at this Bill and gave us its Report, which is in total concurrence. I expect that Committee members will be speaking to this Report at some point when they are ready to share with us on the experiences on what they did in view of this Bill.

I want to just summarise and conclude by saying that the overarching objective of the Bill is to change the public procurement and asset disposal to the attainment of the very objectives of public processes that have been articulated by the World Bank between the Organisation for Economic Co-operation and Development (OECD) countries and just taking on the best practices across the region and beyond.

I know the Committee has also drafted some amendments that I have looked at, and quite agree with because they contribute towards making the Bill better. Members are also at liberty to review the Bill and bring any amendments that they would want so that we can take it together to get a better law for all of us.

Hon. Speaker, with those few remarks I beg to move and ask Hon. Wangwe to second.

Thank you.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Speaker, I rise to second and just reiterate what the Leader of the Majority Party has said. The first thing to note is that we have 44 Clauses in this Bill, and there are quite a number of new proposals. I would want to highlight a few out of the many that have been proposed.

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

*[The Temporary Deputy Speaker
(Hon. (Ms.) Soipan Tuya) took the Chair]*

To begin with, the Bill seeks to include other persons that are not regulated under the Kenya Institute of Supplies Management, which is a statutory body that is established by the Supplies Practitioners Management Act No. 17 of 2007. If this proposal goes through as a Bill the way it is, it will proffer to procurement professionals the mandate to regulate the practice of procurement and supply chain management in Kenya. There are quite a number of agencies or persons who have not been captured under the KISM Act. Therefore, this Bill has brought on board quite a number of them, and it will be good that we pass it the way it is so that the many that have been causing confusion or those who have not been working in tandem with the law can now submit to the law.

Another proposal which is coming out very clearly in the Bill is to debar the requests of entities that sound or feel frivolous at the Review Board. This proposal is quite welcome as it will provide a consequence for numerous review requests that are not merited and in effect speed up procurement processes. Herein referred are frivolous issues that come up in the procurement processes which then require that a procurement officer makes some stopovers or stops the procurement process to continue. These have been identified, have been dealt with in the Bill and they will make the procurement process seamless and faster.

This Bill also introduces a provision, for instance, where a procuring entity lacks the capacity to comply with any provisions of the Act, and the National Treasury is mandated to ensure it offers assistance. This kind of introduction has not been there in the current Procurement Act. Therefore, it is giving latitude that, at the end of the day, it is the National Treasury that will be

overseeing the procurement process. Therefore, it should be allowed to come in so that it can take over, should a procurement process stop.

The Bill also seeks to obligate the head of procurement functions to carry out market surveys before making a procurement decision. That will guard against inflation of prices. You will find that the head of procurement is required to verify what is happening in terms of the prices and he goes as per the schedule that would have been provided quite a number of times before. I want to cite an example where in the committee of JLAC, we were questioning how a biro pen could cost Kshs800 and yet, we know the cost of a biro pen. The issue was the list that is provided under the procurement in the schedule of procurement by the Public Works costs Kshs800; but no other head of procurement can vary that price. Therefore, from this Bill, the head of procurement shall undertake market survey to verify and confirm that, at least, the decision he is making in terms of procurement is not solidly binding to the other end, instead it is giving value for money.

Hon. Temporary Deputy Speaker, there are many proposals which I will come up with in the Bill. However, I will leave the rest to my colleagues to also make their contributions and submit what they feel. The Committee has made some numerous proposals that they will undertake in the Committee of the whole House. They are in the Report. I am proud to say that this is a good Bill. I seek my colleagues to support it so that we get a new legislation which can support procurement processes.

With those remarks Hon. Temporary Deputy Speaker, I beg to second the Bill.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Let us start with Hon. Kipyegon Ng'eno. He is not here, but his card is logged in. Hon. Chachu Ganya.

Hon. Chachu Ganya (North Horr, FAP): Thank you, Hon. Temporary Deputy Speaker. I stand to support the Public Procurement and Asset Disposal (Amendment) Bill. We face many bottlenecks in the procurement process in this country. Many people argue that it is a big source of corruption in our country. Streamlining this law and amending the bottlenecks that are there will go a long way in enabling us to have a very efficient procurement process in this country.

It is really important that we get value for money for whatever we transact in our procurement processes. The few amendments that have been made to the parent law will enable us to achieve that. I like the idea of the procurement entity doing market feasibility to ensure that whatever we procure is accessed well as per the current market price. This will ensure that Kenyans get value for their money.

In addition, there are a number of predicaments that are in the parent law. This Bill will enable the procurement process to be more efficient and effective in terms of the duration that it takes for it to be completed.

With those few remarks, I support this Bill. I thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Member for Seme, Hon. Nyikal.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this Bill. The role of procurement in Government expenditure is massive or huge. This is the route through which services are rendered and developments are undertaken. All Government expenditure is done through a procurement process. The cost of Government projects depends, to a large extent, on the procurement process. It can be

escalated to unimaginable levels by just using the procurement process. Therefore, I support the need to look at this law again and make these provisions.

I have looked at some of the provisions which are really important. For example, defining the professional procurement process clearly, the training institutions and the membership of the institutions that would, in some way, regulate the profession is extremely necessary. We may have to add sanctions there that can be made by those organisations or bodies to bring some regulations to the procurement provision.

There is also the definition of a contractor. Those of us who use National Government- Constituencies Development Fund (NG-CDF) sometimes find ourselves very limited because there are people who do not qualify to render services. Defining the local contractor to include proprietors, partnerships, associations and co-operatives is very important. This will include many people in the procurement process, particularly at the local level. I believe that if this law passes in the Senate, the county governments have many procurements that need to support local people who are not organised to get companies that are registered and have all those very difficult certificates and things to get. That will enhance support to local people where those procurements are concerned. Without that, we limit procurement to big institutions and many local people who may benefit are excluded.

It is very important to draw from that. There are many people who find themselves in the need to be involved in the procurement process. For example, I started with the NG-CDF units. Secondary and primary schools are involved in procurement, which is necessary. The people who do this are not trained. The law is relatively complex. Anybody who is in a position to be involved in procurement, however small it is, needs to be trained.

I also support Clause 8 of the Bill, which makes provision for tenderers not to delay contracts. Sometimes, the tenderers know very well that they have lost legally. Then they appeal; which is a long process. They do it to delay the process and sometimes, to embarrass the process of rendering services. For example, if you supply drugs, they know that they will not win. However, they make appeals during the last day when you should award the tender. They know that it will take months and they will lose. However, they will delay the process of rendering services. While you are still going through that process, people suffer a lot. I find that very important.

Clause 15 talks about conducting market surveys by the head of procurement units. This is important. As a colleague said, the tenders are given to the lowest bidder. You know very well that half a litre of milk is Kshs40. However, when they bring it, it is Kshs100. The procurement officer says very boldly that the lowest bidder is Kshs120 for something that you know that you can get in the market for Kshs50, which is illegal. That is why people exaggerate a lot of items that the Government uses. Somebody says that a pen costs Kshs80 but you can get it at Kshs10. They say that is the lowest bidder. They can do it. Any head of procurement unit can do a market survey and decide to reject all the bids because he knows that he can find an item in the market at a certain rate.

The definition of a secretariat can be very difficult in small procuring units. You need very technical people to constitute it. Sometimes there is a delay in the counties, sub counties and departments in the national Government because you have to wait for a few people who want to compose the secretariat, so that the procurement process can go on. If the head of the unit is allowed to constitute the secretariat, the process will be much faster and services will be rendered.

With those few areas that I have noted in the Bill – and I think that there are a lot more – I support this Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Member for Molo, Hon. Kuria Kimani.

Hon. Kuria Kimani (Molo, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this discussion. At the outset, I want to say that these amendments are very crucial at this time in the country, as we are trying to make gains against corruption. Stealing in this country is planned at the procurement level. It starts when the budget for a particular ministry or Government agency is being done through procurement and through the awarding of tenders. Every time we are on the streets, the first thing people tell you when they realise that you are a Member of Parliament or Government official is: *'Nisaidie kupata tender'*. When you ask the kind of tenders they would like, they say, any kind of tender. In this country, you cannot be supplier of everything and you cannot be someone who can give any service or supply any goods. This is what is happening in the Government. Anybody, irrespective of whether they have the capacity or not; irrespective of whether they are in that business or not, they are able to supply products and services and, therefore, become rich at the expense of many other qualified or competent people who would have been awarded those contracts.

Most of the Members of Parliament can bear me witness that when the rollout of the provision of desks came from the national Government to our constituencies, it became difficult for us, through the NG-CDF, to buy desks from local suppliers because the cost which the national Government was buying those desks was almost double the price that we used to purchase those desks at the NG-CDF. The infrastructural funds that come to schools in my constituency can be able to build a class at a cost of Kshs.1million. That is the most amount of money we have used. However, when the same school receives money from national Government through the Ministry of Education, that same class is awarded Kshs1.6 million shillings; a difference of a whole Kshs600,000. This is just an example of the theft that happens through procurement processes, not to mention our county governments. To build an ECD class in my county costs around Kshs1.7 million. To build the same class in the same school with NG-CDF costs us about Kshs1million. Therefore, the changes in the pricing that are going to be cured through the amendments proposed by this Bill are good. We shall now be able to procure services through our CDF and through other agencies at a fair price through the provision that allow for market survey.

Hon. Temporary Deputy Speaker, I thought about the judgment that was done by our courts this week and the many pronouncements of people who stole money. One was asked to pay Kshs1.2 billion or go for ten years' imprisonment. I think this is a big win on the war against corruption. However, on analysing, if you steal Kshs.1.2 billion and you are told instead of paying that money back, go to jail for ten years. It means that for the time this person will be in jail, he will be earning about Kshs100 million a year. He will be earning about Kshs8.3 million a month and, therefore, Kshs277,000 a day. If that man called Tandaza of Usiku Sacco was given a chance to go to jail or get Kshs1.2 billion, he would choose to go to jail for even 30 years for such kind of money. Therefore, by enacting these laws from the beginning, where we are able to deter corruption from where it is being planned - at the budget and procurement levels - and also by allowing other professionals to join this field---

Procurement has also become a field for the few. If you look at the membership of the Kenya Institute of Supplies and Procurement, they are very few. You will find that our Government agencies do not even have many qualified people to do procurement. Therefore, those professionals that do these kinds of mistakes in these departments can only be transferred to other departments because we locked out many other professionals from joining the procurement processes. In any case, you find most of the procurement processes now are automated. So, the

work that is done by human beings or the human interventions to procurement processes actually comes at the very end during verification of the documents. Therefore, opening this profession to other people from different fields to join in this field is a big win in the war against corruption, efficiency in Government and making sure that things are done correctly.

So, as I wind up, the best way to end this corruption, where a product is bought by the Government at ten times the market value, is what informs the amendments that we are proposing here. We are hoping that the amendments proposed in this Bill will not just be there as an Act of Parliament, but that they are going to be implemented and followed to the letter. That way, we will ensure that this country is prosperous and we shall offer our people services at the right time and at the correct place efficiently.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Member for Funyula.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker. As we have always said, the source of corruption is normally at the budgeting level. That is where the money to be stolen is normally inserted. Most importantly, corruption is initiated at the tendering stage; the so called procurement stage. This country has made a lot of progress in terms of reviewing and underlining the procurement laws and regulations with the changing circumstances and with the changing international practices. As we have always said, a good idea must always give way to a better idea. Any time there is an opportunity to review legislation, that opportunity should be embraced so that we keep on aligning our laws and bring them to reality in respect of the feedback we receive from practice and from all over the world.

When I was elected as a Member of Parliament and got involved in overseeing the CDF, a few shocks were evident. That is why some of the amendments being proposed here are critical and extremely progressive. The first shock of my life was that many of the people, the so called the local *mwananchi*, could not participate in the procurement process because the definition of an entity to participate in a procurement process was very clear and excluded quite a number of recognised groups in the villages. It became difficult and impossible for many groups to participate in the procurement process and it became impossible for local contractors who could not meet certain standards to participate in any procurement process. That is why the inclusion of a proper redefinition of local contractors under Clause 2 of this Bill is timely and it is a progressive idea.

Not many of our local contractors can have all the documents of a company that would be listed in the Nairobi Stock exchange. So, a redefinition to allow for small groups, for companies registered in the Companies Act or under any other written law and whose operations is based in Kenya, is a big relief for the local contractors and upcoming businessmen in our local areas.

The second most important amendment that is being proposed in this particular Bill, in my opinion, is the issue canvassed under Clause 15; that now allows a procurement officer or a procurement entity to undertake market survey. Sometimes back, we used to have an arrangement called 'the engineers estimate' that used to be the benchmark for evaluation and decision making. For some strange reason, that particular approach was deleted from the procurement processes and that is why you find, many at times, many goods and services are procured at inflated prices. We believe that with the return of the market survey in the procurement process, we will put a stop to the exorbitant pricing of goods and services which are basically geared at lining pockets of corrupt public officials always involved in the procurement process.

As my colleagues have indicated, national Government and county government projects are actually being executed almost double the cost of the NG-CDF projects. Many are times you are at a loss to explain to a local contractor why an ECDE classroom procured by the Busia County

Government is being undertaken at Kshs1.7 million and yet, a similar classroom under the NG-CDF is being procured at Kshs950,000. Many are the times you clash with the locals to an extent that they believe that you want to damage their businesses.

We do believe that with those market surveys, any procurement decision will be based on prevailing rates of construction or service deliveries. We do believe that market surveys will be objective enough. We might probably have to make an amendment so that we provide the mechanisms on how to undertake market surveys and any form of a review process to ensure that market surveys meet the typical standards of any survey.

Hon. Temporary Deputy Speaker, the other issue that has been a bone of contention is the tender evaluation process and the entire procurement process. Generally, you cannot conclude any procurement process nowadays until after 28 days. Some days are for tender evaluation and another 14 days to give those who participated a notice that they have not been successful. This delays the implementation of projects, especially where an emergency case arises. If a roof is blown off in a primary school, it takes so long to procure a contractor to go and undertake those repairs. Where floods have washed away roads and bridges, it takes too long to procure the service of a contractor. The reduction from 21 days to 7 days will, indeed, support speedy implementation or execution of the projects in our country. Of course, every story has another side. The only danger is that many of those tenders will be pre-arranged. It is only those who are aware that will be able to procure. Over time, even though there is a provision that if it is complicated, the procurement officer can look at it in a different way.

Under clause 10, it provides that a procurement entity that is unable to implement the Act on their own can seek the assistance of the National Treasury. This is also a very progressive approach. Since procurement is not an everyday activity in some organisations, there is really no need to establish a fully-fledged procurement department. However, this is a double-edged sword. The National Treasury or the Public Service Commission (PSC) can simply deny a procurement entity that is suspected to have a lot of funding proper structures so that the same is taken back to the National Treasury to perpetuate the ordinary cartels.

Hon. Temporary Deputy Speaker, as I conclude, it is important to note that many of the corruption cases emanate from the procurement process. Some of the cases that are negatively cited in any audit process are those where the process was not followed to the letter. The issue of capacity building is important. It is important to expand the so-called procurement professionals to allow as many members as possible to participate so that we are able to get the process right from the inception to the conclusion stage.

We also believe that these amendments will go a long way to address corruption cases. I am happy and many Kenyans are happy with the heavy sentences that are being meted out by the various courts in this country for those who have been found culpable of embezzling public funds. The next Government of this country must borrow a leaf from President Uhuru Kenyatta for his fight against corruption. We must also laud the Judiciary for taking up that mantle and punishing heavily the people who are involved in corruption. Corruption has denied this country development and it is time we must talk carefully and take hard decisions on it.

With those few remarks, I support and will of course bring amendments at the right time. Thank you.

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

Hon. Joseph Nduati (Gatanga, JP): Thank you very much, Hon. Temporary Deputy Speaker, for also giving me an opportunity to make my contributions. From the onset, I support

the amendments. This is going to provide us with an opportunity of correcting the wrongs which happened when the laws were made in 2015.

Hon. Temporary Deputy Speaker, the Public Procurement and Disposal Act of 2015 went in with so many mistakes. One of the major mistakes which really affected this industry is a clause which gave power to the tenderer or the contractor to have authority over the owner of the project. I am a Member of the Public Accounts Committee (PAC), and there was a time we were auditing a building and I could not understand why the main contractor could not let in the sub-contractor. When I read the Act, I realised that we made a mistake and allowed the contractor to have authority on the usage of specialised works and contingencies. This is not a normal practice in the industry. This is a golden moment to correct that.

Reading clause 2, I am very happy that we are redefining who a procurement professional is. When this Act was made, we created someone who we called ‘a procurement professional;’ someone whose training is not well known. This amendment will now allow engineers, architects and quantity surveyors to participate. Previously, many mistakes have occurred because works have been done by engineers and quantity surveyors who take the documents to the procurement professionals who normally delay the executions of the works. I am happy that now we are going to bring them on board.

Again, it is good that the local contractor has been defined here; it is good for this country. It has been Government policy that 30 per cent of all major procurements should be given to local contractors. However, this has not happened and it will not happen until we correct this problem. Unless the procurement departments come up with a clear criterion and define that 30 per cent in the documents and make a provision of paying that 30 per cent directly, these foreign contractors are still going to undercut our local people. We have seen many Chinese who are doing major projects here. Despite having these provisions in the contract, most times, they do not give our local people anything. It is high time for the procurement department to come up with a clear criterion of how that work will be shared out.

Hon. Temporary Deputy Speaker, clause 12(a) is a good amendment because it says that we must conduct market surveys to inform the pricing of orders. This is very important not only for biro pens and these minor things. We are suffering in this country because the Chinese are pricing our work, yet we do not even have a document to compare against. A majority of them are underpricing works such that you find that most of our roads have stalled. You cannot come from China, not involve a local person and be able to price for hardcore and murram. Unless the procurement departments are allowed to come up with correct market surveys – like it used to happen at the Ministry of Public Works – where we used to have a booklet documenting all the current construction costs. This is important and it should be brought back.

Clause 82 is also a good amendment as it says that now contracts shall not be subject to corrections, revisions or any adjustment. What has been happening is that some people tender low and then when the corrections are made, the price is increased, which has been unfair to this country. That is a major amendment.

In terms of timelines, I am happy because we are reducing the evaluation period from 14 days to about seven days; the tendering period from 14 days to seven days; and the period for prequalification from 14 days to seven days, which will reduce the timelines required to implement public works because there have been major delays. When we compare a job done in the private sector and in the Government, if the private sector, for instance, decides to do this hall, it can be designed today, tendered tomorrow and the job is awarded the next day. But when it comes to the

Government, the same job will take about six months. I am happy that the period is being reduced. It will go a long way in making sure that Kenyans get the right services.

I have heard Members here saying that the jobs which are being given out by the Government are expensive. But I dispute that, especially classrooms which are being done under Competency Based Curriculum (CBC). In fact, I wonder how the contractors are going to be able to achieve those jobs. When you give a contractor a job and you have not done enough market survey, and you tell the contractor it is going to cost Kshs788,000, the same contractor is going to pay tax. So, he will deliver the class at Kshs600,000. We are going to make our people suffer. That was a big mistake from the Government and it is something we need to correct in future.

Another important thing is payment. We are talking about procuring jobs, awarding and evaluating the jobs, but the critical thing is payment. We have seen most of our people suffer because Government awards jobs, but do not make enough provisions to pay for the jobs. I have always proposed that a good model is the NG-CDF where when awarding a job, the money is there and one is paid on time. This is something we have requested the Government to do. If we use the NG-CDF formula, people will not suffer. We will create great businessmen and we will not need the Chinese here. Our local people are also able to perform very well. They can perform but when they are not paid, and the Chinese are paid by their bank, how do we expect our local people to provide the services? In the 1970s, our local people used to perform very well until something happened in the 1990s and the 2000s, where we find that a majority of our people doing even small jobs were not paid on time. This one has demotivated many of them. We cannot be talking about Technical and Vocational Education and Training (TVET) and encouraging our young people to join TVETS to do masonry and welding so that in future, they can become contractors. But in the villages they see people who started well but have become broke. How are we going to take them there? That is why we see a majority of our young people are not willing to join the polytechnics.

In conclusion, I support these amendments and I am going to bring further amendments to this Bill. Thank you very much.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Member for Kisumu East, Hon. Shabbir.

Hon. Shakeel Shabbir (Kisumu East, Independent): Thank you very much, Hon. Temporary Deputy Speaker. I have been listening with great interest the concerns my colleagues have raised. Firstly, I declare that I am the Chairman of the African Parliamentarians against Corruption. Many parliamentarians belong to our caucus; I see Hon. Chachu and many others. We are most concerned about procurement laws. This Bill is here to try and solve some of the problems. I know that one of my colleague who spoke before me dwelt a lot on the issue of the Chinese. We are getting away from the actual fact. The issue is that the procurement law had many flaws which are taken advantage of by the 'tenderpreneurs.' These guys are professionals. We, the anti-corruption brigade, went to Egypt where we talked about some of these issues and brought out the issue of budgeted corruption. Presently, people budget for corruption five years from now. They put together pre-thought out contracts so that they budget for them. They then effect the tenders and put designs of stuff that is not available in this country and go and compromise our local engineers and our local contractors who are sub-contractors. They force the sub-contractors to do their bidding. We do not have to go very far away. This building of ours has taken nearly ten years. The biggest problem it had is the sub-contractor was being frustrated by the main contractor, and the sub-contractor was also not able to put his part and everything was negotiated by the building contractor. The main contractor held everyone at ransom. That is the one major thing that we need to deal with. Procurement fraud has resulted in one of the major international efforts

against corruption as well as illicit funding. This goes hand in hand and it works in a funny manner.

We were in China at the Institute of Governance with 20 Members of Parliament. It was a very secure environment and others could not enter without going through detailed security check. Guess what happened? By the second day, there was a lady from Hong Kong who somehow broke through the system and was talking to our Members of Parliament about wealth management. That is the sort of thing which turned out that what the guy was doing – and they are very sharp - when they tender, a person comes to a governor and tells him that he needs a stadium, and the governor will agree that they need a stadium. So, they tell him that they will build the stadium. When asked how much it will cost, they say about Kshs300 million or Kshs400 million. So, the governor will say: ‘Put it at about Kshs800 million.’ So, the county will put a request and it will come through the system to our co-operation here with the Chinese. The actual amount is Kshs300 million, but the figure put in place is Kshs800 million. The ‘tenderpreneurs’ have sliced off Kshs500 million even before the thing works! So, the contractor who is given the contract is given Kshs300 million. I am talking on behalf of the Chinese contractors. They are not given the Kshs800 million. And then they also now tighten down.

So, Hon. Temporary Deputy Speaker this is a very important Bill and we wish to support it whole heartedly. I wish to say at this moment that having fought for the Procurement Act against illicit funding, which was assented to by the President, there are one or two rogue lawyers who are trying to pull this country back by fighting that particular law. I want to tell this House that we were close to being grey-listed. That would have greatly affected the financial transactions of this country, and guess who would have benefitted: the people who were working on the Goldenberg foreign exchange scam. They were hoping and praying that our country would be put on grey status. This is what is called “budgeted corruption.” It is a major issue. I am pleased that after 10 years, the NSSF has finally charged those guys.

There is another case whose report was even tabled in this House some years back when I was the Chairman of the defunct Local Authorities Fund Accounts Committee (LAFAC). The Report mentioned four people of interest and the Ethics and Anti-Corruption Commission (EACC) agreed that the four were people of interest. There was a Cabinet Secretary for Local Government at the time, the Permanent Secretary (PS), former Mayor Majiwa and others. That Report never surfaced again. When I tried to bring it back, I was frustrated. One of the best Town Clerks of Nairobi City then, the late Gakuo, was arrested. He died a bitter man in prison. There was another gentleman – a Permanent Secretary whose name I cannot remember – who was imprisoned yet others got away with it. So, what we want is this impunity to end. I pray that in the next Parliament, the Government that will take over will continue with the fight that President Uhuru Kenyatta has started.

We have a very good name abroad. It is only here that hooligans are spoiling our name. I am a sad person because people of my colour, and not of my inclination, are the ones who have been involved in these scams. Whether it is Pattni or Somaia, why are they walking around freely while the Government is doing nothing? Why can we not take them to Uhuru Park and hang them? Why can we not do what President Duterte does in Philippines? We need effective action – and we want it now – against people who are found guilty.

Thank you.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Member for Emurua Dikirr.

Hon. Kipyegon Ng’eno (Emurua Dikirr, KANU): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to also contribute to the Public Procurement and Disposal

(Amendment) Act. It is intended to cure some of the bottlenecks that make the procurement process strenuous in our country. I do not want to speak much about it but I will look at a few amendments that have been proposed. I support them. They are geared towards making the procurement process easier. I want to speak on costing, which is part of the amendments. I do not know if it is Clause 5. It talks about a survey that is to be done by the head of procurement, especially on supplies and costing of materials that are supplied, procured or tendered. Remember, the prices of most of the things that are procured are exaggerated. For example, a product that costs Kshs200 in the market is costed at Kshs800. That is almost triple the market price. So, I support this Amendment Bill. It will ensure that whatever costing is done – be it for building roads and houses or for buying and supplying equipment – will be as per the exact pricing in the market so that if there is any variant, it will be a small variation.

I also support sub-contracting. If a main contractor fails to complete a project he is undertaking, it should be easier for the relevant Government entity to sub-contract that project so that it does not stall. We have had many situations where projects stall because the contract prices were exaggerated. Instead of cancelling such projects and going through another serious procurement process, we should look at the sub-contracting alternative.

On inclusion of other bodies that may not necessarily be registered contractors, I suggest consideration of local contractors, sole proprietors, partnerships and cooperative societies. These bodies should also be considered when giving out contracts so that we do not just deal with limited companies alone. We need to give opportunity to people who may not qualify for registration as limited companies but are registered as cooperative societies and sole proprietors. These are people who are deep in the villages and they qualify to undertake some of these contracts. The law should not deny them the opportunity of accessing these contracts.

I also want to speak on cancellation of contracts. It is part of the amendments in this Bill. The problem that we have in this country is that the process of cancelling a contract is long. It takes ages. If somebody fails to complete a project, we should not have stringent rules that make it so difficult to cancel the contract. There are so many projects in this country that have stalled for between 20 and 30 years. The projects are not complete because the procuring entities fear cancelling the contracts. They are sure that it will take them a long time to complete the cancellation and retendering processes. We need to bite the bullet and make sure that we change the process of contract cancellation and its timeframe. If we do that, we will make it easier to cancel a non-performing contract and move this county forward.

I have not seen anything on persons with disabilities in this Bill. We should bring an amendment to include persons with disabilities. Looking at how their interests have been secured in the tendering process, they are only exempted from certain tendering procedures but they are not exempted from paying taxes. I believe our society has close to 0.05 per cent of persons living with disabilities. The rest of the country's population comprise of about 99.999 per cent of able-bodied people. Therefore, it should be our responsibility, as those who have no disabilities, to allow these people to participate in tendering. Sometimes we categorise a road tender as only for PWDs. That is not enough. We need to allow them to undertake the construction works without paying VAT. What is VAT? Normal people can pay VAT. Why should we force PWDs to pay VAT and yet they are few and they have problems? They have families and they need all this money to provide for their day-to-day necessities. We should not be mean to deny these people access to their contract money.

Lastly, I want to speak to the question of reduction of the procurement period. Providing for 14 days or 21 days or 28 days is to prolong the process. I think we should go further and

introduce an amendment that ensures that the period for undertaking a particular project is standardised. We know the time it takes to build a classroom or to construct a road. We should provide timelines. I appreciate how the Chinese undertake projects. The only problem with the Chinese is that when they come to our country they become corrupt. When they are in their country, they never steal even a single cent. You know why? It is because of the stringent rules in that country; like what my friend, the Member for Kisumu East, was suggesting. He suggested that corrupt people should be hanged. That is exactly what the Chinese do. They hang corrupt people so that the country has almost a zero-corruption rating. However, when Chinese contractors come to Kenya, they tend to be the most corrupt people. I am shocked because most of the Chinese contractors who come to the country are government contractors. When they are in this country, they give kickbacks. For example, the SGR was supposed to cost about Kshs300 billion. At the end, it cost over Kshs600 billion. The Kshs300 billion on top was payment for Government operatives and maybe the Government itself in form of kickbacks. Still, the Chinese take shorter time to complete a road project. They do not take ages. I support the idea of reducing the procurement time so that if somebody cannot deliver within a particular period, then the tender should be cancelled.

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

The Temporary Deputy Speaker (Hon. Soipan Tuya): Well said, Hon. Ng'eno but I saw you struggling to describe a person living with disability and a person who is unable. The sensitive term to use is "person living with disability" as opposed to "able-bodied person" and not "complete versus incomplete people." It cannot be "normal" and "abnormal" people.

Given no more interest from Members, I call upon the Mover to reply.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Temporary Deputy Speaker. Indeed, I am appreciative of the fact that many Members had an opportunity to contribute to this Bill. It will go a long way in improving our procurement processes and mechanisms so that we get better value for money for the Kenyan people.

As I said while moving the Bill, I am aware that the Departmental Committee on Finance and National Planning had identified a number of areas for amendments. I also welcome Hon. Nduati, who said he would bring some amendments. I am not sure whether Hon. Ng'eno said he would bring amendments. It is all in the spirit of trying to enrich the Bill and make it better for purposes of moving forward. I want to thank the Members who have contributed to this Bill, particularly the Members of the Departmental Committee on Finance and National Planning who were able to give us their Committee's perspectives. I do hope that between now and the next one week or so, we will have all the necessary amendments and harmonise them. Hopefully, in the course of next week, we will process this Bill in the Committee of the whole House and conclude it.

With those few remarks, I beg to reply.

The Temporary Deputy Speaker (Hon. Soipan Tuya): We shall defer putting the Question until when the Bill is next placed in the Order Paper.

(Putting of Question deferred)

Let us move to the next Order.

BILL*Second Reading*

THE SUSTAINABLE WASTE MANAGEMENT BILL

The Temporary Deputy Speaker (Hon. Soipan Tuya): Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, I beg to move that the Sustainable Waste Management Bill (National Assembly Bill No.22 of 2021) be now read a Second Time.

This Bill seeks to introduce a legal framework for policy, coordination and oversight of waste management. It also seeks to provide for measures and actions necessary for waste management and to redefine the roles of the national and county governments as well as the roles of the private sector so that we avoid clashes that erupt in a situation that is full of ambiguity and without order.

The Bill also provides for the establishment and management of material recovery facilities and for the duties of private sector entities that will be involved in waste management. They will know where to procure the necessary equipment, what they need to do and the incentives they will get for the production and importation of the necessary equipment for waste management. It also provides for financial matters, including allocation of fees for county government facilities involved in waste management.

When talking about sustainable waste management, one needs to remember the stench that we used to experience on the way to the airport in Mombasa at Kibarani. It was an eyesore. If you did not have an air conditioner in your car and you had to open the windows, the stench was enough to choke you. Through innovative approaches that the county government, the national government and a few stakeholders put in place, the whole of the dumpsite has since been reclaimed and converted into a lovely park that people enjoy. You will see a lot of activities going on there. The stench is no more. These are the kinds of initiatives we are looking at in this Bill. Waste will be with us. As the population grows, waste can only grow but spaces available for treatment and disposal of waste are static. The only choice that we have is to come up with innovative ways of waste disposal.

How do you dispose of waste? At the point of disposal from the house, how do you disaggregate? What is recyclable and what cannot? What needs to be treated in a certain way so that as we dump the waste, it can be done in a way that it does not become landfills but in a way, could become a commercial activity that generates energy and livelihood? This is so that we are not just looking at waste management or waste disposal but also livelihood improvement amongst the young chaps. It now involves older persons who thrive on processing that waste by recycling it, selling it to some manufacturers and getting a livelihood out of it, but in a better organised situation as it happens in the western world. This Bill seeks to provide for that.

We are also looking at the extended producer responsibility schemes, circular economy for reduction of waste and basically appreciating that if all those things are not anchored in law, we will end up with each county government trying to do their own thing. We have seen a lot of similar situations where each homestead tries to do their own thing thus falling prey to guys who tell them that they can do their waste management. We have seen many scandals around the county governments on the same. However, in this proposed law, we have some uniform basis at the

national and county levels on how to handle waste more responsibly within a sustainable environment.

This Bill has also looked into some of the best practices on agreeable basis in terms of what people have done, who have done best and how we learn from them. We import the practice from them so that as we go near to doing it, we will not just be starting from scratch or re-inventing the wheel because some have done it.

What the Bill is introducing, for example, are measures that extend to a person or our first financial responsibility over any product from the design of the product, production up to the consumer point of view, and what mechanisms have been put in place to ensure that their programs minimise waste in terms of packaging materials used. That would then mean that from the factory to the consumption level, when you do away with the product, you will have minimum waste through the packaging materials. What are some of the financial arrangements as part of incentives to be used to kind of sensitise people to use green technologies that minimise waste? How do we promote recycling of some of the materials? Most importantly, after whatever cannot be re-used and has to be wasted, are there any incentives that can be given to people for recovery of waste?

Along this extended producer responsibility is a whole issue of awareness programs that aim at creating awareness amongst the public on the impacts of waste emanating from certain products on their health as well as the environment.

Hon. Temporary Deputy Speaker, as you are aware, we live in a world where effects of climate change are here with us. It is attributable to our interference with our ecosystem. Scientists can tell us that it is yet to be proved but it is becoming clear that even the weather patterns are going back to what we used to experience some years back.

I was talking to one of the scientists on what is happening, and how come we are having this climate change back. Subject to verification of findings of research that is on-going, the level of carbon emission attributable to the many flights that used to be in the air reduced over the last two years when most of the airplanes were grounded because of COVID-19. Hence, interference with the global system was curtailed and we are now able to get back to our default weather without carbon emissions in the air. Carbon emission from our dumpsites also contributes a lot to climate change. If we sort out that waste, we will be contributing to reduction of the adverse effects of climate interference and climate change. Basically, it is a bigger comprehensive program aimed at not just reducing waste and stench and reducing the number of dumpsites. It also aims at reducing the impact of such waste to the environment and mitigates climate change.

The Bill also takes into account the potential of incentives in terms of why people must use waste for productive services. Kenya is a host to the UN Habitat. Unfortunately, we did not take some of these things seriously in the past but with this law, we will be showing our commitment to the world that we not only host the UN environmental agencies in Kenya but we are also moving a step up in terms of joining the rest of the world in coming up with sustainable ways of disposing our waste and processing it.

I have taken time to look through the Report that the Committee tabled in this House. I am happy to note that they did a good job. I congratulate them. They have presented to us a comparative analysis of the various countries that have passed similar legislations on waste management. They have particularly drawn our attention to examples from South Africa and Canada, among other countries that have gone ahead to adopt laws that govern waste management.

I know that we are represented in the Committee, and they will be sharing some of that experience. However, I want to ask Members that we pay special attention to this Bill today or in

the course of its processing up to the final stage because it is something we will be making an important contribution as the 12th Parliament towards securing a cleaner environment.

The Bill also brings some clarifications in terms of what the National Environment Management Authority (NEMA) would do in terms of this and their role in implementation of the National Waste Management Strategy. As I said, the county governments are an integral part of this initiative. They are mandated to look at matters to do with waste management. The Bill now clarifies some of the things that happen to them. They are required to implement some waste management strategies, including providing for central collection centres for the recyclable materials and mainstreaming that management into their county planning and budgeting. So, it is not just one of those other items but would be one of the mainstream planning issues.

As I conclude, I wish to underscore the observation of the Committee that this Bill is a progressive legislation which once enacted will enable the country to have a paradigm shift in solid waste management. I could not agree with them more. I note that they have also made some proposals to enrich this Bill through amendments. I look forward to further amendments by other Members of the Committee.

With those few remarks, I beg to move and ask Hon. Chachu Ganya to second.

Hon Chachu Ganya (North Horr, FAP): Hon. Temporary Deputy Speaker, I rise to second the Sustainable Waste Management Bill (National Assembly Bill No.22 of 2021). It was tabled in this House on 1st September 2021 and the Speaker committed it to the Departmental Committee on Environment and Natural Resources for review and report to the House pursuant to the provisions of Standing Order 127 (1).

The Bill provides for the establishment of a legal and institutional framework for sustainable management of waste, ensuring the realisation of the constitutional provision on the right to a clean and healthy environment and for connected purposes. The principal object of this Bill is to provide for policy co-ordination and oversight of waste management. It also seeks to provide measures and actions including the role of the Cabinet Secretary (CS) and county governments regarding policies, regulations and standards, the administration of take-back schemes, extended producer responsibility of entities engaged in the production, conversion, importation of products and packaging and the establishment and administration of material recovery facilities and duties of private sector entities. Additionally, it provides for the access to information on waste management, financial provisions including allocation of fees for county government facilities, incentives for the production and importation of sustainable waste management equipment as well as monitoring, compliance and enforcement by the National Environment Management Authority (NEMA).

Hon. Temporary Deputy Speaker, the Committee undertook public participation upon placement of advertisements in the print media on 6th September 2021 requesting for comments and submission of memoranda from members of the public and other relevant stakeholders, pursuant to Article 118 (1) (b) of the Constitution and Standing Order No.127 (3). The outcome of the deliberations with the ministries and stakeholders was proposed amendments to the Bill and has been taken into account while considering the final proposed amendments contained in Part III of the Committee's Report.

The Bill seeks to establish an appropriate legal and institutional framework for efficient and sustainable management of waste in the framework of the green economy; promote realisation of the zero waste goal under Article 42 of the Constitution on the right to a clean and healthy environment for all. It is important to note that waste is a resource that can be managed to achieve economic, social and environmental benefits. Addressing the waste management challenge

effectively in Kenya is critical to delivering on Kenya's constitutional right to a clean and healthy environment, advancing the circular economy to create green jobs and wealth from the waste sector and realisation of our nation's sustainable development goals.

In keeping with the Constitution, the Committee conducted public participation, pursuant to Article 118 (1) (b) of our Constitution and Standing Order 127 (3) and received written submissions and memorandum and oral submissions from the following institutions:

- (i) Ministry of Environment and Forestry;
- (ii) Kenya PET Recycling Company Limited;
- (iii) Multichoice;
- (iv) Natural Justice; and,
- (v) Kenya Private Sector Alliance.

The Ministry noted that the Sustainable Waste Management Bill, 2021 will drive Kenya towards a sustainable circular economy. It will move the country towards realisation of the Zero Waste Principle. This will ensure that waste is separated at source, appropriately collected and transported and recycled and the remaining waste stream is destined to a secure sanitary landfill. Effective sustainable waste management will create value from the waste stream through reuse and recycling, formalising the waste...

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Chachu, I am sorry to cut you short. Are you reading from a script?

Hon Chachu Ganya (North Horr, FAP): I am not reading from a script but the Committee's Report. I am trying to ensure that the decisions are clearly stated.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Do not do it verbatim. Just summarise.

Hon Chachu Ganya (North Horr, FAP): Hon. Temporary Deputy Speaker, I will adhere to that directive but there are some technical issues that I must cover.

Effective sustainable waste management will create value from the waste streams through reuse, recycling, formalising the waste-pickers' sector as well as to improve livelihoods of those engaged in this sector. The Bill seeks to provide for establishment of a legal and institutional framework for the sustainable management of waste to ensure realisation of the constitutional provision of the right to a clean and healthy environment for all.

The Bill provides for a policy, coordination and oversight of waste management as well as for resources and actions that are to be taken by relevant stakeholders, including the role of the Cabinet Secretary (CS) because this is a devolved function regarding policies, regulations and standards. The Bill further provides for distribution and management of material recovery facilities both at the national and county levels. The private entities will take a lead role in the process.

In addition, the Bill provides for Kenyan's information on waste management, financial provisions including the allocation of fees for county government facilities, incentives for production and importation of sustainable waste management equipment as well as monitoring, compliance and enforcement by NEMA. In considering this Bill, the Committee made some critical observations to inform some amendments to this Bill for introduction during the Committee of the whole House.

First, this Bill is a progressive legislation and once enacted will enable this country to have a paradigm shift in matters to do with solid waste management. It will ensure that we have a circular economy where waste will become raw material and hence a means for job creation.

The Bill proposes major responsibilities with veto powers for the Cabinet Secretary. As a Committee, we felt that there is need to check the powers of the Cabinet Secretary through

consultation with the county governments because he has sweeping powers to declare anything as a waste without any consultation with the county governments' leadership. This being a devolved function, we feel it needs to be amended during the Committee of the whole House.

Also, the Bill creates a Waste Management Council whose chairperson is proposed to be the Cabinet Secretary responsible for environment. The proposed chairperson is also in charge of policy direction. As a Committee, we felt that there is need to separate the council chair from the policy making functions because there is an oversight role which is critical. So, the policy function and oversight function need to be separated. We will bring an amendment to that effect during the Committee of the whole House.

In addition, we observed that several functions of the Waste Management Council overlap with those of the National Environment Management Authority (NEMA). Therefore, we felt that there is need to provide for a platform for consultation between the national and county governments while the technical issues to do with waste management is left to NEMA as the authority charged with environmental management in our country.

Hon. Temporary Deputy Speaker, there is also the issue of the division of Extended Producer Responsibility (EPR), which has been given a very limited function in this Bill. It is critical when you understand the whole cycle of solid waste management. We felt that EPR should be mandatory and legally binding for all at consumer stage, production stage and post-consumer stage. While post-consumer stage covers waste generation and activities undertaken thereafter, globally, EPR obligation covers the full cycle, including the consumer stage, take backs and recycling. It covers the entire production from the beginning until when it becomes a waste and you need to throw it away.

The Bill is very lenient in terms of the penalties. As a Committee, we feel that there is need to ensure that they are enhanced for sustainable waste management in our country. There will be an amendment to that effect. Also, the Bill does not provide for e-waste management. Therefore, there is need to provide for it in the Regulations when the Bill goes through.

Hon. Temporary Deputy Speaker, having considered the Sustainable Waste Management Bill (National Assembly Bill No.22 of 2021), the Committee recommends that the House approves it with amendments as proposed in the Schedule contained in the Report.

With those remarks, I beg to second.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Wangwe, do you want to speak to the Bill?

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support the Sustainable Waste Management Bill (National Assembly Bill No.22 of 2021) by the Departmental Committee on Environment and Natural Resources. The Bill seeks to establish a legal and institutional framework to promote sustainable waste management, improve the health of all Kenyans and ensure that we have a clean and healthy environment and reduced air, land, water and marine pollution.

In the computer world, people say garbage in, garbage out. In terms of waste management, anything you produce must have a waste colour on it. According to the way the Bill is structured, waste management is a key component of any manufacturing or well-being in our society. The Bill seeks to promote and ensure the effective delivery of waste services, create an enabling environment for employment in the green economy and inculcate responsible public behaviour on

waste and environment. People are employed in the waste management to collect waste but they are not well taken care of. Therefore, this Bill will compel employers to take care of the employees. Anyone who is employed in this industry shall be taken care of in terms of how he handles waste products.

This Bill has also tasked the devolved units to ensure that they provide centres for collection of materials that can be recycled. It affects county governments by ensuring that they provide central collection centres for materials that can be recycled. The Bill talks about the penalties against those who will obstruct the NEMA and even those who will not separate materials in terms of degradable and non-degradable materials. The county governments shall establish waste management infrastructure to promote source segregation, collection, re-use and set up of materials recovery. They will be responsible for implementing the devolved function of waste management and establishing the financial and operational conditions for effective performance.

This Bill also calls for the establishment of a Waste Management Council, which is a key issue. It shall have an effect in financial management, which is a good thing. It will be chaired by the Cabinet Secretary (CS) of the Ministry of Environment, who will be responsible for coming up with the policy on sustainable waste management in consultation with the county governments and the Government regulations in consultation with NEMA.

This Bill enjoins various components of the environment. It brings on board NEMA and the county governments. However, it leaves the Regulation at the apex of the Ministry. This means you can equate this Bill to the Irrigation Bill in agriculture, which we passed at the beginning of this Parliament. The sustainable wastage management policy will be made at the national Government level but it will be equally implemented by the county governments. This is a good Bill that enriches our Constitution in terms of how we can make use of both devolved units and the national establishments by bringing on board NEMA and allowing the policies that are developed by the national Government to be effected by the county governments.

The NEMA shall develop standards and guidelines on sustainable waste management; and generate and disseminate waste information for the public, in consultation with the county governments. Therefore, this Bill will not infringe on the rights of the county governments. Instead, the county governments will use institutions like NEMA to develop policies. This is how to make use of county governments in terms of association between county governments and the national Government. The Authority will also enforce waste management legislation in consultation with the county governments. This is a good thing. This Bill will work well for both the national Government and county governments.

In this Bill, the county governments will establish waste material recovery facilities. We leave the licensing of the materials recovery facilities with NEMA so that we make them uniform. Kenya is for all of us. For example, the waste management practices in Kakamega County should be similar to those in Mombasa County so that in terms of administration, the national policies shall apply across the country. Materials recovery facilities shall be used for final sorting and recycling of waste generated or transported to the country and put the residual waste into a long-term storage or disposal facility. This is an explanation on how the set-up of the facility will work.

This Bill also says that a private sector entity will prepare a three-year waste management plan. This will help us not to have a case like the one which was in this House by the Committee on Implementation and the Departmental Committee on Environment and Natural Resources. About two months ago, the Departmental Committee on Environment and Natural Resources was overseeing the waste management of a company in Industrial Area which has a housing estate. We have just passed that Report by the Committee on Implementation. This Bill compels a private

entity to prepare a three-year waste management plan and submit an annual monitoring report to NEMA, specifying the actual quantities of waste generated by the entity, the waste management methods applied by the entity and any other information that NEMA requires.

Had this law been there before, the case that the Departmental Committee on Environment and Natural Resources was following up until it brought a Report to this House – the Committee on Implementation was following up on the same Report – would not have arisen. However, we are happy with this Bill. If it is passed, the issue that was a challenge in that Report will be resolved. It will become law which will be enforced.

This Bill is also looking at a private sector entity which fails to comply with the proposed provisions. They shall have committed an offence and upon conviction shall be liable to a fine of not more than Kshs200,000. We are now setting the parameters and the punishment thereon. In addition to the fine imposed on the entity, they shall also be liable to imprisonment for a term not exceeding three months. This is a fair punishment which will ensure that the private sector complies with the law. It will ensure that no person will hinder NEMA from performing its functions.

Kenya is a country where the rich are enclosed behind their gates and they build high walls so that institutions such as NEMA cannot access and see what is happening in their factories. We are now allowing NEMA to fine you if they come to your gate and you do not open it. We are also saying that a person who obstructs NEMA, shall be liable to a fine not exceeding Kshs1 million or imprisonment for a term not exceeding five years. We want NEMA to be free to work within the confines of this law, so that it is able to perform its functions.

There are many good proposals in the Bill. I know my colleagues will be adding more on it. I have seen various amendments which the Committee has proposed in the Report, following the stakeholder's engagement. I will also be supporting the Committee during the Committee of the whole House.

With those remarks, I beg to support.

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

Hon. Kipyegon Ng'eno (Emurua Dikirr, KANU): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to also make my contribution on this particular Amendment Bill. God gave us a very clean environment. We are the ones who have made the environment toxic and more dangerous.

It is our responsibility because we are the ones who throw waste anywhere even within our environment like in areas we live in and even at our places of work. We have a careless behaviour. We do not care about the people who will occupy the places we have been sitting in. We do not care about how they will be affected by the waste that we leave behind. When somebody chews gum and it loses its sweetness, they just place it anywhere leaving the person who will come to occupy that same place to be affected by it.

We must be responsible citizens. Toxic wastes lead to poisoning. When the food we eat stays for some days, it becomes toxic or poisonous. The waste that is normally disposed from the factories becomes very toxic and when it is disposed in rivers and places where people get food from, they become poisonous.

This amendment Bill therefore brings in a body that will work hand-in-hand with NEMA in managing the waste that comes from factories as well as the waste we produce at home. That is why I think this Bill has come at the right time. We need the Waste Management Council that will be dealing with this particular issue. The Waste Management Council will work with the NEMA. The NEMA has been doing a good job. They have been managing the environment and developers

to ensure that they do not develop in areas that will destroy the environment. The proposed Council will be dealing specifically with dumping and recycling of waste produced by people and factories.

There are many products which need to be recycled. I remember when I was abroad during games like the World Cup, there used to be a lot of waste. People would drink water and drop plastic bottles. There are companies and supermarkets that buy these wastes. That is how people make money. It is how some of us used to make money as students. This is also how we saved the environment in those countries. We used to collect the used plastics and sell them to supermarkets. The supermarkets would then take them to recycling facilities. So, there would be no waste. You would not find used bottles on the streets or anywhere. This is what we need to introduce in our country.

We should invest or get people to invest in used bottles materials which would otherwise be dumped somewhere. If we allow the proposed Council to access investors who can recycle waste materials, we will save our environment.

Hon. Temporary Deputy Speaker, the laws should also be stringent on the factories. Most of the factories we have visited dispose of their dirty effluents into the sewage system or even into rivers, which have become poisonous. If we recycled even waste products from factories, they can be useful somewhere else. On this, we must have very stringent rules and bar industry owners from disposing harmful materials into rivers.

I believe that scrap metal is part of this waste. Our country has had a very good way of consuming this particular waste by, say, crushing them for other good use. It is very unfortunate that a month or two ago, the President gave an order that scrap metal should not be sold and that no one should be collecting them. This is one of the business areas from which people get income to meet the expenditures in their homes and for paying fees. This goes to the people who are misadvising the President: No one can advise the President to ban scrap metal dealings, which is a business that has so many people depending on it. No sane person can advise the President to do that. It is not because we have been told that there are some metals from Kenya Power and Lighting Company (KPLC) being sold. We should chase the thieves. We should arrest the people who are vandalising the KPLC infrastructure. We should not punish the families which rely on scrap metals. Scrap metal is also part of the waste that can be put to good use. The proposed Council should look into ways of making use of scrap metal to benefit the society. We should also do the same with other waste materials disposed into our environment.

Hon. Temporary Deputy Speaker, I wish to support this particular amendment Bill. We will read through it and see if we can bring further amendments that can go a long way in making our country safe, poison-free and ensure that we have a clean environment. The county governments should be in a position to ensure that the streets and everywhere else within their cities and towns are clean. What makes our towns very dirty are the waste materials that are disposed everywhere. The county governments should also have their rules to ensure that people do not dump waste anywhere. In Mombasa, there was a very dirty stretch alongside the road to the airport. You would drive alongside it for almost 20 minutes. Even when you were travelling in a speeding vehicle, you would smell the stench of some material dumped there. There are companies that went there and recycled the waste and the place is now very clean. Other county governments should emulate the same method that was used in Mombasa to ensure that Mombasa becomes a very clean city.

With those remarks, I support the Amendment Bill and I congratulate the Leader of the Majority Party, Hon. Amos Kimunya for bringing it to the House.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Member for Suba North, Hon. Odhiambo.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill.

This is one of the Bills that I had hoped to bring in September this year, God giving us life and grace. Be it as it may, I thank the Committee and the Leader of the Majority Party for bringing it to the House. In another life, I was very passionate about environmental law. I did environmental law for my Master's Degree at the University of Nairobi but I abandoned it when I was invited to do another Master's Degree at a New York University. My passion for human rights took over even though environment is also a right. I became more passionate about the rights of human beings even though I am still passionate about the rights of the environment.

This Bill is timely because it provides a legal and institutional framework for the efficient and sustainable management of waste in the framework of the green economy and it promotes the realisation of the Zero Waste Goal as we implement Article 42 of the Constitution on the right to a clean and healthy environment for all. As a girl of Suba or Nyasuba... Nowadays we do not say "Nyambita" because "Nyambita" has some interesting connotations. I now say I am Nyasuba. "Nyasuba" or "Nyanama" has the connotation of living by the lake. For those of us who live by the lake, efficient waste management is very important to us. I also live by a river and sometimes when it rains the smell from the river is impossible. Sometimes, on my own initiative, I go and clean the river. So, once this Bill is enacted into law, it will ensure that our county governments will not do it as a matter of a favour but as a matter of a right.

Hon. Temporary Deputy Speaker, there are many benefits of having efficient and sustainable waste management but before I go into that, I just want to bring to your attention that very recently, CNN aired a feature story where in one of the island nations, there was an amazing amount of waste in terms of bottles and other things. This impact of such waste on the health and wellbeing of the people is so much. Some waste can cause cancers. Indeed, during one of the times we visited Hong Kong as a Committee of Parliament, I was shocked because I thought it was a cloudy day but what was there was gas that made it impossible for us to even breathe well. They started using masks way before COVID-19. I would not be shocked to find ailments like COVID-19 emanating from poor waste management. One of the benefits of efficient waste management is that it moves the country towards realisation of the Zero Waste Principle. This will ensure that waste is separated at source, appropriately collected and transported, recycled and the remaining waste moved to a secure sanitary land field.

I do not know why I find it difficult but those of us who often travel outside the country know that if you live in the US, for instance, you see it so clearly. There is a bin for glasses and another bin for reusable paper and all that. In Kenya, we are not able to recycle waste because if I use paper to throw my *ugali* in and all that, it becomes impossible to recycle it. When we create such an industry, it also creates jobs for our young people. Also, as indicated earlier, it protects us from negative health consequences that come with the emissions from factories. We have seen it in Kenya. We have factories that have been closed because of that. There was a time in my own constituency where we saw dead fish floating in a river and nobody knew why. That was part of the reason.

The Leader of the Majority Party is hoping that we can finalise debate on this Bill in good time. One of the effects is climate change. If we do not deal with it, we will suffer the negative effects of climate change. I like the use of the word "sustainable" because it means we are mindful of our children. Sustainability is about the future. Otherwise, I want to encourage the Leader of

the Majority Party that he should not be worried. We know that there are Members who come to the House early to defeat one item and run away but we usually come back and overturn their decisions because they do not have numbers. I have once said on the Floor of this House that the numbers that they have is telephone numbers. So, let them defeat this then we will come back and overturn it. So, Leader of the Majority Party, sit pretty knowing that the agenda that you want passed here will be passed.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Kipkosgey, Member for Keiyo South.

Hon. Daniel Rono (Keiyo South, JP): Thank you, Hon. Temporary Deputy Speaker. I wish to support this Bill on waste management. It is an important Bill.

I want to commend the Leader of the Majority Party for bringing it to the House. All you need to do is to look at our environment. The environment is key in handling waste management, particularly in our country. I am glad that the law that has been proposed touches on county governments and the national Government. That is where waste is all over the place. Sometime if you walk around, it is sickening how people handle waste. We need stringent laws so that people do not dispose waste carelessly. We are talking about the NEMA. Is it effective or not? We need to get people to work on waste management. If you walk around in our towns and compare them with the outside world, there is a big difference, for example, with the United State of America. I am told that time is running out.

With those remarks, I support the Bill, hoping to get another chance to weigh in on the same. I know it will be continuing tomorrow.

Thank you.

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

Hon. Ayub Angatia (Lugari, ANC): Thank you, Hon. Temporary Deputy Speaker.

I rise to support this Bill for one reason. The health of the citizens of a nation depends on the environment of that country. This Bill seeks to assist us in cleaning our environment to protect our citizenry from being affected by diseases such as cancer. Let us clean our rivers and undertake proper waste management to avoid wasting a lot of money on treating diseases.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): That is the last Member to contribute today. Leader of the Majority Party, I will give you a chance to reply if you can finish in a minute.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Temporary Deputy Speaker. I believe this is one Bill which is in total concurrence with the need for sustainable waste management. I am glad Members have supported it. I am glad that the voice of the Committee has been well captured through Hon. Chachu Ganya, who presented the Report of the Committee. I look forward to Members' amendments, if there will be any; so that we process the Bill again, probably, in the course of next week and take it the Senate for them to complete the process. We will then have given our country a legal framework for management of waste.

I beg to reply.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Members, we will defer the putting of the Question until when we next have it the Order Paper.

(Putting of Question deferred)

So, with that, we can call it a day.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Members, the time being 7.00 p.m., the House stands adjourned until Thursday 3rd February, 2022 at 2.30 p.m.

The House rose at 7.00 p.m.