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THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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Thursday, 10th August 2023

The House met at 2.30 p.m.

[The Deputy Speaker (Hon. Gladys Boss) in the Chair]

PRAYERS

QUORUM

Hon. Deputy Speaker: Serjeant-at-Arms, I direct that you ring the Quorum Bell for ten minutes.

(The Quorum Bell was rung)

Hon. Members, we now have quorum. We can proceed.

COMMUNICATION FROM THE CHAIR

YOUTH BUNGE DIALOGUE

Hon. Deputy Speaker: Hon. Members, as you may have noticed, on Monday, 7th August 2023, the Kenya Young Parliamentarians Association (KYAP), in partnership with Mzalendo Trust and other partners, held a Youth Bunge Dialogue for 50 youths drawn from across 47 counties at the County Hall Mini Chamber to launch the week-long activity. The event aimed to strengthen dialogue mechanisms between youth leaders and the youth. It is worth noting that empowering young people as responsive actors of change in governance and developing practical recommendations for legislative interventions are pivotal aspects that align with the broader goal of building a sustainable world.

Consequently, I commend the KYPA for organizing such an important gathering. Indeed, such forums provide an invaluable platform for young people to not only engage in critical conversations about inclusive political participation but also to foster discussions on how to equip the youth with skills to take part in nation-building with a touch of parliamentary experience.

I commend the parliamentary staff for facilitating the event. I am aware that the youth who participated in the Youth Bunge Dialogue developed various practical recommendations for legislative interventions worth the attention of the House. In this regard, I will be allowing the Chairperson of the KYPA to make a statement on the matter.

The KYPA was formed in 2004 in the 9th Parliament with the goal of building capacity and enhancing the participation of young leaders in the National Assembly. With its introduction in the Senate in 2013, due to the passing of the new Constitution, the Association expanded its scope and incorporated young Senators into its membership. Over the years, the KYPA has immensely contributed to building capacity and enhancing the participation of young leaders in Parliament. Further, the association has provided platforms and fora that have continued to avail opportunities for budding young leaders to launch themselves into elective politics. Indeed, several parliamentarians in the 13th Parliament, including some who served in

previous Parliaments since the inception of the KYPA, owe their election or nomination to Parliament to the KYPA.

The affairs of the KYPA are managed by an executive committee elected at an annual general meeting of Members of the Association. To this end, I wish to bring to the attention of the House that at its Annual General Meeting held on Wednesday, 2nd August 2023, in the Small Dining Room of Parliament Buildings, members of the KYPA elected the following persons to the executive committee:

1. Hon. Gitonga Mukunji – Chairperson.
2. Hon. Robert Basil – Vice-Chairperson.
3. Hon. Amina Udgoon - Secretary-General.
4. Hon. Gideon Kimaiyo – Treasurer.
5. Hon. Charles Nguna – Vice-Treasurer.
6. Sen. Esther Okenyuri - Senate Representative.
7. Hon. Maina Karobia - Youth Representative in the East African Legislative Assembly (EALA).

The Members also appointed the Member of Molo Constituency, Hon. CPA Kuria Kimani, as the Association Patron.

I congratulate the newly elected Executive Committee Members and wish them the best in their endeavours as they steer the KYPA to greater heights. It is worth noting that the new Executive Committee comes when the world observes International Youth Week, which will culminate in the commemoration of International Youth Day on Saturday, 12th August 2023, under the theme *Green Skills for Youth: Working towards a Sustainable Global Community*.

Finally, I laud all young Members of the House who have already enrolled as members of the Association. I encourage those who have not done so to consider joining the Association and be part of the milestones that will be made in the 13th Parliament.

I thank you. The Rt. Hon. Moses Wetang'ula, Speaker of the National Assembly, signs it off.

Before I sit down, I would like to recognise the presence of the delegation from the County Assembly of Bungoma, comprising 11 members of staff drawn from various directorates seated in the Speaker's Gallery. The delegation is attending a one-week training on parliamentary practices and procedures at the Centre for Parliamentary Studies and Training (CPST) in Karen.

You are most welcome to the National Assembly.

(Applause)

Hon. John Mukunji wishes to say something about the association as the Chair. Is he here? Thank you.

Hon. Gitonga Mukunji (Manyatta, UDA): Yes, I am here.

Hon. Deputy Speaker: Okay.

Hon. Gitonga Mukunji (Manyatta, UDA): Thank you, Hon. Deputy Speaker. I will start by quoting Jack Welch, the Chairman and founder of General Electric, a US company. He said that success is measured by personal growth before you are a leader. However, when you become a leader, success is about growing others.

Pursuant to Standing Order 43, I wish to make a statement on the International Youth Week 2023, which will culminate in the commemoration of the International Youth Day on Saturday, 12th August 2023. The International Youth Day is celebrated every year on the 12th August. The United Nations General Assembly first designated the day in 1999 to raise awareness of issues affecting young people worldwide. This year, the International Youth

Week is being held under the theme: *Green Skills for Youth: Working towards a Sustainable Global Community*.

International Youth Day has been used for more than two decades to raise awareness about issues impacting the youth, such as education, healthcare, work prospects, and equal rights. It is also an excellent opportunity to recognize our inner strengths and potential that may be realised through hard work and devotion. While green skills are relevant and beneficial to individuals of all ages, they hold particular significance for younger generations. Young people can contribute to green transition for an extended period, making their engagement in developing their skills more crucial.

As I present this statement on behalf of the KYPA. I am pleased to inform this esteemed House that the KYPA has taken a significant stride in empowering young individuals as part of the initiative of this week's festivities. In conjunction with pertinent stakeholders, specifically Mzalendo Trust, the KYPA organized a remarkable "Youth Bunge Dialogue" event in the County Hall Mini Chamber within Parliament Buildings on Monday. It was to inaugurate the week-long observance.

We observed the fervor and dedication of the young members of our society as they participated in insightful dialogue concerning urgent environmental matters and their role in shaping an enduring future. Their unwavering commitment to advancing skills related to environmental consciousness, promoting sound ecological practices, and fostering community engagement, was truly noteworthy. The Youth Parliament, complete with its own Speaker and assisted by our very able parliamentary staff, mirrored our setup and gave an opportunity to our young people to undergo the parliamentary experience.

It is worth noting that the youths even divided themselves into committees based on issues affecting the youth of Kenya today. The issues were gender and youth political inclusion in committees, agriculture, food security, healthcare, the cost of living, and climate change. The Youth Parliament identified challenges facing various sectors and made recommendations. Some that are worth noting in the House include:

1. Enactment of a law to address the underrepresentation of young people in government and leadership positions today.
2. Establishment of Women's Inclusion and Participation Fund to support young women.
3. Creation of youth-friendly National Hospital Insurance Fund (NHIF) insurance packages.
4. The proposed establishment of Health Service Commission.
5. Reduction of application/renewal of cost of licenses and permits.
6. Establishment of collaborative capacity building and climate literacy programmes.

Lastly, I invite Members to join me in commemorating the International Youth Week. The KYPA is a platform dedicated to ensuring that young Members in this House can get their voices heard. We shall be bringing Bills and Motions in this House that will speak massively about the young people of this country. Joblessness, depression, and sexual health are issues that are pertinent to our young people. As the Chairman of my very able Executive Committee and Members, we will be champions to ensure the young people of this country do not feel disappointed when they think about the 13th Parliament.

Thank you very much, Hon. Deputy Speaker. We welcome everybody to continue celebrating the International Youth Week.

Hon. Deputy Speaker: Hon. Members, before we proceed, I wish to recognize the presence of the following schools in the Speaker's Gallery:

1. St. Patrick Academy Kapcherop from Marakwet West Constituency, Elgeyo Marakwet County.

2. Chief Mbogori Girls High School from Maara Constituency, Tharaka Nithi County.
3. Kisaani Primary and Junior Secondary School from Yatta Constituency, Machakos County.
4. Migingo Girls Secondary School from Nyando Constituency, Kisumu County.
5. Kangeta Primary School from Mbeere South Constituency, Embu County.
6. Karunge Secondary School from Mathioya Constituency, Murang'a County.

I will give Hon. Murugara a chance to say something. He will be followed by Hon. Ng'elechei.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Deputy Speaker. Let me begin by welcoming the young learners in the House today to observe our proceedings. I particularly welcome Chief Mbogori Girls Secondary School students from Maara Constituency in Tharaka Nithi County and students from all the other schools that have been noticed and recognized by this House.

This is a very important House into which their parents elected leaders to sit. As young people, they should aspire to one day also come here as elected or nominated Members to represent the interests of their people.

Regarding the KYPA, I take this opportunity to congratulate the team that was elected, led by Hon. Gitonga Mukunji. He is an astute leader. I have known him since he was elected to Parliament. In fact, he is known politically as *Mtu wa Kojima*. He is a person who volunteers to serve, which is most important.

In the Committee, serious names like Hon. Amina Udgoon and Sen. Okenyuri have been mentioned, among others. This shows the commitment young people have in this Parliament. I invite all the young parliamentarians who are here, including Hon. Eric Wamumbi, Hon. Betty Maina, and Hon. Babu Owino, seated across, to come together and agitate for the welfare of the youth and develop policies that are going to help this Government in achieving the aims and objectives of bringing up good citizens who are responsible for what is going to happen.

Those of us in our golden age, led by seniors like Dr Nyikal and Hon. Omar, should also consider coming together to agitate for our issues, which are peculiar to us and quite different from those of the youth. Let us give this idea serious thought. We can come together and agitate for what we believe is suitable for those in their golden age.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Ng'elechei, let us keep it brief.

Hon. Catherine Ng'elechei (Elgeyo Marakwet County, Independent): Thank you, Hon. Deputy Speaker, for giving me this opportunity.

I join my colleagues in welcoming all the learners to this honorable House. It is very encouraging when learners visit this House. It tells us that they have a future, visions, and ambitions. Let me welcome St. Patrick Kapcherop Primary School. It is a school from my constituency sponsored by my church, St. Patrick Kapcherop Parish. It has been posting exemplary performance in Elgeyo Marakwet County. Last year, they had about 25 students who qualified to join national secondary schools. I commend them for a job well done. I encourage them to work hard because no human is limited.

Let me add something small on the newly elected young parliamentarians. I want to point out to the Chairperson, other officials, and members that integrity is key. Let us not show a bad example to other leaders or Hon. Members. As a young leader, when given an opportunity, you should show leadership. I was told that young parliamentarians are 45 years and below. I am the newest member of that club.

Thank you, Hon. Deputy Speaker.

Hon. Eric Kahugu (Mathira, UDA): On a point of order, Hon. Deputy Speaker.

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

Hon. Eric Kahugu (Mathira, UDA): Hon. Deputy Speaker, thank you very much for giving me this opportunity to inform Hon. Ng'elechei that the age is 40 years and below, and not 45 years and below.

Hon. (Dr) Robert Pukose (Endebess, UDA): On a point of order, Hon. Deputy Speaker.

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

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Deputy Speaker, all of us come from different cultures. In the Kalenjin community, our women are referred to as our children in the family. So, they never grow old. Hon. Ng'elechei is still youth as far as we are concerned. That should rest that case.

Hon. David Kiplagat (Soy, UDA): On a point of order, Hon. Deputy Speaker.

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

Hon. David Kiplagat (Soy, UDA): Thank you, Hon. Deputy Speaker. I seek your indulgence as to whether we are safe in this House and its precincts given that today at around 2.00 p.m., I left my phone charging in the lobby, but when I came back, I only found the phone, but the charger was missing. I seek your indulgence on whether it is safe for us to leave our gadgets within the precincts of Parliament. The phone was there, but the charger was not.

Hon. Deputy Speaker: Thank you. Hon. D.K., please, take your seat. Hon. David Kiplagat, please, take your seat.

Let us go to the next Order.

(Hon. Babu Owino spoke off-record)

Hon. Babu Owino, you are out of Order. Do not shout at me. Hon. Babu Owino, you had better withdraw your remarks. Where is he?

(Hon. Babu Owino spoke off-record)

Hon. Babu Owino, you are out of Order.

Hon. Kiplagat...

(Hon. David Kiplagat spoke off-record)

Hon. DK, you are also out of Order. Let me deal with it. I am giving you one last warning, Hon. Babu Owino.

Let us proceed to the next Order.

Hon. Mark Mwenje (Embakasi West, JP): On a point of Order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Yes.

Hon. Mark Mwenje (Embakasi West, JP): Thank you, Hon. Deputy Speaker. You have read a list of the KYPA officials. We have always understood that we come up with names of officials in a bipartisan manner. We have not yet agreed. We have a situation where we only have interim officials - they are not substantive officials. The Azimio la Umoja One Kenya Coalition is about to meet to agree on its representative Members. The Kenya Kwanza Coalition is doing the same. We want to do this in the manner that we have always dealt with such issues - just like we did today with the election of the officials of the Commonwealth Parliamentary Association (CPA).

I request that you stand down the list you have read until the KYPA team meets, discusses, and presents a list of its substantive leadership. The Azimio la Umoja One Kenya Coalition kindly requests you to allow us to identify our representatives. The interim

Chairperson, Hon. Gitonga Mukunji, has not been confirmed. As the Chairperson, he will lead the entire team. Allow the KYPA to agree on its Members of the Executive Committee so that you can present a list that has been agreed upon. That is all we are asking for.

Thank you.

Hon. Deputy Speaker: Hon. Babu Owino, I will read Standing Orders 107 and 107(2).

“107. (1) A Member commits an act of disorderly conduct if the Member—

(a) creates actual disorder;

(b) knowingly raises a false point of Order;

(c) unnecessarily interrupts proceedings or consults in a disruptive manner;

(2) The Speaker may call a Member whose conduct is disorderly to order, and—

(a) caution the Member, which I have done; or

(b) order the Member to withdraw from the precincts of the Assembly for a maximum of four days.”

Please, Sergeant-at-Arms, escort him out. You should not come to the precincts of Parliament for four days. Hon. Kamket, allow him to go.

(Hon. Babu Owino was escorted out of the Chamber)

Hon. Member, on the point of order you raised on the KYPA, this being a Statement from the Speaker, you can write to the Speaker, and then he will make a ruling. Thank you.

Yes, Hon. Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): Thank you, Hon. Deputy Speaker. I have been sitting here watching the unfolding scenario in consternation. It behoves us, as a House, to be more orderly, especially when trying to engage in national dialogue. I do not think this is the right time for us to create rifts that can be avoided.

(Hon. Adagala Beatrice spoke off-record)

Hon. Adagala, kindly allow me to speak. I am better placed to understand what I am talking about.

Taking my cue from the Deputy Whip of the Minority Party, I appreciate that you have read a communication from the Speaker, which cannot be challenged. Only last week, I stood here and acknowledged the new KYPA leadership. At that time, I did not have the benefit of understanding what had transpired. Later on, I learned that there was some controversy surrounding the election. Even though I am not young and, therefore, I do not fall into the category of young Members of Parliament, going forward and following what we did today when we elected the Executive Council of the CPA, we need to encourage a spirit of consultation. We should inculcate a culture of engagement so that such issues do not arise.

It does not matter who becomes the Chairman or the Secretary-General of KYPA. What matters is the process, which can create unity or disunity. I plead with you that, in the spirit of national dialogue, advise the Speaker to re-look at the issue to guide how these young Members can move together. I will be happy to have Hon. Gitonga lead a united KYPA. That will be the best thing to happen in this House. I do not doubt Hon. Gitonga's ability and integrity to lead a united KYPA. We shall support you as leadership and older Members.

Thank you very much.

Hon. Owen Baya (Kilifi North, UDA): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Deputy Leader of the Majority Party.

Hon. Junet Mohamed (Suna East, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order, Hon. Junet? Let us give a chance to Hon. Junet. He has a point of order.

Hon. Owen Baya (Kilifi North, UDA): Hon. Deputy Speaker, I am on a point of order.

Hon. Deputy Speaker: Okay.

Hon. Owen Baya (Kilifi North, UDA): Hon. Deputy Speaker, while I do not want to get involved in the discussion about the KYPA, the Leader of the Minority Party should have taken exception to the behaviour displayed in the House. This is an honourable House. As Members of Parliament, we must always discharge our duties with honour and decorum. The youth, who are on holiday, and the school children who come to this House to observe our proceedings look upon us as leaders for inspiration. They have basically come here to learn about leadership. What we display and say in this House are things that the young people pick up. All of us should condemn what Hon. Babu Owino did. I expect the Leader of the Minority Party to act tough on errant Members from his coalition. If it happened on this side, we would act tough. I have done so with one of our Members on a matter that happened in the recent past. We expect that we rein in Members so that this House is respected.

The Speaker is a symbol of the unity of this House. That is why we rise when the Speaker comes in and goes out. It is because of the respect and awe for the Speaker's Chair. If we do not respect the Speaker at any one time, then we will not have a House. It will not be as dignified and august as it is supposed to be. I request all of us that whatever we do, we must always respect the Speaker as the ultimate symbol of authority in this House. We should never see this again. As coalitions, let us rein in our members when something like that happens so that this House remains an honourable House for posterity and the just government of the people,

I thank you, Hon. Deputy Speaker.

Hon. Junet Mohamed (Suna East, ODM): On a point of order, Hon. Deputy Speaker.

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

Hon. Junet Mohamed (Suna East, ODM): Hon. Deputy Speaker, first, I want to weigh in on the matter of KYPA. It has existed for some time now, including in the last Parliament. In this House, practices and traditions almost become part of the Standing Orders. If, in the last Parliament, the leadership of KYPA had Members from both sides, then it behoves us to take that precedent into account and ensure that all parties or coalitions are represented in the association.

Secondly, I want to tell Members that KYPA is a caucus. It is not a committee of Parliament. People who sat out in the lobby...

Hon. Deputy Speaker: Hon. Junet, I have already pronounced myself on this matter and said a communication from the Speaker will be made.

Hon. Junet Mohamed (Suna East, ODM): Hon. Deputy Speaker, the other day, there was a communication by the Speaker on CPA, but when we went to the House Business Committee, he presented the matter again, and there was an agreement on how to deal with it. As the Deputy Speaker, I urge you to look into this matter. If we devolve the problems of segregation from the top to the youth, then Hon. Mukunji will become a useless president. I foresee him becoming the president, but not when I am around.

Thank you, Hon. Deputy Speaker.

(Laughter)

Hon. Deputy Speaker: Hon. Members, I have already pronounced myself on this matter. I have ruled that the Leader of the Majority Party will write a letter to the Speaker raising those concerns. The Speaker can then decide on it. Let us move to the next order.

PETITIONS

DELIMITATION OF ELECTORAL UNITS

Hon. Deputy Speaker: Hon. Members, Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2)(b) requires the Speaker to report to the House any petition other than those presented by a Member. In this regard, I wish to report to the House that my office has received a petition from the Centre for Accountability, Reform and Democracy calling for the delimitation of electoral units.

The petitioners state that on 9th January 2012, the Independent Electoral and Boundaries Commission (IEBC) published its revised preliminary report relating to the delimitation of boundaries of constituencies and wards, which was presented to the Departmental Committee on Justice and Legal Affairs on the same date. The petitioners further state that after considering the recommendations by Parliament on its revised preliminary report, IEBC published the National Assembly Constituencies and County Assembly Wards Order, 2012, dated 6th March 2012, published in the Kenya *Gazette* as Legal Notice No.14 of 2012. The *Gazette* informs the present constituencies and wards in place.

The petitioners appreciate that following the publication of the final report and the National Assembly Constituencies and County Assembly Wards Order, 2012, complaints were raised regarding how 80 extra constituencies and 1,450 county assembly wards were created, their distribution, their names, boundaries, and areas of allocation. The petitioners note that following the provisions of Article 89(2) of the Constitution, the next review of boundaries of constituencies and wards must be undertaken and concluded by March 2024. The petitioners are worried that Parliament has not developed a legal framework for creating and determining sub-locations that take into account the obligation of IEBC to achieve population parity progressively. The petitioners aver that IEBC has been dysfunctional since the August 2022 General Election. The Commission is presently in limbo pending the recruitment of new commissioners. Thus, no substantive constitutional functions can be discharged by the Commission. The petitioners, therefore, pray that the National Assembly engage the relevant authorities and stakeholders to take a more proactive role to ensure that the review of electoral units is carried out constitutionally compliant, including meeting the deadline established under Article 89(2) of the Constitution.

Having determined that the matters raised by the petitioners are well within the authority of this House and further that the matters raised in the Petition are not pending before any court of law, constitutional or legal body, I hereby commit the Petition to the Public Petitions Committee for consideration, pursuant to Standing Order 208A. The Committee is required to consider the Petition and report its findings to the House and the Petitioners in accordance with Standing Order 227(2).

Hon. Members, there is another Petition by Hon. Adams Kipsanai, Member for Keiyo North.

HUMAN- WILDLIFE CONFLICT IN KEIYO NORTH

Hon. Adams Korir (Keiyo North, UDA): Hon. Deputy Speaker, I wish to present a public petition on human-wildlife conflict in Keiyo North Constituency.

I, the undersigned, on behalf of residents of Keiyo North Constituency, draw the attention of the House to the following:

THAT, in the recent past, residents of Rimoi Sub-Location, Kiptuilong and Kamogich locations of Tambach Ward; Chegilet and Kabulwo Sub-Locations and Keu

Location of Esmoo Ward in Keiyo North Constituency have experienced increased cases of invasions and attacks by elephants resulting in loss of lives and livestock and destruction of crops and property in the said areas;

THAT, most areas of Esmoo and Tambach wards in Keiyo North Constituency and in particular the schools and public institutions bordering the Rimoi Game Reserve remain unfenced, hence making it easier for the wild animals to stray out of the reserve;

THAT, the inaction by the Kenya Wildlife Service and in particular the failure or delay in responding to distress calls from residents has been worrying;

THAT, despite numerous cases of human-wildlife conflict having been reported to the relevant authorities, the victims affected are yet to be compensated;

THAT, all efforts to resolve the matter have been futile; and,

THAT, the matter in respect of which this petition is made is not pending before any court of law or constitutional or legal body.

Therefore, your humble petitioners pray that the National Assembly, through the Public Petitions Committee:

1. Ensures that the Government intervenes to cause the Kenya Wildlife Service and other agencies to expeditiously erect perimeter fences along the un-fenced areas bordering, and in particular in Rimoi Sub-location, Kiptuilong and Kamogich locations of Tambach Ward; Chegilet and Kabulwo sub-locations and Keu Location of Esmoo Ward in Keiyo North Constituency;
2. Recommends that the Government increases the number of Kenya Wildlife Service posts or camps in the affected human-wildlife conflict areas bordering the reserve for efficient surveillance and prompt response to distress calls on stray wildlife to human settlements;
3. Recommends that policy regarding human-wildlife conflict is effected appropriately, and in particular expeditious and timely compensation of victims and their families for loss of lives and livestock; and, destruction of property and crops;
4. Recommends that the Kenya Wildlife Service undertake Corporate Social Responsibility (CRS) to communities around the Reserve and in particular through drilling and renovation of school boreholes, scholarships and job opportunities among others; and,
5. Makes any other recommendation or action it deems fit in addressing the plight of the petitioners.

And your petitioners will ever pray.

Hon. Deputy Speaker, I want to say something, in addition to this Petition, for one or two minutes. The petitioners are requesting for justice because their land was taken 40 years ago by the Government without compensation. We are asking for compensation, job opportunities...

Hon. Deputy Speaker: Hon. Member, you will have a chance to ventilate on the Petition. It has been marked to the Public Petitions Committee.

The next Petition is from Hon. Owen Baya.

ENHANCEMENT OF HOUSE ALLOWANCES FOR TEACHERS WORKING AND RESIDING WITHIN KILIFI MUNICIPALITY

Hon. Owen Baya (Kilifi North, UDA): Hon. Deputy Speaker, I rise to present a public Petition on enhancement of house allowance for teachers working and residing within Kilifi Municipality.

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I, the undersigned, on behalf of teachers of both Secondary and Primary Schools residing in Kilifi Municipality, draw the attention of the House to the following:

THAT, through a Kenya Gazette Notice dated 19th March 2019, Kilifi Town was conferred to the status of Municipality which led to the enhancement of house allowance for civil servants;

THAT, teachers under the permanent and pensionable terms are paid house allowance every month by the Teachers Service Commission based on the teacher's job group, working condition and status of town and geographical area;

THAT, the Salaries and Remuneration Commission issued an enhanced house allowance classification of teacher's work stations within municipalities, whereby those residing in major towns receive a higher pay for house allowance so as to cushion them from the high cost of living and high cost of housing;

THAT, the teachers working and residing within Kilifi Municipality allegedly feel discriminated and that their right and fundamental freedom is infringed as prescribed by Article 27 of the Constitution of Kenya;

THAT, teachers in Kilifi Town are not paid a commensurate allowance as those residing in major towns hence seeking for house accommodation at the outskirts of Kilifi Town;

THAT, teachers residing and working within Kilifi Municipality experience very high cost of living, the cost of rental houses and basic commodities is high compared to the monthly allowance that they are paid forcing them to seek affordable houses in the outskirts of the town far away from the schools in which they teach;

THAT, the above said situation has strained them financially in regard to cost of transport, insecurity, service delivery, accessibility to markets and shops and other social amenities;

THAT, the matter presented in this Petition is not pending before any court of law or any constitutional or legal body.

Therefore, your humble petitioners pray that the National Assembly, through the Public Petitions Committee:

1. Inquires into the living conditions of teachers working and residing within Kilifi Municipality;
2. Recommends that teachers in both Secondary and Primary Schools within Kilifi Municipality are facilitated to receive enhanced house allowance; and,
3. Makes any other recommendation or action it deems fit in addressing the plight of the petitioners.

And your petitioners will ever pray.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: I will allow half an hour of debate on those three Petitions. I will give the first chance to Hon. Peter Salasya, Member for Mumias East.

Hon. Omar Mwinyi (Changamwe, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hold on for a minute, Member for Mumias East. Let Hon. Mwinyi raise his point of order.

Hon. Omar Mwinyi (Changamwe, ODM): Thank you, Hon. Deputy Speaker, for giving me this opportunity. I stand under Standing Order 227(2) regarding the management of public petitions. The Standing Order says that whenever a petition is committed to the Public Petitions Committee, the Committee shall, within 90 calendar days of committal, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the House.

Based on that experience and having the Petitions under the Public Petitions Committee, we would like to assess whether the Committee can process the petitions within the stipulated timeline of 90 days. It is also a fact that the Public Petitions Committee, by its nature of seeking to address the plight of petitioners, plays an oversight role on the Executive. It is better to be placed within the relevant committees.

Therefore, please guide the House on the manner of processing petitions as provided for in the Standing Orders, particularly regarding admissibility, conveyance, and presentations. Finally, guide the House as to whether there is need to refer petitions to the relevant committees for expeditious and timely processing.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. That matter will be deliberated by the Procedure and House Rules Committee.

Proceed, Hon. Salasya.

Hon. Peter Salasya (Mumias East, DAP-K): Hon. Deputy Speaker, I had prepared to comment on another matter. Allow me not to comment on these petitions.

Thank you.

Hon. Deputy Speaker: Alright. Member for Sigor, Hon. Peter. Proceed.

Hon. Peter Lochakapong (Sigor, UDA): Thank you, Hon. Deputy Speaker, for giving me this opportunity to comment on the petitions. I want to comment on the one by Hon. Adams Kipsanai, the Member for Keiyo North, on the human-wildlife conflict.

This is a big challenge in Sigor Constituency, particularly in West Pokot Centre. We have major issues of human-wildlife conflict emanating from elephants. He mentioned the conflict in Rimoi in his Constituency. I want to believe that it is the same corridor that elephants move all the way from Kacheliba through Turkana South, Pokot Central, Tiaty, Marakwet East, to Rimoi. As they move like that, they destroy crops and other properties. These elephants have destroyed many crops like mangoes and maize around Cheptulel area. The KWS is very slow in responding to this matter.

Compensation for those who have filled out the necessary documents has taken forever. People are even giving up. They do not think they will be compensated when they fill out those documents. Since KWS personnel are few, they should consider engaging community conservancies to promptly respond in cases where elephants and other wildlife conflict with human beings in terms of destroying crops and property.

I support the Petition by Hon. Adams. The Public Petitions Committee should look into it seriously and fast-track the compensation of people due to be paid for the problems they have encountered with wildlife.

Thank you very much, Hon. Deputy Speaker.

Hon. Deputy Speaker: Let us have Hon. Kiborek Reuben.

Hon. Kiborek Reuben (Mogotio, UDA): Thank you, Hon. Deputy Speaker. I want to support the petition by Hon. Adams Kipsanai. It is a similar case in my constituency; elephants have terrorized my people. They have been good farmers, but they no longer farm due to elephant invasion that has impoverished them. Those whose farms were invaded have not been compensated. The KWS takes their details, but it takes centuries for them to be compensated.

Similarly, in Baringo, we have cases of snake bites. Many people have been victims, and it is more tedious to be compensated for snake bites. We want to support that petition and ensure that those attacked by snakes, leopards, cheetahs, and elephants are compensated. In Lake Bogoria, we have a serious case where people were evicted during the formation of the reserve, and they have never been compensated. We want to ask the Petition Committee to look at this issue. We will be giving them more details so that they can help fast-track in helping Kenyans from suffering historical injustices. The government has not compensated them for what they have gone through and are still going through.

Hon. Deputy Speaker: Hon. Victor Koech.

Hon. Victor Koech (Chepalungu, UDA): Thank you, Hon. Deputy Speaker. As I contribute to the petition by Hon. Kipsanai, I want the House to know that Chepalungu Constituency borders Maasai Mara to the South. Recently, my constituents have been greatly affected by the same. This is to support the petition and request the Committee to take its time to give proper recommendations. This is to ensure that victims are compensated as required. Our people are suffering, and the government personnel there are reluctant to take their work seriously. This morning, villages neighbouring Maasai Mara, like Kobolwa, lost ten cows and sheep belonging to a young man called 'Godfrey' from Logomoke. He has been calling me since morning to make a call to the wildlife personnel to no avail. I hope this petition gives recommendations that will help sort out such cases adequately.

I stand to support you. Thank you.

Hon. Deputy Speaker: Hon. (Dr) David Pukose.

Hon. (Dr) David Pukose (Endebess, UDA): Thank you, Hon. Deputy Speaker, for allowing me to contribute to the petition by Hon. Kipsanai on Rimoi National Reserve. It is timely. Some of us have national parks within our constituencies in Endebess. We have Mount Elgon National Park. When my people at Kimothon Forest go about their farming activities, many of their crops are destroyed by elephants, monkeys, and warthogs.

Unfortunately, many people within Rimoi get injured or killed by elephants, similar to most of us who have national parks. The KWS compensation scheme has not been open and forthcoming. It is shrouded in a lot of secrecy and corruption. When KWS appears before the Committee, let it issue a detailed report on compensations that have been made so far following the human-wildlife conflict within the various areas, including cases that occurred in the last one or two years.

I will be happy to know that victims around Mount Elgon National Park, specifically those in Endebess Constituency, are compensated, or I at least get to know when they will be compensated. Many of them have been waiting for compensation. They have spent money on treatment. Some of them have died without getting compensation. It is an unfortunate situation. In the Wildlife Act 2016, we provided that there shall be compensation for injuries sustained and crops destroyed. The Petitions Committee should assist this House and the Kenyan public at large.

Thank you.

Hon. Deputy Speaker: Hon. Dorice Donya.

Hon. Dorice Donya (Kisii County, WDM): Thank you, Hon. Deputy Speaker. In developing countries, we keep talking about escalating the fight against poverty. We know the things that bring poverty. When crops are raided by wildlife, the situation worsens. In Hon. Zaheer Jhanda's constituency - I do not know if I have pronounced that name well - there are too many monkeys. While I was a presenter at Egesa FM Radio, women would call and say that monkeys were menacing them. Until now, the situation has not improved. They have not been assisted. The monkeys even carry away human babies. In Kisii, we love going to the shamba while carrying our children. You are now forced to take care of the children because the monkeys are there. When you plant your maize, the monkeys raid your shamba. Monkeys love maize very much. The monkeys are there, but nobody is helping.

The government is helping by bringing fertilizers. You bring in the fertilizer, but you have not sorted out the issue of monkeys. Where is KWS? They pop in when you kill an elephant and a lion. They say you are doing injustice to wildlife, yet when it comes to human beings, they do not bother. They do not care. We hope we will not bring up a similar topic talking about how wild animals are raiding our crops. The solution is to have an office where members of the public report these issues. We do not want to see KWS officers behaving like police officers - taking their time before getting to a place where an incident has been reported

to have occurred. I have seen a video doing the rounds on social media. An officer of the Directorate of Criminal Investigations (DCI) had been attacked. Police officers in a Land Cruiser drove by the scene but did not help their fellow police officers. If a police officer cannot help a fellow police officer, how can such an officer help a common mwananchi?

I support this petition.

Hon. Deputy Speaker: We will close this debate, but I want to give Hon. Dekow Mohamed a chance.

Hon Dekow Mohamed (Garissa Township, UDA): Thank you, Hon. Deputy Speaker. In this country, there is a tendency to attach more importance to wildlife than to some of our livestock. I am speaking as a pastoralist. The KWS does not see it as an issue whenever a wild animal kills livestock. They have decided that wild animals can destroy livelihoods of farming communities. Crops in our farms are destroyed by wild animals every now and then. The KWS has decided that it will only compensate certain types of crops. For example, monkeys destroy crops on our farms, but in the compensation programme of KWS, anything destroyed by monkeys is not taken into consideration yet monkeys are the most notorious destroyers of our crops.

We also have young children who were killed by wild animals. In my constituency, a young child was killed by a hyena more than five years ago, but KWS has not taken the initiative to compensate the family. In supporting this Petition, I expect the Public Petitions Committee to consider including wild animals that have not been listed in the compensation programme they should be included in. Also, herders graze livestock in a national park, and KWS rangers round up the livestock, but when a wild animal kills our livestock, KWS does not compensate the owner.

With those remarks, I support the Petition.

Hon. Deputy Speaker: I hereby commit the three petitions to the Public Petitions Committee for consideration, pursuant to Standing Order 208A. The Committee is required to consider the petitions and report its findings to the House and the petitioners in accordance with Standing Order 227(2)

Let us move on to the next order.

PAPERS

Hon. Owen Baya (Kilifi North, UDA): Hon. Deputy Speaker, I beg to lay the following papers on the Table:

1. Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June 2022 and the certificates therein —
 - (a) Kongoni Technical and Vocational College;
 - (b) Mungatsi Technical and Vocational College;
 - (c) Bungoma North Technical and Vocational College;
 - (d) Mumias West Technical and Vocational College;
 - (e) St. Augustine Teachers' Training College, Eregi;
 - (f) Wanga Technical and Vocational College; and,
 - (g) Musakasa Technical Training Institute.
2. Reports of the Auditor-General and Financial Statements in respect of the following constituencies for the year ended 30th June 2022 and the certificates therein —
 - (a) Butula;
 - (b) Malava;
 - (c) Kathiani;

- (d) Mathioya;
- (e) Mumias West;
- (f) Teso South; and,
- (g) Machakos Town.

Hon. Deputy Speaker: I am told that there is another Paper from the Chairperson of the Departmental Committee on Social Protection.

Hon. Alice Nga'ng'a (Thika Town, UDA): Hon. Deputy Speaker, I beg to lay the following paper on the Table:

Report of the Departmental Committee on Social Protection on its consideration of the National Youth Council (Amendment) Bill (National Assembly Bill No.1 of 2023).

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: The Hon. Chairperson of the Public Petitions Committee.

Hon. Nimrod Mbai (Kitui East, UDA): Thank you, Hon. Deputy Speaker. I have some Papers to lay before the House, but before I do so, I seek your indulgence to appreciate the Hon. Speaker and the Leader of the Majority Party for unlocking some challenges we have had in our Committee, where members of the Executive thought the Public Petitions Committee was just another Kewopa Caucus in this House. They never honoured invitations to the Committee. However, from last week, when the Hon. Speaker took the initiative to inform the Executive about the function of the Public Petitions Committee, we have seen a lot of change. That is why reports will flow to the House every week in response to petitions from Members.

[The Deputy Speaker (Hon. Gladys Boss) left the Chair]

[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) in the Chair]

Secondly, I urge Members to have patience. We have attended to every petition by members. We have gone to the constituencies, seen the issues in person, and consulted with the area Member of Parliament and members of the public on the best way forward to solve the problem before we present our report to this House. The Deputy Leader of the Minority Party is a witness to that effort. We were in his constituency a week ago in a big number. We did a good job and spent the whole day with him...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Chair of the Public Petitions Committee, the matter you are explaining is important, but the permission you have been granted is only for laying papers. Time will be scheduled for you to tell us what you are trying to tell us. That is not this time. Please, lay the Papers.

Hon. Nimrod Mbai (Kitui East, UDA): I stand guided, Hon. Temporary Speaker, but I requested indulgence before you took the Chair.

Hon. Temporary Speaker, I beg to lay the following Papers on the Table:
Report of the Public Petitions Committee on its consideration of Public Petition No.010 of 2022 by Mr. Victor Okul regarding the amendment of the Constitution to establish Offices of Prime Minister, Deputy Prime Minister, and Official Leader of Opposition.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Chair of the Public Petitions Committee.

Next order.

NOTICE OF MOTION

REGULATORY FRAMEWORK FOR THE MONEY LENDER INDUSTRY

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Hon. Beatrice Kemei (Kericho County, UDA): Hon. Temporary Speaker, I beg to give notice of the following Motion:

THAT, aware that the Consumer Protection Act, 2012 provides for the protection of the consumer and prevention of unfair trade practices in consumer transactions in line with Article 46 of the Constitution; further aware that there exists unregulated moneylenders commonly referred to as ‘shylocks’ that provide loans outside the scope of formal financial institutions; noting that with the repeal of the Moneylenders Act in 1984, unscrupulous business people have exploited the loopholes to the detriment of the general public; concerned that...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I am sorry for interrupting you, Hon. Beatrice. Is the Whip of the Majority Party on a point of order?

Hon. Silvanus Osoro (South Mugirango, UDA): No, I am not, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Very well. Proceed, Hon. Beatrice.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Temporary Speaker. I do not know whether I should start again.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): You may proceed, Hon. Kemei.

Hon. Beatrice Kemei (Kericho County, UDA): Hon. Temporary Speaker, I beg to give notice of the following Motion:

THAT, aware that the Consumer Protection Act, 2012 provides for the protection of the consumer and prevention of unfair trade practices in consumer transactions in line with Article 46 of the Constitution; further aware that there exists unregulated moneylenders, commonly referred to as ‘shylocks’, that provide loans outside the scope of formal financial institutions; noting that with the repeal of the Moneylenders Act in 1984, unscrupulous business people have exploited the loopholes to the detriment of the general public; concerned that these lenders operate outside of the formal financial sector and as such engage in predatory practices such as high interest rates, hidden fees, unclear terms and conditions and aggressive loan recovery methods; further concerned that the absence of clear and enforceable regulations is untenable and requires immediate remedy; recognizing that the effects of these unregulated operations extend beyond financial implications but are also social and emotional with reports of depression, family breakups and even instances of suicide by borrowers due to excessive penalties and harsh recovery methods; now therefore, this House resolves that the government, through the National Treasury and Economic Planning develops a framework to regulate unlicensed money lenders to promote a fair and sustainable financial system.

The Temporary Speaker (Dr) Rachael Nyamai): Thank you very much, Hon. Beatrice Kemei.

Next Order.

Hon. Samwel Chepkonga (Ainabkoi, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Dr) Rachael Nyamai): What is your point of order, Hon. Samuel Chepkonga?

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Temporary Speaker, I rise pursuant to Standing Order 51 as read together with Standing Order 89. I moved a Motion on 25th July 2023 on consideration of the Excise Duty (Excisable Goods Management System)

(Amendment) Regulations, 2023. It has since come to our attention that a court case has been filed by the Law Society of Kenya (LSK). The petitioners have obtained a stay order against Parliament and the Kenya Revenue Authority (KRA). Therefore, it has since become *sub judice* to discuss this matter under Standing Order 89.

Hon. Temporary Speaker, as you know, it will be superfluous if the House passes this Motion when an active case is ongoing in court and there are stay orders. This House cannot act in vain. We have this restraining principle between the Legislature and the Judiciary. When a matter is pending before the court and orders have been granted, the Legislature always prefers for that matter to be concluded in court before it pronounces itself through such a Motion.

In that regard, I wish to withdraw this Motion, pursuant to Standing Order 51 as read together with Standing Order 89 on *sub judice*.

I thank you.

The Temporary Speaker (Dr) Rachael Nyamai): Thank you very much, Hon. Chepkonga. The withdrawal request is granted.

MOTION

ADOPTION OF REPORT ON THE EXCISE DUTY (EXCISABLE GOODS MANAGEMENT SYSTEM) (AMENDMENT) REGULATIONS, 2023

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Excise duty (Excisable Goods Management System) (Amendment) Regulations, 2023 laid on the Table of the House on Tuesday, 25th July 2023, and pursuant to the provisions of Section 18 of the Statutory Instruments Act, 2013 annuls the Excise Duty (Excisable Goods Management System) (Amendment) Regulations, published as Legal Notice No.30 of 2023.

(Motion withdrawn)

QUESTIONS AND STATEMENTS

The Temporary Speaker (Dr) Rachael Nyamai): Hon. Members, Hon. Irene Mayaka wants to make a statement on the passing on of Hon. Elijah Osiemo.

Please, proceed, Hon. Irene.

GENERAL STATEMENT

PASSING ON OF HON. ELIJAH OSIEMO

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Speaker, I would like to make a general statement on the untimely passing on of Hon. Elijah Osiemo, who was the Leader of the Majority Party for Nyamira County and the Member of the County Assembly (MCA) for Nyamaiya Ward, West Mugirango Constituency, Nyamira County. Hon. Osiemo passed on following a tragic road accident on Monday, 7th August 2023, along the Mai Mahiu-Naivasha Road.

The passing on of Hon. Osiemo has robbed the people of Nyamira County, a promising young leader whose contribution to the county and the whole country at large during his short life will forever be treasured.

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Having been elected to the county assembly for the first time in 2022, Hon. Elijah showed a lot of commitment towards service delivery to the people of Nyamaiya Ward, the entire county, and the country at large. His dutifulness made him stand out among his peers, earning admiration that elevated him to the Leader of the Majority Party in the County Assembly of Nyamira.

The departed colleague was a servant leader who demonstrated wholehearted dedication to duty and always reached out to elected national leaders from the county to chart a course for bettering the welfare of the residents of Nyamira County.

Sadly, he met his untimely demise while traveling to Nairobi for official duties. I, therefore, express my heartfelt condolences to the family of the late, the entire fraternity of Nyamira County Assembly, his friends, young family, and the county at large for the loss of the abiding transformative Leader.

I would also like to send my prayers to Hon. Duke Masira, the MCA for Township Ward and the Deputy Leader of the Majority Party, Hon. Priscilla Nyachichi, Nominated MCA; and the accompanying staff driver, Mr. Benard Atandi - who suffered injuries from the accident. I wish them quick recovery.

May the soul of the late Hon. Elijah Osiemo rest in eternal peace.

I, thank you, Hon. Temporary Speaker.

The Temporary Speaker (Dr) Rachael Nyamai): Hon. Members, I see interest from several Members wishing to make a comment on this statement before I open the Floor. Let me first acknowledge the presence of students seated in the Public Gallery.

We have students of St. Patrick Academy Kapcherop from Marakwet West Constituency, Elgeyo Marakwet County; Chief Mbogori Girls High School from Maara Constituency, Tharaka-Nithi County; Kisaani Primary Junior Secondary School, Yatta Constituency, Machakos County; Miringo Primary School from Nyando Constituency, Kisumu County; Kangeta Primary School from Mbeere South Constituency, Embu County; and Buweni Secondary School from Mathioya Constituency, Murang'a County.

Hon. Members, two schools are seated at the Public Gallery. They are Kathangachini Special School, Tharaka Constituency, Tharaka-Nithi County, Chondoni Primary School, Kitui West Constituency, Kitui County.

You are all welcome to the National Assembly.

Hon. Members, I would like to give the first opportunity to Hon. Silvanus Osoro, Member for South Mugirango.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you, Hon. Temporary Speaker. I also join my colleague, Hon. Irene Mayaka, in condoling the family of Hon. Elijah Osiemo, a young man serving as the Leader of the Majority Party in Nyamira County Assembly.

Yesterday, I took time to visit the survivors of the accident - Hon. Duke and Hon. Priscilla - as they recuperate in one of the hospitals in Nairobi. The stories they gave us of how the accident occurred were very chilling. They were not interesting to hear.

Road carnage is quite a disaster in this country. It has claimed a leader in his 30s. If Hon. Elijah Osiemo was given an opportunity to serve as the Leader of the Majority Party of a County Assembly at that tender age, in itself, it describes the kind of person that he was. He was quite industrious. He went out of his way to become the Leader of the Majority Party, yet he had no history of ancestral leadership. He stood out from his village and campaigned against all odds without resources to become an MCA. Again, He campaigned within the Assembly without resources and serious backing. He was unanimously given the position by the Majority side and was voted in as the Leader of the Majority Party by his colleagues.

It will interest you to know that even when he was traveling, he boarded a vehicle of a nominated MCA colleague. He did not use his official vehicle. They were four in the vehicle, the driver included. They traveled in one vehicle together. It was quite unfortunate that when

they arrived close to Mai Mahiu, they hit a motorcycle ahead of them that had entered the main road abruptly without paying attention to the road signs. The vehicle's driver got confused because the motorcycle had carried charcoal which blew out dust, turning the scene dark, thus forcing the driver to veer off the road and plunge into a ditch. It is quite unfortunate that we lost him.

There are stories that the deceased had not belted up. He was seated behind the driver, but the impact pushed him towards the front side of the driver. It is quite unfortunate. He had three very young children - all of them were below the age of ten years. They have now been left fatherless. The people of Nyamai Ward had started to get programmes on development. We have lost a serious and focused leader.

I pass my heartfelt condolence to the family. I wish Duke Masira, the Deputy Majority Leader, and Hon. Priscilla Nyatichi, who suffered a spinal cord injury, quick recovery.

May the soul of Hon. Elijah Osiemo rest in eternal peace.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Yusuf Hassan, Member for Kamukunji Constituency. Hon. Donya Dorice, Member for Kisii County.

Hon. Dorice Donya (Kisii County, WDM); Thank you, Hon. Temporary Speaker. It is a dark month for the people of Nyamira County. As Hon. Silvanus Osoro explained, the four leaders were in the same car. When the news of the accident went to social media, I saw various complaints on why the three MCAs were in one vehicle. This now gives us a platform to discuss the welfare of the MCAs. You will appreciate that they are very close to our people in the villages. They even have breakfast with them every morning. They could have been in that one vehicle to save something. People visit their homes to ask for money for semen for their cows, facilitation of their honeymoon, wedding, school fees, and even payment of hospital fees for a wife who has given birth. As leaders, we sympathize and contribute. We should not judge people when they are trying to save to help.

It is heartbreaking to see the family of this young Leader of the Majority Party, the late Elijah Osiemo. I can only pray that God gives them courage and love. It is very sad. Whenever we use the Narok route, many animals and boda boda riders are on the road. You can only be extra careful on that road to arrive safely. If a boda boda rider is on the wrong side and you hit him, I can tell you for free that your car will be burnt down. Nobody will even question the rider who was on the wrong side. They will tell you that as the driver, you are supposed to use your eyes.

I stand to mourn with our people. I border Nyamira County. Our border entry is Keroka Town, which had the most beautiful ladies in the 1990s. I am actually from Keroka Town. People do not know this town the way we know Nyeri, Sotik, Busia, Homabay, Busia, and Migori. Nyamira borders Kisii. I am grieving with the people of Nyamira because on the left side, as you travel from Nairobi, is Nyamira; on the other side is Keroka. These are two areas with the same people. I am giving this story because I want the people of Nyamira County watching to smile. This is because they have mourned and should now smile, which is good.

I am very sorry to the people of Nyamira County. Thank you, Hon. Irene Mayaka, for bringing this matter to the House. We stand with the good people of Nyamira County. I have seen messages of condolences from our Governor, Kisii County, and our dear Senator, Hon. Richard Onyonka.

Thank you very much.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. The last Member to make comments on this statement is Hon. Farah Maalim.

Hon. Farah Maalim (Dadaab, WDM): Thank you, Hon. Temporary Speaker. I also join my colleagues in mourning the death of this promising young man, the Majority Leader of Nyamira County Assembly, Hon. Elijah Osiemo. I do not know the young man and the people who died in that accident. However, we have a big problem in this country. We mourn

the deaths of young people by attending their funerals in choppers and big cars, but we forget their families the moment the burial is over.

We have to take care of the young family left behind by that very promising young man. We do not have an insurance system to care for those children. I once, with a friend from Luo-Nyanza, attended a burial in a chopper that was costing not less than a million shillings but the amount of money that was given as contribution was very little. That is the height of hypocrisy in this country. We need to take care of those children who have been left behind by this young man who has passed on at the prime of his age. He sacrificed a lot and was willing to do more for this country.

Hon. Silvanus Osoro, as the Majority Whip, can you please pass around a list of all Members of Parliament, starting with me, for the contribution of Ksh20,000 from each of us and give that money to the family?

(Applause)

When it comes to security, the government must come up with a very powerful security direction. How do you have four MCAs in the same car?

In international organizations and big corporations worldwide, five or six members from the same department are not allowed to fly in the same plane. My friend here is laughing. The other day, the entire leadership of the North-Eastern region was supposed to fly in one airplane - governors, senators, MPs, national government administration officers, and senior security officers. That reminded me of what happened in 2004 when we lost the entire political leadership of Marsabit County in one accident. We lost one of the most promising leaders - I always say a "president" that Kenya never got - the late Hon. Bonaya Godana. He was a man of immense potential. All Members of Parliament from Marsabit died in that crash. The security machinery must devise a directive that many people from the same department, region, or institution cannot travel in one car or airplane.

Can you imagine we were about 60 leaders? I refused to go there. We were going for a security meeting, but flying leaders from the same region in one aeroplane was the biggest security risk. We had governors, senators, MPs, leaders of majority parties from the county assemblies, the national government administrative officers, and security personnel. It is not fair. That is a very powerful lapse in security. This country needs to have a very continuous security structure.

Hon Silvanus Osoro, I expect you to do two things. First, collect contributions from all Members and, secondly, ask the government to come up with a directive so that we do not lose many leaders in one accident.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, on behalf of the Members who have expressed interest and are not going to speak, I would like us to come to a close so that we can move to the next Order. I give my condolences to the family.

Deputy Leader of the Majority Party, let us have your Thursday Statement pursuant to Standing Order 44(2)(a).

STATEMENT

BUSINESS FOR THE WEEK OF 14TH TO 18TH AUGUST 2023

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I rise to give a Statement pursuant to the provisions of Standing Order 44(2)(a). I beg to give the following

Statement on behalf of the House Business Committee that met on Tuesday, 8th August 2023, to prioritise business for consideration during the week.

Hon. Temporary Speaker, as Members are aware, yesterday, the House approved the limitation of debate on Motions sponsored by individual Members to a maximum of one-and-a-half hours. Therefore, Members should take note of this and ensure that they are present in the House on Wednesday mornings and ready to move their Motions as scheduled in the Order Paper.

With regard to the business of Tuesday next week, the House is expected to continue with the Second Reading of the Food and Feed Safety Control Co-ordination Bill of 2023 and the Statute Law (Miscellaneous Amendments) Bill of 2022, should they not be concluded today. Additionally, debate will also be undertaken on the following Motions, should they not be concluded today:

1. Consideration of Reports of the Auditor-General on the financial statements for various Funds.
2. Consideration of the Excise Duty (Amendment) Regulations of 2023.

I think we have had communication on that; there is a court case that has been filed. This Order may not appear in the Order Paper of next week.

3. Report of the Kenyan delegation to the 146th Assembly of the Inter-Parliamentary Union (IPU) and related meetings.
4. Reports of the 4th General Assembly of the Eastern Africa Parliamentary Alliance on Food Security and Nutrition (EAPA-FSN).
5. Report on the inspection of various one-stop border posts in the Northern Corridor in the East African Community region.
6. Consideration of the Excise Duty (Excisable Goods Management System) (Amendment) Regulations of 2023.

Hon. Temporary Speaker, in accordance with the provisions of Standing Order 42A(5) and (6), I wish to convey that the following Cabinet Secretaries are scheduled to appear before the House on the afternoon of Wednesday, 16th August 2023, to respond to Questions as follows:

The Cabinet Secretary for Health to respond to the following Questions:

1. Question No.108/2023 by the Member for Masinga, Hon. Joshua Mwalyo, regarding settlement of pension benefits by the Kenyatta National Hospital (KNH) Superannuation Scheme (DB Scheme).
2. Question No.113/2023 by the Member for Kiambu, Hon. John Machua Waithaka, regarding availability of anti-epilepsy drugs in public hospitals.
3. Question No.157/2023 by the Nominated Member, Hon. Sabina Chege, regarding the distribution of the Velo drug in the country.
4. Question No.214/2023 by the Member for Kaiti, Hon. Joshua Kimilu, regarding preventive measures and eradication of neglected tropical diseases.
5. Question No.306/2023 by the Nominated Member, Hon. Irene Mayaka, regarding conducting of a national health survey to define the burden of mental illness in the country.
6. Question No.307/2023 by the Member for Kabete, Hon. James Wamacukuru, regarding the provision of medical insurance cover by the National Health Insurance Fund (NHIF) to facilitate gender transformation for intersex persons.

That will be an interesting Question.

7. Question No.308/2023 by the Member for Subukia, Hon. Samuel Gachobe, regarding the death of Ms. Loise Njoki Kariuki of ID No.24810835 at the Moi Teaching and Referral Hospital (MTRH).

8. Question No.309/2023 by the Member for Mumias West, Hon. Peter Salasya, regarding availability of lecturers in the Kenya Medical Training College.
9. Question No.310/2023 by the Member for Kabete, Hon. James Wamacukuru, regarding provision of auxiliary aids and services to deaf individuals.
10. Question No.355/2023 by the Nominated Member, Hon. Dorothy Muthoni Ikiara, regarding the menace of teen pregnancies in the country.
11. Question No.358/2023 by the Member for Shinyalu, Hon. Fred Ikana, regarding the outbreak of a disease in Mukumu Girls High School in the month of March 2023.

The Cabinet Secretary for Tourism, Wildlife and Heritage will appear and respond to the following Questions:

1. Question No.76/2023 by the Member for Mwingi Central, Hon. Gideon Mulyungi, regarding steps taken by the ministry to resolve human-wildlife traffic in the country.
2. Question No.119/2023 by the Member for Igembe North, Hon. Taitumu M'anaiba, regarding restraining marauding elephants in Igembe North from attacking locals.
3. Question No.218/2023 by the Member for Bomet Central, Hon. Richard Kilel, regarding funds received by the Tourism Promotion Fund as the proceeds realised under Section 3 of the Air Passengers Service Charge Act CAP 475.
4. Question No.226/2023 by the Member for Sirisia, Hon. John Waluke, regarding revamping of the tourism sector within the Western Kenya Tourism Circuit.
5. Question No.227/2023 by the Member for Ndhiwa, Hon. Martin Peters Owino, regarding allocation of funds to the Kenya Wildlife Service towards maintenance of Kadio-Kodumbo-Mirogi Road.
6. Question No.228/2023 by the Member for Ganze, Hon. Kenneth Kazungu, regarding containment of elephant herds that have been a menace to residents of Mwahera-Jira and Mrima wa Ndege in Ganze Constituency.
7. Question No.320/2023 by the Member for Wajir East, Hon. Aden Daudi Mohammed, regarding oversight of the Tourism Promotion Fund Board.
8. Question No.321/2023 by the Member for West Pokot County, Hon. Rael Kasiwai, regarding rehabilitation and preservation of the Kapenguria Museum.
9. Question No.322/2023 by the Member for Mandera South, Hon. Abdul Haro, regarding the steps taken by the ministry to mitigate human-wildlife conflict in Mandera South Constituency.
10. Question No.323/2023 by the Member for Samburu County, Hon. Pauline Lenguris, regarding compensation of families and residents in Samburu County killed by wild animals and for destruction of their property.
11. Question No.324/2023 by the Member for Nyandarua County, Hon. Faith Gitau, regarding the human-wildlife conflict cases at Mukindu in Ol Kalou Constituency.
12. Question No.325/2023 by the Member for West Pokot County, Hon. Rael Kasiwai, regarding settlement of approved compensation claims in the Nasolot Game Reserve.

Hon. Temporary Speaker, following your directions given on Wednesday, 9th August 2023, the Cabinet Secretary for Interior and National Administration, Prof. Kithure Kindiki, and the Cabinet Secretary for Information, Communications and the Digital Economy, Mr. Eliud Owalo, are scheduled to appear again before the House on the afternoon of Wednesday, 16th August 2023. They will respond to Questions regarding operations and activities of Worldcoin and national security and recent cyber-attacks on key Government systems. The

House Business Committee will reconvene on Tuesday, 15th August 2023, to schedule business for the rest of the week.

I now lay this Statement on the Table of the House. I thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Owen Baya.

Hon. Members, the Motion indicated as Order No.9 will move down. We are going to start with Motion No.10. I now call upon the Chairperson of the Committee on Delegated Legislation. Before we go to re-organisation of business, I would like us to go to Order No.8. I call upon the Mover of this Motion to reply.

MOTIONS

ADOPTION OF REPORT ON THE INQUIRY INTO THE MAIZE FLOUR SUBSIDY PROGRAMME FOR THE FY 2022/2023

THAT, this House adopts the Report of the Departmental Committee on Agriculture and Livestock on its inquiry into the Maize Flour Subsidy Programme for the Financial Year 2022/2023.

(Moved by Hon. (Dr) John Mutunga on 3.8.2023)

(Resumption of debate interrupted on 3.8.2023)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Mover, the Chairperson, Departmental Committee on Agriculture and Livestock

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Hon. Temporary Speaker, thank you very much for the opportunity to reply on the Motion, the inquiry into the maize flour subsidy of last year.

I would like to thank the Members who had an opportunity to speak to this Motion especially those who had an opportunity to read the Report. It is a synthesis Report. It does not contain everything that we were presented with because we were dealing with close to 118 organisations that submitted individual reports. Annexing them would have needed a week to bring the reports here. So, as a Committee, we took time to understand what they were saying and we took time to interrogate what they presented to us and wrote a synthesised Report which basically enables us to decide as a House.

All the Members who spoke without exception recognised that the prices of *unga* were high last year. They also recognised the fact that it was necessary for the Government to intervene to bring the prices of maize flour down. They appreciated the fact that the Government intervened to reduce the cost of *unga*. The Report basically captures the variety of ways that we can subsidise the cost and they are several. They fall basically under two broad categories: supply and demand. Demand in this particular case is where you subsidise cost of a product as it is. The strategy adopted by the Kenya Kwanza Government right now is that the subsidy goes to lowering the cost of inputs. Many countries apply some of these strategies. It is not only Kenya that does that.

We listened to submissions from the Ministry and from the two main associations that were contracted. They gave us a lot of information. We got written submissions from the Attorney-General and from the different institutions that were involved. The context of the Report itself gave us some highlights that made us go into the inquiry process. One of them was lack of clarity on some of the membership of committees. Some were changing.

The other issue that was not clear is the contract itself. We were presented with two contracts. The Ministry, indeed, gave us a contract which was not signed by the millers. The contract that was signed by the millers was different. We also found out that there were different amounts of *unga* produced and purportedly distributed. We found a disclaimer in the contract that cleared the maize millers from any blame if the packets of two-kilogrammes maize flour were not found in the market selling at Ksh100.

We also found a few other important issues. We discovered that the number of members of the Cereal Millers Association kept changing. We found some discrepancies in the fact that this particular maize meal was neither marked “Ksh100” nor was it marked “Subsidy”. If it had been marked “Subsidy”, it would have been easy for Kenyans to identify it in the market and buy it. It would also have prevented anyone from selling the product at the price at that point in time.

According to the Report, and what came out on the Floor is that the Ministry’s payment records were basically different from those of the associations that made their presentations. This made the Committee think of going the inquiry way. The inquiry process was guided by three objectives.

Before we go to the objectives, Hon. Temporary Speaker, the questions we asked these institutions before they made presentations were that we needed to identify whether the process of identification of the suppliers of the maize flour was free and fair. We also needed to know the context and contents of the contracts themselves, and that is why we found some of those anomalies. The other issue we wanted to know was whether the awarding process was free and fair and how it was done. We were also interested to know when they were contracted, how the contracting was done and how the notification and authorisation were done.

In addition, we also wanted to know the amount paid and the amount claimed as unpaid, the distribution process to the retailers and finally to the consumers. All those who were involved responded including the National Treasury in terms of the payments they made. The National Treasury released Ksh4 billion to pay for the subsidy using Article 223 of the Constitution.

Hon. Temporary Speaker, the inquiry majored on three questions on which I want to centre my reply on. One of them is whether the initiative met the objectives. The second one is whether the identification was free and fair, and finally, did we get value for money. Those three questions were answered by different institutions. Our synthesis of the various documents and reports that we received, and their examination made the Committee decide to clear one of the associations as having, at least, met the minimum requirements and, therefore, it could be paid its dues. This is the Grain Millers Owners Association. In terms of determining whether the process met the objectives, in as far as their submissions are concerned, they clearly and carefully documented their process. They were also cleared by the multi-agency team that was put together under the management of the National Cereals and Produce Board. The reports of the multi-agency team corroborate very well with their report as millers. They also sold most of the two-kilogramme packet of *unga* from the milling plant premises. Most of them are situated near the residential areas.

On the issue of the process, in as far as this particular association is concerned, they were not preferred earlier. Later they were consulted and contracted through their leadership and they were given the contracts which they signed. Still on the process, the contracts they signed were examined and found to be the same as those of the other associations. So, there was fairness.

On the issue of value for money, that is whether the money we spent was well utilised, the quantities of maize flour that they produced as a product that went into the milling plant vis-a-vis the quantities of the packets from the packets of the maize flour that they produced

tallied perfectly. The amount requested to be paid did not change. It was static. The membership of this association did not change. We see value for money in terms of this consideration.

On the other hand, the Ministry of Agriculture and Livestock Development owes the National Treasury Ksh4 billion in terms of reimbursable money. Therefore, as a House, we need to clear the Ministry to fully reimburse the National Treasury.

In conclusion, I would like to move that this House adopts this Report and that the Grain Millers Owners Association are paid their dues, which is about Ksh500 million, and that the Ministry takes up this issue.

We also hasten to add that further investigations are ongoing. The Committee has met twice on this issue and we will still meet next week to look at more reports and submissions to be able to clearly tell what was lost, how much it was and who should be charged. Anything that is outstanding that may come from this association that we cleared may not be impactful. It may be negligible. The focus of inquiry is actually what was paid to the Cereal Millers Association and who else was paid and was not a member of the Cereal Millers Association and Grain Millers Owners Association. The inquiry will also seek to know if they had contracts and whether the contracts will be availed to us and if they have variations. That is what the Committee is belabouring to do. The communication concerning this provision will clearly tell that even if we have said that we clear these associations to be paid, if we find anything that indicates that the process was unclean, we will call upon this House to make the necessary considerations in the final report.

Hon. Temporary Speaker, I beg to reply.

In view of Standing Order 53(3) on Quorum, I request that we defer the putting of the Question to the next time this Business appears on the Order Paper.

(Putting of the Question deferred)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, allow me to reorganise the order of Business. Order No.10 will move up and order No.9 will go down to Order No.10. In that case, I hereby invite the Chairperson of the Committee on Delegated Legislation.

APPROVAL OF THE REPORT ON THE EXCISE
DUTY (AMENDMENT) REGULATIONS, 2023

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you, Hon. Temporary Speaker, for your consideration.

I beg to move:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Excise Duty (Amendment) Regulations, 2023, laid on the Table of the House on Tuesday, 1st August 2023, and pursuant to Section 15(4) of the Statutory Instruments Act, 2013, approves the Excise Duty (Amendment) Regulations, 2023 published as Legal Notice No.40 of 2023.

These Regulations are amendments to the Principal Regulations that were passed in 2017, namely: The Excise Duty Regulations 2017. There are 8 paragraphs amending various parts of the Regulations contained in the Excise Duty Regulations of 2017.

The regulations intend to introduce schedules to the specifications of the metering, monitoring and measuring systems. We have two schedules in the amendments that we are proposing for approval this afternoon. This is meant to create fairness for taxpayers and facilitate the effective administration of Excise Duty. The Excise Duty tax is a tool to influence the consumption of certain products on health and environmental protection grounds. It is also

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an important source of Government revenue as excise on goods. The principal Regulations provide for reinstalling metering and measuring devices and systems in the production system to ensure that the correct quantities of excisable goods produced or transferred are measured. Therefore, the Regulations provide for specifications for metering and measurement devices or systems. This is important to ensure uniformity of such devices to prevent revenue leakages due to the use of inappropriate devices.

These Regulations expand the requirements to include importing or manufacturing packaging materials for nicotine and nicotine substitutes. This will deter supply by the importer to unlicensed manufacturers of products containing nicotine and nicotine substitutes. These are very important Regulations as they seek to define who a co-manufacturer is, which was not contained in the Excise Duty Regulations of 2017. As a result of the automation of this production and manual production, we realised that the current Regulations do not capture the co-manufacturers of these products. So, paragraph 7 of the amending regulations provides for the co-manufacturers to be in the tax bracket. The production and storage of these goods on and on behalf of the principal manufacturer will be taxed.

The import is contained in Regulation 15 of the Principal Regulations and will be amended to provide details of the raw materials received and removed from the co-manufacturer's premises. These Regulations will also provide for production records at every stage of the manufacturing process. They will also ensure that the packaging materials received and utilised in their premises are also recorded. The readings of measuring and metering devices for each co-manufacturer's production will also be recorded. This will improve tax compliance and create fairness for taxpayers.

Lastly, these Regulations will not yield to direct impact in terms of revenue but they intend to do indirectly which will lead to revenue mobilisation by improving tax compliance. We are just bringing in those people who are supposed to be paying taxes but have not been paying. This will improve tax compliance among taxpayers.

These are brief and short amendments. I, therefore, beg to move and request Hon. Sunkuli, the former Minister for Internal Security, to second.

I thank you.

Hon. Julius Sunkuli (Kilgoris, JP): Hon. Temporary Speaker, in seconding this Motion... I am a Member of the Delegated Legislation Committee which is ably chaired by my learned friend and the Member for Ainabkoi.

The Regulations are subsidiary legislation to the main Act, that is, the Excise Duty Regulations of 2017. The sponsors of these amendments informed us that these Regulations will enhance the dual purpose of the Excise Duty by giving the Government much-needed revenue and regulating some of the commodities which pose health or environmental impact on the people. We carefully looked at these Regulations and agreed that they are in order.

Some terminologies needed to be defined for us to add these people to this tax bracket. For instance, we define "co-manufacturer" as someone who either participates in the manufacturing chain or who does part of the manufacturing or one to whom manufacturing is outsourced. This needed to be added to the bracket for co-manufacturers to be taxed by the Kenya Revenue Authority.

The rest has been ably explained by my learned friend. Although he is from Kenya Kwanza, he also needs to get some money so that he does not ask me where my mileage will come from. These are good Regulations and we should support them because they are straightforward.

I beg to second.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much for seconding.

(Question proposed)

Hon. Members, I assume that those who have their cards and whose names are appearing on the screen are interested in speaking to this Motion. I will give the first opportunity to Hon. Eric Muchangi, Member for Runyenjes. He seems to have stepped out. Hon. Peter Salasya, Member for Mumias East; Hon. Peter Kihungi, Member for Kangema; Hon. Catherine Omanyoo, Member for Busia County; and Hon. John Mutunga, Member for Tigania West.

Hon. Catherine Omanyoo is on her feet. You may proceed.

Hon. Catherine Omanyoo (Busia County, ODM): Thank you, Hon. Temporary Speaker. It is important for all Kenyans to be responsible for building their own nation. There is no single day when a neighbour or a friend from far away will come and help you open your eyes to what God has given you through mother nature. Paying taxes is our responsibility.

The Committee did a wonderful job with this Report. There are people who evade paying taxes. The Government should not increase taxes. Instead, it should ensure that those who evade taxes pay their fair share.

There are children who get excited when they turn 18 years old. They get their identity cards (IDs), and the Kenya Revenue Authority (KRA) PIN certificates. However, they do not understand that immediately after they get that certificate, they are supposed to start filling nil returns. If you start a business, you must pay tax returns. The Government's role is to keep educating people with a limited understanding of taxes, and to encourage them instead of frustrating them. Payment of taxes is sometimes used as a bait. When a person falls out with somebody in power, the person in power uses that fact to punish him instead of fairly applying the law.

This is a beautiful Report. Children who have been asked to pay Ksh2,000 for every year that they did not file nil returns since they turned 18 should be forgiven. Once they have businesses or get jobs, they can start paying taxes. They might still be in colleges or universities and are probably below 26 years of age. They might not even understand that penalty.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. John Mutunga, Member for Tigania West.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Thank you, Hon. Temporary Speaker, for the opportunity to contribute to this Motion on the adoption of the Report of the Committee on the Excise Duty Regulations as an interpretation of the Act that was passed in 2015.

The interpretation of Excise Duty was offered in the Excise Duty Act, 2015, but it has not been operationalised until now. It is important that we operationalise that Act in order to regulate the sub-sector and the products themselves.

One of the most important things about Excise Duty is that it is a tool to influence the consumption of certain products. The consumption of some products is not properly guided. Excise Duty is also important in the sense that it also regulates and protects the environment for production. The Government will also gain some revenue through the introduction of those Regulations. It is important to have them in place in order to increase revenue, improve the environment and protect the health of our people.

The Regulations propose the introduction of metering, which has a connotation of standardisation. When we have meter systems, standards will be correct, and the same kinds of appliances will be used to determine excisable goods. That will ensure that transferred goods are properly measured. The Legal Notice provides for specifications of the metering, the measurement of the goods or products that are supposed to be handled in this respect, and the metering devices themselves. That is important in the sense that it will ensure uniformity of such devices. Devices may be produced in different parts of the world and they may have

different effects. The Regulations specify exactly how these devices will be developed and utilised.

The Regulations will also prevent any tax or revenue leakages because inappropriate methods or devices will not be used. In this case, appropriate devices will be used. Therefore, we shall harness the tax or revenue that we might get from this process.

The Regulations will also streamline the licensing and registration of persons undertaking this function. Persons who engage in this business will be properly registered and regulated. Therefore, we will implement the Act.

The Regulations specify the activities which should be registered, who is supposed to register the practitioners or players, and how they are supposed to do their work. It is also important to inform the public. Upon consulting the public, several issues came out on the need to have order in this sub-sector and proper regulations for managing the sub-sector.

I believe that the adoption of this Report will enable the Committee to ensure that the Excise Duty Act of 2013 is implemented.

I support the Report.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, there being no other interest in this Motion, I would like to call upon the Mover to reply. Kindly give the microphone to Hon. Chepkonga.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you, Hon. Temporary Speaker. I would like to thank Members who have ably contributed to the debate on this Motion. It has been very constructive and enlightening. I would also like to thank the Members of the Committee on Delegated Legislation who have been participating very efficiently and effectively in the work of the Committee. We have dealt with many Regulations in the Committee. If it were not for the commitment of the Members of the Committee, we would have been overwhelmed. Hon. Temporary Speaker, I would like to assure you that these Regulations meet all the parameters as contained in the Statutory Instruments Act.

Therefore, I beg to reply.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, I defer putting of the Question to a time when this Motion will again be scheduled by the House Business Committee.

(Putting of the Question deferred)

Next Order.

ADOPTION OF REPORT ON FINANCIAL STATEMENTS OF VARIOUS FUNDS

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Chairperson of the Special Funds Accounts Committee or a representative.

Hon. Fatuma Mohammed (Migori County, Independent): Hon. Temporary Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Special Funds Accounts Committee on its consideration of the report of the Auditor-General on the financial statements for the Women Enterprise Fund, Coffee Cherry Advance Revolving Fund, Strategic Food Reserve Trust Fund, Equalisation Fund, Mechanical and Transport Fund, National Research Fund, Youth Enterprise Development Fund, Uwezo Fund and Civil Servants Housing Scheme Fund, laid on the Table of the House on Tuesday, 14th June 2023.

The Committee considered reports of the Auditor-General on the audited financial statements for:

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1. Women Enterprise Fund for the Financial Years 2018/2019, 2019/2020 and 2020/2021.
2. Coffee Cherry Advance Revolving Fund for the Financial Years 2019/2020 and 2020/2021.
3. Strategic Food Reserve Trust Fund for the Financial Year 2020/2021.
4. Equalisation Fund for the Financial Year 2020/2021.
5. National Youth Service Mechanical and Transport Fund for the Financial Year 2020/2021.
6. National Research Fund for the Financial Years 2019/2020 and 2020 /2021.
7. Youth Enterprise Development Fund for the Financial Years 2018/2019, 2019/2020 and 2020/2021.
8. Uwezo Fund for the Financial Years 2018/2019, 2019/2020 and 2020/2021.
9. Civil Servants Housing Scheme Fund for the Financial Years 2020/2021 and 2021/2022.

The Committee held a total of 30 meetings where it received evidence from the following accounting officers:

1. Eng. Charles Mwirigi, Chief Executive Officer, Women Enterprise Fund.
2. Mr. Timothy M. Mirugi, Managing Director, New Kenya Planters Co-operative Union (Coffee Cherry Advance Revolving Fund).
3. Mr. Kello Harsama, Principal Secretary, State Department for Crop Development and Agricultural Research.
4. Mr. Guyo Buro, Chief Executive Officer, Equalisation Fund.
5. Mr. Amos N. Gathecha, Principal Secretary, State Department for Public Service.
6. Prof. Dickson Andala, Chief Executive Officer, National Research Fund.
7. Mr. Josiah Moriasi, Chief Executive Officer, Youth Enterprise Development Fund.
8. Mr. Peter Lenyapiani, Chief Executive Officer, Uwezo Fund.
9. Mr. Charles Hinga, Principal Secretary, State Department for Housing and Urban Development.

The oral and written submissions received formed the basis of observations, findings and recommendations of the Committee as outlined in this Report under each of the audit queries. These are also contained in the Minutes and *Hansard* Reports of the Committee proceedings. During examination of the audit reports, the Committee made the following general observations and recommendations which apply across the examined Funds. On late submission of documents, the Committee observed that:

1. Most of the audit queries raised by the Auditor-General were as a result of the failure by accounting officers to submit the necessary accounting documentation for verification during the audit process as provided in Section 31 of the Public Audit Act, 2015.
2. The late submission of accounting documentation was because some Funds relied on staff from other Ministries, Departments and Agencies (MDAs) to file and submit returns on expenditures. The staff are not accountable to the accounting officer of the Fund. Uwezo Fund, for instance, depends on the Sub-County Youth Officers for the submission of constituency returns. The officers cover more than one constituency, leading to delays in submission of accounting documentation.
3. Many operations of the Funds are manual making them take time to prepare and submit financial documents.

The Committee recommends that:

1. The accounting officers put in place mechanisms to ensure that the Fund receives accounting documentation on time, in compliance with the provisions of Section 68(2)(b) and (c) of the Public Finance Management (PFM) Act, 2012 and Regulation 100 of the Public Finance Management (National Government) Regulations, 2015.
2. The accounting officers ensure timely submission of accounting documentation required for audit verification during the audit as per the provisions of Section 31(4) of the Public Audit Act, 2015.
3. The accounting officers initiate appropriate mechanisms to ensure automation of the Funds' processes and operations.

On long outstanding receivables, the Committee observed that the recoveries of the loans issued by the Funds to youth, women and financial intermediaries are not up to date, with some receivables remaining unrecovered for more than one year. The Committee recommends that:

1. The accounting officers ensure that all contracts entered into by the Fund are lawful and are complied with in accordance with Section 68(2)(d) of the PFM Act, 2012.
2. Within three months upon adoption of this Report, the accounting officers should submit status reports for non-performing loans and recoveries made to the Auditor-General for audit verification.

The Committee observed that the issue of presentation and inaccuracies in the financial statements was noted in almost all the examined audit reports with cases of wrong classifications of assets and expenditures, unexplained and unreconciled variances, and non-compliance with the format prescribed by the Public Sector Accounting Standards Board (PSASB), amongst other issues. The Committee recommends that the accounting officers ensure that all applicable accounting and financial controls, systems, standards, laws and procedures are followed in the preparation of financial statements, in compliance with the PFM Act, 2012 and in accordance with the standards prescribed by the PSASB as per Regulation 101(4) of the Public Finance Management (National Government) Regulations, 2012.

On unresolved prior-year matters, the Committee observed that:

1. Prior year audit issues remained unresolved at the end of the financial year against the requirements of Section 68(2)(i) of the PFM Act, 2012 which requires an accounting officer to take appropriate measures to resolve any issues arising from audit which may remain outstanding.
2. Some accounting officers do not disclose the progress on follow-up of the Auditor-General's recommendations in the financial statements as required by the PSASB.

The Committee recommends that:

1. Within three months upon adoption of this Report, the accounting officers should take appropriate measures to resolve the outstanding prior audit issues as required by Section 68(2)(i) of the PFM Act, 2012 and submit the necessary documentation to the Auditor-General for audit verification.
2. The accounting officers ensure that all applicable accounting and financial controls, systems, standards, laws and procedures are followed in the preparation of financial statements in compliance with the PFM Act, 2012, and in accordance with the standards prescribed by the PSASB as per Regulation 101(4) of the Public Finance Management (National Government) Regulations, 2012.

The Committee observed that there were weaknesses in the internal control systems resulting in inadequate documentation and reconciliation of accounting records as well as filing of expenditure returns, deficiency in documentation, authorisation, approval, and recovery of loans. The Committee recommends that the accounting officers ensure that all applicable accounting and financial controls, systems, standards, laws and procedures are followed in the preparation of the financial statements in compliance with the PFM Act, 2012 and in accordance with the standards prescribed by the PSASB as per Regulation 101(4) of the Public Finance Management (National Government) Regulations, 2012.

The Committee observed that:

1. The Mechanical and Transport Fund has seven motor vehicles that have been grounded for a long time due to various mechanical reasons.
2. The Youth Enterprise Development Fund has eight motor vehicles and 105 motorcycles that have been grounded due to various mechanical reasons and 907 outdated hatcheries.

The Committee recommends that:

1. The accounting officers seek approval to dispose the mentioned assets in accordance with the provisions of the Public Procurement and Asset Disposal Act, 2015 and its regulations within three months upon adoption of this Report.
2. The accounting officers ensure there are proper control systems to eliminate theft, losses, wastage, and misuse of the assets of the Funds in compliance with Regulation 139 of the Public Finance Management (National Government) Regulations, 2012.

The specific audit issues raised in nine Funds for the respective years are contained in the Report.

Hon. Temporary Speaker, I thank the Committee for their time, energy and resources to help us deliver this Report with almost 100 per cent accuracy in good time. I also commend and appreciate the assistance given by Hon. Speaker at all periods when we could not hold our meetings and had to request the House to allow us to hold them out of Parliament, so that we could prepare our Report in good time. I also appreciate our team: the Clerk and the Department that deals with these Funds. I appreciate their tireless job, working until late hours and over the weekends to make sure that our Report meets the required standard of this House.

With those few remarks, I request Hon. Catherine Omanyo to second the Motion. Thank you, Hon. Temporary Speaker.

Hon. Catherine Omanyo (Busia County, ODM): Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Before you second, I would like her to rise and move the Motion. Move it and then request her to second.

Hon. Fatuma Mohammed (Migori County, Independent): I request that we move the Motion.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): We are still learning. Say 'I beg to move....'

Hon. Fatuma Mohammed (Migori County, Independent): Hon. Temporary Speaker, I beg to move the Motion.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Would you like to request the Seconder to second the Motion?

Hon. Fatuma Mohammed (Migori County, Independent): Hon. Temporary Speaker, I request Hon. Catherine Omanyo to second the Motion.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. That record is extremely important for the House.

Hon. Catherine Omanyo (Busia County, ODM): Thank you, Hon. Temporary Speaker. I second this Motion which I am part of.

Before I sit down, there are more observations that we made. We realised that there were many similar Funds with the same vision, mission and facing the same challenges. There is a duplicate of the strategies that have failed. They are being repeated. The accounting officers seem to be overwhelmed. Many of the institutions that have audit queries lack enough staff. You will find the Chief Executive Officer (CEO) performing the roles of the driver, secretary and helping the accountant whenever they come before us in the Committee. When we asked who the accountant was, they said they did not have enough staff which was quite unfortunate.

We also realised that there is a long, archaic and neanderthal bureaucracy, looking at our age in Kenya. You have to go through a long process for anything to happen. This makes some of the public resources go to waste because there are too many stages that the person taking over any office has to undergo for him to save a situation. An example are Government vehicles. If you look at the time some of them were taken to the garage... If somebody steps in for a week, he can salvage them. It can take between six months to one year or forever before they are taken to the garage. Nobody seems to care and other newer vehicles are bought. The older ones are forgotten. It is staggering to see that our public resources are misused in that manner.

We also audited some of the Funds that were created but they do not have proper structures. They exist but they are not in an Act of Parliament. They are not well known but they receive funds from the public coffers. We questioned the officers on how they found themselves there. They told us that they were given an office to manage a little kitty that had been in existence for the last 10 years, yet it is not well defined in our Constitution. There is a lot of duplication of roles. You find too many officers with big titles and duplicated roles in their portfolios. As a Special Fund, we wonder why we should have a Director, CEO, another title that is closer to the CEO and other titles. Everybody is big in that institution. There is a lot of nepotism because the person who was there ensured that he created a vacancy for a friend or relative which is quite unfortunate. We are here to protect taxpayers and make sure that every shilling that they give is well orchestrated and used.

I second the Motion. I thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Omanyo.

(Question proposed)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, I now open the debate. I will give the first opportunity to Hon. Joseph Chererot, Member for Kipkelion East.

Hon. Joseph Chererot (Kipkelion East, UDA): Thank you very much, Hon. Temporary Speaker. I rise to support the Motion which has been moved by the Special Funds Accounts Committee. I am a Member of this Committee. We deliberated on several issues that have been shared. We have too many overriding issues in management of funds. The Government has to be very keen in that area so that whenever any funds are allocated, they are put into proper use. The challenge we have is the delays and lack of proper direction in the use of the funds.

I support the Motion which has come at the right time. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Let us have Hon. Eric Muchangi, Member for Runyenjes.

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Temporary Speaker, for the opportunity to contribute to this matter. My attention is drawn to one of the items in this

Report which has to do with the consideration of the Report of the Auditor-General on the Financial Statements for the Coffee Cherry Advance Revolving Fund.

I am a Member of Parliament who happens to come from a coffee growing zone. Apart from that, I am also a farmer. I have several stems of coffee. When I hear this issue of the Coffee Cherry Advanced Revolving Fund being discussed, I wonder who benefits from this Fund because farmers from my constituency are yet to benefit from it.

Every other time we get promises that these farmers will get money. We keep reminding the farmers every other day that better days are underway. The reason this Fund came to being was to help them so that they can go back to their farms and make them better. We had reached a point where several factories within our constituencies were closed down because of the low prices of coffee and farmers abandoning coffee farming and engaging in other crops they felt were profitable like *Muguka* and vegetables.

As I support this Report, I wish to ask the Government of Kenya (GoK) and the Ministry of Cooperatives and Micro, Small & Medium Enterprises Development led by Hon. Simon Chelugui, to ensure that coffee farmers in Kenya, and more specifically in Embu and Runyenjes Constituency, get the support because this Fund was to be affordable, sustainable and accessible. It is not accessible at all to the farmers of Runyenjes, and I beg that they be assisted.

Just recently, the President was on a tour in Mt. Kenya region and that was one of the things he really emphasised on.

(Hon. (Dr) Gogo crossed the Floor without bowing)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Gogo, you are completely out of order. You know you are in your third term.

(Laughter)

Second term? Second term is long enough. Make a decision on the side of aisle where you want to be. You may proceed Hon. Muchangi.

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Temporary Speaker. As I was saying, a few days ago the President was on a tour of the Mt. Kenya region and one of the things that he really emphasised on was the issue of increment in the volume of coffee that is being grown. Currently, we are doing around 40,000 metric tonnes and he desires we get to 80,000 or even 100,000 metric tonnes of coffee. This cannot be possible if our farmers will not be supported through this Fund so that they go back to coffee farming and bring it back to the how it is supposed to be.

Apart from that, my attention is drawn to what is happening in the coffee sector. For instance, two days ago in my constituency, farmers who had brought together their coffee to a factory called Ithemutiki in Kigaa Sub-location in Runyenjes Constituency, woke up to the sad news that their coffee was stolen. This is not the first time it is happening. It happened a couple of weeks ago at a place called Gacungu. It also happened in Kanjung'u and Kaningu.

Hon. Temporary Speaker, I can see you are smiling because you have not heard of such places before. All that was happening in my constituency. Farmers have been losing coffee to thieves and I heard recently the Officer Commanding Police Division (OCPD) and the Officer Commanding Station (OCS) being instructed to allocate police officers to guard coffee in these particular factories. One of the responsibilities of the police in this country is to protect our lives and properties. The coffee that I am talking about is a property of our people and so it should be guarded.

As I support this Motion, I ask that our coffee farmers be protected. Initially it was exploitation, now it is theft. This is too much that is happening to our coffee farmers. They

need help and the GoK and the people tasked in protecting our people and their property do so because that is what they are mandated to do by the Constitution of Kenya.

Thank you, Hon. Temporary Speaker. I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you Member for Runyenjes. Hon. Members on my left, I only have one interest from the Hon. Millie Odhiambo, Member for Suba North.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I thought I would be weighed down the line because I have just come in. I thank you anyway that Members have either already spoken or do not have a lot of interest. I thank the Special Funds Accounts Committee for bringing this Report and my sister Hon. Fatuma “Full Network” for doing a good job especially as a new Hon. Member. Very impressive work.

I want to indicate as a matter of concern that some Members have spoken to this. When we have too many scattered funds all over the place, then the kind of problems that the Committee has identified are likely to happen. They are thinly staffed, they share staff so even when you have an occasion where an audit is being undertaken, they will not be ready because of the challenges they are facing. Sometimes you can vilify the funds when, indeed, it is the way they are structured that is the problem.

If you remember, the Late Hon. (Dr) Joyce Laboso had brought a Bill which became law. This is the Social Security Act which deals a lot with social security issues yet you find that we still have scattered funds all over. The realistic thing to do would be to consolidate all those funds under that Act and under one body. When we have all those funds scattered all over the place, then a lot of them become cash cows as they are not effective. If you look at Uwezo Fund for instance, it can be a very effective fund if it is given sufficient amounts. But you will find that the Fund is doing the same thing the Youth Fund and Women Fund are doing and because of this there is no effectiveness. You could find that there are women groups right now that could be owning apartments and buses like we saw in the past when growing up. There was a group called Nyakinyua Investments Ltd. Unfortunately, they had some wrangles and one of my friends - whom I went to Limuru Girls High School with - lost her mother as she was killed in the process because you could see they were fighting over very serious resources. What we are talking about now is that we are giving people Ksh100,000, Ksh200,000, Ksh300,000 or Ksh500,000 for groups which in the end is not effective.

The other challenge we are facing is that Members of Parliament end up being forced to use their own resources for logistical purposes. Like Uwezo Fund, unless you as a Member of Parliament is given money for the administrative costs, the monies that are allocated to those funds are too little that it becomes meaningless. Therefore, I would request this Committee to consolidate some of these funds so that in the end they can be very beneficial to those who are targeted.

In finishing, I also just want to say that I am concerned that right now we are also talking about giving funds. These are not exactly Special Funds, but we are giving funds to people who are going back to school. Many people are in panic right now. We have a lot of knee-jerk reactions to a lot of things in this country. Like I was just reading that even though people are complaining about the high cost of fees for university, and that most people will not be able to access it, the Government was belabouring to explain that there are vulnerable groups, there are poor people, and there are I do not know what categories, but I have not seen any law that defines any of those things. So, if you are not careful, I, Millie Odhiambo, might decide to declare myself as a vulnerable person and be given money as a vulnerable group because there is no definition. If there is no definition, I might be vulnerable because I am shorter than most people here, or I might be vulnerable because I am an orphan. My father and mother are dead. I am actually an orphan.

(Laughter)

Hon. Temporary Speaker, we have to be very careful when we have situations like that. We have to put things in the law and in regulations so that we reduce incidents of corruption and poor governance just as the Committee has said.

With those few remarks, I thank the Committee for a very commendable job and encourage them to continue.

Thank you. I support.

The Temporary Speaker (Hon. Martha Wangari): Thank you very much. Hon. Phylis Bartoo, Member for Moiben.

Hon. Phylis Bartoo (Moiben, UDA): Thank you, Hon. Temporary Speaker, for giving me the opportunity. I rise to also put my voice on this Report and to thank the Committee Members led by the able Chair, “Full Network”, for the wonderful presentation.

Yesterday, there was another Motion almost similar to this on the Report from the Auditor-General auditing institutions while this one is auditing the Special Funds Accounts. I start to feel scared because most of the findings that are the officers in charge are not able to submit documents. It is as if most of the people who serve in these spaces are not competent because they have no records. For example, if you look at recommendation Part C, we have late submission of documents. There is an officer sitting in an office and he is not able to submit documents yet he is benefiting from Government funds.

We have cases of inaccuracies of financial statements. What brings these inaccuracies? Is it a case of the funds not being utilised properly so that they are not able to account for them on time? We have unresolved matters which relate to previous years’ weak internal control systems, grounded assets and so on. You sit and ask yourself where the problem is.

It has been noted that some of these Funds are not well resourced. That they have few people who are handling such funds; they do not have capacity; they do not have enough funds and so on. If a Fund is created, it should be well structured and well planned so that it does the work which it is supposed to do, and it is utilised for the right purpose.

On Uwezo Fund and the Women Enterprise Fund, if I look at the case of Moiben Constituency, I see young people who should be benefiting from these funds, but they do not access this money. Some do not even have an idea that such a fund exists. Even as a Member of Parliament, you have to visit that office many times. You do not even understand what their role is. Some will give you false reasons like default in repayment and so on. Where were you when this money was not being repaid?

We have the case of the Women Enterprise Fund. You find that in my constituency, the women are very eager to put their hands on some funds and do something. They have very good ideas. They have very vibrant groups but they do not have access to this money, yet there is a fund created for such activities. And we are even establishing the Hustler Fund. If this money is not well planned for, it will eventually end up like the Uwezo Fund, Women Enterprise Fund, and so on.

It is high time as a country we sat back and re-looked at all the funds and what they were supposed to be doing. We look at Uwezo Fund: its mission and how far it has achieved its objective. We look at the Women Enterprise Fund, and we also look at the officers who are serving in these offices and see whether they have the capacity and understand the job. That it is not just a case of somebody getting a job, sitting in an office and having a title. One of the Members said that some have very big titles but if you look at the job description, it is as if they really do not know what they are supposed to be doing.

Otherwise, we need to move with speed and secure these dockets so that our people can benefit like the case of the National Research Fund. If we still receive such Reports that there

are inconsistencies in records, there are vehicles which are grounded, it is like nobody really cares. It is a Government thing so it is no one's business. Why do we not put these people to task yet they are serving in very critical positions in Government, Hon. Temporary Speaker?

What really pains me as a legislator or as a Member of Parliament is when someone who is serving in an office presents documents which are inaccurate. What do you think about such a person? Why would such a person even still serve in an office? We have weak internal control systems. When the systems are weak, basically they give room for corruption.

How I wish we streamlined such dockets so that when we put in Government money, it is utilised for the right purpose. Otherwise, if nothing is done, I am really worried about these special funds which we keep creating yet we do not see the end product. Maybe it is not being utilised to the best of the ability of what the fund was created for.

I rest my case there and strongly support the Members of this Committee for a job well done. Thank you, Hon. Temporary Speaker.

[The Temporary Speaker (Hon. Martha Wangari) left the Chair]

[The Temporary Speaker (Hon. Peter Kaluma) took the Chair]

The Temporary Speaker (Hon. Peter Kaluma): Hon. Mutunga.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Thank you, Hon. Temporary Speaker for the opportunity to contribute to this particular Motion.

I thank the Committee for doing a good job and for presenting the Report ably. This Report is very clear.

Declared funds are some of the resources that most of the Kenyans use especially the ones in the rural areas where we need a lot of development. These funds are connoted development funds but development in the sense that they are supposed to be utilised to cause specific actions that we need, whose results may be termed as development.

The auditing process is important, and a condition by law. When the Office of the Auditor-General produce this Report, it is supposed to be consumed by these community groups and they are supposed to know exactly what they need to do. The management of the fund, in some cases, as highlighted in the Report, has shown some weaknesses and we want to caution that they need to up their game in view of releasing the reports early and making sure that these reports follow the law.

The Public Finance Management (PFM) Act of 2012 specifies many things. The Act is very clear and gives guidelines on how to do these reports.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Mutunga, the Temporary Speaker is male and not Madam Temporary Speaker or I did not hear you right?

Hon. (Dr) John K. Mutunga (Tigania West, UDA): I said Hon. Temporary Speaker. I actually desist from using Mr. or Madam Speaker because I know you can have a mix up sometimes.

The Temporary Speaker (Hon. Peter Kaluma): Thank you.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Hon. Temporary Speaker, I am saying that the PFM Act is very clear as it gives very clear guidelines on what kind of reports to prepare, when they are supposed to be prepared, the quality, the levels of inclusivity and so on and so forth. But then, it has taken so much time for some of these funds to be perfect in presenting quality reports. This is something that we need to caution the management unit of these funds.

The Committee has also cited the fact that these funds, and of course we all know and I would like to point out this as my own contribution, they are supply-driven in the sense that we do not have demand for these funds eliciting consultations that we need to supply. A supply-

driven initiative does not realise quality in terms of the products. We need to belabour to create demand and in doing so, we need to go out and educate our people on business planning.

I do not know the extent to which we have invested in business planning education. This is something that needs to be looked into and, therefore, we need to apprise our people on the intended investments so that they may think through on where they are looking for this money. When they get this money, in most cases they just utilise the money for merry-go-rounds. At the end of the day, they pay this money using other sources. It does not necessarily go to a business process, it may go to a normal livelihood support system. If somebody is a farmer, they may take these funds, buy fertiliser and put them in their farming process. We however, need to engage our people to look at the entire value chains if it is agricultural and look at where we have the best opportunities to give us the best returns so that they can invest in some of those areas.

One of the Members has mentioned unsupported costs. This is an issue that I have had experience in, especially with respect to Women Enterprise Development Fund, the Youth Enterprise Development Fund and the Uwezo Fund. In most cases, the officers managing these funds have had to request for support from other sources to be able to run their businesses, organise conventions for release of the cheques and so on and so forth. I think that issue needs to be looked into; and even if we want to give Kenyans money at low cost, we need to realise that the processes costs some money and, therefore, it is important for us to provide for such.

Instead of looking at the access to funding, we need to look at the management of the fund itself after access. There is need for qualification of those who take these funds and who actually qualifies to take this money. In other words, who should benefit? What are the characteristics of those who should benefit? For youth, let us say youths to access Ksh100,000 in a group of ten; and I do not know whether the Social Development Office allows such small groups to be put together. Individuals in such a group would have Ksh10,000 shillings and investments which are in most cases nonviable. Therefore, based on the business idea that those who are requisitioning this money are targeting, we need to see how to enable them to basically support what they are saying they want to do. This is because, in most cases, those who request this money have good business ideas, and if it is not fully funded, then we have a problem. The amounts themselves are low because it is group access and not individual. Apart from the National Research Fund, which is demand-driven, there is a research proposal, quantification of the various activities that are supposed to be done and the costing of these activities and, therefore, the researchers may get enough money to do the research because they are enlightened. What about those rural people who have not been enlightened sufficiently to be able to come up with such documents? We need to support them in a way that we realise it is a group access for individual utilisation; and if it is individual utilisation, what kind of activities do they want to finance, and whether this money given to them is enough.

I support adoption of this Report and thank the Committee once more for doing a good job.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Mutunga, do you need more time? If not, well and good.

Hon. Dr Lillian Gogo, proceed.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Thank you, Hon. Temporary Speaker, and the grandson of the great land of Asumbi. I celebrate you counsel.

Allow me to rise and support the adoption of the Report from the Committee on Special Funds that is chaired by the one and only “Full Bar Network” Hon. Fatuma. I celebrate you, my sister. I want to interrogate a few things for purposes of contributing and representing the great people of Rangwe Constituency.

It mesmerises me when we have to interrogate the use of special funds and that there could have been or there is a possibility of misuse of such funds. If there is such a possibility,

there should be an audit query or an audit report on the misuse of special funds by people, specifically Kenyans, whose charge has been put to these special funds. What I am asking is: why are Kenyans stealing from the poor? Why are we stealing from the poor? Why are Kenyans enriching themselves at the expense of people who we are supposed to take care of, as leadership at whatever echelon of leadership? We have special funds that are established by law and policy to take care of special needs.

I would not say that we need to merge Uwezo Fund together with Women Enterprise Fund, Youth Enterprise Development Fund, Strategic Food Reserve Fund, Equalisation Fund, National Youth Service or Civil Servants Housing Scheme Fund. We cannot merge so that we have a bigger Fund for the imbeciles who position themselves to steal from poor Kenyans. In any case, if we must merge these Funds, we can only merge them so that we can apportion part of these Funds to subsidise education which is going to be unaffordable for poor Kenyan children.

The higher education and middle-level education is being structured through reforms such that the ordinary poor Kenyan from Rangwe Constituency is not going to study Civil Engineering or become an architect. Let us merge these Funds instead of us having them stolen by some morons. Put it together with the National Government Constituencies Development Fund (NG-CDF) and let them give us this money we distribute to poor Kenyans as bursaries. We have young people in this country who require the Youth Enterprise Development Fund. Allow me to laud one youth who is showing large signs of being a sure leader of today and not tomorrow: Mercy Tarus, who has come out to tell people who are stealing from the poor on their face that they are smooth liars; that they lie with innocent smooth faces. Mercy Tarus, I want to go on record as the Member of Parliament for Rangwe Constituency to urge you to fight for the young people. Create your space. You said that you sell *uji*. Mercy Tarus, go to the Youth Enterprise Development Fund and they are going to give you a loan. Enlarge your *uji* business and God is going to bless you, my daughter.

Why are we stealing from poor Kenyans? We have a Strategic Food Reserve Trust Fund, which is supposed to take care of and mitigate food insecurity in the country. How many Kenyans die of hunger? Vulnerable Kenyans, who are supposed to depend on us, and whom we have been put in charge of, die of hunger when there is such a noble Fund. What happens? It is mismanaged. Reports have been brought here before where accounting officers refuse to give authentic reasons when they are audited. I thought auditing is supposed to improve systems. Auditing is not supposed to be punitive. Auditing is supposed to know how systems work and where to improve. We need to identify system gaps through audit. When accounting officers see auditors, they run away. Why? They know there are flaws in their books. We need to flush these people out. We need to flush these imbeciles out and rid Kenyans of thugs.

The Temporary Speaker (Hon. Peter Kaluma): Hon. (Dr) Lilian Gogo, your passion is appreciated, but the word 'imbecile' is not parliamentary. Withdraw and find a suitable replacement.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): I withdraw, Hon. Temporary Speaker. A suitable replacement for 'imbecile' is 'moron'. These are people stealing from the poor.

The Temporary Speaker (Hon. Peter Kaluma): Order, Dr Lilian Gogo. I imagine you want to use the word 'corrupt' because 'moron' is not also parliamentary.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): I appreciate you, Hon. Temporary Speaker. Can I use a better word, 'thieves'? The word 'thief' is parliamentary. The great grandson of Asumbi, who is the Speaker today, I am saying this: Kenyans need good leaders; focused leaders; leaders who are people oriented; and leaders who have Kenyan interests at heart. We need leaders who would like to take the country to the next level.

It is not about passion; it is about facts. For the time that I have been a leader, I have interacted with people who literally want to steal from the public. It is not about my passion on

what I am talking about. I am talking about what I have palpated with my own hands. The structure of Government is to the extent that it can take care of its poor people. That is why these funds are established. Most people who stay in high-ranking Government offices are well paid, but the more they are paid, the more they want to steal and build bigger houses. As a country, we need to get rid this country of thieves who target special funds. We must do that as a nation. The Executive must address that.

Leadership should stop rewarding their relatives with special funds. We need to target the poor. We also need to help the poor. As Dr Lilian Achieng Gogo, I will stand with the poor, beginning with Rangwe Constituency.

I thank you for the time.

The Temporary Speaker (Hon. Peter Kaluma): Thank you very much, Dr Lilian Gogo. Do we have Hon. Titus Lotee, Member of Parliament for Kacheliba?

Hon. Titus Lotee (Kacheliba, KUP): Thank you, Hon. Temporary Speaker. As I stand to support the Report by the Special Funds Accounts Committee, my attention is drawn to the Equalisation Fund in part of the Report. I take cognisance of the fact that when the Constitution of Kenya, 2010 was enacted, there was a special Article 204(1) that talks about the Equalisation Fund. In essence, this Fund was supposed to bring to speed some parts of this country - 14 counties to be specific that have been marginalised historically by previous Governments.

By now, these counties are supposed to have caught up with development levels of other counties. Unfortunately, looking through the history of the Equalisation Fund and the Report tabled here, I have a lot of doubt as to whether we were serious when this Article of the Constitution was enacted. My constituency is one of the counties that have been extra-marginalised. I want to let this House know that Kacheliba Constituency was not part of Kenya up to 1972. We are new Kenya. In fact, we are now marginalised by history and the system. Up to now, the Equalisation Fund that was supposed to bring special services such as water, health, roads, and electricity has not done anything. It is a case where we are only given hope by this Fund. The spirit of surviving without it is killed. We become more vulnerable when we are told that we have a Fund that is supposed to bring us to speed to development, but it is not made available.

May I look at the following before I submit: The Equalisation Fund is supposed to be based on the most recent audited accounts of the revenue received. If you look at the table provided on Page 63 of the Report, out of Ksh6 trillion that we have received as unaudited since 2011, in the Financial Year 2011/2012 all the way to 2019/2020, Ksh30 billion was supposed to have gone to the Equalisation Fund. So far, only Ksh12 billion has been transferred, giving us a balance of Ksh18 billion that was supposed to go to these counties. It seems this House is not in any speed to see that this funding is given to these counties. If I look at the Report from the accounting officer, he said that Parliament has approved an outstanding amount of Ksh13 billion, which comprises Ksh6.8 billion for the Financial Year 2011/2022 and Ksh7 billion for 2022/2023. That makes it Ksh13 billion. That is what Parliament is approving for disbursement now, forgetting that we have a balance of Ksh18 billion which is supposed to be first disbursed before we approve other money. I wish the Committee looks at it and puts more energy to ensure that before the Ksh13 billion is disbursed for 2021/2022 and 2022/2023, the Ksh18 billion, which had been approved, appropriated, and not disbursed because of a court case, is released. That is one of the strong recommendations that I needed to see. We have Ksh13 billion for the financial years 2021/2022 and 2022/2023 plus the balance of Ksh18 billion. So, the Equalisation Fund is supposed to be a total of Ksh18 billion plus Ksh13 billion. However, the Report has not mentioned that.

Finally, there is incoherence in terms of how the Report has been submitted. I have looked at both the submission to the Committee by the Chief Executive Officer and the Secretary to the Equalisation Fund Advisory Board and the Fund Administrator of the

Equalisation Fund, Mr. Guyo Boru, and the statement by the Principal Secretary, National Treasury. The Chief Executive Officer says that considering the years that we have lived, the total entitlement for the Equalisation Fund since the Kenyan Constitution was enacted is supposed to be Ksh44 billion and the Principal Secretary says that the entitlement is supposed to be Ksh30 billion. Where are they speaking from? Are we serious in terms of how we keep our records? I want the Committee to give us the true figure. Is it Ksh44 billion or Ksh30 billion entitlement? If that information is in a report like this and it is not mentioned properly, then the Report could be misleading.

With that, I submit that this Fund should go to the counties that it is supposed to go. Let it go to the people of Kacheliba Constituency. They do not have water up to now yet we have funds lying here. They do not have roads. Nobody cares that all the electricity poles that had been erected are lying down and yet we are talking about the Equalisation Fund and giving a report. This Report will only be on paper until the Committee submits it and ensures that the Fund is doing what it is supposed to do as per Article 204 of the Constitution.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Lotee, the substantive Speaker of the House, the Rt. Hon. Moses Wetang'ula, had given direction on the intervention by the Senate on this Fund. I hope when it comes up, you will speak as eloquently, so that the Fund can reach the targeted regions of the country which have been marginalised for a very long time. You know the ping pong that has been going on between the National Assembly and the Senate over it. I hope all the Members, just like you, will heed the advice that our Speaker gave last time.

Hon. Francis Sigei, Member of Parliament for Sotik and former Commissioner.

Hon. Francis Sigei (Sotik, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity to also ventilate on this very important Motion. From the outset, I support this Report. Many speakers have mentioned the shortcomings of the Report. However, the Committee has done a good job. I am a first-timer in this House. In the past, we used to have only one parliamentary investigation committee that dealt with audit queries. I am in the Public Investments Committee on Governance and Education. What this Committee has done is to bring out several issues that are an impediment in implementing Government policies.

I am the Member of Parliament for Sotik. When I took over, I gave an undertaking to invite management teams of three funds: the Women Enterprise Development Fund, the Youth Enterprise Development Fund, and Uwezo Fund to come to my constituency to enlighten my people on what they are mandated to do. Our women in Sotik do not know of the existence of the Women Enterprise Development Fund. There are a lot of problems. One, is lack of awareness and two, the amount of money that is given to these women by the Women Enterprise Development Fund. It is very little. It has very little impact on our people. The objective of these special funds was to improve the lives of our people in the rural areas. However, I do not think it has done much. We need to address issues of structure and capacity of our people. In my area, people who are manning the Women Enterprise Development Fund are not known. I support this Committee but we need to look at the legal issues. What are these fellows doing? These fellows cannot answer audit queries! So, I support the Report and recommend that we go out of our way to dig deeper into issues concerning the funds just like what my colleague said about the Equalisation Fund. This is a serious issue. The Government should take deliberate actions to ensure that those areas that are marginalised are given special attention.

If the Equalisation Fund is to have impact in this country, we should do more than what the Committee has done. We need to do a study on what the Fund has done in these regions, especially the arid and semi-arid areas. I would like to see a change. Where are the officers who man these funds? What are their qualifications? Are they visible in the regions? In Sotik, I have not seen these fellows and I would like to see them.

I want to note that there was wisdom in creating these funds. What has happened is that we have left these people to run their own businesses and do what they want to do without regard to the law. So, we should support the Committees' Report and go deeper in asking questions about governance.

What are the leakages? A lot of leakage is taking place in the funds. I want to ask the Committee not to despair, but to go deeper and look at the legal issues, structure, capacity, and impact of the funds. We are only looking at the audit queries. We need to know the impact of these funds on people. We need to look at the Youth Enterprise Development Fund as seed money for our youth. Have we seen any impact from giving capital to the youth? I do not think there is any impact. We need a lot of work to be done in this area.

There was wisdom in the creation of these funds. The problem is the management, which we must address. We cannot condemn all the funds without addressing the issue of governance. That is an area that we need to discuss.

I support the Report.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Sigei. You have spoken from experience.

As the Hon. Cannon (Dr) Naomi Waqo prepares, we will have Hon. Bady, the Member of Parliament for Jomvu.

Hon. Bady Twalib (Jomvu, ODM): Ahsante sana, Mhe. Spika wa Muda, kwa kunipatia fursa hii. Kwanza, ninataka kukupongeza kwa kazi nzuri uliyotufanyia kule Uganda wakati ulipoenda kutuwakilisha katika kupinga mambo ya LGBTQ. Uliongea mpaka Rais Museveni akajua kuwa Kaluma ameingia ndani ya Kampala.

Ninachukua fursa hii kuipongeza Kamati hii ya Ukaguzi inayoongozwa na Mhe. Fatuma ambaye ametupa Ripoti kamilifu. Ninampongeza sana Mwenyekiti kwa kutupatia Ripoti yenye kina. Ripoti hiyo ina mambo mengi sana. Ninaipongeza Kamati yote, Mhe. Fatuma kama kiongozi, vile vile Catherine na wengine wote.

Kamati ya Ukaguzi imeangalia mambo ya Uwezo *Fund*, *Youth Enterprise Development Fund*, *Equalisation Fund* na hazina nyingine. Nimesikiliza wenzangu wakizungumzia sababu ambazo pesa hizo zinapotea. Mmoja wa wanenaji alisema kuwa hazina hizi zote ziwekwe mahali pamoja. Ikiwa Mheshimiwa anasema kuwa pesa zinapotea katika Uwezo *Fund*, *Youth Enterprise Development Fund*, *Equalisation Fund* na nyingine, tukimwekea yule mwizi anayeiba pesa hizi zote kwa pamoja, si tutakuwa tumemrahisishia kazi ya kuiba?

Kama Mbunge wa Jomvu, ningependekeza kuwa hazina hizo zibaki vile vile, lakini pesa ziongezwe zaidi. Kama alivyosema Mhe. C.J., yule aliyeanzisha mambo haya alikuwa na nia njema. Usimamizi ndio unaofanya mambo ambayo hayaeleweki. Kwa hivyo, pesa hizo zibaki katika Uwezo *Fund*, *Youth Enterprise Development Fund*, *Marginalisation Fund*, na *Equalisation Fund*. Zote zibaki vile vile, lakini ziongezwe halafu kuwe na usimamizi mzuri.

Ningependa kuzungumzia Uwezo *Fund*. Mimi na Mhe. Kaluma tumetoka mbali kwa pamoja. Nimekuwa katika Bunge hili mwaka 2013, 2017 na sasa 2022 - vipindi vitatu. Ninakumbuka katika mwaka wa 2017...

(Mhe. Hussein Weytan alimwashiria Mhe. Bady Twalib)

The Temporary Speaker (Hon. Peter Kaluma): Ninaona ndugu, Mhe. Weytan, anakuangalia akifikiria kuwa unasema uongo. Haamini kuwa tumekuwa hapa kwa muda huo wote.

Hon. Bady Twalib (Jomvu, ODM): Mhe. Weytan yupo pamoja nami katika Kamati ya Uchukuzi na Miundo Misingi. Bado ninamfunza kidogo jinsi atapiga vipindi vitatu kama kijana mwepesi, Garang de Mabior, Mzee Fula Ngenge, na Kaluma walivyopiga vipindi vitatu hapa. Kwa hivyo, Mhe. Weytan, usiwe na wasi wasi. Nina uhakika kuwa utarudi kufanya kipindi cha

pili. Kwa hivyo, usishangae. Ni kweli kuwa wengine watakapokuja, utatoa mfano kwao kuwa kile Mhe. Kaluma amesema ni kweli.

Pesa za Uwezo *Fund* huwa zinatengwa. Lakini ukitafuta ile miradi ambayo vikundi vilivyopewa pesa vilifanya, huwezi kuiona. Ndiyo maana mwaka 2017, wakati *polls* zilikuwa zimenikata kidogo, niliita timu yangu ya kampeni na kuwauliza haja yetu ya kufanya kampeni ilhali kulikuwa na vikundi vingi tulivyovipatia pesa wakati huo. Tulikuwa tumewapatia wengi pesa na wakajikimu. Lakini kwa sababu ya usimamizi mbaya, wanaosimamia bodi hawatuletei maafisa wa kutosha wa kuzunguka ili kuona ni vikundi gani ambavyo vimepata pesa za kufanya maendeleo.

Isitoshe, jambo hilo ndilo linasababisha vikundi hivyo visiweze kulipa pesa ili vikundi vingine vipate pesa za Uwezo *Fund*. Mpaka leo, ukiuliza katika eneo bunge lako kama kuna matatizo ya Uwezo *Fund* na *Youth Enterprise Development Fund*, unambiwa ati *file* inatafutwa. Ulimwenguni watu wako dijitali lakini wao wanachakura faili zilizojaa vumbi. Kwa hivyo, ni lazima mambo kama haya yaangaliwe. Ndiyo maana Ripoti hii imeletwa na dada yetu Mhe. Fatuma ambaye hakulala usiku na mchana ili kuhakikisha tumerekebisha mambo haya.

Kuna ukweli na ninataka niseme ambao si siasa. Hazina ya Pesa kwa Vijana inalenga vijana wetu ambao hawajiwezi. Kabla vijana hawa kupewa pesa, huwa wanachunguzwa kwanza kuteua ni wanaweza kupewa pesa zile. Vikundi vya vijana ambao hawajiwezi ndivyo vinapewa pesa hizi ili vijana waweze kujiendeleza na wapate kujikimu kimaisha. Lakini kuna Hustler Fund ambayo ukiwa nyumbani, tajiri ama maskini, una uwezo wa kutumia kidole chako kupata pesa hizo. Ningependa kushauri kuwe na pesa za kumlenga mtu ambaye hajiwezi na za kumlenga anayejiweza. Tunataka pesa hasa zilenge wale ambao hawajiwezi, kwa maana wale ambao wanajiweza wana pesa zao.

Mimi ni Mbunge kwa awamu yangu ya tatu. Kabla kuwa Mbuge, nilikuwa Diwani kutoka 2007 mpaka 2013. Kwa hivyo, niko na miaka 16 katika uongozi. Kwa nini nisimwachie mtu mwingine mambo ya pesa za vijana? Pesa za Hustler Fund zinasaidia watu ambao sio walengwa. Wale ambao ni walengwa waweze kusaidiwa kupitia pesa hizi.

Katika Eneo Bunge la Jomvu, watu wanaotaka kupewa pesa mwanzo hufanyiwa uchunguzi. Wakifaulu, kabla wapewe pesa wanapewa mafunzo. Hakuna maafisa wa kutekeleza mafunzo. Mhe. Catherine na kikundi chake wanasema ni vyema kwa sababu ninasema ukweli. Katika Eneo Bunge langu la Jomvu, tumeshirikiana na Equity Bank inayoongozwa na ndugu yangu Bw. Kanyi ambaye mkurugenzi wake ni James Mwangi. Wanatufanyia mafunzo kuhusu usimamizi wa fedha. Lakini kazi hii ilikuwa ifanywe na maafisa hawa ambao wanagawa pesa hizi. Hii ndiyo maana unagundua vikundi vinajikusanya tu, pengine hata ni afisa fulani akute watu wake kumi kumbe ni majirani zake na wengine ni wapenzi wake, kisha anawashikanisha na kutoa mistari ya kutongoza kupitia kwa pesa za Hazina ya Vijana. Mambo haya ni lazima tutoboe kwa sababu siyo sawasawa. Rusha mistari yako lakini...

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Twalib Bady.

Hon. Bady Twalib (Jomvu, ODM): Naam.

Spika wa Muda (Mhe. Peter Kaluma): Naambiwa kutongoza si neno la kutamkwa Bungeni. Maana yake ni nini? Au utalibadilisha na neno gani?

Hon. Bady Twalib (Jomvu, ODM): Kutongoza ni kurusha mistari ili msichana akukubali. Ukishindwa kwa njia ya maneno, watumia fedha ili aweze kukubali. Ninashukuru kwa kunipatia nafasi hii na ninaiunga mkono Ripoti ya hii Kamati. Ikizingatiwa vilivyo, tutaendelea.

Asante, Mhe. Spika wa Muda.

The Temporary Speaker (Hon. Peter Kaluma): *Asante sana*. Is Hon. Naomi Waqo ready? We recognise you, Mheshimiwa.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker. I am ready to give my input on this Motion. From the outset, I support the Report and congratulate the Chairlady, Mheshimiwa Fatuma. I must congratulate you for doing this. You have also presented the Report in a very good way. That is why we are here to support you. Continue with that spirit. For some of us, the sky is the beginning. Thank you.

Hon. Temporary Speaker, this Report is what Kenya needs today, putting into consideration the many challenges that we have gone through. We know very well that this Report covers the area that most of us belong to, especially women representatives. The Women Enterprise Development Fund, Youth Enterprise Development Fund, funds for people living with disabilities and the National Government Affirmative Action Fund (NGAAF) are all special funds. Some of us do not even know how to access and help our people to get the funds. The Report has brought out the weaknesses and challenges that are there. If we put all of them in order and the Report gets the attention that it deserves, then we can be sure that a lot of transformation will take place. Some things will change and we will overcome the challenges.

The Report speaks about Equalisation Fund, the Women Enterprise Development Fund and the Strategic Food Reserve Trust Fund. Kenya does not have food today. We are importing it. Just a few months ago, many of us were in crisis because we could not get enough food to feed our people. If this Strategic Food Reserve Trust Fund is taken care of and well utilised, I know very well that we will not be where we were just before the rains.

Hon. Temporary Speaker, if you look at the Women Enterprise Development Fund, a you will find that lot of mismanagement has taken place. Women who need to run businesses suffer because they cannot access the funds that are there. Sometimes it is the rich who get the money and they enrich themselves. The poor who would have been uplifted and the poverty levels in their lives reduced are still there struggling.

We are talking about the Youth Enterprise Development Fund. We know that many of our young people are not employed in Kenya today. We have graduates in our homes who got First Class Honours and Second Class Honours, but are not employed. Some of them are depressed and cannot support themselves. Some are at the age of starting their families, but because of financial constraints, they cannot even imagine of having a girlfriend, leave alone marrying a lady.

If all these Funds are well utilised, they can reduce and overcome poverty in our counties. They can serve a very good purpose. However, we have not been good stewards. That is why the Committee observed too many things. There are late submissions of accounting documentation. Why does it happen? If we have qualified people in the office, why should we have that problem? They should report, place everything in place, and cite the gaps that are there so that they can be sealed, and we move on.

A lot of negligence has happened in the past. People have not been good stewards of the resources that God has put in our hands. That is why many Kenyans who would have benefited from these funds are still suffering today. There is failure by accounting officers to submit the necessary documents. If they cannot do their work, why are they in those offices? They have their job description, but they still cannot do that particular one. Matters to do with finance and money are very sensitive. We know very well that if you are not careful with handling your own cash, you will end up being poor. This country has dropped to the level we are today because we have wrong people in offices.

I want to speak about the Civil Servants Housing Scheme. This is something that would have transformed the lives of civil servants. Unfortunately, many of our civil servants who have retired... You know when they are in Nairobi or small cities, they rent somewhere, but after they retire, they have nowhere to lay their heads. That is why many of them are depressed and some die before their days. If we can put this in place, then many of our civil servants will

go home rejoicing and smiling. Thanks to the Kenya Kwanza Government, we are giving a lot of attention to affordable housing. Our civil servants will buy and pay for a house at very affordable rates before they retire. That means that we are taking care of their retirement age. They will work, serve the Government, and enjoy their retirement in peace.

A lot of funds have gone into waste and people have not benefitted. Proper audit should be done of all these other schemes so that we know the number of Kenyans who have benefitted. We want to see the face of Kenya. Some women have not gone to school. They may be illiterate or semi-literate. Thanks to the Kenya Kwanza Government that has introduced the Hustler Fund. Today, a poor woman in the village can use her phone and get the money. We were in Sagana the other day and somebody said that the people around that area of Nyeri are doing very well in borrowing the money and transforming their lives. That is what we want to see. In every home, there is one dedicated child and through their phones... The issue of procedures like the board or committee has to sit, or a certain person has to approve, and so on, those things are not there when it comes to the Hustler Fund. They can easily access the money in the Hustler Fund. I encourage Kenyans to make use of this opportunity. Funds are available. Borrow the money and do business. See what you can do so that you can change your life. We are all agents of change.

Unfortunately, many of us are not using the opportunity that God has given us to educate our people. Civic education is very important on how to do business and how we can help young people, especially women. When a woman is empowered, the entire society is empowered. I want to encourage women and young people who are sitting at home with their certificates, please, access these funds, do business, and transform your lives so that we can have a better and healthy society. That way, we will also take care of our families in a better way.

I support the report.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Naomi Waqo. I did not know we have something called the Civil Servant Housing Scheme Fund. I am hearing it from the Report and yourself. How I wish the current Government could exploit your advice now that we have the Housing Levy. Could we have Hon. Charles Ngusya as Hon. Caroline Ng'elechei prepares to talk about the Equalisation Fund and the Women Enterprise Development Fund.

Hon. Charles Nguna (Mwingi West, WDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to add my voice to this debate.

I am a Member of the Special Funds Accounts Committee. If there is a Committee I have served that is most active, it is this one. I start by congratulating my Chairlady, Hon. Fatuma who is here. She is a first-time Member of Parliament, but she is working as if she has been in Parliament for the last 30 years. Credit goes to this honourable woman from Migori County. How I wish the people were listening to me. I hope they will re-elect her. We need her experience and expertise in leadership.

My colleagues worked hard, day and night. I remember, sometimes meetings used to end at around 8.00 p.m. There was a lot to deliberate on. We have too many funds. Out of these, we are overseeing 84 funds. So far, we have already considered over 16 of them.

(Applause)

The Women Enterprise Development Fund is very common in our constituencies. I laud the people who initiated it. When you empower a woman in any village, it is said, you empower the whole society. This Fund needs to be taken care of. In my constituency and many others, this is one of the best funds we can ever use to alleviate poverty among the women. This Fund

has been effectively used in educating and even uplifting the standards of living among women. I will very soon be highlighting the findings we got.

The Coffee Fund had a low uptake because it is a new Fund. However, it is a noble Fund if at all we will reclaim our position as being the biggest producer of tea and coffee. It is a Fund which we need to keep adding to so that farmers in the coffee sector are fully funded. Production of coffee needs to be financed.

The Strategic Food Reserves Trust Fund is another Fund which we looked at. If this Fund is utilised well, we will do away with the issue of food insecurity in this country. This is one of the key things that we have been discussing. Right now, if we utilise this Fund, we will not even require to supply relief food to the regions faced with drought.

The Equalisation Fund has a lot of mixed reactions. I remember we have recommended that we go through all the allocations of this Fund in this country. You might be existing in Nairobi, but you are marginalised hence you need to benefit from this Equalisation Fund. A place like Nyeri has pockets that are still marginalised and do not experience reliable rainfall, or lack infrastructure. This Fund usually does electricity, water, and many other things that are lacking in many constituencies. In my constituency, Mwingi West, this Fund does not exist. We are calling upon the Commission on Revenue Allocation to do intensive research. It needs to go deep to all the villages in our 290 constituencies to ensure that people who are marginalised and do not even have electricity, clean water, roads and schools, benefit from the Equalisation Fund.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Ngusya, if we were to go that direction, would the Equalisation Fund still have its meaning under the Constitution? My worry is, even parts of Homa Bay Town Constituency would claim it, and that is the hurdle we have been facing with its implementation. Contrary to the thinking of the makers of our Constitution, that it would target particular regions which had been historically marginalised, some thoughts are coming in that we should have it go to every part of the country. What are your thoughts on that?

Hon. Charles Nguna (Mwingi West WDM): That is why I suggest that the Commission on Revenue Authority needs to get out of office and visit every village in this country, including those in Homa Bay.

There are some places which do not have access to good roads, clean water, and electricity. This is a critical fact for every Kenyan to enjoy the right to basic education, food, water, and many other things. We need this Commission to work effectively and ensure services and funds reach the marginalised. Thank you for that advice.

The National Research Fund is one of the best managed funds. Two per cent of the revenue collected is supposed to go to the National Research Fund. However, this Fund has been underfunded. That is a challenge we are now facing. For example, we do not have data or any information about it. We are calling upon the National Treasury to ensure that they deliver as per the Constitution. The National Research Fund should be fully funded. It will help the nation to come up with clear and objective Vision 2030 goals.

Youth Enterprise Development Fund has an ongoing issue of concern: It seems majority of the groups were formed with a vision to steal! We know what happened to the Chief Executive Officer and the entire previous administration. I am happy to report to this House that the new CEO has really worked hard to ensure there are internal control systems to protect the Fund. We need proper enhancement of this Fund to ensure that our youths who get tenders from the Government and other institutions do not struggle accessing capital. If there is one Fund that can help our youths who have been complaining of unemployment, it is the Youth Enterprise Fund. The Uwezo Fund has similar issues.

We urge our Government to speed up the process of issuing title deeds because most of the civil servants occupy houses on land they do not have title deeds. There is so much we

can say, but we would like to call upon the respective managers of the Funds to manage them well and adhere to financial propriety.

With those few remarks, I support. I would like the House to do the same.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Ngusya, do you need more time to complete your arguments?

Hon. Charles Nguna (Mwingi West, WDM): Yes, Hon. Temporary Speaker. Kindly, add me two more minutes.

The Temporary Speaker (Hon. Peter Kaluma): I will give you two minutes.

Hon. Charles Nguna (Mwingi West, WDM): Hon. Temporary Speaker, there is so much we can discuss about late submission of documents. This has been observed. When you bring a document late, you do not know its authenticity. These are the things we have recommended the management to adhere to. We look forward to cleaning up the whole system, whereby if documents are needed, they are provided at the right time.

The other issue is long outstanding receivables. We have realised that there are uncollectible debts. Some of the people who borrowed died a long time ago. It is good for the National Treasury to expedite the process of writing off some of these debts to ensure that we clean up our system and books. There is also the issue of presentation of financial statements, which we have already done.

The other issue is on grounded assets of the National Youth Service. We need them to be disposed of quickly for the Government to realise their resale value. There is also the issue of control systems. We have been told to correct all the problems facing the Funds. We will fix them and ensure that there is efficiency, effectiveness, and economy.

With those few remarks, I support the Motion.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Caroline Ng'elechei, Member for Elgeyo Marakwet County.

Hon. Caroline Ng'elechei (Elgeyo Marakwet, Independent): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute. First of all, let me appreciate the Chair of the Special Funds Accounts Committee, Hon. Fatuma Mohammed, Full Network, from Migori County. I am very proud of this lady. She is a first-termer and an Independent Member of Parliament. That is why she is the Chair of this Committee.

I want to encourage her to keep up the good work. Many times when a first-termer is given such a huge responsibility, the gap is seen. However, she has surpassed the expectations of many people. The allocation of Special Funds is not negligible in the Government. As you are aware, there are 84 Special Funds in this Government. Many a times, I feel for them because they draw their money from the mother ministries. At times, they are allocated very negligible amounts that might not do something meaningful. For instance, there is a Special Fund in the Ministry of Agriculture and Livestock Development. However, the funds that are allocated are very minimal. At times, they depend on the Ministry to decide the amount to allocate them. If I was given the opportunity to advise the Government on these 84 Special Funds, I would tell them to come up with a ministry or body that would cover all of them, so that they would be controlled from one central position. Their challenges, weaknesses, and strengths are similar. This body will focus on them.

They should also be allowed to draw their money directly from the Exchequer. I heard some complaining that they keep on writing to the ministry requesting for the money. Most times, the year ends, but the mother ministry still has their balance. Another cabinet secretary comes in and he does not want to give them the balance incurred by the previous one. If I am given an opportunity to write a recommendation on the Special Funds, I can suggest they lump them in one unit or body that will be dealing with them.

Hon. Temporary Speaker, awareness or access to information is a problem we have in this country. Many of our citizens or the people supposed to utilise these funds are not even

aware of their existence. Some are aware of the existence of the funds, but do not know any other thing about them. An example is the Women Enterprise Development Fund. You will find that there are villages where women do not know about the existence of the Fund. As a county Member of Parliament, at times I am asked questions by members of the public when I am going to issue the Women Enterprise Development Fund, the Youth Enterprise Development Fund or the National Government Affirmative Action Fund. That tells you that there is a mix-up.

The Government should find a way of communicating the services and privileges they offer to the people of the Republic of Kenya, so that every person, whether living in Nairobi, in the interior of Elgeyo Marakwet, or in any part of the country, knows what the Government gives each person as a privilege for proper utilisation and equalisation. Nonetheless, the funds have gone a long way to help the people of the Republic of Kenya. However, I will dwell much on the weaknesses of the funds. You will find that some people who are in charge of the Special Funds handle them as personal property or something that is a preserve of those with information and authority.

This Committee and other audit committees find it very difficult when trying to follow up on queries because of late submissions. You find that many officers, during audit, submit their documentation late. I always ask myself why somebody gets to work late yet they are not paid late. As an auditor or as a person who knows that an institution is waiting for your report at the end of the financial year to make a decision, what appropriate answer do you give for not being ready on what has already been spent? At times, I believe there is laxity in those organisations. Many of them mismanage the funds. Some will even tell you how they have not collected money given to people as loans in three, four, or five years. When you ask them why not, they tell you that they do not have enough resources and motor vehicles. Then you wonder what they are still doing in office. The people responsible for these Special Funds should know that they are there because they are meant to seal some gaps that need to be felt by the people of the Republic of Kenya.

Secondly, you may find an accounting officer together with an auditor yet they are unable to submit relevant documents. If you ask me, a situation where an accounting officer does not have relevant documentation should be an audit query. Why are you not able to submit any documentation needed by an auditor at a particular time? By doing so, you are wasting resources and time of the Government and the people who are the utilisers of those funds. There is need for officers dealing with these funds to be sensitive enough to utilisers.

There is a difference between the Government and the private sector employees. Visit a private accounting firm and you will not find the same issues happening there. An example is the Uwezo Fund or the Women Enterprise Development Fund where you find accountants unable to submit documents on time. A person working in a huge bank or a SACCO will do his or her work timely yet they deal with more money than Government employees do. The employees and staff should pull up their socks to ensure that these funds revolve many times for maximum utilisation.

The Committee gave an example of the Uwezo Fund that depends on sub-county youth officers for submission of constituency returns. There are funds that depend on staff from other entities of the Government to give them information. When it becomes a third-party issue, they deal with it the way they want. For example, we have heard very many county members of parliament complaining about gender officers because they have not been having coordinators. As a result, they have been dealing with gender officers. These officers handle issues at their own pleasure. We might not blame them at times because of the amount of work they have to do in their own departments. When the Government engages people for internships and attachments, it should focus on such funds because they are very important to the people of the Republic of Kenya.

Hon. Temporary Speaker, there is also the digitisation and operationalisation of the funds. A good example of a digital platform is M-Pesa, which is 100 per cent digital. Many people in Kenya borrow from M-pesa than any other platform. There is nothing difficult in digitising them to ensure that it takes a shorter time to get money.

There is a lot to be said about these Funds. As you can see, they should not be taken lightly, but then let me...

The Temporary Speaker (Hon. Peter Kaluma): You are added one minute.

Hon. Caroline Ng'elechei (Elgeyo Marakwet, IND): Thank you Hon. Speaker. The last point I would like to make is on grounded assets. We lose much in the Republic of Kenya because of grounded assets. Let me give an example. Many of the 47 county members of parliament's vehicles are grounded. Mine needs around Ksh3.2 million for it to be in use again. The more these vehicles stay in garages, the more they depreciate. Instead of disposing them for Ksh1 million, they will be disposed for Ksh200,000. Something must be done. They should fast-track their disposal to ensure that the Government does not lose more money through depreciation and because of natural issues like the weather and other conditions.

I want to support my sister. She is doing a superb job. Let her keep it up. The people of Migori County must be super proud of her.

The Temporary Speaker (Hon. Peter Kaluma): It is time for our brothers and sisters who came in this term to prosper. We concluded the one by Hon. Wamboka the other day and Hon. Fatuma also appears to be doing very well.

I recognise Hon. Mwafrika Augustine Kamande, the Member of Parliament for Roysambu as Hon. Eve Obara and Hon. Irene Mayaka prepare. I request you to squeeze your submissions to the Report within five minutes so that you all do not miss. Proceed.

Hon. Kamande Mwafrika (Roysambu, UDA): Thank you, Hon. Temporary Speaker, I will do exactly that or even less. Thank you for giving me this glorious opportunity.

I have not seen the detailed Report about these Funds. Hon. Ng'elechei pre-empted many of my points on this Motion. She said that there are 84 Funds in this country. How many people know that we have such a number of Funds in this country? Certainly, very few. Recently, I attended a meeting with all the CEOs of these Funds and I asked them what they were doing to publicise or to make sure that Kenyans know about the Funds. The Funds are meant to alleviate poverty by way of borrowing, trading, and paying back. If you open a hotel today and you do not advertise it or direct customers there, no one will ever visit that hotel. All these Funds should operate like commercial banks in Kenya and as if they are in business. The Government should create awareness about the Funds to all Kenyans. I propose that we have an umbrella ministry to house all of them.

(Applause)

At the same time, I propose that civic education be carried out throughout the entire country to educate individuals or even groups about the Funds. For example, the Youth Enterprise Development Fund attracts zero interest; the borrowers only pay back the principal amount. This is a wake-up call to all CEOs of the Funds to publicise them. I have never seen any advert on the print media, mass media, or social media to inform people of their existence. These Funds lack publicity. The CEOs should make their operations vibrant enough so that all Kenyans can benefit from the Funds. Also, the interest earned should be utilised for the purpose the Funds have been created.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Mwafrika. Those submissions could only be made by you. Now, let us have Hon. (Dr) Eve Obara, the Member for Kabondo Kasipul.

Hon. Eve Obara (Kabondo Kasipul, ODM): Thank you very much, Hon. Temporary Speaker for giving me this opportunity to also speak on this matter. Before I make my remarks, allow me to appreciate my Chairperson and the rest of the team for a job well done.

Secondly, before I got into this Committee, I did not know how much money we have as a country - money that appears to have been designed to fail. I will be brief. The thread running through all these audit reports is the same - inefficiency, laxity, and flouting of the most basic requirements in the accounting standards. This is the same thing year in, year out. Matters that have been outstanding before are still outstanding and no one seems to bother. As a former CEO, one of the most shocking things is that officers do not present the right documentation in preparation for the audit.

The Public Finance Management Act is clear that three months after the end of a financial year, all bodies are supposed to be ready with their financial statements. This is never done. Up to the time these bodies appeared before the Committee, the reports had not been submitted to the Auditor-General. Therefore, you wonder how these people are still in office. There are many Kenyans who can do these jobs. There is a lot of wastage. Money cannot be accounted for. To say the least, I am embarrassed for our country. You do not have to be told. If you go to some of these institutions, you can see that the assets, including vehicles, are junk, yet there is a Government policy in place.

Not to get into details which have already been mentioned, but the President and the leadership of this country must cascade that performance contracting down to the chief executive officers of these institutions. They should be held to account. If you cannot perform, go home and let qualified Kenyans do the work. Simple!

Once again, I support the Report. If what we saw from the leadership of this country was genuine, we expect to see change.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Eve Obara is saying that the President has spoken on the fight against corruption. Be warned. The warning shot has been fired. Those who do not want to go to prison should do the right thing.

Hon. Irene Mayaka, Nominated Member of Parliament under the Orange Democratic Movement (ODM) party.

Hon. Irene Mayaka (Nominated, ODM): Thank you very much, Hon. Temporary Speaker, for mentioning that. I appreciate it. I also join my colleagues in supporting this very thorough and well-done document. First of all, I would like to give my accolades to the Chairperson, Hon. Fatuma "Network". Clearly, her network was in full mode when she was chairing this meeting. I like the fact that she normally calls herself 'independently ODM'. The Report shows why.

The Temporary Speaker (Hon. Peter Kaluma): She cannot be independently ODM. This is a Committee that can only be chaired by an Independent Member of Parliament.

Hon. Irene Mayaka (Nominated, ODM): An Independent Member.

The Temporary Speaker (Hon. Peter Kaluma): Yes.

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Speaker, I oblige. I would just like to make a few remarks. First of all, I would just like to acknowledge the fact that not only did this Committee look at financial years that were not within their purview, but they also went further to look at other financial reports for previous years to emphasise just how important it is for us to audit the funds that our people receive.

First of all, I would like to look at the Funds that have been listed, especially the key ones because the Committee oversees many others. One thing that really pains me, and I have experienced this even in Nyamira County, is that when you go to an office like the Women Enterprise Fund, you find that there are not enough officers. That explains why some of the reports that they give are very inefficient. I am not trying to excuse their faults, but those funds

are not being given the special consideration that they need. Those Funds have helped many people in this country.

I will give you an example of the Youth Enterprise Development Fund. There is a young man from Homa Bay County called Dr Maxwel Okoth. I do not know if you know him, Hon. Temporary Speaker, because he comes from your county. This young man currently has seven hospitals. He started with one. He was a beneficiary of the Youth Enterprise Development Fund and his hospitals even offer specialist services, including theatre. People need to hear some of these success stories. I have heard many Members say that people do not even know about the Funds. The nature of Kenyans and humans in general is that when they hear about the success of something, they want to be associated with it, or to experience it. So, I encourage the Committee that even as you strive to give us observations of some of the things that are not working, let us also hear some of the success stories because it is only from the success stories that we will encourage more people to take up these funds.

I am waiting for the day the Hustler Fund will be part of the audited funds because I am yet to hear of any of its success stories to date. I hope there is one, if at all.

I have looked at the gaps that have been indicated by the team. I have gone through them, but I cannot even finish because by the time I got to the end of Page Five, I had already identified spillage of almost Ksh200 million. The accounting is not being done properly.

I totally understand where Hon. Eve Obara is coming from when she speaks on this issue. I worked in the banking industry for almost 10 years and I get a culture shock every time I get reports that people are not doing their jobs as they should. Why are we paying officers monthly salaries if they cannot deliver as they should? Why do we not have performance contracts for everybody, including clerical officers in Government offices? This way, we will hold the officers accountable. Allow me to give you an example from my previous employment. In the banking industry, if you ever got a red on an audit report, it meant that that year you do not get your bonus. So, everybody strove to ensure that they performed to their best because they did not want it to pain their pocket. Maybe that is the direction we should take. The moment it pains someone's pocket, then they begin to take their work seriously.

It does not surprise me that even during our campaign period, the Azimio presidential candidate, our boss, Hon. Raila Amollo Odinga, would always say confidently that he was sure that should he be the president of this country, he would ensure that there is a social fund of Ksh6,000 for everyone. Whenever he was asked where he would get that money, his response was always that he has worked as a Prime Minister in this country, been in the Government and knows there are gaps. If those gaps are filled and we do not have any spillages, then there is money that we can give to people as social protection fund.

I challenge the Kenya Kwanza Government to strive to ensure that all these reports from the Auditor-General are implemented. For example, the Auditor-General should give a response within three months to show how we can recover some of these funds as has been recommended in this Report. This way, the Government will not need to tax Kenyans more or ask for extra money from Kenyans in the name of a Housing Levy. The problem is that there is too much spillage in this country. We have too much money out there. The first solution on getting more funds should not be to ask Kenyans to go deeper into their pockets and be taxed more. My challenge to the Government is to look into all the State departments and Semi-Autonomous Government Agencies (SAGAs).

All these reports that come from Parliament and its committees recommending that the Auditor-General needs to give an audit of the gaps and the spillages should be adhered to. If the Auditor-General feels that the time limit she has been given is not sufficient or that she does not have enough staff, she can let us know. There is a backlog. Apart from this Report, other reports have been presented here in the past weeks. I can assure you the work is cut out for her. I would like to tell the Chairperson that when we hit three months, she should ask the

Auditor-General to give her feedback. She should say what she has done to salvage the said amount of money.

I want to conclude by encouraging the Committee and all other committees to keep doing their work. I also encourage Kenyans who work in our State departments not to take their work for granted. They are working for Kenyans just as we are also working for Kenyans. Whatever work we do will enable another person out there to see and say that this person is doing a good job and they deserve to be promoted.

I thank you.

The Temporary Speaker (Hon. Peter Kaluma): There being no further requests for Members to speak to this Motion, I call upon the Mover to reply.

Hon. Fatuma Mohammed (Migori County, Independent): Thank you, Hon. Temporary Speaker, once again for this opportunity. I thank all the Members and the Members of the Committee for their positive contribution towards this Report. On behalf of the Special Funds Accounts Committee, we wish to express our gratitude to the Speaker for the support accorded to the Committee in the discharge of its mandate. The Committee also wishes to record its appreciation to the Office of the Clerk of the National Assembly, the Secretariat and the Office of the Auditor-General for the technical support they have given us to enable us prepare our Report.

Some of the Funds have not made their reports and audit reports since 2017, 2018, and 2019. Since we took over, when we came to this Parliament, we have done our best. We have considered 16 Funds so far.

(Applause)

I appreciate the commitment from the Members of this Committee. I thank God for all our Members who are here in this House, the Committee, and Kenyans. I request Kenyans who take loans from these revolving Funds to pay back. If you do not pay the loan, the Fund will definitely collapse. I am requesting the youth, women, and other citizens in this country to kindly pay back their loans.

Thank you, Hon. Temporary Speaker. On behalf of the Special Funds Accounts Committee, I beg to reply.

(Applause)

The Temporary Speaker (Hon. Peter Kaluma): Thank you very much, Hon. Chairperson. For the convenience of the House, the putting of the Question to this Motion shall be pended to the next sitting of the House on Tuesday.

(Putting of the Question deferred)

ADJOURNMENT

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, the time being 7.00 p.m., this House stands adjourned until Tuesday, 15th August 2023, at 2.30 p.m.

The House rose at 7.00 p.m.

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