

PARLIAMENT OF KENYA**THE NATIONAL ASSEMBLY****THE HANSARD****Wednesday, 13th April 2022**

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Speaker: Please ring the Quorum Bell.*(The Quorum Bell was rung)***Hon. Speaker:** Very well. We now quorate.**PAPERS LAID****Hon. Speaker:** Let us have the Leader of the Majority Party.**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:Report of the Auditor-General and Financial Statements in respect of the National Government Constituencies Development Fund (NG-CDF), Kajiado North Constituency for the year ended 30th June 2019 and the certificate therein.Reports of the Auditor-General and Financial Statements in respect of the following NG-CDF constituencies for the year ended 30th June 2020 and the certificates therein:

(a) Westlands Constituency; and

(b) Roysambu Constituency.

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

(a) National Museums of Kenya;

(b) National Industrial Training Authority;

(c) Kenya Cultural Centre;

(d) Child Welfare Society of Kenya; and

(e) National Irrigation Authority.

Report of the Auditor-General and Financial Statements in respect of the National Assistance Trust Fund from the State Department for Social Protection for the year ended 30th June 2021 and the certificate therein.

Thank you, Hon. Speaker.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. Speaker: Next is the Chairman of the Committee on Delegated Legislation or a Member thereof. Hon. Seroney.

Hon. Sammy Seroney (Nominated, WDM-K): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Committee on Delegated Legislation on its consideration of the Political Parties (Membership) Regulations, 2021 (Legal Notice No.260 of 2021).

Thank you, Hon. Speaker.

Hon. Speaker: Very well. Next Order.

QUESTIONS AND STATEMENTS

ORDINARY QUESTIONS

Hon. Speaker: The first Question is by the Member for Igembe Central.

Question No.108/2022

DELAYED GAZETTEMENT AND STAFFING OF IGEMBE CENTRAL AND KIENGU SUB-COUNTIES IN MERU

Hon. Kubai Iringo (Igembe Central, JP): Thank you, Hon. Speaker, for giving me this opportunity to ask Question No.108 of 2022 directed to the Cabinet Secretary for Interior and Coordination of National Government:

- (i) Could the Cabinet Secretary explain why the gazettelement of Igembe Central Sub-County has been delayed since 2018 after public participation recommended the area as the Sub-County which qualifies in all aspects?
- (ii) Could the Cabinet Secretary explain when the subdivision of the said Sub-County will be gazetted considering that all other identified subdivisions in Meru County have been gazetted?
- (iii) When will the new Deputy County Commissioner for the new Kiengu Sub-County be posted to the Sub-County Headquarters for enhancement of service delivery?

Thank you, Hon. Speaker.

Hon. Speaker: The Question will be replied to before the Departmental Committee on Administration and National Security. The next Question is by the Member for Luanda, Hon. Christopher Omulele.

Question No.109/2022

INORDINATE DELAY IN CONSTRUCTION OF EMULULU TTI IN LUANDA

Hon. Christopher Omulele (Luanda, ODM): Thank you, Hon. Speaker. I rise to ask Question No.109 of 2022 to the Cabinet Secretary for Education:

- (i) Could the Cabinet Secretary explain why construction of Emululu Technical Training Institute (TTI) in Luanda Constituency has not commenced despite being allocated funds during the 2021/2022 Financial Year?

- (ii) Could the Cabinet Secretary state the amount that was earmarked and utilised on the pre-design phase of the Institute, if any, during the 2021/2022 Financial Year?
- (iii) What has caused the inordinate delay in the initiation of project works on the TTI, and when will the construction works commence?

Hon. Speaker: The Question will be replied to before the Departmental Committee on Education and Research. The final Question is by the Hon. Member for Teso North, Hon. Kaunya. Do you not have a card?

Question No.110/2022

STALLED RENOVATION OF MALABA RAILWAY STATION
AND CONSTRUCTION OF MALABA RAILWAY DEPOT

Hon. Oku Kaunya (Teso North, ANC): Thank you, Hon. Speaker. I rise to ask this Question to the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development.

- (i) Could the Cabinet Secretary explain why the renovation of Malaba Railway Station and construction of the Malaba Railway Container Depot have stalled for nearly a month despite having been funded?
- (ii) Could the Cabinet Secretary explain any challenges faced by the contractor, who has since abandoned the site and has failed to meet his contractual obligations on the said projects including the payment of dues to casual labourers who have not been paid to date?
- (iii) What steps is the Ministry taking to ensure that the construction of the station and depot is completed as soon as possible considering their importance in boosting the transport network and improving the economy of the region?

Thank you, Hon. Speaker.

Hon. Speaker: The Question will be replied to before the Departmental Committee on Transport, Public Works and Housing.

The next segment is on Statements. Today, there is a response from the Chairperson of the Departmental Committee on Defence and Foreign Relations to the Request by Hon. Zuleikha Hassan, the Kwale County Member of Parliament. Let us have the Chairperson of the Departmental Committee on Defence and Foreign Relations, Hon. Richard Tong'i.

STATEMENTS

REPATRIATION OF KENYANS STRANDED IN UKRAINE

Hon. Richard Tong'i (Nyaribari Chache, JP): Thank you, Hon. Speaker. On behalf of the Ministry of Foreign Affairs, I rise to issue a Statement to the House regarding the repatriation of Kenyans stranded in Ukraine as requested by Hon. Zuleikha Hassan, Member of Parliament for Kwale County, on Thursday, 24th February 2022.

The matter seems to have taken a little longer than it should have been. This is because of the nature of the responses which required a lot of engagements and involved other countries. So, it took long so that we could get the most appropriate response to the Question which was asked.

Even as I table the response as received and appended to this Statement, allow me to give the House a brief history of what has happened in Ukraine to the best of our knowledge.

On 24th February, the Russian Federation invaded Ukraine in violation of its sovereignty and territorial integrity. Kenya alongside other countries strongly condemned the invasion at the United Nations Security Council. The escalated conflict and tension in Ukraine from the attack by Russian military forces led to the exodus of millions of people including Kenyans who were living in the country. Kenya does not have a residence mission in Ukraine however, Kenya's Embassy in Vienna, Austria serves Ukraine through one of our accredited Honorary Consular.

It is estimated there are about 201 Kenyans in Ukraine out of whom 187 who are mainly students are registered and the rest are not documented. The Question was:

- (i) Is the national Government considering urgent repatriation of Kenyans caught in Russian invasion of Ukraine back to Kenya and if so, within what time frames shall this happen?

The Ministry of Foreign Affairs facilitated the urgent evacuation of Kenyans caught in the Russian invasion. At the outset, the Ministry and Kenyan Embassy in Vienna issued an advisory to all Kenyans living and studying in Ukraine to urgently consider leaving the country. Kenya's embassies in Vienna, Berlin and Moscow alongside the Consular in Kiev mobilised support for safe passage of Kenyans to neighbouring countries.

The consular in Ukraine has been providing leadership and guidelines to Kenyans on the travel logistics between Ukraine cities and neighbouring countries like Poland, Hungary, Romania, Germany and many other countries in the neighbourhood. He organised transport with the local authorities for all Kenyans who were willing to be evacuated from Ukraine between 24th February and 1st March.

On 8th March 2022, 26 Kenyan students and a family of three were stranded, blocked and were unable to move. The Russian military and Government made provisions and provided a safe exit which helped quite a lot. There was a WhatsApp group initiated called 'Kenyans evacuation' which helped coordinate students and those willing to move. So, they shared notes and experiences for purposes of safety and ensuring they moved without endangering their lives and those of their loved ones.

The Ministry and Kenya's Embassy in Vienna has reached out to families of Kenyans who were affected and the Ministry's report is as follows:

Kenyans who were moved from Ukraine to Kenya are 37, Poland 70, Germany seven, Hungary 18, Slovakia Republic two, Romania two and Belgium two. There are some who are not willing to leave Ukraine for whatever reasons. So, there are about six of them who have not been accounted for. We believe they chose to stay because all options were available at their disposal to use the avenues which were created by the Ministry and the Government of Kenya. The Ministry and Kenya's Embassy in Vienna continues to reach out to the students and parents of those who were affected. We are hoping by end of this month all of them should be cleared.

- (ii) In lieu of repatriation could the national Government consider relocating these citizens to safer regions within Ukraine or more peaceful regions that neighbour Ukraine?

The answer to this is yes. The Ministry has already initiated the process and quite a number of them have actually been moved out. Kenyans who are currently in the border states of Ukraine are being accommodated at university hostels, temporary shelters provided by aid agencies and churches while some are staying with relatives, friends and well-wishers. The Ministry and Kenya's embassies in Vienna, Berlin and Moscow continue to liaise with host governments,

international organisations for migration and Kenyan community organisations for sustainable provision of humanitarian assistance which is required for our people to be safe. This includes food, clothing, shelter and affected Kenyans are being encouraged.

Hon. Speaker, in conclusion all Kenyans who were willing to be evacuated out of Ukraine after the Russian invasion are out of danger, safely back home in Kenya or in states neighbouring Ukraine. Over 30 Kenyans are back in the country and a number are expected back home by 18th March which is already past. So, as we speak, there are probably many more Kenyans who are here. Several Kenyans have indicated they are willing to continue with their studies in European States which have similar syllabus and systems of education as Ukraine, so they can pursue their studies. The Ministry continues to monitor the situation of Kenyans, in the border countries of Ukraine with a view of providing the necessary support.

Hon. Speaker, that is the synopsis of the response which I hereby submit and the entire Report as received from the Ministry. Thank you, so much.

Hon. Speaker: Member for Kwale you have heard the response to your request.

Hon. (Ms.) Zuleikha Hassan (Kwale (CWR), ODM): Thank you, Hon. Speaker. I want to say that the response is accurate, what I expected and what was done. I want to use this opportunity to very highly commend the Ministry of Foreign Affairs for having done such a great job. As soon as they were called upon, they stepped into action to ensure these Kenyan students were evacuated, together with many other Kenyans affected directly or indirectly as well as, Hon. Omar Mwinyi's daughter who was in Ukraine at the time the war started.

We felt very proud to be Kenyans and we were very happy with the way the Kenyan Government responded. They quickly organised all their networks on the ground and ensured they urgently wrote letters to neighbouring countries like Poland. So, Kenyans had access to these countries. Also, they ensured those students were safe in the other countries as they prepared to come back to Kenya.

I have one or two recommendations for the future that all Kenya embassies around the world should be prepared for such eventualities. They should have readily available ground support at the snap of the fingers to enable them evacuate students or other Kenyans in such a country and to provide food and emergency health care as need be. I also want to thank the Cabinet Secretary for Foreign Affairs. They should keep up because previously, they were badly portrayed in such instances. Well done.

Thank you, very much, Hon. Speaker.

Hon. Speaker: Very well. Thank you. Yesterday, there was a promise of undertaking by the Leader of the Majority Party, that there will be a Statement but the person who requested for it is not ...Hon. Gladwell Cheruiyot Tungo.

Hon. Kimani Ichung'wah (Kikuyu, JP): Tumbo or Tungo

Hon. Speaker: Tungo.

FUEL SHORTAGES ACROSS THE WHOLE COUNTRY

Hon. (Ms.) Gladwell Cheruiyot (Baringo CWR, KANU): Thank you, Hon. Speaker. It is a crime for Hon. Ichung'wah to mispronounce my name. From the outset, I want to apologise on the Floor of the House for being unable to bring the Statement yesterday, as I had promised last week.

On behalf of the Chairperson of the Departmental Committee on Energy, I have a written Statement sent to us by the Cabinet Secretary who is unavailable. We were not able to sit and that

brought about the complication. We were not able to read the Statement yesterday. Hon. Speaker, as you have understood me, thank you for accepting my apologies.

The Statement is in response to Questions raised by Hon. Aden Duale, Member of Parliament for Garissa Township Constituency, pursuant to provisions of Standing Order No.44(2)(c). In particular, the Member requested for a Statement from the Chairperson of the Departmental Committee on Energy regarding the fuel shortage crisis across the country as a result of the delayed subsidy payment to oil marketing companies. He raised the issues as follows:

1. The Chairperson to provide the total number of oil marketing companies (OMCs), petroleum dealers and small oil dealers, their network distribution across the country and percentage shares of the market in the country.

Background

- (a) Kenya relies on refined petroleum products imported through two import terminals, that is, Kipevu Oil Terminal and Shimanzi Oil Terminal, to satisfy the demand for both local and transit markets.
 - (b) Petroleum products imported in the country are procured through the Open Tender System (OTS) which allows for equitable sharing of the common user facilities amongst eligible oil marketing companies thereby enhancing competition in the importation process.
 - (c) There are currently 106 licensed oil marketing companies who participate in the OTS process as either buyers or sellers. All the licensed OMCs are eligible to participate as sellers and supply petroleum products.
2. Market Share by OMCs. For those who have forgotten, OMCs are oil marketing companies.
 - (a) In 2021, approximately 4,184,432.86 cubic metres of diesel and 3,445,117.12 cubic metres of super petrol and 1,069,592.95 cubic metres of dual purpose kerosene were imported into the country.
 - (b) In the same year, approximately 2,693,499.148 cubic metres of diesel, 643,797,428 cubic metres of jet A1, 143,361.126 cubic metres of kerosene and 2,134,745.516 cubic metres of super petrol were consumed locally.
 - (c) The share of locally-consumed products by marketers is as shown in the table below:

Oil Marketing Company	Percentage Market Share
Vivo Energy Kenya Limited	22.8 per cent
Total Energies Marketing Kenya PLC	17.4 per cent
Rubis Energy Kenya PLC	9.6 per cent
Ola Energy Kenya Limited	6.8 per cent
Oryx Energies Kenya Limited	4.1 per cent
Be Energy Limited	2.8 per cent
Tosha Petroleum (Kenya) Limited	2.6 per cent
Fossil Supplies Limited	2.5 per cent
Petro Oil Kenya Limited	2.3 per cent
Galana Oil Kenya Limited	2.2 per cent
Hass Petroleum Kenya Limited	2.1 per cent
Gulf Energy Holdings Limited	1.8 per cent
National Oil Corporation of Kenya	1.8 per cent

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Oil Marketing Company	Percentage Market Share
Gapco Kenya Limited	1.8 per cent
Towba Petroleum Company Limited	1.4 per cent
Lexo Energy Kenya Limited	1.3 per cent
Lake Oil Limited	1.3 per cent
One Petroleum Limited	1.1 per cent
Independent Petroleum Group Kenya Limited	1.0 per cent
Others	13.3 per cent

- g. In the current supply chain, independents also known as resellers, are supplied with product by the listed Oil Marketing Companies. The distribution of retail stations across the counties by marketers is as shown below:

Marketer	No. of Stations
Independent	2,934
Vivo Energy Kenya Limited	257
Rubis Energy	242
Total Energies PLC	225
NOCK	111
OLA Energy	107
Lake Oil Limited	49
Lexo Energy Kenya Ltd	39
Hass Petroleum Kenya Limited	38
Petro Oil Kenya Limited	33
Galana Oil Kenya Ltd	31
Riva Petroleum Dealers Limited	26
Be Energy Kenya Ltd	15
MoGas Kenya Ltd	14
Petrocity Enterprises	14
Tosha Petroleum Kenya Limited	12
Ainushamsi Energy Limited	12
Oilcom Kenya Ltd	11
Astrol	11
Stabex International	9
Blue Sky Energy	8
Luqman Petroleum Ltd	8
Oryx Energies	8
Heller Petroleum	7
Aftah Petroleum K Limited	7
Texas Energy Limited	6
Regnol Oil Limited	6
EAGOL	5
Leadway Petroleum	4
Ilade Oil Company Ltd	4
Bushra Energy	4
Bachulal	4
Wells Oil Limited	3

Marketer	No. of Stations
Costalina Energy	2
Olympic petroleum Limited	2
Petro Kenya	1
OMC	1
Grand Total	4,270

h. The distribution of these retail stations by county is as shown below:

County	No. of Stations
Nairobi	324
Nakuru	230
Kiambu	208
Uasin Gishu	181
Meru	173
Machakos	165
Kakamega	139
Mombasa	138
Bungoma	136
Kilifi	135
Kisii	122
Trans Nzoia	119
Kajiado	117
Kirinyaga	112
Kisumu	107
Murang'a	106
kitui	93
Homabay	96
Kericho	92
Nandi	92
Migori	91
Siaya	91
Makueni	91
Bomet	90
Busia	84
Embu	81
Narok	81
Nyeri	75
Nyamira	69
Laikipia	67
Kwale	56
Tharaka Nithi	54
Nyandarua	53
Vihiga	52
Elgeyo Marakwet	49

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

County	No. of Stations
Turkana	40
Baringo	40
Taita Taveta	39
West Pokot	35
Lamu	30
Tana River	21
Wajir	20
Marsabit	19
Samburu	17
Garissa	17
Isiolo	12
Mandera	11
Grand Total	4,270

2. Could the Chairperson provide the total amount of money collected under the Fuel Levy Fund from September 2021 to date?

In July 2020, the Petroleum Development Levy for super petrol and diesel was increased from Kshs0.40 to Kshs5.40 vide Legal Notice No.124 of 2020 with the objective of creating a Petroleum Pump Price Stabilisation Fund among other functions. The escalating prices of petroleum in the global markets post-COVID-19 recovery period caused the Fund to be used in stabilisation of pump prices beginning from the April-May 2021 pricing cycle. The National Treasury is in charge of collection of the Fund and is the ideal entity to avail data on the amounts collected.

3. Could the Chairperson provide a breakdown of reimbursement levy per month from September 2021 to date and reimbursement due to be paid to oil marketing companies (OMC), petroleum dealers, and small oil dealers?

The following table shows the total amounts paid for stabilisation of fuel pump prices from the April-May 2021 cycle to date. The table below indicates the pricing per month, stabilisation amounts in Kenya shillings, amounts paid and the variance.

PRICING MONTH	STABILISATION AMOUNT (KSHS)	AMOUNT PAID (KSHS)	VARIANCE
15 th April – 14 th May 2021	1,448,818,516.20	1,448,818,516.20	0
15 th May – 14 th June 2021	190,990,401.25	190,990,401.25	0
15 th June – 14 th July 2021	703,432,648.40	703,432,648.40	0
15 th July – 14 th August 2021	2,349,444,534.90	2,349,444,534.90	0

15 th August – 14 th September 2021	3,960,123,360.84	3,960,123,360.84	0
15 th September – 14 th October 2021	0	0	0
15 th October – 14 th November 2021	2,682,215,559.87	2,682,215,559.87	0
15 th November – 14 th December 2021	6,810,149,243.36	6,810,149,243.36	0
15 th December 2021 – 14 th January 2022	8,418,524,449.29	8,418,524,449.29	0
15 th January – 14 th February 2022	5,649,507,117.03	5,649,507,117.03	0
15 th February – 14 th March 2022	8,424,318,090.62	2,428,911,336.35	5,995,406,754.27
15 th March – 14 th April 2022	8,527,301,592.84	0	8,527,301,592.84
TOTAL OUTSTANDING	-	-	14,522,708,347.11
TOTAL STABILISATION AMOUNT PAID BY GOVERNMENT TO OMCS		34,642,117,167.49	
TOTAL STABILISATION AMOUNT PAYABLE	49,164,825,514.60		

Hon. Speaker, you will notice that in the table, the stabilisation amounts and the amounts paid are the same and the variance is zero for all months up to February 2022. The only variance is from 15th February 2022 to 14th March 2022 where the stabilisation amount was Kshs8,424,318,090.62 and the amount paid was Kshs2,428,911,336.35.

Hon. Speaker, as you may note from the table above, the Government has compensated a total of Kshs34,642,117,167.49 from the Petroleum Development Levy (PDL) kitty. The total stabilisation cost - that the government has committed in writing to pay oil marketing companies from April/May 2021 to March/April 2022 is Kshs49,164,825,514.60 of which Kshs34,642,117,167.49 has been paid, including Kshs8.2 billion paid on Monday 4th April 2022.

Today, the total outstanding amount owed to Oil Marketing Companies is Kshs14,522,708,347.11 and is committed to be paid before the next pricing cycle.

- iv. Could the chairperson explain the measures put in place by the Government to curb the fuel crisis in the country?

The country has adequate stocks to cater for both local and additional regional demand. As of today, we have adequate stocks in the Kenya pipeline system and ships waiting to discharge

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

additional products. The tables below show the stock holding in all the Kenya Pipeline Company (KPC) depots and the ships that are waiting to discharge in the next two weeks:

Physical Stock Position at Kenya Pipeline Company Depots on 06/04/2022 at 0000hrs

PHYSICAL STOCK POSITION AT KPC DEPOTS ON 06/04/2022 @0000HRS					
STATION		MSP	KERO	AGO	JET
JKIA	Volume (M3)				14,056
	Stock Days				7
NAIROBI	Volume (M3)	52,604	3,491	24,708	
	Stock Days	17	18	6	
NAKURU	Volume (M3)	3,095	1,861	10,114	
	Stock Days	2	48	8	
ELDORET	Volume (M3)	8,944	1,260	8,566	141
	Stock Days	3	9	4	0
KISUMU	Volume (M3)	7,279	1,094	4,410	405
	Stock Days	4	6	2	1
MIA PS12	Volume (M3)				2,051
	Stock Days				16
KOSF	Volume (M3)	57,842		14,193	13,335
	Stock Days	6		1	4
KPRL	Volume (M3)	46,415		30,480	4,461
	Stock Days	5		3	1
GLOBAL KPC	Volume (M3)	176,179	7,706	92,471	34,450
	Stock Days	18	14	9	12

Hon. Speaker, these cubic meters were shown on 6th April 2022 and noting that today is 13th, this does not show what could be happening today.

Vessels scheduled to berth in the next two weeks:

Grade	Nominated Volume (M3)	Vessel Name	Import Type	Remarks
PMS	61,277	Mt. Sloan Square	PMS K05/2022-Asharami	DISCHARGING
AGO	108,527	Mt. Front Cheetah	AGO S08/2022 Oryx	TO BERTH ON 7TH APRIL 2022
JET A-1	107,843	Mt. Swarna Jayanti	JETA-1 K05/2022-Oryx	TO BERTH ON 10TH APRIL 2022
PMS	120,934	Mt. Rong Lin Wan	PMS K06/2022-Asharami	TO BERTH ON 15TH APRIL 2022

As with regard to compensation, we are working with the National Treasury to fasttrack payment of the Oil Marketing Companies within the stipulated timelines without delays.

(v) Could the chairperson explain plans put in place by the government to ensure that petroleum dealers make the current situation as short and unrestrictive as possible?

We have engaged both Kenya Revenue Authority, Kenya Pipeline Company and Oil Marketing Companies to load extra hours including truck loadings over the weekend to ensure that all the stations are stocked.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

We have engaged with Kenya Revenue Authority (KRA), Kenya Pipeline Company (KPC) and Oil Marketing Companies (OMCs) to load extra hours, including truck loadings, over the weekend to ensure that all stations are stocked.

(vi) Could the Chairperson explain why the National Treasury had stalled the processing of Petroleum Products (Taxes and Levies) (Amendment) Bill, 2021?

The answer given by the Cabinet Secretary is:

We are not aware of the Petroleum Products (Taxes and Levies) (Amendment) Bill, 2021 and the National Treasury would be in a better position to explain.

(vii) Could the Chairperson explain the position of the government on the inadequacy of fuel in the country and the contingent measures put in place in case of a prolonged Russia-Ukraine crisis?

As you are aware, Kenya Ports Authority (KPA) has constructed a new jetty referred to as Kipevu Oil Terminal (KOT) II. Completion of the jetty requires connection to existing tanks at the Kipevu Oil Storage Facility (KOSF). The requirement necessitated decommissioning of the tanks at KOSF and were, therefore, not in use. In this regard, it was therefore inevitable to discharge a ship in one go, making it difficult for KPC to distribute products in line with demand requirements. It is, however, worth noting that both KPC and KPA are in the final stages of commissioning the new jetty.

Actions by the Ministry of Petroleum and Mining:

1. Enforcing selling of petroleum products to wholesalers to ensure that independent oil dealers access products and sell at the prevailing pump prices.
2. Reallocating capacities of OMCs who sell to local markets by removing the capacity from those that declared them as transit.
3. Working with OMCs to ensure that we schedule additional imports to cater for the shortfall due to increased demand.

With regard to the petition raised by the secretary-general of the Consumer Federation of Kenya, Mr. Stephen Mutoro, attached herewith please find our response as shared with the Clerk of the National Assembly.

On behalf of the Chairman of the Departmental Committee on Energy, I would like to say that we have received this written statement, but we have not met with the Cabinet Secretary to interrogate the statement. We look forward to scheduling a meeting with her. Based on this report, we may not be in a good position to defend some of the answers she has given. It is prudent that Members know that we have not sat with the Cabinet Secretary to be able to comb the report and come up with the right answers to the crisis.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, in view of some Members, like Hon. Nyagaka Tong'i, walking away, I want to rearrange business, so that we will come back to this matter. Allow me to clear some businesses which require quorum. We have quorum, even with the absence of Hon. Nyagaka Tong'i. Let us clear with these businesses before we come back to this matter of the fuel crisis, because I know we will spend some more time on it. I can see a number of Members who are going to walk out very soon. When you see me looking at you, I am just trying to identify those who are about to walk out, especially those who sit at the door. I do not know why they do not like coming to the front, with the exception of Hon. Dennitah and Hon. Tim Wanyonyi.

Allow me to rearrange the Order Paper so that we can conclude Order Nos. 8 and 9. Proceed, Deputy Clerk.

MOTION**CONSIDERATION OF REPORT OF THE
WHOLE HOUSE ON THE COFFEE BILL**

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Coffee Bill (Senate Bill No. 22 of 2020).

Hon. Speaker: Can the Serjeant-at-Arms confirm the numbers? Let us wait for the Member walking in. Is it the Member for Narok South or the Member for Gatanga? Oh, that is the Member for Lafey.

Hon. Members, you completed consideration of this business in the Committee of the whole House. Therefore, I put the question.

(Question put and agreed to)

Hon. Speaker: Mover.

Hon. Silas Tiren (Moiben, JP): Thank you, Hon. Speaker. I beg to move that the Coffee Bill (Senate Bill No. 22 of 2020) be now read a Third Time. I request Hon. Abdikhaim Osman to second.

Hon. Speaker: Member for Fafi.

Hon. Mohamed Abdikhaim (Fafi, KANU): Thank you, Hon. Speaker. I second.

(Question put and agreed to)

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

BILL*Second Reading***THE HUDUMA BILL**

(Hon. Amos Kimunya on 6.4.2022)

(Debate concluded on 13.4.2022-Morning Sitting)

Hon. Speaker: Hon. Members, the record shows that the debate on this Bill was concluded this morning. What remained is for the Question to be put.

(Question put and agreed to)

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

(Applause)

Hon. Kimani Ichung'wah (Kikuyu, JP): On a point of order, Hon. Speaker.

Hon. Speaker: Hon. Ichung'wah, what is your point of order?

(Hon. Amos Kimunya spoke off-record)

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Speaker. I rise on Standing Order No. 124 in relation to Business listed on the Order Paper as Order No. 9, which we have just concluded; and Order No. 10 (ii). We have just finished with the Second Reading of the Huduma Bill.

(Hon. Amos Kimunya spoke off-record)

Hon. Speaker, protect me from the loud noise from the Leader of the Majority Party. He has this habit of shouting at Members while they are addressing you.

According to Standing Order No. 124, we cannot consider more than one stage of a Bill within the same Sitting except with the leave of the House, as it has been rightly put on page 603 of the Order Paper. I beg your indulgence because we have now changed the order of Business. We object to have leave of the House. I believe that many Members have amendments to this particular Bill. The debate on this Bill was concluded at 1.00 p.m. The Question has just been put. It is not fair to Kenyans and us, as legislators, to rush and there is nothing to rush on this Huduma Bill, unless there is something sinister. I beg the Leader of the Majority Party to withdraw the Bill, now that we are already there. According to Standing Order No. 124 as read together with Standing Order No.2, we can get the support of, at least, five Members to object to getting the leave of the House on that particular Bill, so that we can have time to look into all the issues that we want to amend.

In line with Standing Order No. 131, there may be many amendments that need to go back to the Committee for consideration. It is not fair and proper legislation to rush some of these things.

Hon. Aden Duale (Garissa Township, JP): You have more than enough Members.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Speaker, I have more than enough Members to support me.

(Several Members stood up in their places)

Hon. Speaker: Hon. Members, I imagine that the Members who are standing up are the ones who support Hon. Kimani Ichung'wah that we do not consider the Huduma Bill in Order No.10. It is clearly indicated on the Order Paper that it is with the leave of the House.

Does being upstanding indicate that you are refusing to consider the Bill?

Hon. Kimani Ichung'wah (Kikuyu, JP): Yes.

Hon. Speaker: Do you, therefore, deny that leave?

Hon. Kimani Ichung'wah (Kikuyu, JP): Yes.

Hon. Speaker: Automatically then, that business will not be considered.

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Speaker.

(Applause)

Hon. Speaker: Let us also be fair. The debate on this Bill ended this morning. It is fair that you allow those Members who have amendments sufficient time to look at them. I have received

written representations. If we do not rush, it is neat that way so that all points of views are canvassed. I have received letters which are addressed to me. I cannot respond to them because I am not the one who is responsible. The Committee will have an opportunity to also consider some of them. It was reported to me that very few of you contributed to this Bill, even in the morning.

(Hon. Members spoke off-record)

Are they four?

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

Hon. Speaker: Yes, Hon. Duale?

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, this Bill is very important. I stand under Standing Order No. 133(2), which allows Members to give notice of amendments 24 hours before the Committee of the whole House. When a Bill is read a Second Time and then it proceeds to the Committee of the whole House on the same day, it violates Standing Order No.124 and limits the right of Members to propose amendments to a Bill.

Even if we are at the tail-end of this 12th Parliament, do not allow our rights to be curtailed. This Bill is so important. We can rush it the way we rushed the Building Bridges Initiative, which we know its fate. I speak from experience. We went to court many times. Our Litigation Department really faced the issue of due process. This Bill should be given due consideration. It should go through Standing Order No. 131 on winnowing, so that we get a complete Bill that befits. Members do not know that this Bill will do away with the State Department of Immigration Services.

(An Hon. Member spoke off-record)

We cannot talk about amendments. We have not reached the Committee of the whole House. This Bill will completely change the registration of citizens. Some of us come from areas that border other countries. Our people are victims. If this Bill passes the way it is, the State Department of Immigration Services in Nyayo House will be a different institution. I really want to indulge you that you give us time to come up with amendments. When we resume after three weeks, we will deal with the Committee of the whole House. Why are we in a hurry? We are dealing with election laws. There are better issues that this House can deal with, like the fuel crisis, the Budget and the Finance Bill.

Hon. Speaker, Members sitting here come from those constituencies. We have Hon. Abdikhaim and Hon. Fatuma Gedi who was the Vice-Chair. I have just told her that when the rubber meets the road, Hon. Fatuma Gedi, my good sister, you stand with the people of Wajir. Forget about being the Vice-Chair of the Departmental Committee on Administration and National Security. Forget about the Vice-Chair of that Department or the Government that you purport to support. Stand with your people. This Bill is bad for our people; it is bad for those who come from the border. It is bad for the Immigration Department, which is run very well.

Thank you, Hon. Speaker.

(Loud consultations)

Hon. Speaker: Order, Hon. Members! I know it is towards the tail-end of the 12th Parliament, but let us not just allow all manner of things to happen. If you do not like something

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

that somebody is saying, just press your intervention button so that I can give you a chance to say what you want to say.

Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, ODM): On the same Standing Order espoused by Hon. Duale, this Bill, if passed, locks out all the stateless people in this country. They will never belong to the Kenyan State. For that purpose, we need time so that we are able to bring the amendments to include the stateless people. They are very many. There are over ten stateless communities in this country. If this Bill is passed the way it is, it will lock out the Pemba community, the Shona, the Makonde, the Wata, the Malakote, and everybody who is stateless and who can never belong to this State. These people will never achieve or be given services, as this Bill portends to say, as this Bill tries to withdraw their Identity Card and bring in the Huduma Number. We would, at that level, prefer that even the Stateless people in this country be included and be part of the citizenship of this country.

I thank you, Hon. Speaker.

Hon. Speaker: Let me just find out, because I am surprised that the Chairman of the Committee that dealt with the Bill is just relaxing. He is on his phone. I do not know whether he is reading messages from some admirers out there in the village, or is it about the messages that are being said about the Bill. I expected the Chairman of the Committee to be the one telling us that we have done this and this, so that through the information you give, Hon. Mwathi, you could allay the fears that anybody may be having. Let me just give you the chance. I am sure you know everything about the Bill.

Let us allow him. Maybe, what he is likely to tell us could actually allay any fears that anybody may be having.

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Speaker. You know, I am listening to those who are asking for the leave of the House. Honestly, that we can accept. In terms of what the Bill seeks to do, the Committee has done thorough work. It has done a Report. It has even recommended some amendments which are in line with what I am listening to. The Report was tabled a long time ago. So, if Members wanted to add some more amendments from that Report, they should have done so. The point is that the amendments are there. The Bill was published a long time ago; it has been in existence, and it has appeared in the Order Paper for a long time. It is just a matter of wasting time.

This House is duty bound to do its work without having to wait for three weeks. People are asking for three weeks. The Bill has been in the Order Paper for more than three weeks. It behooves you to give direction to this House, especially regarding whether we should stop business because some people have not read the Bill. If they have not, let those who have read deal with the matter. I laid a Report here. The Bill has been there. The amendments by the Committee are even speaking to the matters, especially of statelessness. It is us who picked the issue of statelessness. I dealt with his stateless people. I have a report and a recommendation, which he was very happy about. We have put it in the Report of the Committee, and now he wants to bring amendments. I do not know whether he even knows what the Committee has put as amendments for stateless people.

Let them read the Report tonight, and we can process the Bill as soon as possible. You cannot ask for three weeks for people who have not read. If people have been in the campaign trail, let them know that I have been sitting here. Every time I am required to be here, I am here so that I can deal with business. I also have politics to deal with. So, I take this business here seriously. I take the business of this House as first priority, and then I do the rest of the things. What I am doing here is to ensure that the people of Limuru and, indeed, the people of Kenya get services

smoothly. That is why this Bill is going to help Kenyans. If you want to curtail the passage of the Bill, you are actually curtailing what the people of Kenya should get. You should be persuaded.

Hon. Speaker: Very well. Hon. Members, that is why I needed to hear the Chair of the Committee. It is only fair that since I am the Chairman of the House Business Committee (HBC), I also have a duty to tell the House the truth. We put this Bill on the Order Paper to force the Committee to know that we need this Bill here. You are next to the Leader of the Majority Party and the Majority Whip. I am the Chairman, and Hon. Osotsi is a member of the Committee. It is good that when you open your mouth, especially when I am on the Chair, please, be careful because, fortunately for me, I have my facts on my fingertips. We have been putting this Bill on the Order Paper so as to force you, the Committee, to move with speed. I am happy that you did that. What we set out to achieve as the HBC has been achieved. We set out to make sure that we force you to move with speed, which you did. So, we succeeded as the HBC.

However, Hon. Mwathi, it is not right to now move with lightning speed. I do not know how it happened that it was being proposed that you proceed to the Committee of the whole House. It is not fair. If debate concluded at 1.00 p.m. of the Morning Sitting, how have we put the Bill in the Order Paper for Committee of the whole House? Obviously, what was going to happen is that several Members would not have had the opportunity to propose amendments, including amendments that would easily agree with the ones you have proposed. You have proposed amendments, but this Supplementary Order Paper was prepared this afternoon. Debate ended in the Morning Sitting. Obviously, we were going to take several Members by surprise. It may well be as you said, that you captured the issues raised by the Hon. Owen Baya and several other issues that other Members are raising. But nobody has had the time to go through them, perhaps, to agree or disagree with your proposed amendments.

Hon. Peter Mwathi (Limuru, JP): Hon. Speaker, for avoidance of doubt, let me be clear. I said that if the leave of the House is denied to deal with the Committee of the whole House, I have no problem.

Hon. Speaker: It was denied.

Hon. Peter Mwathi (Limuru, JP): I have no problem. The only thing I have a problem with is saying that they need to go through what people are debating; or to read the Report, which I laid last week. It has been there, not just today. The Bill has been there, the Report was done, that Report in itself contains the amendments which are speaking to some of the issues which are being raised.

What time do we require, if I laid the Report on the Table of the House last week? What time do we require for Members to read a report of that size?

(Hon. Peter Mwathi gestured with his fingers)

(An Hon. Members spoke off-record)

Yes. They are contained therein. The amendments of the Committee are contained in that Report, which I tabled. The Bill itself, like you have rightly said, has been on the Order Paper for a long time; meaning that they have read the principal Bill and the Report together with our amendments. I am sure Members should have started suggesting amendments to make.

(Hon. Kimani Ichung'wah spoke off-record)

Hon. Speaker, can you protect me from the shouting Member for Kikuyu? He keeps shouting and heckling. I do not know why he must heckle. I do not know why you give him so much latitude. He should let me discuss the issue. If he is not happy, he can take his space.

Hon. Speaker, I am asking this: If I laid the Report last week, what further time do we require? It has been a week already and I repeat, the Report has the amendments that are proposed by the Committee. So, is it that Members have not read the Report? You need to give direction without having to listen to people who just want to delay the process.

Hon. (Dr.) Otiende Amollo (Rarieda, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: The Hon. Otiende Amollo has a point of order.

Hon. (Dr.) Otiende Amollo: (Rarieda, ODM): Thank you. Hon. Speaker, my point, first, is that – and I was here this morning when we had the debate on the Bill – and there were Members shouting the loudest, like Hon. Sankok, who supported the Bill wholeheartedly and praised it.

(An Hon. Member spoke off-record)

Hon. Baya, please. They are the ones now shouting in the presence of others who were not here as if debate was curtailed. Debate was not curtailed.

So, the first point, Hon. Speaker, is for you to give your direction on whether we kill the processes merely because there are Members who were absent, and who feel that they were not heard. Everything I am hearing is not so much about process; it is about the content. But they were not here.

Secondly, Hon. Speaker, give your direction in terms of how to determine the leave of the House. Where something needs to be done with the leave of the House, is it determined by the majority or the minority? Only seven people I saw stand to support that idea. Because the rules have been, of course--- Is it to be determined that leave of the House means unanimity of everyone, so that if it is objected to by one person, it can move? Unless that is the---

(An Hon. Member spoke off-record)

The Hon. Ichung'wah is really behaving as if he is in a market place. We were all quiet when he was speaking. He is a ranking Member. He should surely allow others to speak. If he is right, his point will sail through. He does have to shout. My point is that, do we determine leave of House by requiring that there must be a unanimous decision on it, or is it on the determination by the Speaker. It appears to me that the majority would have wanted to go that way.

Lastly, Hon. Speaker, I am happy with the guidance you have given in terms of what the HBC did. It is true that Bills should not stay in Committees forever, especially those that need to be fast-tracked. But when they have taken the move and brought it to the Floor of the House, I thought it is in keeping with that decision that it is moved fast, and not to stall it on the Floor of the House. So, I am getting confused in terms of what the HBC actually intended.

Thank you, Hon. Speaker.

Hon. Kimani Ichung'wah (Kikuyu, JP): On a point of order, Hon. Speaker.

Hon. Speaker: What is your point of order, Hon. Ichung'wah?

Hon Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Speaker. To inform my good friend and colleague, Hon. Otiende Amollo, leave of the House... I just read for him Standing Order No.2:

“Leave of the House means there being no objection by any Member either with the sympathy of the Speaker or with the support of at least five other Members.”

Being a good and accomplished lawyer, and considering that the Standing Orders are in very simple English, I thought it would be very easy for Hon. Otiende Amollo to understand that.

To the Chair of the Committee, it is completely out of order for the him to impute improper motive on any Member who has risen at his place, like the Hon. Owen Baya, to speak to some of the issues and amendments.

The Hon. Chair is misleading the House that, indeed, the amendments were in the Report. We know that amendments become amendments of the House once they are approved by the Office of the Speaker and published in the Order Paper. The amendments on this Order Paper were only published when this Order Paper was published last night. Therefore, it is completely wrong for the Chair to mislead the House and Kenyans out there who do not know that, maybe, Hon. Owen Baya or any other Member had not read that Report. We read, and that is why Members want time to propose amendments and even to offer the Committee an opportunity to winnow some of the amendments that probably could be similar to the amendments that are proposed here. Therefore, now that the leave of the House has been denied, it is only fair that the Chair of the Committee ceases being too emotional on this matter and allows the House... This legislation is to be done by the House, and not the by his Committee or by the Member for Limuru. It is for posterity and for the benefit of Kenyans. He may not be aware that even Members within his own Committee are proposing further amendments to the Committee’s amendments. In fact, I was shocked when the Vice-Chair, Hon. Gedi behind here, told us that she never agreed and that she did not sign. I do not know whether she has signed the Report or not, or whether she was speaking in response to the issues that have been raised. But, indeed, there are issues that the Chair and the Leader of the Majority Party must desist from rushing us into a process that will not be beneficial to the people of Kenya. The issues of statelessness, as have been raised, do not just affect the people in Kilifi. I have constituents in Kabete, Muguga and some in Hon. Mwachu’s Constituency, the Shona Community, that have now moved to Rironi in Kinoo, and here in Hurlingham. The Shona Community is there. As much as we have addressed some of their issues, there are issues on which we do not want to be rushed into, unless you have other ulterior motives that you are not telling the people of Kenya.

Hon. Speaker: Let me hear the Member for Saku.

Hon. Ali Rasso (Saku, JP): Thank you very much, Hon. Speaker. We have heard your guidance on this Bill. This is not an ordinary Bill. The contents of this Bill will have very serious ramifications on the Republic of Kenya and its citizenry. If we look at Clause 70 of the Bill, it talks about a raft of issues. It talks about registration of adoption, registration of marriages, public pension, registration of taxpayers, licensing of drivers, national health insurance, national social security, refugees and asylum seekers, public labour records, *et cetera*.

Hon. Speaker, I like the way you have stopped this thing. If you look at this House, it is not your doing. Most of the Members are in their constituencies campaigning. But when this law is passed and some of them will come back to be Members of this august House, they will have a raft of issues to deal with. For that reason, the Bill no longer belongs to the Departmental Committee on Administration and National Security. It belongs to the House. The House will decide on how to proceed.

Hon. Speaker, while you have rushed them to bring to Report, they should not rush us to pass the Bill. The Bill must be soberly debated and some of the issues must be canvassed. The issue of citizenry is so important. For those of us who come from border communities, to get an

identity card for even the son of Hon. Rasso, takes not less than six months. That is a lot of time. What about the ordinary citizen, John and Amina? It takes two years or three years. For that reason, this is not an ordinary Bill. This is about the Constitution. Under Chapter 6 of the Constitution on Bill of Rights, the people are going to challenge this Bill in a big way. This House must then proceed with caution.

I thank you, Hon. Speaker.

Hon. Speaker: Hon. Sankok, you claim to have been adversely mentioned, but you appear to be comfortable about it.

Hon. David ole Sankok (Nominated, JP): Yes, I was mentioned by the Hon. Otiende Amollo. From his argument, if these are the type of lawyers that were promoting the Building Bridges Initiative (BBI), no wonder it was declared null, void and unconstitutional. I sympathise with those who trusted him to represent them.

Hon. Speaker: Please, let us deal with the issue at hand.

Hon. David ole Sankok (Nominated, JP): Hon. Speaker, I was in this House when we were discussing this Bill. We are not saying that we will not support the Huduma Bill. We are saying that the Second Reading of the Bill was completed at 1.05 p.m. today. In fact, we went beyond the required time.

(Hon. Amos Kimunya consulted loudly)

Hon. Speaker, protect me from the Leader of Majority. I can only be guided by the Speaker of the House, but not any other hecklers around me. From today onwards, allow me to... You cannot just order me to step down or say something. He is telling me to *shush* as if I am his girlfriend.

An. Hon. Member: On a point of order.

Hon. David ole Sankok (Nominated, JP): Hon. Speaker, I was here in the morning, and we supported the Bill. The Second Reading stage enriches the outcomes of the Committee of the whole House. If we only have one hour of this, how will we have Members' contributions enriching the amendments? According to Standing Order No. 124, by leave of the House can be denied by one Member with sympathy from the Speaker; or one Member supported by other five Members. Why does Hon. Otiende want to amend our Standing Orders now?

Hon. Speaker, you have made a ruling. We like your ruling and thank you for that.

Hon. Speaker: Let me hear from the Member for Seme.

Hon. (Dr.) James Nyikal (Seme, ODM): Hon. Speaker, the issue here was simple and straight forward. A Standing Order was quoted, and a process providing for leave of the House went on. Now we are back to Second Reading of the Bill to discuss the content of the Bill. This is not the time to discuss the content of the Bill, but the time to go by the procedure of the House, as guided by the Standing Orders on the leave of the House. I am seeing a kind of institutional filibustering that is coming into this House, where people who are well aware of the procedures just want to buy time and stop important business from going on. It is within your powers to curtail that. You ruled on this matter nearly half an hour ago! Why are we still on it? Take charge of this and let us go on with other businesses of the House.

Hon. Speaker: Member for Kitui South.

Hon. (Ms.) Racheal Nyamai (Kitui South, JP): Thank you very much, Hon. Speaker, for giving me this opportunity. Based on Standing Order No. 124, you have guided us very well. We appreciate the guidance. However, is it in order for Hon. Sankok to call us 'hecklers?' He has said

that there are ‘hecklers’ around him. This afternoon, some of our colleagues seated next to the Leader of Majority have been shouting at him. They have been asking you to protect them from the Leader of Majority and yet, I have not seen him doing anything. He has been seated the entire time, and has not done anything. We are being mistreated. The Members around the Leader of Majority are really harassing him.

Hon. Speaker, I am objecting us being called hecklers. Hon. Ichung’wah is shouting at his highest that the Leader of Majority is harassing him even when he is quiet. First of all, we are not hecklers. You have been very kind. Please, also protect us from these Members, especially the ones seated next to the Leader of Majority and those around us. The area around me is the worst.

Hon. Speaker: Hon. Kaki Nyamai, you have spoken well. But I was waiting for you to go for the killer punch, which you did not. After all your explanation, I thought you were going to demand that someone be required to withdraw and apologise. You have already sat down and---
Let me have the Member for Wajir County.

Hon. (Ms.) Fatuma Gedi (Wajir CWR, PDR): Hon. Speaker, everyone heard Hon. Sankok refer to hecklers.

Hon. Speaker: Hon. Members, can I encourage you? Just a minute! I encourage you to adopt referring to each other as Hon. Members. That is where we begin acting with decorum. The Member for Wajir County is Hon. Fatuma Gedi. I religiously do that and so should you.

Hon. (Ms.) Fatuma Gedi (Wajir CWR, PDR): Thank you, Hon. Speaker. I am well guided. Is Hon. Sankok in order to call us hecklers, when he knows that we are Hon. Members of this House? Can he withdraw and apologise? We are not hecklers, but Hon. Members of this House.

Hon. Speaker: Hon. Sankok, can you withdraw? You referred to Members around you as hecklers.

Hon. David ole Sankok (Nominated, JP): Hon. Speaker, I never mentioned any Member. A heckler is someone who talks back at you when you are making your point. Hon. Kimunya has that habit of talking back at Members when they are contributing. When you gave me a chance to talk, he looked back and told me to “*shush!*” The last time we heard that sound is when people were calling their girlfriends. Ask him not to talk back on us.

Hon. Speaker: Hon. Sankok, when that happens, you should raise it as a point of order. Now, on the issue that you referred to Members around as hecklers, that is un-parliamentary, and you should withdraw and apologise.

Hon. David ole Sankok (Nominated, JP): Hon. Speaker because of the much respect I have for you---

(Laughter)

(Hon. (Ms.) Odhiambo-Mabona consulted loudly)

Hon. Speaker: Hon. Millie Odhiambo, you cannot be shouting at Hon. Sankok. Hon. Millie, what is good for the goose is good for the gander.

An Hon. Member: I am protecting you.

Hon. Speaker: Do not protect me when you are seated.

(Laughter)

Hon. Sankok, please, proceed.

Hon. David ole Sankok (Nominated, JP): For the respect I have for you, Hon. Speaker--- You have led us with a lot of passion, diligence and wisdom only equated to the biblical Solomon. Therefore, I withdraw and apologize. Facts are facts, but I am withdrawing them so that I can massage their egos.

Hon. Speaker: Can we proceed with the other business?

(An Hon. Member spoke off-record)

Do not help him. Hon. Duale, what is your point of order.

Hon. Aden Duale (Garissa Township, JP): Yes, Hon. Speaker, Hon. Sankok has a lot of respect for you, and he has withdrawn based on that. However, he must also have respect for the Standing Orders and for the dignity of the House.

(Applause)

Yes, we respect our Speaker, but the moment the Speaker tells you to withdraw, he represents the whole House.

Hon. Speaker, I want to humbly ask Hon. Sankok to say: “Yes, I did it for the Hon. Speaker but, again, based on the respect I have for the House and for my colleagues, I withdraw and apologise.” That is better and decent.

Hon. Speaker: We are at the tail-end of the Session. If one person rises on a point of order, you cannot also say you have one.

Hon. David ole Sankok (Nominated, JP): I have respect for all Hon. Members. I withdraw and apologise.

Hon. Speaker: That matter should now come to rest. Hon. Mwathi, let us leave this one. This is my final instruction on this matter. You know, the way to speak is to press the intervention button, but with regard to this matter, leave of the House having been denied. I also order that...

Hon. Cheruiyot, if you want to talk to people on phone, go out! This is manner-less! I will direct that the Clerk will provide me with the proposed Committee amendments, which I had not seen myself, so that I see whether to approve them as they are or direct otherwise. It is true that they were just put in the Order Paper, but they have not passed through my office. I have not gone through them. It is not right for me to just have them put here. I will have to approve them; that is the procedure.

That Member on a point of order, you must have your card. I am looking here and I do not see your card.

Hon. (Ms.) Rozaah Buyu (Kisumu CWR, ODM): On a point of order.

Hon. Speaker: Yes, Hon. (Ms.) Rozaah Buyu .

Hon. (Ms.) Rozaah Buyu (Kisumu CWR, ODM): Thank you, Hon. Speaker. I would like to bring it to your attention that we do not have the requisite Quorum to continue with business. I thank you, Hon. Speaker.

Hon. Speaker: Oh, very well. Just count and check whether there is Quorum. If there is no quorum, ring the Quorum Bell. Hon. Rozaah, I believe you needed to say something on record today. Very well! Ring the Quorum Bell. You are less by eleven Members.

(The Quorum Bell was rung)

(Hon. Shakeel Shabbir stood up in his place)

Hon. Shakeel, do not go out.

Very well! Hon. Members, we now have Quorum. We will proceed with business. There was a Statement read by the Vice-Chairperson of the Departmental Committee on Energy. We will go back to the Statement read by the Vice-Chairperson of the Departmental Committee on Energy.

Yes, Hon. Duale; you are the one who sought the Statement.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, I really want to thank the Vice-Chairperson. Before I even go further, this is a House of records. The document given to me by the Vice-Chairperson does not have any Government logo and the Coat of Arms. It has not been signed by any Cabinet Secretary or Principal Secretary. I will give it to you to see whether this document is admissible, and then I can interrogate it. I do not think I can interrogate it the way it is.

(Hon. Aden Duale handed the document to Hon. Speaker)

Hon. Speaker: Sorry. Hon. Members, I think the House cannot begin to engage on this document. Hon. Cheruiyot, where did this one come from? It has no signature and nobody owns it. We do not know whether it is from the Government. It is on a plain sheet of paper, and nobody has signed it. Where is this information from? The House cannot begin to debate this! This document is inadmissible. Please, do not give us this kind of thing. Sorry, Hon. Cheruiyot, you can send it back to sender. Next time anybody is giving you a document, be it from the Government, please, make sure it is signed. No one can take ownership of this.

Hon. (Ms.) Gladwell Cheruiyot (Baringo CWR, KANU): Thank you, Hon. Speaker. I will make sure when it is coming back next, it is admissible in this House.

Hon. Speaker: Yes, it needs to be on an official---

Hon. (Ms.) Gladwell Cheruiyot (Baringo CWR, KANU): Official document?

Hon. Speaker: No.

Hon. (Ms.) Gladwell Cheruiyot (Baringo CWR, KANU): Letter head?

Hon. Speaker: Yes, and must be signed by somebody. In Parliament, we say following the Constitution by either a Cabinet Secretary or a Principal Secretary.

Hon. (Ms.) Gladwell Cheruiyot (Baringo CWR, KANU): Yes, Hon. Speaker.

Hon. Speaker: Not those other amorphous bodies. They should be within our constitutional arrangements. When are you able to bring it?

Hon. (Ms.) Gladwell Cheruiyot (Baringo CWR, KANU): Hon. Speaker, because it is only the authenticity, signing and the letter head, it can be done as early as tomorrow.

Hon. Speaker: Very well. I think you have made reasonable effort; we need to thank you. Hon. Members, we now move to the next Order.

COMMITTEE OF THE WHOLE HOUSE

Hon. Speaker: Honorable Members, even as we go to the Committee of the whole House, you will only consider what appears in (i), the National Electronic Single Window System Bill, and then we move to (iii), which is the Children's Bill.

(Hon. (Ms.) Odhiambo-Mabona stood up on a point of order)

Hon. Speaker: Hon. Millie, which one? Is it on Children's Bill?

(Loud consultations)

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Yes.

Hon. Speaker: Okay. It is only fair we listen to Hon. Millie. I know you have been very passionate about these nature of Bills. Give her the microphone.

(Loud consultations)

It is fair that I direct from the Chair that the Clerk... As the house proceeds on the short recess, that these problems be sorted out.

Hon. Osotsi has always raised this issue of the quality of Information Communication and Technology in the Chamber! It is very clear that there are some microphones that are not functional here.

Proceed, Hon. Millie

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Speaker for indulging me after you had actually risen. I really appreciate.

I want to raise an issue based on an earlier decision you had made in relation to the Huduma Bill, which may also impact on this. Yesterday, we had an informal discussion based on a decision that had been made by the Hon. Speaker, and we agreed that I bring amendments. I was sending my amendments at midnight yesterday; and I do not know if they would be affected because perhaps you may not have looked at them. But I have very many amendments in relation to the Order (iii). I do not know how you would help us deal with that.

Thank you.

Hon. Speaker: Your amendments have not been factored in.

(An Hon. Member spoke off-record)

The information that I have is that they are still at the Clerk's Office. I was informed that you sent many amendments last night; and they are still being processed in the Office of the Clerk.

(Hon. Josphat Kabinga stood up in his place)

Yes, Hon. Kabinga?

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Speaker. The Bill we are talking about involves the children of this country, and any amendment that may add value needs to be considered. I would wish that we deal with this Bill tomorrow so that we can accommodate her amendments.

Hon. Speaker: Leader of Majority Party, the Bill is in your name, but the Chair is... What Hon. Millie Odhiambo has done is actually very good for the House. The Clerk has reported that she, indeed, forwarded very many drafts of amendments.

(Hon. Millie Odhiambo spoke off-record)

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, for the record, yesterday we had a discussion with the Chair and Hon. Millie Odhiambo; and we agreed that all those amendments be processed yesterday so that we could discuss the Bill today.

Hon. Speaker, this is a Bill which has taken 21 years to develop. I published this Bill in October last year. It has gone through all manner of delays until this time. This Bill needs to go to the Senate. I am not even sure if we would be able to finish it tomorrow. Realistically, we would be talking of May. Even if we finish it in May and then take it to the Senate and they publish and take it for public participation, we will end this House before this Bill has seen the light of the day. I have been asking for that. We agreed to have minimum changes so that we save this Bill. Given the circumstances, I am not even sure whether there is any need to waste the time of the House tomorrow or even in May, knowing that this Bill will end up not even being considered in the Senate with the time that is left. So, perhaps, we need to also have that in mind. That is why I had said let us do what we can today so we have time tomorrow. This is because even if we finish it tomorrow with these kinds of numbers, we would not be able to put the Question. So, we put the Question in May then take it to the Senate; and we know the story of the Bills in the Senate. So, it is one of those unfortunate situations. I know the Chairman may not have said it, but I have looked at some of the amendments. They are the same amendments that were brought by organizations during the public participation. The Committee has rejected some of them. It is the most frustrating Bill that I have had to process in this House. It is so unfortunate that this Bill has had to suffer the fate it is going to suffer; and the children of Kenya would be denied a Bill that was going to help them, and which has been worked on since the last review in 2001.

The Constitution has come into place and matters have never been harmonized with the new Constitution; children's rights and all those things. It is a very comprehensive Bill but, unfortunately, I am not seeing this Bill seeing the light of day, given the circumstances and given the season we are getting into in May, and the fact that it has to go to Senate.

I had asked the Committee to fast-track it. I had also asked Hon. Millie Odhiambo to bring her amendments earlier, but they are only coming in today, and more are coming. So, if we can do it tomorrow, the better. If we cannot, then I am washing my hands off this Bill.

Hon. Speaker: Hon. Millie Odhiambo, you want to say something?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Speaker. I just want to encourage the Leader of the Majority Party to relax. There is no person who is more passionate about children issues than me.

Indeed, I have followed these Bills from before I came to Parliament up to now. The delay has not been Parliament's. He only said it was brought last year and I brought a sister Bill, which is the Child Justice Bill, even way before then. It has just come to the House for First Reading. I do not even think it has come for First Reading, but it has been published. Sometimes it is not our fault as a House when things delay. The Bill delayed more outside Parliament than within Parliament.

The concerns he is raising are the reason we must look at the amendments. Part of what this Bill seeks to do is to ensure that the Children Act is harmonised with the Constitution. For example, Article 53 of the Constitution outlaws discrimination against children born out of wedlock, yet there are almost eight provisions in the Children Bill that discriminates against children born out of wedlock. I am a person who should be more worried because I do not have a child. I do not know what my husband does while I am here. He may bring me many children born

out of wedlock. Because we are dealing with issues of principle, we must protect children born out of wedlock. If we are in a rush, because we want to pass a Bill that is comprehensive in terms of size, but not comprehensive in terms of principle, then we are cheating the children of this country. Let us look at the Bill carefully. We are even confusing terminology. Differential treatment is taken as discriminatory treatment. There is a lot of confusion. The issues I am raising, I suspect, are not the same issues the civil society is raising. I have not looked at the issues raised by the civil society. I brought my proposals as Millie Odhiambo, Member of Parliament for Suba North and Chairperson of the Parliamentary Caucus on Children. I am very passionate about these issues.

I had suggested to the Leader of the Majority Party to request that we sit until midnight tomorrow. That is okay. I will be here. As a matter of fact, I am not well, but I have been coming to Parliament because of this Bill. Let us sit until midnight and deal with the Bill. So long as Hon. Sankok will not rise on a point of order on quorum, I am happy to be here tomorrow until midnight, or to even sit up to Friday. Hon. Sankok has agreed, we can sit until Friday to deal with this Bill. All the Leader of the Majority Party needs to do is to sweet-talk the Office of the Speaker, and the Senate, so that they can prioritise the Bill when it gets there. They should not sit on it the way they sit on other Bills like my Assisted Reproductive Technology Bill.

Thank you.

Hon. Speaker: Hon. Millie Odhiambo is a victim of bicameralism. Hon. Kabinga Wachira.

Hon. Josphat Kabinga (Mwea, JP): Thank you, again, Hon. Speaker. I just want to remove the notion that this Bill may have delayed in the hands of the Committee. If there is any Bill on which we have put in time, it is this one. I received the draft of the Committee's amendments at 1.00 a.m., and I had to sit with the Legal Counsel till the time I came to the House. I have not even had lunch. We went through all the clauses. This has been the trend. Our Legal Counsel and Clerk Assistants feel a little overwhelmed by the many proposed amendments we have received. When I tabled the Committee's Report, people were wondering what I was holding. There were two volumes of amendments, which we had to go through, because of the interest this Bill has elicited from the public. There are many things we had to do as a Committee. We even had to make physical visits to children homes to confirm some of the things we were told during public participation. We also had to sit and understand the functions of various stakeholders in matters children. We spent a lot of time. Therefore, I would want to ask the Leader of the Majority Party to appreciate that the Committee has been committed to this Bill.

I also want to request, like Hon. Millie Odhiambo has done, that we do not let the time we have put on this Bill go to waste. I request you, Hon. Speaker, to see if we can manage our time tomorrow and ensure that preliminary matters are quickly handled, so that this Bill is put in motion and we stay until we conclude the Committee of the whole House on it. Otherwise, it would be really sad if the 12th Parliament completed its term without passing this Bill, given the time we have invested in the same.

Thank you, Hon. Speaker.

Hon. Speaker: Very well. What we can do is to organise tomorrow's Order Paper in such a way that by about 3.00 p.m., we are through with preliminaries. We can take out petitions, questions and statements off the Order Paper, so that we can go straight into Committee of the whole House and begin consideration of the Bill. That will do justice to it. Therefore, in the Committee of the whole House today, the House will consider only the National Electronic Single Window System Bill.

Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

*[The Temporary Deputy Chairlady
(Hon. Soipan Tuya) in the Chair]*

THE NATIONAL ELECTRONIC SINGLE WINDOW SYSTEM

The Temporary Deputy Chairlady (Hon. Soipan Tuya): Order Members. We are now in the Committee of the whole House to consider the National Electronic Single Window System Bill (National Assembly Bill No.15 of 2021).

(Clause 3 agreed to)

Clause 4

The Temporary Deputy Chairlady (Hon. Soipan Tuya): I call upon the Chairperson of the Departmental Committee on Trade, Industry and Cooperatives to move the proposed amendment.

Hon. (Ms.) Wangari Mwaniki (Kigumo, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 4 of the Bill be amended by—

- (a) deleting paragraph (c);
- (b) deleting the word “department” appearing in paragraph (e) and substituting therefor the words “Government entity”;
- (c) deleting paragraph (f).

The justification is to facilitate coordination and partnership with Government entities responsible for customs, other relevant Government ministries, departments and agencies (MDAs) or industry players dealing in trade or trade facilitation.

(Question of the amendment proposed)

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

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

(Clause 4 as amended agreed to)

Clause 5

The Temporary Deputy Chairlady (Hon. Soipan Tuya): I call upon the Chairperson to move the amendment.

Hon. (Ms.) Wangari Mwaniki (Kigumo, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 5 of the Bill be amended by—

(a) renumbering the existing clause as sub-clause (1);

(b) inserting the following new sub-clause after the renumbered sub-clause (1) as follows-

“(2) The Agency shall maintain the integrity and security of the System.

The Kenya Trade Network Agency needs to commit to maintain the integrity and security of the electronic system.

(Question of the amendment proposed)

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

(Clause 5 as amended agreed to)

(Clause 6 agreed to)

Clause 7

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): I call upon the Chair to move the amendment.

Hon. (Ms.) Wangari Mwaniki (Kigumo, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 7 of the Bill be amended by deleting the words “conform to” appearing immediately after the words “system shall” in sub-clause 2 and substituting therefore the words “guided by”.

The Clause is being re-drafted for clarity.

(Question of the amendment proposed)

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

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

(Clause 7 as amended agreed to)

Clause 8

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Chair.

Hon. (Ms.) Wangari Mwaniki (Kigumo, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 8 of the Bill be amended by deleting paragraph (B) and substituting therefor the following new paragraph (b)-

“(b) Facilitate, through the System, the collection of any other dues as agreed by relevant Government Ministries, Departments and Agencies as provided for under any written law.”

This clause is being re-drafted to make it clearer.

(Question of the amendment proposed)

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

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

(Clause 8 as amended agreed to)

(Clauses 9, 10, 11 and 12 agreed to)

Clause 13

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): I call upon the Chair to move the proposed amendment.

Hon. (Ms.) Wangari Mwaniki (Kigumo, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 13 of the Bill be amended in sub-clause (3) by deleting the expression sub-clause (3) and substituting therefore the following new sub-clause (3)-

“(3) The System shall enable the users of the platform-.”

The amendment seeks to make the clause more clear and to provide practicability in implementation.

(Question of the amendment proposed)

(Hon. Jared Okelo crossed the Floor without bowing)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Okelo, what did you just do? Please, go back to the aisle and cross the Floor properly.

Hon. Okelo, you have confused me. When you see somebody jumping across the aisle, you become confused.

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

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

(Clause 13 as amended agreed to)

Clause 14

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): I call upon the Chair to move the amendment.

Hon. (Ms.) Wangari Mwaniki (Kigumo, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 14 of the Bill be amended-

(a) in clause sub-clause (1) by deleting the words “if an advanced or” and substituting therefor the expression “by a”;

(b) by deleting sub-clause (3) and substituting therefor the following new sub-clause-

“(3) Where a person is required or permitted to provide a certified copy of a document and the document exists in paper or other physical form, that requirement shall be deemed to have been fulfilled if an electronic copy of the document is certified to be a true copy of the document and the certification is confirmed by the electronic signature of a person who is authorised to certify the document which is verified in advance in the System.”

The amendment provides a legal framework for deregistering users who contravene the written laws.

(Question of the amendment proposed)

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Yes, Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Chairlady, I have a problem with Clause 14(b)3, which says:

“Where a person is required or permitted to provide a certified copy of a document and the document exists in paper or other physical form, that requirement shall be deemed to have been fulfilled if an electronic copy of the document is certified to be a true copy of the document and the certification is confirmed by the electronic signature of a person who is authorised to certify the document which is verified in advance in the system.”

How do you certify that an electronic copy is a true copy? It is good to say that an electronic copy should be coded. Nowadays, documents have a code and then you just scan to see their authenticity. Is there a need to add something like, “...if the code is authentic?”

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Okelo.

Hon. Jared Okelo (Nyando, ODM): I thank you, Hon. Temporary Deputy Chairlady. Besides what he has stated which is a code, there will also be a signature which will be superimposed onto that document. Together with other security features, it will pass as an authentic document.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Sankok looks dazed. I do not know whether he is satisfied.

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Chairlady, I am not satisfied.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Maybe, the Chair will explain to you. Make your point.

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Chairlady, why are we saying that the document should have a signature in a world where we are moving towards coding. We should just say: "...if the security features are authentic." If we say that the document will have an electronic signature, it means that somebody can even forge it. If we use the code, we will be on the safe side. We can also use safety features that are in that document which will encompass all of them.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Okelo, do you want to make clarifications?

Hon. Jared Okelo (Nyando, ODM): Yes, Hon. Temporary Deputy Chairlady. In areas where there is forgery, that is criminal. We have procedures of settling down criminal activities. The electronic signature is not a new phenomenon. It has been in existence since the advent of computer systems. It is recognised in law. Therefore, my brother, Hon. Sankok, needs to be enlightened that even the certificate that he may get in UDA tomorrow, it will also be having an electronic signature. That does not mean that that signature makes the document unauthentic. It is just recognised in law. It is as good as the actual signature which appears on our cheques.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Once again, Hon. Sankok, you may oppose if you want to.

Hon. David ole Sankok (Nominated, JP): I am okay. Now that he has referred to UDA, I am okay.

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

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

(Clause 14 as amended agreed to)

Clause 15

Hon. (Ms.) Wangari Mwaniki (Kigumo, JP): Hon. Temporary Deputy Chair, this will bring clarity to the issues that Hon. Sankok was raising.

Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 15 be amended by deleting sub-clause (3) and substituting therefor the following new sub-clause-

“(3) For the purposes of subsection (2), a document is sealed if the document includes the electronic signature of the person authorized to seal the document”.

These are issues that are supposed to give clarity to the Bill. Remember, this will be an electronic document and some of them will be coming from overseas. My brother may not have appreciated that.

(Question of the amendment proposed)

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

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

(Clause 15 as amended agreed to)

(Clause 16, 17,18,19,20,21 and 22 agreed to)

Clause 23

Hon. (Ms.) Wangari Mwaniki (Kigumo, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 23 be amended in sub-clause (2) by deleting the word ‘taking’ appearing immediately before the words ‘‘purchasing or’’ in paragraph (b). This amendment is meant to give clarity on the drafting of the Bill.

(Question of the amendment proposed)

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

(Clause 23 as amended agreed to)

(Clause 24 agreed to)

Clause 25

Hon. (Ms.) Wangari Mwaniki (Kigumo, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 25 of the Bill be amended by-

- (a) inserting the words ‘‘competitively recruited and’’ immediately after the words ‘‘of the Agency’’ appearing in paragraph (b) of sub-clause (1);
- (b) inserting the words ‘‘competitively recruited and’’ immediately after the words ‘‘public officers’’ appearing in paragraph (g) of sub-clause (1); and
- (c) inserting the word ‘‘Board’’ immediately after the words ‘‘members of the’’ appearing in sub-clause (2).

The justification is that this is a constitutional requirement and the courts have made constitutional interpretation to this effect where officers of organisations have to be competitively sourced. There is also a grammatical omission that is being corrected as well.

(Question of the amendment proposed)

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Chairlady, the other Chair, who is looking very beautiful in green, is actually becoming so brief to an extent that we are not even understanding what the import of the amendment is. If it is competitive recruitment, it should not be an amendment. It should have been in the original Bill. So, what made it to be left out?

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Chair.

Hon. (Ms.) Wangari Mwaniki (Kigumo, JP): Hon. Temporary Deputy Chairlady, to answer my honourable colleague, Clause 25 provides for recruitment of the board members and the Chief Executive Officer. It had only omitted the issue of competitive sourcing. That is what we are seeking clarity on.

Hon. Jared Okelo (Nyando, ODM): Hon. Temporary Deputy Chairlady, on MDA's and other Government agencies, in terms of recruitment, there is a *Mwongozo*, which is a document to be adopted by these agencies while doing recruitment. "Competitive" is a word that clearly appears there. It could have been an inadvertent omission which has since been corrected here.

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

(Clause 25 as amended agreed to)

(Clauses 26 and 27 agreed to)

Clause 28

Hon. (Ms.) Wangari Mwaniki (Kigumo, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 28 of the Bill be amended by—

- (a) inserting the words, "competitively recruited and" immediately after the word "agency" appearing in sub-clause (1); and
- (b) deleting the words, "at least an advanced relevant degree" appearing in paragraph (a) of sub-clause (2), and substituting therefor the words "a relevant postgraduate degree".

Just like in Clause 25, this is specifically on the CEO, that he must be competitively recruited in line with the provisions of the Constitution. It has a further amendment to provide for the qualification of the CEO.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Sankok

Hon. David ole Sankok (Nominated, JP): Surely, I do not know and I do not seem to understand the import of replacing the advanced relevant degree with a relevant post graduate degree. Why should it be a post graduate degree? In most State corporations, according to *Mwongozo*, a degree is enough. Post graduate degrees are only an added advantage. If you are so much educated, you can as well go and lecture at the University. These guys can do what is done. Most State corporations are like that. I have been in one of the State corporations as a chairman and so, I know the qualifications of such officers.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Okelo.

Hon. Jared Okelo (Nyando, ODM): Hon. Temporary Deputy Speaker, it only buttresses the relevance of the same thing. It is semantics. When you talk about advanced relevant degree, it only means that it has been upped. It is the first degree yes, but on this particular case, to make it more competitive, we are asking for a post graduate degree. It is just about semantics. You can

choose to use the first word or adopt the second one. It simply means the same thing, but for purposes of a clearer understanding by the Kenyan populace, we are adopting the post graduate.

Thank you.

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

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

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

(Clause 28 as amended agreed to)

*(Clauses 29, 30, 31, 32, 33, 34, 35, 36,
37, 38, 39, 40, 41 and 42 agreed to)*

New Clause 2A

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): I call upon the Mover to move the Second Reading of the New Clause 2A.

Hon. (Ms.) Wangari Mwaniki (Kigumo, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after Clause 2—

Objective of
the Act

2A. The objective of the Act is to provide a single platform for facilitation of trade through integration of systems of Government and private entities.

(Question of the new clause proposed)

(New clause read the First Time)

*(Question, that the new clause be
read a Second Time, proposed)*

*Question, that the new clause be read
a Second Time, put and agreed to)*
(The new clause was read a Second Time)

*(Question, that the new clause be added
to the Bill, put and agreed to)*

New Clause 2B

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): I call upon the Mover to move Second Reading of the New Clause 2B.

Hon. (Ms.) Wangari Mwaniki (Kigumo, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after New Clause 2A-

Application
of the Act.

2B. The Act shall apply to Government entities, persons importing or exporting goods and to persons involved in domestic trade.

The original Bill did not provide for the scope of application of the Act in terms of the Government entities and the persons who will be involved in domestic trade, especially.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Yes, Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): I support this amendment. It is very important for Government entities and even persons who import or export. As a country, we have a deficit in terms of what we export. We import almost everything. So, if we have the leeway of involving these persons, not only local businesses although they are in the counties, but also international businesses, we can breed traders from the local area.

I support.

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

New Clause 2C

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): I call upon the Mover to move Second Reading of the New Clause 2C.

Hon. (Ms.) Wangari Mwaniki (Kigumo, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after New Clause 2B-

Guiding
principles.

2C. The Agency and the users of the System shall be guided by the following principles-

- (a) simplicity and practicability;
- (b) cost effectiveness;
- (c) non-discrimination;
- (d) consistency and predictability;

- (e) modernisation and use of new technology; and,
- (f) due process; and cooperation.

New Clause 2C provides for the principles of the Bill. In trade, there is fair trade and governing principles relating to operations of trade. That is why the new clause is being inserted.

(Question of the new clause proposed)
(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): Yes, Hon. Okelo.

Hon. Jared Okelo (Nyando, ODM): Thank you, Hon. Temporary Deputy Chairlady. This is a very important aspect of this Bill because, firstly, it will be user-friendly and that is why we are putting emphasis on it. It will be simple to use so that even those who are not as endowed with computer skills are able to log in, put the necessary documents and a transaction occurs without necessarily bringing in a lot of confusion into issues of computer system that is generated for trade.

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

New Clause 25A

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): I call upon the Mover to move Second Reading of the New Clause 25A.

Hon. (Ms.) Wangari Mwaniki (Kigumo, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after Clause 25—

Vacancy of office.

25A. A member of the Board other than an ex-officio member shall cease to hold office if the member—

- (a) resigns in writing to the Cabinet Secretary;
- (b) dies; or
- (c) is otherwise removed from office.

Hon. Temporary Deputy Chairlady, let us remember that we have the main Clause 25 of the Bill that provides for how board members will come into office; the CEO and the board members. This one is on how they can leave office through resignation, in case somebody is removed from office through legal means or if a person passes on.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Chairlady, even though I am not endowed with English like my brother, Jared Okelo, I will try. *Nitajikakamua.*

New Clause 25A(c) is a bit superficial. A member of the board can be removed from office when he resigns. Of course, when he dies, he naturally gets removed. I do not see a provision for when they are incapacitated. Paragraph (c) is so superficial when it talks of “is otherwise removed from office.” Is this physical removal by carrying the person out of office or what is it? We are in a House of rules and we have to be specific. The Leader of the Majority Party is saying that it is a standard word, but the words: “If otherwise legally removed from office”, can be used. What about in case of incapacitation? We left it out, but I think in most State corporations, they are always there.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Okelo.

Hon. Jared Okelo (Nyando, ODM): I thank you, Hon. Deputy Chairlady. My friend can sometimes be funny. Article 260 of our Constitution has delineated who qualifies to become a State Officer or a Public Officer. We are guided by Chapter Six of our Constitution on Leadership and Integrity. If the Leadership and Integrity Act is invoked, you can be removed from office any time. This includes being declared bankrupt. It is already clear. So, removal as it appears in subsection (c) emanates from Chapter Six of our Constitution.

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

(Schedule agreed to)

(Clause 2 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Mwaniki, for record purposes, you are the Vice-Chair of the Departmental Committee on Trade, Industry and

Cooperatives. So, you are actually chairing the moving of the Bill. So, do not go and overthrow the Chair. It is just for purposes of the business of this afternoon.

I now call upon the Mover to move reporting.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Deputy Chairlady, I beg to move that the Committee does report to the House its consideration of the National Electronic Single Window System Bill (National Assembly Bill No.15 of 2021) and its approval thereof with amendments.

May I also take this opportunity to thank the Members who stuck around, especially you, Hon. Deputy Chairlady. At some point, I did not expect that we will get there, but here we are. We owe it to ourselves to say “thank you” to one another for seeing this Bill through in the way we have done today.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): At times like these, you also keep the faith that things will happen.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT

THE NATIONAL ELECTRONIC SINGLE WINDOW SYSTEM BILL

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): I now call upon the Chairperson to report to the House.

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Temporary Deputy Speaker. I beg to report that the Committee of the whole House has considered the National Electronic Single Window System Bill (National Assembly Bill No.15 of 2021) and its approval thereof with amendments

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): I call upon the Mover to move agreement with the report

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, I beg to move that the House do agree with the Committee in the said report.

I also request Hon. Ruth Mwaniki to second the Motion for agreement with the report of the Committee of the whole House.

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

Hon. (Ms.) Wangari Mwaniki (Kigumo, JP): Seconded

(Question proposed)

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

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. This is a very important Bill and I thank the Committee, led by Vice-Chair, Hon. Ruth Mwaniki,

who is an expert in trade. She has taken us through the Committee of the whole House and we have understood. The amendments are okay.

The enactment of the National Electronics Single Window System Bill will solve a lot of issues that we are facing as a country. As I speak, we had set aside some funds to subsidise fuel, but because of red tape, some people are still sleeping on their jobs. That is why Kenyans are still queuing for fuel. This one will reduce the red tape.

As we improve on the issue of single window system, we will attract a lot of investors. That means our economy will grow and we will get out of the quagmire we are in. Today, generally, because of the high cost of living, all liquid commodities are missing. Petroleum is not available in our pumps. Prices of cooking oil are so high. Milk is missing on supermarket shelves. Even clean drinking water is not available. The only liquid that is available in Kenya is alcohol and it is being served at the right price and temperature, for obvious reasons.

With the passage of this Bill, we will improve our services, do more business, attract more investors and improve the economy of our country.

I support.

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

Hon. Jared Okelo (Nyando, ODM): I thank you very much for the opportunity, Hon. Temporary Deputy Speaker. I also thank my Committee together with its secretariat for burning the midnight oil. The leadership of this House, headed by the Leader of the Majority Party and the Leader of the Minority Party, has taken us through this.

If there is anything we have learned in the recent past, during the height of COVID-19, it is that we do not have to be physically present anywhere in order to transact any transaction. Therefore, this Bill is going to address the gaps that have existed for way too long so that transaction can be completed electronically without having to travel. Another good thing with this Bill is that it eliminates brokers who have perfected the art of reaping where they have never sowed. Once you log in, all the necessary documents with Ken-Trade and other partners, you will not have to know somebody for a business transaction to be completed.

This is an important milestone in the world of business. It makes things very easy. At the touch of a button, somebody will get what is needed in the market.

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

Hon. Joshat Kabinga (Mwea, JP): Thank you, Hon. Temporary Deputy Speaker. I would also like to support this Bill. It is the right direction for our country. It places our country on top of others that have advanced in technology. It ensures that we are first and not second when it comes to technology.

As my colleague has alluded, this is where the world is going. We do not need to be physically there to transact business. We can be here and transact business. That is what is important for us. I think it is a lesson learned, more so during the height of the COVID-19 Pandemic. I was really impressed during the discussions to realise that my colleague, Hon. Sankok, is really updating himself on technology. I hope he will use the same knowledge, which he seems to have acquired, to understand the reason why we have shortage of oil in the world, and not in Kenya alone. I also hope that he will use the same knowledge to understand why the economy cannot be as expected and why the prices of commodities will go up, as he updates himself with what is happening in the entire world today, especially on the war in Ukraine that affects major supplies in the world, so that he really explains to his colleagues when he goes out there.

I really support this Bill.

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

Hon. (Dr.) Naomi Shaban (Taveta, JP): Asante sana, Mhe. Naibu Spika wa Muda. Naunga wenzangu mkono ya kwamba wakati huu kila kitu ulimwengu kwote kinafanywa kupitia mitandao ya teknolojia. Wakenya tunajiunga na wengine ulimwenguni ili kufanya mambo kwa mtindo wa kisasa.

Ni dhahiri kuwa ulimwengu mzima sasa umekuwa kijiji kimoja. Kwa vile umekuwa kijiji kimoja, pia sisi Wakenya tunajiunga na wenzetu ili tuwe kijijini mle na tuweze kufanya shughuli zetu tukipitia dirisha hili la teknolojia ili tuwe na mitindo ya kisasa.

Asante sana, Mhe. Naibu Spika wa Muda.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Members, we will have to move on. Because the House is not fully constituted for business, we will skip putting of the Question and move to the next Order. We will put the Question on this Bill when it gets back on the Order Paper.

(Putting of the Question deferred)

BILL

Second Reading

THE NATIONAL DISASTER RISK MANAGEMENT BILL

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

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, I beg to move that the National Disaster Risk Management Bill (National Assembly Bill No.28 of 2021) be read a Second Time.

As we all know, disaster management in Kenya has always been a challenge and remains quite a challenge. Every so often, we are faced with various disasters. Some are unpredictable, some unusual, some very unsettling, and some that we could have predicted, acted on or prevented, but we did not. The key question that lingers or should keep lingering in our minds as we debate this Bill is how we have handled disasters in the past. What lessons have we learned from those experiences? What can we do with those lessons so that we improve our responses in the future? That basically is the driving force behind this Bill. It is to draw on the experiences, lessons learned and prepare more adequately for the future.

This Bill aims to achieve a couple of objectives. The first one is to anchor within a legal framework policies and structures for disaster risk management. The second key objective is to establish and equip certain institutions that will be responsible for handling and responding to disasters to ensure that we have some effective and coordinated disaster preparedness, prevention, response, mitigation and most importantly, how we recover from those disasters. The third key objective of this Bill is to enhance resilience to the impacts of disaster risks and climate change both at the national as well as at county levels.

Hon. Temporary Deputy Speaker, against the merits of the foregoing objectives then, the major guiding principle for risk management under this Bill becomes the development and adoption of a comprehensive approach to disaster risk management, and the balancing between reduction of risk and enhancement of community resilience while ensuring effective response and recovery capabilities.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

As you are aware, we have in the past faced several disasters as I have said. We faced terror attacks starting from the US Embassy and the Cooperative House attack some years back. We have had national emergencies and droughts. We are still having challenges of famine in some of our regions in the country. There are different approaches being used to tackle those challenges. We are just about to receive the rains. You can be sure there will be flooding in some areas. This has been witnessed in areas that are close to where you come from, Hon. Temporary Deputy Speaker.

Last year, or last year but one, several bounds of locusts invaded our country. Worse of all, we have had the COVID-19 Pandemic that has grounded progress in many fronts not just in Kenya, but globally. In all these, the regular issue that keeps coming up is that we need to work within a constructed framework to put our efforts together in dealing with these disasters and emergencies.

One of the lessons we have learnt is that almost every report that has come as a result of the response has shown some poor coordination within the various teams that have been brought to respond to disasters, leading to loss of life and property that could have been saved if the coordination was improved.

This Bill has been with us since May, 2021 in as much as it came up for debate towards the tail-end of this Parliament. At least, it has found itself into the House. We hope we will process it in both Houses so that we can have a legal and an elaborate framework for dealing with national disasters because we have been called upon to do just that.

We have had to use both the Public Order Management Act and the Public Health Act as the two main legal frameworks for responding to COVID-19 related challenges. While these are in place, and helped in terms of the health related challenges and emergencies, these two pieces of legislation cannot help us in certain situations as they were not enacted in anticipation of the need to have these rather wider issues that tackle not just health related disasters, but all other disasters.

We believe this Bill will lay down the legal foundation not just for what to do, but also the coordination and collaborative partnerships that would be needed so that we have all the various institutions involved in disaster working in together. Again, this is both at the national and county levels because disasters happen everywhere.

The Ministry of Interior and Coordination of National Government, the Ministry of Devolution and the National Treasury have all in the past, jointly, individually or separately, formulated and published disaster management policies, but again, all these exist in the different policy papers, and regulations. This Bill attempts to bring all of them together within a statute so that the methods and approaches for disaster management can be anchored in law.

One of the policies already in place as a subsidiary legislation on disaster management recognises the fact that the Kenyan economy, and by extension its population, can be classified as highly vulnerable to both natural and man-made disasters. As I have mentioned, we are also prone to the vagaries of nature. If rains delay by even one week, there will be famine and livestock will be dying everywhere. If it rains beyond a certain level, there will be floods everywhere yet we do not have a comprehensive disaster management framework for mitigation against these situations. Fortunately, we have to manage each disaster. We have done well as a country despite the challenges we have had. We have not had a comprehensive system of dealing with such situations, but for some reasons, we are also resilient. We have learnt a few things by now. I believe we will not only be relying on the international community, but also on ourselves to deal with such issues.

In getting closer in terms of the Bill, first, we are creating an inter-governmental council which will comprise of the various cabinet secretaries and the Chair of the Council of Governors. It is a joint responsibility between the national and county governments. The Council shall provide

both the policy and implementation direction to the Cabinet on matters relating to disaster and risk management among other functions, including coordination and monitoring of the intergovernmental multisector entities that are responsible for disaster risk management. Most importantly, it shall be obligated to provide a report to the Cabinet, the National Assembly, the Senate and the county assemblies.

The Bill also establishes the National Disaster Risk Management Authority which shall, again, be the implementing agency of the law and all the preparedness, mitigation, recovery plans adopted or proposed by the intergovernmental council.

The Bill itemises the various functions which is coordination and support of public awareness campaigns, and civic education programs on risk management. Most of the disasters could well be mitigated if people had all the information and the right level of awareness in terms of what they need to do to prevent them and what they need not to do when disaster strikes.

A second function is advisory on facilitation and capacity building for disaster management at the two levels of Government. It would also be charged with the responsibility of coordinating and collaboration with the relevant regional and international agencies and institutions in disaster risk management and promote linkages with key ministries, community service organisations, international organisations, county and sub-county and community-based disaster risk entities, among other functions.

The proposal to establish this centralised system of responding to manage disasters is long overdue. As I mentioned, we have had several disasters with lessons learnt from history. There has also been attempts in terms of responses and bringing it into law.

I am also aware that we have the National Disaster Management Authority Bill of 2019 that was sponsored by the Member for Kikuyu Constituency. I wish he was here so that he could contribute to this Bill. It was passed by this House not so long ago and is one of the Bills that have been forwarded to the Senate. We hope it will come out of the Senate before we close. I also know there are other attempts. I urge the Members that as we have done in the past, we recognise, support and improve on this Bill further since it is one of the steps that we need to put forward in order to get palatable solution to challenges of disaster management.

Hon. Temporary Deputy Speaker, let me also recognise the efforts of the Departmental Committee on Administration and National Security, which has spent quite a bit of time on this Bill and given us a Report. I hope the Members will read the Report and bring the amendments that are required so that before we close, this House can have, at least, pronounced itself on where it stands on matters to do with disaster and risk management.

With those remarks, I beg to move and ask the Chair of the Departmental Committee on National Security and Administration, Hon. Mwathi, to second the Bill.

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

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to second this Bill. In seconding, I want to mention that this Bill was first read in the House on Wednesday, 1st September 2021 and subsequently committed to the Departmental Committee on Administration and National Security. We took the initiative under Article 118 of the Constitution and Standing Order 127(3) to place advertisement in all media forums inviting public participation on the same. We did this to comply with the Constitution and let the people of this nation be part and parcel of creating this law, which is quite overdue since we do not have a legal framework of engagement on disaster risk management.

This Bill seeks to establish the National Disaster Risk Management Authority and county disaster risk management committees. It also seeks to provide a legal framework for coordination

of disaster risk management activities. Its main object, among others, is the provision of a legislative framework for disaster management and to enhance effective and coordinated disaster preparedness, prevention, response, mitigation and recovery. That has not been coordinated before, hence the need for a legal framework. It further seeks to establish an institutional framework on disaster risk management, which includes Intergovernmental Council on Disaster Risk management at the apex. The same will be cascaded down to counties so that we have units that coordinate with the Council.

The history of disaster management in this country shows that it is not viewed as an integral part of planning. If not so, then those who plan may have had oversight on the need to plan. Disasters can strike at any time. They have stricken before and they keep striking. Somehow we only use administrative procedures to address issues that arise out of a disaster. Let me cite two occasions. In 1999 to 2001, there was a severe drought across the country, which gave rise to various initiatives. The Kenya food security meetings were formulated to address the issue of food security.

It is important to note that Kenya's preparedness in terms of response to disasters has been challenged by lack of a harmonised policy, legislative and institutional framework, inadequate capacity and reactive rather than proactive approach to disaster management. The situation is further aggravated by the fact that there are various institutions dealing with disaster management and related activities in the name of Ministries, Departments, Agencies (MDAs) and some specialised Semi-Autonomous Government Agencies (SAGAs) and the county governments. Some of the agencies, for the benefit of Members, are the National Disaster Management Unit (NDMU), National Disaster Operations Centre (NDOC) and National Drought Management Authority (NDMA). All these efforts are not coordinated and it is very important to bring them under one legal framework and policy. That will be properly coordinated by agencies that will also have inter-linkages to address issues that arise therein.

In considering the Bill, the Committee noted that in recent years the frequency and magnitude of disasters that develop from natural and manmade hazards have continued to rise. Currently, we all know that we are experiencing drought, which is part of the disasters in this country. It needs a properly planned approach which can be done by such a body that is being proposed to be created by this legislation. The enactment of this law will immediately inform transformational change in disaster risk management in the country through, among others, the following:

1. Harmonisation of policy, legislative and institutional frameworks. The fact that there will be only one national institution charged with the responsibility of disaster risk management will create order and bring about concerted approaches towards disaster risk management. This will strengthen disaster risk governance for the effective management of disaster risks.
2. Recognising the importance of effective coordination and communication, which was lacking previously, at all levels and among all stakeholders. This will promote an understanding of disaster risks and encourage a multiagency approach to disaster risk management.
3. The Act will be the premise upon which the Government will inform investment in disaster risk reduction for resilience. We may ask ourselves: How much has the Government invested in disaster risk management? The amount has been given to so many institutions that you cannot even put a figure to it. Each of

those institutions has regulations and their way of carrying out disaster response.

4. Enhancement of disaster preparedness for effective response and building better recovery, rehabilitation and reconstruction.
5. Emphasising the need to build capacity to respond to disasters and establish an institutional framework that enhances coordination. Building capacity is the keyword. People will be trained on how to deal with disasters, and not to be reactive and pick any person to deal with disasters on which they may not even be aware of how to go about.

In considering the Bill, the Committee made the following observations:

1. The Bill gives us a legislative framework and we are happy with it as Committee.
2. The Bill establishes an institutional framework on disaster risk management, which includes the Council which I mentioned when I started seconding and the National Disaster Risk Management Authority to coordinate at the top and with the other bodies in the county levels.
3. The Bill proposes to bring together the staff of the National Disaster Operations Centre and the National Disaster Management Unit to undertake national disaster risk management under one roof. We will not have all these units undertaking uncoordinated activities.

Consequently, having considered the National Disaster Risk Management Bill 2021, in accordance with provisions of Article 118 of the Constitution and Standing Order 127(3) of the National Assembly, the Committee recommends that this House approves the Bill with amendments as proposed in the Schedule.

I fully concur with the Leader of the Majority Party that this is a legislation that requires the input of all of us, as Members of this august House. There is room and window to make it better. Different types of disasters have happened in almost every part of this nation. Therefore, we call upon all of us to look at the clauses in this Bill and even make them better, so that we wholesomely bring our efforts to make disaster response in this country better.

As I conclude, I thank my Committee Members who took time off during this very tough and nomination time to have quorum throughout the meetings that we had. They sat and deliberated on this matter which is very critical. They wrote a Report which was tabled in this House. I hope Members will have time to read it. It will inform any of the amendments or otherwise, that they may wish to bring to the House.

I also wish to thank the Speaker of the National Assembly together with the Clerk for providing leadership and direction. Finally, allow me to thank my Committee secretariat for their exemplary work in the provision of technical and logistical services. Further, the Committee in its entirety reiterates its gratitude to the stakeholders who made submissions on the Bill. So many of them came and gave us submissions that informed the contents and recommendations of our Report. Therefore, we fully submit that there was public participation to its fullest.

Hon. Temporary Deputy Speaker, with those many remarks, I beg to second.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Is Hon. Baya Yaa here?
Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute. It is very important that we are discussing this Bill, when you are seated on that Chair.

The National Disaster Risk Management Bill (National Assembly Bill No. 28 of 2021) has come at the right time. Our response to disaster in this country has been a knee-jerk reaction that is not coordinated. When we had the 1998 bombing, anybody became a rescuer, even those who had no know-how. When we had *Al Shabaab* attack at a certain mall, everybody, including the Governor of Kajiado County—Hon. Ole Lenku— became a specialist of rescuing people. He ended up saying that mattresses were being burnt. He shamed himself and the whole Maa Community. This is because of our knee-jerk reaction. This Bill has come at the right time to coordinate disaster response. We will also train people to respond to disasters. When we have a mere car accident on our roads, sometimes, somebody gets a spinal injury. Rescuing him without any paramedical training or knowledge may end up causing more harm than good. You may disable him permanently.

Drought is a planned and predictable disaster. We are unable to respond to it. Everybody is aware that it will be there. It affects certain counties that we know which are in arid and semi-arid areas. We are unable to respond to it because it is not coordinated. We do not have the legislative framework to deal with it. This Bill has come at the right time to address that.

Hon. Temporary Deputy Speaker, in the Committee of the whole House, I will talk to Hon. Mwathi who is the Chairperson of the Committee, so that we can bring amendments to discuss and incorporate issues of persons with disabilities. Whenever there is a disaster, they are more affected than others. When we respond to disasters, we do not take care of their needs. People transport food to the North Eastern Region. They go to a certain shopping centre and call people to come and carry sacks of beans, rice and maize. There are those who may not access those centres. Others do not have the physical strength to carry whatever has been donated to them. We need to incorporate the needs of persons with disabilities.

We should not respond to conventional disasters only. At the moment, we have a disaster in our country. The country is literally at standstill. Nothing is moving. There is no fuel. Vehicles are not moving. It is a disaster. The *boda boda* riders are now jobless. They are sleeping hungry because they cannot work. It is a disaster. We may not know how to respond to it because it is not coordinated. The National Disaster Risk Management Bill will address such.

I told you earlier that the cost of living is too high at the moment. We should include it as a disaster. Even during President Moi's era and when we had sanctions from International Monetary Fund (IMF), we did not reach where we are now. However, what do we expect from a concoction of *ulevi na uchawi*? The country is not moving at all. Petrol, milk, water and cooking oil are not available. The only liquid which is available currently in Kenya is alcohol which is served at the right temperature and price for obvious reasons.

These disasters can emanate from various quarters. We have been taking drought as a disaster. We may have taken other things that may not be real disasters as disasters. Think about the war in Ukraine. God forbid, if Kenya was under such an attack and we cannot handle six characters of *Al Shabaab* hiding in Dusit, what could happen? That is why Hon. Mwathi and his Committee have come up with the National Disaster Risk Management Bill that will have a legal framework.

There is the issue of training of personnel. I have gone through this Bill and it will be able to assist this country. It is by God's grace that we have never experienced a disaster of huge magnitude. I do not know how we can respond to a disaster like tsunamis that have affected other

countries in this world. I do not know how we could have responded to typhoons and other disasters, if we are not able to respond to a disaster like miners being buried alive in mining caves. We are not able to respond to road accidents as a country. When we improve this Bill at the Committee of the whole House, we will come up with an elaborate system and scheme of being able to respond to disasters, not necessarily in a knee-jerk reaction.

Lastly, it is pathetic that we always set aside some funds in this House for disaster response. The NDMA has funds for response to drought. If you go to the ground, things are different. No one has ever benefitted. If there are, they are very few. There were livestock uptake funds. I am a farmer and pastoralist. My cows have been affected by the drought. I cannot say that the uptake should have started with mine, but, I have neighbours who are really suffering and should have benefitted from these funds. With this particular Bill, we will be able to coordinate all these responses and we will not have wastage of public funds. It is shameful that it is the private sector, particularly the Red Cross that responds to disaster more. I remember when we had drought in Turkana, it was the likes of Akothee who were assisting the Turkana people while the whole Government was planning in offices how to respond to such a disaster.

Hon. Temporary Deputy Speaker, I support, 100 per cent.

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

Hon. Joseph Nduati (Gatanga, JP): Thank you very much, Hon. Temporary Deputy Speaker for giving me a chance to make my contribution. There is a correction which I wanted to make. My friend, Hon. Sankok has made allegations which are not very accurate. I want to assure you that petrol is available. It is only that some businessmen are hoarding it somewhere.

I want to urge the Leader of the Majority Party that we need to do away with this date of 15th when petrol companies know that fuel is going to be increased.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): You know Hon. Nduati, you have to address the Speaker.

Hon. Joseph Nduati (Gatanga, JP): I am addressing the Speaker, it is only that I am not facing you directly. You know I respect you very much and I wish you all the best. I have always acknowledged you that is why I talk when you are around. I just wanted to assure Hon. Sankok that fuel is available in Kenya. I was just urging the Leader of the Majority Party to ensure that 15th....

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

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Sankok, the only thing Hon. Nduati has said is that fuel is available. You were saying there is no water, there is no milk and I know you are a farmer with many cows, and there is milk in your farm.

Hon. Joseph Nduati (Gatanga, JP): Allow me to finish, Hon. Sankok, I have given you time. You know you are my friend. Just one minute.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Nduati, allow him. We will you give you back your minutes.

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Speaker, we cannot mislead the whole country. He is becoming like the Principal Secretary who told us that the Pipeline Company is wet yet Kenyans are queuing in pump stations; vehicles are stuck on roads and motorcycles are at home because they do not have fuel. People are carrying petroleum in Jerricans and he dares tell Kenyans that fuel is available. Do we go to fuel our vehicles in pipeline or where should we fuel our vehicles from? How do we know? We will only know when fuel is available in the pumps. So, let us not mislead Kenyans.

Hon. Joseph Nduati (Gatanga, JP): Thank you very much, Hon. Sankok. I acknowledge what you are saying. I was saying that the country has enough fuel. I am a businessman and I know that. What is happening is that fuel companies are hiding fuel until maybe the date after tomorrow. I was urging the Leader of the Majority Party that this date of 15th of every month, when the country knows that something is going to happen to fuel, can be done away with. It can be any date. Why should we get stuck with one date? Hon. Sankok, you have said that there is no water. I come from Gatanga and I want to assure you that Ndakaini has enough water.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Nduati, leave Hon. Sankok alone.

Hon. Joseph Nduati (Gatanga, JP): It is the allegations that I wanted to correct since he has said them in Parliament and I come from a county which provides water to Nairobi. It is good for me to assure Kenyans and Hon. Sankok. Looking at Hon. Sankok, he looks very smart because last night he had water and his wife was able to clean his clothes. Let me not continue. Let me come back to the Bill.

I really wanted to thank the Committee for coming up with this Bill. I have looked at it and the objectives are very good. The way the authority has been given direction is very good. Looking at the powers and what the authority is going to do – if you look at Clause 31 and particularly the management of disaster - I have seen that it is going to be organised because we will have national and county organs involved in disaster risk management. It has been a big problem because whenever a disaster occurs, it has been very hard for Kenyans to know who to call. There are many Non-Governmental Organisations which deal with disaster management. However, they have not been classified, they only pop up when a disaster occurs. Nobody knows how they operate. So, it is good that now the Bill is putting them in the right place.

There are many disaster experts in this country. It is good that this time round they are going to be registered by the authority so that we are organised. When it comes to firefighting, it has also been a major issue especially when disasters occur. You never know who to call. We know that firefighting services at Nairobi City Council do not work very well. We have resulted to call for firefighting services from the airport or the military which is not a good thing. So, it will be good if they are organised so that Kenyans are able to know where to get these services.

We have had a few disasters in this country. I remember the bombing of our great mall. We all saw what happened. The military came in. When such a disaster occurs, I do not think the military has that kind of expertise to move in. You cannot move into a mall when you do not have its drawings. Just by moving in you can create further disaster because you need to know where the services are. You need to know where the lifts are, where to get water and where the electrical connections are. All these things need to be managed in a good way. As a country, this is something we need to plan well. The way it was done at the Westgate Mall was not good. We saw the military and ordinary Kenyans move in, in a disorganised manner. That is why we lost many lives.

I am happy that the Bill is very clear on how we will register volunteers, how to classify them and get them uniforms. We have had so many people when disasters occur volunteering, but their capability is not known. It is good that the Bill provides how they will be segregated and the services they will offer.

Hon. Sankok talked about food when there is a disaster especially like now when we have drought. I agree with Hon. Sankok. Food distribution when we have drought has been very badly managed. When the food leaves the National Cereals and Produce Board, it is taken to the DC. The DC does not have a way of taking that food to our people. We have seen that most Government officials are not able to account for that food. There is no follow up and the food ends up being

sold to people who are not supposed to have benefitted. When it comes to the distribution of food, Kenyans have suffered a lot because what they eventually get is very little. You cannot give a Kenyan two kilogrammes of maize and expect that he will forget that problem.

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

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

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you, Hon. Temporary Deputy Speaker. At the outset, I support this Bill. It has come at the right time because of the way we conduct disaster management in this Republic. We have had several cases in the country where disaster strikes then we run like headless chicken without knowledge of what to do and who is supposed to do what.

In my county, we have had mudslides that have affected several households. Currently, we have deep cracks that run across my county. Some homes have sunk. We took time with the Cabinet Secretary to go to the ground and we saw how our people are suffering. But even the promises that were made, to date no one is ready to address them. Some of these people might need to be moved from their homesteads. My county is quite hilly and when landslides strike, they carry the whole land mass and people are left with nowhere to go. It is very hard even for the legislatures to know which office to go to. We are sent to different offices and at the end of the day the people are the losers. There are people who have been displaced and have not been left with solutions.

Recently, I went to Turkana and saw how people are suffering because of the drought. Apart from calling the Principal Secretary for Special Programmes and promising that they are going to deliver food, which is taken through the provincial administration, we need a team that can sit down and find a long term solution for the Turkana people.

We know about Budalangi and every time there are floods, we see people being displaced. I am very sure we have experts in this country who can work with the national disaster team and come up with permanent solutions for the people of Budalangi.

We had university students who drowned in one of our rivers in our county. It took a lot of time to get divers. It is sad that at such a time as a nation our counties have no divers. When divers are required, we have to get them and ferry them from Mombasa to a specific county. It was painful watching families waiting by the river banks trying to retrieve the body of their loved one. Majority of our rivers have many stones and so when a body is stuck, no one can go there. We have our young people who are divers and have learnt it through the hard way who just need to be equipped and given more training and backup and can save many lives. In my county, we have lost several lives through drowning in the rivers, especially at the waterfalls.

We have seen when terrorism happens, the way information is relayed on who is supposed to go where first. There is confusion among members of the same team because there is no proper coordination. We have seen incidents like in Sachangwan when a fuel trailer burst into flames. Recently, we also had another one at Mai Mahiu Road. We do not have a number you can call.

Therefore, this Bill is timely and will save a lot of lives. As the Chair of the Departmental Committee on Health, we noted that we do not have a plan for emergency, especially on very many highways. I thank the Jubilee Government that I am a proud Member of for managing to build several highways. But when it comes to accidents, we do not have emergency hotline numbers or ambulances that are on standby.

In the developed countries, when an accident occurs, you will find a fire truck, the police and an ambulance and not just an empty ambulance, but an ambulance that is well equipped with experts. We have lost lives of many Kenyans who would have been saved in accidents. When

accidents occur, Kenyans try to rescue the victims and as a result we lose many lives because the people trying to save them are not experts. Even the people who would wish to save them do not have the expertise or a number that they can call to access people who can save them. So, emergency healthcare is very important. I hope this team will consider our highways and superhighways and see how we can help our people through disaster management.

I have talked about drought and food distribution and having permanent solutions. I congratulate the Leader of the Majority Party who moved this Bill and the Chair of the Committee who contributed on it.

I emphasise that the issue of fuel shortage in this country is not really a disaster. It is just a matter of indiscipline and a matter of people who want to carry out economic sabotage. I hope that the Government and relevant agencies will work together and provide a permanent solution to the problem and take action against companies and corporates that are hoarding fuel waiting for the prices to go up. It is a shame that we can give foreigners a chance to trade and make money in this country, but they want to sabotage this economy. I hope that the Cabinet Secretary in charge of Energy will come out to name and shame for Kenyans to know the people who are hoarding fuel. It is sad that when such things happen people end up blaming the Government instead of addressing the problem. We know the problem of fuel shortage in Kenya and the Ministry knows what they need to do. They need to call out and shut down some of these companies that make Kenyans suffer.

I thank the Leader of the Majority Party and the Chair for this wonderful Bill. I hope before the sunset of this House we are going to make sure that some of these things that are so important and mean a lot to this country will be passed and signed and become law.

I support, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Thank you. Hon. Mawathe Musili.

Hon. Julius Mawathe (Embakasi South, WDM-K): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this very important Bill.

At the outset, I support the Bill. It is very timely and we need to find a way to be prepared to respond to disaster. There are many types of disasters including earthquake, fire, hurricanes and tornados. We are lucky we do not have tornados in this country, but we have mudslides. There are also man-made disasters like unclean drinking water in case of rain and floods. This Bill gives us an opportunity to plan and have response mechanisms and have a disaster management team in place to equip and train our people.

In Kenya we used to have emergency telephone number 999, we need to bring those systems back so that we respond in a timely manner and serve our people. Other parts of the world such as the USA have hotlines. If you dial 911 for any accident or occurrence, you will get a response.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Let us have Hon. Wambugu Ngunjiri.

Hon. Ngunjiri Wambugu (Nyeri Town, JP): Thank you, Hon. Temporary Deputy Speaker. I support the Bill. I want to focus on the issue of psycho-social support for victims of disaster. That is the part that excites me about this particular Bill. We have had a lot of disasters in this country, be it terrorist attacks, buildings that have collapsed, floods and so on.

Hon. Temporary Deputy Speaker as much as we are able to deal with the immediate effects in most circumstances, we do not seem to have a structured infrastructure to deal with what

happens to the victims and all the people who participate in the management of the disaster. Whether it is the fire-fighters or fast responders who go to the scene of that particular disaster. One of the things I have seen in this Bill is the proposal for the establishment of a psycho-social support structure for victims. In my opinion, it should also include responders and those participants at that particular rescue operation. Anytime there is a disaster the psycho-social effect of that disaster on the psyche of the people who get affected directly, their close allies and friends is huge, as you think about this particular Bill, which I am so grateful about, that the Hon. Leader of the Majority Party has brought to the Floor of the House.

I request that we think and continue focusing on how to ensure that we take care of the mental health of the victims who get affected by a disaster. We also take care of the mental health of the people who participate in the disaster. I had a conversation recently with a friend who works for Red Cross. They say that every time they are involved in rescuing people from an accident, it takes several months before a person's mental health is stabilised. They are the ones who go to rescue. They save people from a disaster.

Hon. Temporary Deputy Speaker, if we do not have a system that takes care of those who take care of the people who are affected, we will reduce our capacity to positively engage in disaster management. Therefore, there is the hard work, the structure of ensuring that committees work all the way to county level.

There is also the aspect of ensuring that those people who will look up to participate in disaster management are also mentally trained and given mental capacity to know how to deal with it. We need psychologists or psychotherapists on standby to deal with the people who are pulling people out of disaster, for example, or those who are rescuing people or who are doing first aid or first response. This will be something I would think we very seriously need to consider as we move this Bill forward.

It is also important for us to define disasters. I want to pick up something my colleague Hon. Sabina Chege has said with regard to the ongoing crisis of fuel which a few of us are terming as a disaster. We are aware that the reason this is going on is that some dealers are hoarding fuel hoping that by the end of tomorrow the Energy Regulatory Commission (ERC) reorganises its fuel prices, so that they make a kill. It is unfortunate that even in the pursuit of profit we have dealers and traders who are willing to allow Kenyans to suffer inability to move. We have even ambulances and police vehicles which are unable to access fuel because we have a few traders who think they will make a kill in profit by just waiting and hoping that the fuel prices will go up from tomorrow evening.

We had made a special request to the Government for the subsidies on fuel to ensure that tomorrow fuel prices are not the kind of things that are going to hurt the Kenyan population. We know the Jubilee Government - I am proud to associate with it - is looking keenly into this issue of shortage of fuel. We will point where we will put the lines we are seeing behind us and go back to availability of fuel moving forward. We plead with the people who trade in fuel to remember that they also have a social responsibility to keep our country moving. I think this also brings up the issue that we might need to look at as a House. We may need to set up a structure that will analyse how traders are dealing with critical basic needs like fuel so that we do not have a situation where somebody can sabotage the ability of the country to move forward.

Finally, I ask my colleagues, even as we do politics, to make sure we are not using sensitive issues like these. We have a situation where we are all part and parcel of this Government and especially those who are in Jubilee Government. Let us look for solutions. Let us not use this current crisis as a way of earning *bonga* points with the population and trying to make political

capital. We should all be trying to join hands to end this crisis. Talk to the dealers we know, talk to government, ensure that everybody we know who handles fuel at whatever level is being talked to, just to make fuel available rather than hoard it and inconvenience Kenyans greatly as has happened.

I support.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): I see no further interest for contributions, So, I call upon the Mover to reply.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Temporary Deputy Speaker. Let me start by thanking you for bringing sanity back to the House and guiding this Session.

I thank the Members who have been contributing to this. It is one of the most enjoyable sessions we have had with no shouting. Everyone is just focused. I think that is the future of this House. I thank the Chair of the Departmental Committee on Administration and National Security, not just for the contribution he has given today, but for the work he has put and his team on this Bill. Hon. Sankok usually leaves about 6.00 p.m. but today he has stayed on to contribute to this Bill and has been quite focused on it together with others who came in. I am not sure whether I want to respond to this because the fuel crisis has been termed as a disaster.

It is important that we recognise that there is a big global disaster on the wider energy not just on fuel and natural gas. Inflation in Britain is at its highest since 1992 occasioned by the high fuel prices and high gas prices. It is the same in the USA. In Kenya, we took this decision to subsidise fuel and we have been pumping money to it. We have managed to keep the prices at just about Kshs139 per litre.

Just last week we were in Uganda with the Hon. Speaker. I got very concerned when we had this discussion on fuel here. Some Members of Parliament said that fuel is cheaper in Uganda than in Kenya. We took it upon ourselves to physically look at pump prices in Uganda. If I recall well, the price of petrol in Uganda Shillings was 6,200 and 4,600 for diesel, give or take Ushs50 which is really not much. When you convert that, you will end up with petrol at Kshs169 and Kshs149 for diesel. There is a whole Kshs30 between the Kenyan and Ugandan prices.

With our borders being porous as they are, you can also imagine one of the disasters we are going through—the people closer to the border are fuelling in Kenya then going to sell it in Uganda and making Kshs30 per litre. It is because we are subsidising. These are the challenges we have. Every time you interfere with market forces, through subsidies and Government action, but in a limited scale without the wider East African region and with the free movement of people and vehicles, you would expect that part of Kenya's taxpayers' money will be used to subsidise consumers in Uganda.

I am sure the same is happening in Tanzania. I do not want to get into that debate. It is something that we just have to note. I am sure the people responsible will be looking at what to do going forward.

I take the point that the honourable engineer Nduati raised about debt. We can see part of that. It also goes to the wider disaster preparedness. In fact, when Hon. Sankok talked of fuel, I thought he would be talking of the disasters we have always seen with fuel tankers. It is one of the most amazing things. We have had the disastrous Sachangwan fire. We thought Kenyans had learned. I do not know what happens to Kenyans every time there is an accident involving one of those fuel ferrying trucks. They rush with their jerricans to go and scoop some fuel without thinking of the disaster that awaits that kind of thing. That is Kenya for you; that is our people. They are high risk-takers. I believe that is why we are very vulnerable as a society and why we actually need this kind of a disaster risk management authority in place.

Once again, I believe there was total concurrence. I encourage Members that, if anyone feels there is something that has been left out in addition to the proposal on amendments that will be coming from the Departmental Committee on Energy, it will be good to have issues brought up so that we fast-track this Bill and have it into law. Let it go to the Senate and the 12th Parliament may well be the one that has helped in mitigation measures on disaster management.

With those remarks, I request that you defer putting the Question pursuant to Standing Order No. 53(3). You can determine a time when we can have that Question put.

Thank you, Hon. Temporary Deputy Speaker. I beg to reply.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Your request for deferment is well in order. We shall put the Question when the business comes back into the Order Paper.

(Putting of the Question deferred)

Let us move to the next Order.

MOTION

IMPLEMENTATION STATUS OF THE REPORT ON IRREGULAR RENEWAL OF LEASES BY DEL MONTE KENYA

THAT, this House adopts the Report of the Select Committee on Implementation on its consideration of the Implementation Status of the Report of the Departmental Committee on Lands on a Petition on irregular renewal of leases of land by Del Monte Kenya Limited, laid on the Table of the House on Wednesday, 22nd December 2021.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): The Chair is not here. We shall, inevitably, have to step it down.

(Motion deferred)

Next Order.

BILLS

Second Readings

THE PROMPT PAYMENT BILL

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Again, the Chair is not here. It seems like the Leader of the Majority Party has no brief. So we shall have to step it down also.

(Bill deferred)

Next Order.

THE STARTUP BILL

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): The same fate. The Chair is absent. We have to step it down.

(Bill deferred)

Next Order.

THE MUNG BEANS BILL

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): It is the same sequence. The Chair's absence necessitates stepping down the business.

(Bill deferred)

In that case, Hon. Members, we come to the end of the Sitting.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): The time being 6.52 p.m., this House stands adjourned until Thursday, 14th April 2022, at 2.30 p.m.

The House rose at 6.52 p.m.