



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. II NO. 74**

## THE HANSARD

Thursday, 17<sup>th</sup> August 2023

The House met at 2.30 p.m.

*[The Speaker (Hon. Moses Wetang'ula) in the Chair]*

PRAYERS

QUORUM

**Hon. Speaker:** Serjeant-At-Arms, you may ring the Quorum Bell.

*(The Quorum Bell was rung)*

**Hon. Speaker:** We now have a quorum to transact business.

Hon. Members, I have two short communications. The first one is a Message from His Excellency the President on the nomination of a person for appointment as the Director of Public Prosecutions.

### MESSAGE

#### NOMINATION OF RENSON INGONGA FOR APPOINTMENT AS DIRECTOR OF PUBLIC PROSECUTIONS

**Hon. Speaker:** Hon. Members, pursuant to the provisions of Standing Order 42, I wish to convey a Message from His Excellency the President regarding nomination of a person for appointment as the Director of Public Prosecutions.

In the Message, His Excellency the President conveys that, in exercise of powers conferred on him by Article 157(2) of the Constitution and Section 8(5) of the Office of the Director of Public Prosecutions Act, 2013, he nominates Mr. Renson Mulele Ingonga, OGW, as the Director of Public Prosecutions. The President now seeks the approval of the appointee by this House.

Standing Order 45 provides that upon receipt of notification of a nomination for appointment, such nomination shall stand committed to the relevant departmental committee for consideration. In this regard, I hereby refer the Message from His Excellency the President, together with the curriculum vitae, the report of the selection panel, and other testimonials of the nominees to the Departmental Committee on Justice and Legal Affairs for consideration.

Whereas Section 8(6) of the Office of the Director of Public Prosecutions Act, 2013, provides that the National Assembly shall consider the matter and table a report in the House within twenty-one (21) days, Section 8 of the Public Appointments (Parliamentary Approval) Act, 2011, requires the National Assembly to undertake the exercise within twenty-eight (28) days. In this regard, the Committee should undertake approval hearings and submit its report within the timelines provided for in the Public Appointments (Parliamentary Approval) Act, 2011.

Conscious of the fact that the House is scheduled to proceed for recess next week, I hasten to clarify that the counting of days with respect to the consideration of the nominee will

cease during the recess period and resume when the House first sits upon resumption from recess.

The Committee is, therefore, expected to immediately commence the approval process and notify the nominee and the general public of the time and place for holding the approval hearing and upon conclusion of the hearing, table its report within the set timelines as guided.

I thank you.

*(Several Members entered the chamber)*

Hon. Members, take the nearest seats. I have another Communication.

*(Hon. (Dr) James Nyikal walked through the aisle)*

**Hon. Speaker:** The nearest seat, *Daktari*. The word nearest is strange to all of you.

Hon. Members, allow me to recognise a delegation from the Assembly of the Republic of Mozambique.

## COMMUNICATIONS FROM THE CHAIR

### DELEGATION FROM THE PARLIAMENT OF MOZAMBIQUE

**Hon. Speaker:** Hon. Members, I wish to introduce to you a delegation from the Assembly of the Republic of Mozambique who are seated in the Speaker's Row. The delegation comprises Members of the Parliamentary Committee on Defence, Security and Public Order. They are:

1. The Hon. Arlindo Arrigo Maquival, Reporter of the Commission/Leader of the Delegation;
2. Hon. Deolinda Catarina Joao Chochoma, Vice-President of the Commission.
3. Hon. Elias Macacho Marceta Dhlakama, Vice-Reporter of the Commission.

I do not know if he is related to Alfonso Dhlakama.

*(Laughter)*

4. Hon. Julieta Antonio, Member of the Commission.
5. Hon. Gilberto Francisco, Member of the Commission.
6. Hon. Joaquina Oreste Siliya, Member of the Commission.
7. Hon. Atanasio Gomes Kulyaukila, Member of the Commission.

The delegation is accompanied by Mr. Fernando Chiau, Assistant to the Commission.

*(Applause)*

Hon. Members, the delegation is in the country to benchmark on best practices and share experiences with their counterpart committees on Administration and Internal Affairs as well as that of Defence, Intelligence and Foreign Relations.

Hon. Members, on my own behalf and that of the National Assembly, I welcome the Members to Parliament and wish them fruitful engagements during their stay in the country.

I have been requested by Hon. Wangari Martha, Member for Gilgil, to add her voice to that acknowledgement. Hon. Martha.

**Hon. Martha Wangari** (Gilgil, UDA): Thank you, Hon. Speaker. I join you in welcoming them and note that on behalf of the Liaison Committee, I welcome them to the

Assembly today. They have also met with the Departmental Committee on Defence, Intelligence and Foreign Relations, where I sit, and also with the Departmental Committee on Administration and Internal Affairs.

Hon. Speaker, it is just this year that the President visited Mozambique. Even as we forge other relationships and go ahead with many other agreements including trade and cooperation, it is also important that we enhance parliamentary diplomacy and that is what we are doing here with this team. So, I want to join you and my colleagues in welcoming them to the House. It is a mutually beneficial meeting, so we can benefit from them as they also benefit from us. I thank you and welcome them on behalf of the House.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Martha. There is another Communication.

CPA KENYA BRANCH AGM AND ELECTION  
OF EXECUTIVE COMMITTEE

**Hon. Speaker:** Hon. Members, you recall that on 3<sup>rd</sup> August 2023, I brought to the attention of the House the existence of vacancies in the Executive Committee of the Commonwealth Parliamentary Association (CPA) Kenya Branch.

In my Communication, I notified the House that an Annual General Meeting (AGM) was scheduled to be held on Thursday, 10<sup>th</sup> August 2023, for purposes of holding elections. I also invited interested Members to tender their applications for election in writing to the Clerk of the National Assembly.

Hon. Members, as you are aware, the CPA, Kenya Branch, held its AGM here in the National Assembly chambers as scheduled. In addition, the AGM received and adopted the Treasurer's Report on audited accounts of the Branch.

At the AGM, the following seven Members of the National Assembly were elected to the Executive Committee of the CPA, Kenya Branch:

1. Hon. (Dr) Adan Keynan;
2. Hon. Janet Sitienei;
3. Hon. Caroline Ng'elechei;
4. Hon. Catherine Omanyoo;
5. Hon. Musili Mawathe;
6. Hon. Beatrice Adagala – as the Branch's representative to the Commonwealth Women Parliamentarians (CWP); and,
7. Hon. John Paul Mwirigi - as the Branch Representative.

In keeping with the practice, the Leaders of the Majority and Minority parties in the National Assembly and the Senate form part of the Executive Committee on the account of the offices they hold.

Hon. Members, for the information of the House, the following Senators were also elected to the Executive Committee:

1. Senator Hillary Sigei;
2. Senator Esther Okenyuri; and,
3. Senator Hezena Lemaletian

Hon. Members, the Executive Committee is led by the Speakers of the Houses of Parliament, who are the Co-Presidents, whereas, the Clerk of the National Assembly and the Clerk of the Senate are the CPA, Kenya Branch Secretary and Treasurer, respectively.

The Executive Committee is now fully constituted and will assume the responsibility of steering the Branch towards achieving the objectives of the Association. I take this opportunity to congratulate the office bearers and wish them a successful and productive tenure as they carry out their roles.

Thank you.

*(Hon. Speaker consulted with the Clerk-at-the-Table)*

## MESSAGE

### NOMINATION OF ANDREW MUKITE MUSANGI FOR APPOINTMENT AS CHAIRPERSON OF THE BOARD OF CBK

**Hon. Speaker:** Hon. Members, as you may recall, I presented the President's Message as a Communication. It still stands as a Message on the Director of Public Prosecutions. I have a second Message from the President.

Hon. Members, pursuant to the provisions of Standing Order 42, I wish to convey the following Message from His Excellency the President regarding nomination of a person for appointment as Chairperson of the Board of the Central Bank of Kenya.

In the Message, Hon. Members, His Excellency the President conveys that, in exercise of powers conferred by Section 13(b) of the Central Bank of Kenya Act (CAP 491), as read together with Section 5 of the Public Appointments (Parliamentary Approval) Act, 2011 he nominates Mr. Andrew Mukite Musangi for appointment as the Chairperson of the Board of the Central Bank of Kenya. The President, therefore, seeks the approval of the Parliament on the said nomination.

Hon. Members, Section 11(2A) of the Central Bank of Kenya Act (Cap. 491 of the Laws of Kenya) reads, and I quote:

“The Chairperson shall be appointed by the President through a transparent and competitive process and with the approval of Parliament and shall hold office for a term of four years but shall be eligible for reappointment for one further term.”

Hon. Members, you may wish to note that the approval of appointment of a Chairperson of the Board of the Central Bank of Kenya is another one of the exceptions where the applicable law prescribes approval by Parliament. Indeed, the House continues to conduct such exercises jointly with the Senate.

Therefore, just for clarity, the vetting process shall proceed in the following manner:

1. The vetting of the nominee proposed for appointment as Chairperson of the Board of the Central Bank of Kenya shall be conducted by the Departmental Committee on Finance and National Planning of the National Assembly, jointly sitting with the Standing Committee on Finance and Budget of the Senate;
2. The quorum of the joint sittings of the Committees will be the respective quorums of each of the Committees as stipulated in the Standing Orders of the respective Houses;
3. As contemplated under Rule 9(6) of the Joint Rules, unless a decision is reached by consensus, any vote to be taken in the joint sittings of the Committees shall be by separate Houses. This will ensure that the numerical difference of the individual Members representing the Houses in the joint sittings has no effect on the decisions of the joint sittings of the Committees;
4. The Joint Committees shall, having conducted the vetting hearings, submit a Joint report to the respective Houses in the manner contemplated by Paragraph 7 of Joint Rule No.9; and,
5. That, the approval process shall be conducted in accordance with the provisions of the Public Appointments (Parliamentary Approval) Act, 2011.

Hon. Members, whereas the Central Bank of Kenya Act does not provide specific timelines within which the House is to consider the nominee, Section 8 of the Public

Appointments (Parliamentary Approval) Act, 2011, requires the relevant House to undertake the exercise within 28 days. Therefore, the timelines prescribed in the Public Appointments (Parliamentary Approval) Act, 2011 shall apply.

The Committees should expeditiously proceed to jointly notify the nominee and the public of the approval hearings and proceed to undertake the necessary approval hearings. Thereafter, the Committees should submit their joint report to enable the House to consider the matter within statutory timelines. Conscious of the fact that the House is scheduled to proceed for recess next week, I wish to clarify that the counting of days with respect to the consideration of the nominee will cease during the recess period and resume when the House first sits upon resumption from recess.

The Committee is, therefore, expected to immediately commence the approval process and notify the nominee and the general public of the time and place for holding the approval hearing and upon conclusion of the hearing, table its report within the set timelines.

I thank you.

*(Several Members walked into the chamber)*

Next Order. Order, Hon. Members. Take the nearest seats.

## COMMUNICATIONS FROM THE CHAIR

### A JOINT COMMITTEE TO INQUIRE INTO ACTIVITIES OF WORLD COIN IN KENYA

**Hon. Speaker:** Hon. Members, I have a further Communication on the establishment of a Joint Committee to inquire into the activities and operations of Worldcoin in Kenya.

You will recall that on Tuesday Sitting, 15<sup>th</sup> August 2023, I conveyed my decision to allow for the establishment of a Joint Ad hoc Committee to, among other things, inquire into the matters raised in a Statement by the Member for Manyatta Constituency, Hon. Gitonga Mukunji, regarding the reported activities and operations of Worldcoin.

The Joint Ad hoc Committee will comprise 15 Members drawn from the Departmental Committee on Administration and Internal Affairs; Departmental Committee on Communication, Information and Innovation; and Departmental Committee on Tourism and Wildlife. Each Committee was to nominate, in writing, five Members from amongst its membership.

I have since received, in writing, the nominees from the respective Departmental Committees as follows:

From the Departmental Committee on Administration and Internal Affairs –

1. Hon. Gabriel Tongoyo;
2. Hon. Mburu Kahangara;
3. Hon. Caroline Ng'elechei;
4. Hon. Peter Kaluma; and,
5. Hon. Sarah Korere.

From the Departmental Committee on Communication, Information and Innovation –

1. Hon. John Kiarie;
2. Hon. Geoffrey Wandeto;
3. Hon. Gideon Kimaiyo;
4. Hon. Shakeel Shabbir; and,
5. Hon. Irene Mayaka.

From the Departmental Committee on Tourism and Wildlife –

1. Hon. Kareke Mbiuki;

2. Hon. Ruku GK;
3. Hon. Edwin Gichuki;
4. Hon. Ruweida Obo; and,
5. Hon. Innocent Mugabe.

Hon. Members, in view of the nominations from the Committees and in consultation with the leadership of the House, I have co-opted the Member for Manyatta, Hon. Gitonga Mukunji, who submitted the Statement on the matter; nominated Member, Hon. Umulkher Harun Mohamed; and the Member for Shinyalu, Hon. Fred Ikana. For clarity and in keeping with practice, the co-opted Members will take part in the deliberations of the Committee and offer insights as appropriate, but they shall not have voting rights.

In conclusion, may I hasten to remind the Committee of the expectation that the inquiry be conducted immediately and a report be submitted to the House by Thursday, 28<sup>th</sup> September 2023. The Joint Committee will inquire into the activities and operations of Worldcoin in Kenya. It shall engage concerned parties including, but not limited, to the relevant ministries, departments and agencies whose mandates have a bearing on the matter.

I thank you.

Hon. Members, I had indicated that I shall designate a Chairperson of this Committee from the Departmental Committee on Administration and Internal Affairs. Since the Chairman of the Committee, Hon. Gabriel Tongoyo, has nominated himself to the Committee, I direct that he be the Chairman. It will be unwise to choose an ordinary Member of a Committee in the face of his Chair.

*(Laughter)*

#### RECOGNITION OF SPORTSPERSONS WHO PARTICIPATED IN SPECIAL OLYMPICS GAMES

**Hon. Speaker:** Hon. Members, there is the last Communication on recognition of Sportspersons who participated in Special Olympics Games. Why not say sportsmen and sportswomen?

*(Laughter)*

Hon. Members, I wish to introduce to you a delegation comprising sportsmen and sportswomen who participated in the Special Olympics Games that were held in Berlin, Germany, from 15<sup>th</sup> to 25<sup>th</sup> June 2023. They are seated in the Speaker's Gallery. You can see they are well dressed in uniforms. Thank you.

*(Applause)*

They are:

1. Vanessa Kariuki;
2. Anjela Nyambura Kamau;
3. Eflon King'ori;
4. Jed Maina;
5. Lyn Owendi;
6. Linah Mumbua;
7. Lynett Nyambura;
8. Victor Lijembe;
9. Kimanthi Mbatha;

10. Eugene Ochieng’;
11. Alex Bala;
12. Francis Kiragu;
13. Haward Masha;
14. Vincent Onyango;
15. Hope Mwangi;
16. Eric Otieno;
17. George Gichiri;
18. Josky Bonyo;
19. David Ng’ang’a,
20. Serena Makena;
21. Anthony Mwangi;
22. Esther Maina;
23. James Karanja;
24. Esther Muchiri; and,
25. Vincent Mungai.

*(Applause)*

Hon. Members, I will indulge Hon. Wanjiku Muhia to welcome the Olympians to the House and make brief remarks on your behalf. The delegation is also welcome to Parliament to observe proceedings of the National Assembly.

After Hon. Wanjiku Muhia, I have also been requested by Hon. Beatrice Elachi and Member for Westlands, Hon. Tim Wanyonyi, to make a few comments in that order. Hon. Wanjiku Muhia.

**Hon. Wanjiku Muhia** (Kipipiri, UDA): Thank you very much, Hon. Speaker. I am very proud today because Parliament is an institution which recognises athletes.

Pursuant to the provisions of Standing Order 43(1), I rise to make a Statement regarding the 2023 Special Olympics games held from 15<sup>th</sup> – 25<sup>th</sup> June 2023 in Berlin, Germany. The Special Olympics Games are international sporting events for participants with intellectual disability. It is, indeed, one of the world’s largest inclusive event that attracts thousands of athletes with intellectual disability every two years and an alternative between summer and winter games, a schedule similar to that of Olympics and Paralympics.

The first Special Olympic World Games were held in 1968 in the United States of America (USA) under the patronage of Eunice Kennedy Shriver and the founder of the Special Olympics movement in the world. With respect to Africa, the first ever special Olympic Pan-African games were held in Cairo, Egypt, in 2020.

It is worth noting that Kenya prides itself in having been the first country in the continent to establish a Special Olympic Office in 1978 followed by the Republic of South Africa. This year, the event attracted more than 170 countries, 7,000 athletes participating in 24 sports and over 20,000 volunteers. As the Chair of the Regional Integration Committee, I was inspired to witness our regional block of the East African Community (EAC) participate in large numbers including Kenya which had more than 60 participants. I am thankful to you, Hon. Speaker, and the Clerk of the National Assembly, for having granted me the opportunity, alongside Hon. Catherine Omanyoo, Member of Parliament for Busia, to represent the National Assembly in the 2023 edition of Special Olympic Games in Berlin, Germany.

Hon. Speaker, I am immensely privileged to share the monumental achievement of our Kenyan athletes at these games. Under the patronage of Her Excellency Pastor Dorcas Rigathi, our athletes left an indelible mark on the global stage. They brought home an impressive 15 gold medals, four silver medals and five bronze medals.

I wish to extend my sincere appreciation to the Deputy President, His Excellency Rigathi Gachagua, for warmly receiving and hosting our Special Olympic athletes when they returned home just as you and the Office of the Clerk did today.

I also extend a special appreciation for Her Excellency, Pastor Dorcas Rigathi for her presence and participation in this year's Special Olympic and all the officials of the event. As we look forward to the future, let us advocate for more inclusive, accepting society that celebrates the rights and potential of persons with disability. I, therefore, Hon. Speaker, implore upon you to broaden the participation of our Members who are representatives of the people, to the future Special Olympic Games. Such involvement will not only raise awareness, but also amplify the voice of those who champion the course of inclusivity.

Finally, to say that the Special Olympic Games was a momentous occasion, would be an understatement. It was a profound journey into the realm of human spirit and capability. The event demonstrated, indeed, the words of Eliud Kipchoge that "No human is limited." As we celebrate the achievement of our children living with disability, it is important that as legislators we continuously support them through funding engagement and most importantly ensuring that we have in place a robust legal and policy framework for more inclusivity.

To this end, I have already submitted a legislative proposal to amend the Persons with Disability Act 2003. My Bill seeks to oblige the Council to specify the type of disability when recognising the persons with disability (PWD's) in their system using dignified language in registration, certification of person with disability and discourage use of disrespectful and offensiveness language when referring to PWD's. Let us hold onto the vision that one day in not so far distance future, Kenya will proudly host the Special Olympics, a statement to our unwavering commitment to the world where all individual abilities are celebrated, and cherished. We embrace this year's theme of the "unbeatable together".

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Beatrice Elachi, two minutes.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Speaker. I also rise to really appreciate the Special Olympics team, Serena and her team. Indeed, how I just wish that the Ministry would have flagged off this team and start embracing inclusion such that whenever they flag off any team, they should remember they are going to carry our flag. They have carried us so high, having 3,000 coaches. How I pray that as we move forward in this inclusion, we shall have more of Kenyan coaches joining in as they do in football and any other sport that we have in our country.

More importantly, I thank you for giving an opportunity to our Members to join that team. I thank Her Excellency, Pastor Dorcas for being there for this team and every vulnerable child that she is carrying today. We appreciate the team and wish them well. I know they will do better and may God bless them.

I thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Tim Wanyonyi. You have two minutes.

**Hon. Tim Wanyonyi** (Westlands, ODM): Thank you, Hon. Speaker. I also join to celebrate our team that has performed exemplarily well. Our paralympic team has been going and coming back with more gold medals than even our olympic team, but they leave and come back quietly; nobody receives them.

Hon. Speaker, we thank you for welcoming them to Parliament. These are men and women who carry the flag of this nation. They carried our flag very high out there and we have to celebrate them. The Cabinet Secretary for Sports ought to have been at the airport to receive the team when it came back. He did not flag off or receive them when they came back and he has not even acknowledged them. That is not the way to go. The Cabinet Secretary must show that this team is representing Kenya. They are Kenyans and need to be given recognition like anybody else who has performed well such as Eliud Kipchoge and others.

Thank you, Hon. Speaker and we celebrate our team.

**Hon. Speaker:** Thank you. Let us have Hon. Catherine Omanyo

**Hon. Catherine Omanyo** (Busia, ODM): Thank you. I was there and witnessed. I was challenged to get more committed. We were in Berlin watching people living with disability playing smart, slowly but surely, get more medals than people without disability. When I came back, I realised that all of us are disabled. We are living with disabilities. Even those people with spectacles including our Hon. Speaker, if we take those spectacles from you, you will struggle to read.

*(Laughter)*

**Hon. Speaker:** You shall stop using Hon. Speaker as a point of reference in any manner of debate.

**Hon. Catherine Omanyo** (Busia, ODM): The point is how we look at people, describe, call and discriminate them simply because they have challenges. That should not make us define and deny them chances. I will support anytime there is an opportunity in offices, houses, and let people with disabilities give all they have. This is because they might only be disabled because of an organ, maybe a hand, leg or intellectually, but there is something they showcase or offer to be part of a solution in our country. When I witnessed that, I realised that our institutions in Kenya, schools, homes and even offices do not have accessibility for people living with disability.

**Hon. Speaker:** Hon. Catherine, your time is up.

**Hon. Catherine Omanyo** (Busia, ODM): I hope one day this country will wake up and do something for the sake of people living with disability. Thank you.

**Hon. Speaker:** Thank you, Hon. Catherine. Is the Chairperson of the Committee of Sports in the House? The Vice-Chair? Leader of the Majority Party, I am not giving you a chance to speak. I want you to inform this House when we resume. Order, Hon. Muhia. Let her listen. When we resume, you will inform the House why the Cabinet Secretary for the Ministry of Youth Affairs, Sports and Arts could not flag off this team or receive it when it came back carrying phenomenal success for the country. You will report to the House when we resume. I direct the Committee to find out from the Cabinet Secretary why this happened and ensure it does not happen again.

**Hon. Naomi Waqo** (Marsabit County, UDA): Hon. Speaker, that is noted.

**Hon. Speaker:** Thank you. Yes, Hon. Rindikiri. You will be the last on this.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Thank you, Hon. Speaker.

From the onset, I would like to congratulate our team. I happened to be around when they were leaving, when they were being denied travel visa to attend the sports. I joined them together with Hon. Muhia. By the grace of God, they received travel visas. It is our duty to give every Kenyan an opportunity to participate in sports. I am a captain in golf and I ask everybody to join the sport of golf as any other person. These are very special people to us. We have a person with special needs in every village and constituency. They are not lesser persons. Therefore, we need to give them all support, both material and moral, as they showcase their talent.

These people have demonstrated that Kenya is not short of talent in sports. We must stand with them. They need to be given special privileges just like other sports personalities in this country. These people require travel visas and passports to be in place in good time. They also require to be funded to have all the facilities they require to continue with their sporting activities.

*(Applause)*

Therefore, I am asking this House to support the amendment forwarded by Hon. Muhia so that we can have these people properly entrenched in sporting activities. It is very shameful for a cabinet secretary not to go and identify himself with this team. If a cabinet secretary cannot identify with this special people, he has failed.

**Hon. Speaker:** Thank you. Yes, Hon. Shakeel Shabbir. Do you also want to say something on this for two minutes? The microphone is next to you.

**Hon. Shakeel Shabbir** (Kisumu East, Independent): Yes, Hon. Speaker. The microphone is next to me.

Thank you, Hon. Speaker. I speak not only on my behalf, but also as the independents of this august House. It is really a shame the way we treat our heroes. These are not the first ones. With our insistence, I hope they will be the last to be treated the way they are treated. I remember there was a time when we were at the airport and we met a certain world record holder coming back. He just walked through. When you go to European countries, they welcome people who clinch position 15 like heroes.

Hon. Speaker, we have also discussed this matter with the President's Awards-Kenya (PA-K). There have been times when awards were given to people who were walking around with *maharagwe* and whatever. I think that has to stop. We must have an understanding that any athlete who gets us a gold medal is given a particular award. A world record should be given a particular award as well as a particular State recognition together with some money thereto.

Foreign coaches and managers misuse many of our athletes. I know one who has been in abject poverty and another who passed away not long ago. They were world record holders and they died in abject poverty. I urge my friend, Mhe. Ababu Namwamba, to start getting away from the World Rally Championship and some of these fancy programmes.

**Hon. Speaker:** Yes, Hon. Bowen.

**Hon. Kangogo Bowen** (Marakwet East, UDA): Thank you for giving me this opportunity to also congratulate our team. As you have just said, Kenya as a nation and the Kenyan Government must take our athletes seriously. I think the President was right a few weeks ago when he said that some cabinet secretaries were clueless; that they do not understand what is happening in their respective ministries. The Cabinet Secretary, Ministry of Youth Affairs, Sports and Arts is one of them.

*(Applause)*

There is no way the Cabinet Secretary is nowhere to flag off these ambassadors going to represent us in the olympics. When traveling outside the country as Members of Parliament, and we mention that we are from Kenya while interacting with our colleagues out there, the first thing they say is that they know Kenya because of Kenyan athletes. Athletes are the real ambassadors of this country. They must be accorded the respect they deserve. Apart from competing, they must also be rewarded very well. I think we are the only country where we only go to the airport to welcome our athletes, but there is no reward to encourage them in their next championships.

I support my colleague, the Member for Kipipiri. We are going to support her Bill. Otherwise, I wish our team well. We are proud of you.

**Hon. Speaker:** Thank you. Lastly, let us have the Leader of the Majority Party. You said that you want to say something on this.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you for your indulgence.

I was in Kiambu County with H.E. the President, and I was listening as I was driving from Kiambu. It is, indeed, extremely sad that such good ambassadors of our country can leave

the country without due recognition by the ministry charged with that responsibility. To make matters worse, they go and represent our country out there, win and come back, and not a single officer from the ministry or the Cabinet Secretary himself has the decency and courtesy to receive them at the airport, recognise and appreciate the good work they have done for our country.

Indeed, I can hear Hon. Shakeel Shabbir sarcastically whispering that the Cabinet Secretary is busy. All cabinet secretaries are busy, but your core business is managing our sportsmen and sportswomen when you are the Cabinet Secretary for Youth Affairs, Sports and the Arts, and more so, those who are abled differently. We should support those people more so that even as we speak about giving opportunities to persons with disabilities or are abled differently than us, it does not become just a matter of talking. We should be showing others with talents and skills in other areas that they are recognised, appreciated and valued by their country.

Therefore, on behalf of the Government of Kenya, let me take this opportunity to apologise profoundly to these great sportsmen and women of our country.

*(Applause)*

Even as I apologise on behalf of the Government and the people of Kenya, the Cabinet Secretary must appear before this House. I will cause his appearance, specifically to tell this House and the people of Kenya why he lacks the time to attend to people representing our country and are good ambassadors of our country because that is his biggest responsibility.

As you were saying yesterday, Hon. Speaker, Members of Parliament as the people's representatives must hold cabinet secretaries to account. You are not made a cabinet secretary in this country to fly flags on the streets, push, and bulldoze your way through traffic with Subaru escorts. You are a cabinet secretary to serve the people.

*(Applause)*

If you were made the Cabinet Secretary in charge of sports, you must serve sportsmen and women of this country, and the best ambassadors for us.

Hon. Speaker, you can imagine the great feeling that we all have when these athletes are competing out there, and winning medals for us. We all come together as Kenyans and the highest representation we should see in those stadia are our cabinet secretaries and not joyriders to accompany them to trips abroad doing nothing. We must see them here receiving our number one ambassadors around the world.

Therefore, on behalf of not just these Members, the people of Kenya and the Government of the Republic of Kenya, I must profoundly apologise to these great men and women who have ably represented our country. I also promise them that we shall make the Cabinet Secretary account for his time in office. He must also appear before this House to tell us why he could not afford time not just for these athletes, but even for others.

I am constrained to say more because there is more that I could have said.

**Hon. Members:** *Toboa! Toboa!*

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, I heard the President the other day saying that there are people serving in the Government who he knows more about their departments and agencies in their ministries than they do. Let them know that notice has been served by none other than the President, and we shall pick the cue from there and it shall not be pleasant. I know you have the copyright of "noisy and messy", Hon, Speaker, so I will not use those words.

Thank you.

**Hon. Speaker:** Thank you, Leader of the Majority Party.

Hon. Members, let us salute those young athletes and thank Hon. Muhia and Hon. Catherine Omanyo for being in Berlin to represent us at the games. Hon. Members, because of these great young Kenyans, Kenya's National Anthem is the most played in capitals around the world because of their performance. If you go to some countries, you will find a street named after an athlete, and the only recognition they have is that he finished a race at the Olympics – just finished a race at the Olympics. However, these athletes are world beaters.

Hon. Dan Wanyama, we had closed this, but I had given direction to your Committee, and you must act. I give you a minute.

**Hon. Daniel Wanyama** (Webuye West, UDA): Thank you, Hon. Speaker. Just to have a minute to thank the athletes who did this country proud.

As a Committee, I facilitated the going and participation of Hon. Catherine Omanyo to be part and parcel of that contingent on behalf of the Departmental Committee on Sports and Culture, but what has been said on what transpired is unfortunate. As a Committee, we will summon the Cabinet Secretary and the Permanent Secretary to appear before the Committee. He will explain, in writing, why he was not in a position to receive and accord these athletes who have given us a good name in the world. I would, therefore, follow up on what happened and we will table a report on what the Cabinet Secretary would have explained as far as these athletes are concerned.

Once again, as a sportsman, I want to thank these Kenyans who have put Kenya on the map for good reasons altogether.

Thank you.

**Hon. Speaker:** Thank you. Next Order.

## PETITION

### DELAYED PAYMENT OF PENSIONS BY KENYA RAILWAYS CORPORATION

**Hon. Speaker:** There is a Petition to be presented by Hon. Charles Onchoke. Go ahead.

**Hon. Charles Onchoke** (Bonchari, UPA): Thank you, Hon. Speaker for the opportunity to present this Petition.

I, the undersigned, on behalf of Mr. Benson Asiago Mocheo, an aggrieved Kenyan citizen, draw the attention of the House to the following:

THAT, Article 1 of the Constitution of Kenya, 2010 replaces all sovereign authority to the people of Kenya. The people of Kenya have delegated legislative authority to the Parliament as the representative of the people;

THAT, Article ten of the Constitution provides for the national values and principles of governance. The same bind all State organs, State officers, public officers and all persons.

THAT, Mr. Benson Asiago Mocheo, worked for the Kenya Railways Corporation for 17 years from 8<sup>th</sup> January 1968 to 30<sup>th</sup> April 1985 as a Station Manager on permanent and pensionable terms. In 1984, The University of Nairobi placed an advertisement in *The Daily Nation* for the position of assistant accountants, public officers in Government and parastatals who are eligible to apply through their respective heads of departments for recommendations and other necessary formalities;

THAT, Mr. Benson made an application for the said position through the Managing Director of Kenya Railways Corporation and was later invited for an interview and offered the advertised position in 1985. He therefore, forwarded his letter to the Managing Director of Kenya Railways Corporation to release him and transfer his trusts service to The University of Nairobi. The Managing Director of Kenya

Railways Corporation, authorised Mr. Mocheo's transfer to The University of Nairobi, where he worked for 22 years until his retirement in the year 2006;

THAT, The University of Nairobi and the Kenya Railways Corporation have severally agreed that the latter would pay Mr. Benson Asiago Mocheo pension for the 17 years of service at the Kenya Railways Corporation. However, the University of Nairobi paid Mr. Mocheo's pension for the period worked but the Kenya Railways Corporation has not paid its dues to date;

THAT, twice, Mr. Mocheo has sought redress in court without success as the courts have deemed this matter time barred. The Kenya Railways Corporation further alleges that The University of Nairobi ought to have paid his pension for both the 20 years and 17 years; Mr. Mocheo has refused to accept the pension payment of Ksh527.20 per month absorbed by the corporation; Mr. Mocheo has refused to pick a pension cheque issued in 2007 by the corporation; and Mr. Mocheo has refused to fill all the census forms. Contrary to the allegations by the Kenya Railways Corporation, Mr. Mocheo claims to have been filing the census forms every year and is not aware of any cheque made in the year 2007. Further, that the Ksh527.20 per month offered by the corporation is lower than the rightful amount of Ksh9002.45 as calculated using his last salary in the 2006.

Therefore, your humble petitioner prays that the National Assembly, through the Public Petitions Committee:

1. Inquires into the matter and recommends an appropriate mechanism for resolving the matter for the benefit of the petitioner.
2. Recommends an action to be taken on all involved in the continued violation of Mr. Mocheo's right to fair administrative action as provided under the Constitution of Kenya, 2010 and the Fair Administrative Action Act No.4 of 2016.
3. Recommends payment of the delayed pension to Mr. Benson Asiago Macheo; and,
4. Makes any other recommendation or action it deems fit to address the plight of the petitioner.

Hon. Speaker, I submit.

**Hon. Speaker:** Thank you Hon. Onchoke, that petition is committed to the Public Petitions Committee. You want to say something?

**Hon. Stephen Mogaka** (West Mugirango, JP): Yes.

**Hon. Speaker:** I will allow you two minutes.

**Hon. Stephen Mogaka** (West Mugirango, JP): Thank you, Hon. Speaker, for the two minutes. I empathise with that petitioner. Talking about pensions is touching on a raw nerve. This is because all of us here have pensioners who are senior citizens who gave distinguished service to this republic. When it comes to their terminal benefits, particularly pension, these people are treated in a very degrading manner.

This petition reminds me that in my constituency, I lost a member of county assembly (MCA), in a road accident - the Leader of the Majority Party, Nyamira County Assembly. I will be doing a fundraiser for his burial this afternoon. Sadly, his father who turned blind beside being bereaved, when I was condoling him, gave me a narration of what he has gone through as a retired teacher. He has not received his pension and his only prospective support was the MCA who died. This is a very tragic moment and I plead with this 13<sup>th</sup> Parliament to look for a way of ending the suffering of many pensioners. For example, in Makueni, there is Rhoda Andaya who was a teacher and has not received her pension since she retired. I will also mention a friend of mine from Bonchari who I visit frequently, Mr. David Nyakebako, who has not received his pension. My area Chief, Mr. Okenye, also retired, has not received his

pension. The names are endless and I empathise with this petitioner. When this Petition goes to the relevant committee, kindly, let them rise to the occasion.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Rachael Nyamai.

**Hon. (Dr) Rachael Nyamai** (Kitui South, JP): Thank you very much, Hon. Speaker, for giving me an opportunity to support this very important petition brought by Hon. Charles Onchoke. The matter of retirees is becoming very problematic in our country. I have several old people, mostly men, who worked for the Kenya Railways Corporation. They are also giving a story similar to the one raised by Hon. Onchoke.

I would like to encourage the Committee led by Hon. Mbai to not only look at the matter raised of Mr. Asiago, but go beyond and check on other retirees. I would like to raise the ones from my constituency like Mutoma Andikudha who worked for Kenya Railways for 20 years. Others worked for 25 years then stopped working or retired and have never been paid. I would like to mention Mr. Musili from Kathithu Village in my constituency whose two wives are suffering because they have children and are unable to take care of them. All they do is carry his card which they have presented to my office. As the Committee looks into this matter, I would like to encourage it to look into the matter of Mr. Musili and other Kenyans in the same situation.

**Hon. Speaker:** Thank you. Hon. Benja.

**Hon. Benjamin Lang'at** (Ainamoi, UDA): Thank you, Hon. Speaker, for giving me this opportunity to also join my colleagues in empathising with Kenyans who are suffering because of non-payment of their pensions. The Pensions Department is the most mismanaged in the Republic of Kenya. We have too many teachers, doctors and public servants who after leaving service spend over five years following up on their pension.

I think we need to do radical surgery to this department and ensure that every Kenyan who retires receives their pension the next month. First of all, those retiring are known one year before retirement and informed. There should be no reason why pension should not be paid immediately after retirement. In the Departmental Committee on Finance and National Planning, I was discussing with Members on pensions payment and some said that retirees should get their pension after three months. I said it should be immediate because the retirement age of employees is known.

Concerning teachers, I have taken time to speak with the Kenya National Union of Teachers (KNUT) officials in my constituency. What they proposed, which I think needs to be supported, is that pension of teachers should be managed by the Teachers Service Commission (TSC) because they are the employers. Even the pension for Parliament should be managed by the Parliamentary Service Commission (PSC) so that all pensioners get their dues on time.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Murugara.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Speaker. I think we should send a message to the Kenya Railways Corporation and remind them the precursor of the Kenya-Uganda Railway which was started a long time ago during those days when slavery was still rampant in these parts of Africa. Maybe, they still have that mentality of mistreating employees purely because they have an upper bargaining power.

They used to have a railway line from Kenya to Uganda notoriously known as the 'Lunatic Express'. This was some form of madness which possibly still lingers in their minds today as they treat these old employees in the most unfair and unjust manner. There is the issue of limitation which has been raised. I am happy to say that as we speak, the labour relations laws are quite lenient on issues of limitation. Therefore, they should not fall back on the old employment laws because most have been repealed.

This is a matter they should look into a fresh and ensure the employee is compensated by receiving his dues. To all employers, it is now routine that as an employee approaches retirement age, he is reminded every day on days or months remaining. There is no reason why an employer should not start computing pension dues towards the terminal end of the employment of every employee. I think as a House we need to look at the pensions law, retirement laws, retirement benefits and others to ensure that we protect employees as they go on retirement.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Zamzam.

**Hon. Zamzam Mohammed** (Mombasa, ODM): Asante sana Mhe. Spika, kwa kunipatia nafasi hii niweze kuunga mkono *petition* ambayo imeletwa leo kuhusu Kenya *Railways Corporation*. Niko na mjomba wangu ambaye anaitwa Juma Mohammed Miti aliyefanya kazi na kampuni hii kwa miaka mingi sana. Kila nikienda kumtembelea analalamika ule mgao wao wa malipo ya uzee unachelewa sana. Ninafikiri kuna mtu anayefanya makatafunio kule. Wakati huu Serikali inafaa iangalie wazee wetu ambao wameihudumia kwa miaka mingi. Yeye alikuwa *Station Master* pale Kisumu, alimaliza lakini *pension* ama malipo ya uzeeni yanamsumbua sana.

Tuko mpaka na *councillors* na wanalia sana. Ninafikiri wataleta *petition* hapa Bungeni maanake wamesahaulika kama walitoa huduma kwa Serikali hii. Kwa hivyo, ninaunga mkono *petition* hii kuwa waalimu, madaktari na wafanyikazi wa Serikali wote, malipo yao ya uzeeni yaangaliwe vizuri. Wazee wanahangaika sana katika taifa hili. Hata wale ambao wanalipwa malipo mengine ya Ksh2,000 wao pia huihiwa. Kwa hivyo, tusiwaache wazee wetu wakihangaika katika taifa hili ilhali walitoa huduma.

Asante sana Mhe. Spika.

**Hon. Speaker:** Thank you. The Petition is committed to the Public Petitions Committee.

Next Order!

## PAPERS

**Hon. Naomi Waqo** (Marsabit County, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

1. Reports of the Auditor-General and Financial Statements on the Judiciary Mortgage Scheme for the years ended 30<sup>th</sup> June 2012, 30<sup>th</sup> June 2013, 30<sup>th</sup> June 2014, 30<sup>th</sup> June 2015, 30<sup>th</sup> June 2016, 30<sup>th</sup> June 2017, 30<sup>th</sup> June 2018, 30<sup>th</sup> June 2019, 30<sup>th</sup> June 2020, 30<sup>th</sup> June 2021, and 30<sup>th</sup> June 2022, and the certificates therein.
2. Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2022 and the certificates therein:
  - (a) St. John's Teachers Training College Kilimambogo; and,
  - (b) Limuru Technical and Vocational College.

**Hon. Speaker:** Thank you, Leader of the Majority Party. Chairperson of the Departmental Committee on Transport and Infrastructure.

**Hon. George Kariuki** (Ndia, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

1. Reports of the Departmental Committee on Transport and Infrastructure on:
  - (a) The East African Community (EAC) Multilateral Agreement on Aircraft Accidents and Incident Investigations; and,

- (b) Protocols Relating to Amendments of Articles 50(a) and 56 to the Convention on International Civil Aviation 1944 (Chicago Convention).

**Hon. Speaker:** Chairperson of the Departmental Committee on Justice and Legal Affairs.

**Hon. George Murugara** (Tharaka, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

1. Reports on the consideration of the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill (National Assembly Bill No.35 of 2023) by the following committees:
  - (a) Departmental Committee on Justice and Legal Affairs; and
  - (b) Departmental Committee on Finance and National Planning.

**Hon. Speaker:** Next Order. Chairperson of the Departmental Committee on Transport and Infrastructure.

### NOTICES OF MOTIONS

#### RATIFICATION OF EAC MULTILATERAL AGREEMENT ON AIRCRAFT ACCIDENTS AND INCIDENT INVESTIGATIONS

**Hon. George Kariuki** (Ndia, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Transport and Infrastructure on its consideration of the East African Community (EAC) Multilateral Agreement on Aircraft Accidents and Incident Investigations laid on the Table of the House on Thursday, 17<sup>th</sup> August 2023 and pursuant to the provisions of Section 8(4) of the Treaty Making and Ratification Act, 2012, approves the ratification of the East African Community Multilateral Agreement on Aircraft Accidents and Incident Investigations.

#### RATIFICATION OF PROTOCOLS RELATING TO AMENDMENTS TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

**Hon. George Kariuki** (Ndia, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Transport and Infrastructure on its consideration of the protocols relating to amendments to Articles 50(a) and 56 to the Convention on International Civil Aviation 1944 (Chicago Convention) laid on the Table of the House on Thursday, 17<sup>th</sup> August 2023 and pursuant to the provisions of Section 8(4) of the Treaty Making and Ratification Act, 2012, approves the ratification of protocols relating to amendments to Article 50(a) and 56 to the Convention on International Civil Aviation 1944 (Chicago Convention).

**Hon. Speaker:** Next is Hon. Ruku.

### NOTICE OF ADJOURNMENT ON A MATTER OF URGENT NATIONAL IMPORTANCE

#### NEW FINANCING MODEL FOR HIGHER EDUCATION AND TECHNICAL INSTITUTIONS

**Hon. Ruku GK** (Mbeere North, DP): Hon. Speaker, I beg to give notice of an Adjournment Motion on a definite matter of urgent national importance regarding the new financing model for Higher Education and Technical Institutions.

Hon. Speaker, pursuant to Standing Order 33(1), I seek leave for the adjournment of the House for purposes of discussing a matter of urgent national importance regarding the new financing model for students joining universities, colleges, and technical institutions in Kenya.

Under the new financing model, the level of funding to be extended to each student will be based on several factors to be determined by the Higher Education Loans Board (HELB) and the Universities Fund (UF). Among the factors to be considered are parents' background, gender, programme type and cost, marginalisation, disability, family size and composition, Government priority areas, and affirmative action. The object and spirit of the new tertiary education financing model is to promote inclusivity and equal opportunities to accessing higher education by addressing financial barriers that hinder many students from pursuing higher education and technical training.

Hon. Speaker, there are serious concerns that the new financing model may put unrealistic burdens on parents and guardians amidst turbulent economic times thereby disadvantaging some students who qualify to pursue higher learning. In addition, an analysis of various programmes in different universities indicates that some public universities are charging higher tuition fees than some private intuitions thereby jeopardising accessibility and affordability of higher education.

It is also notable that the previous Government subsidy for higher learning has been removed and, therefore, students who miss out on Government scholarships and loans will have to pay the entire amount. Further, students will be required to apply for tuition funding every year with no guarantee of securing the funds on each application, among other tougher terms.

While the new model could unlock a lot of potential in transforming funding for higher learning in our country, abundant caution must be exercised so that it does not jeopardise access to higher learning in this country. This is a matter of great concern given that students who sat for the Kenya Certificate of Secondary Education (KCSE) in 2022 are due to join universities and colleges in September 2023, yet it is not clear whether the model will facilitate accessibility and affordability to higher learning or may end up commercialising the sector.

Hon. Speaker, it is against this background that I seek leave for adjournment of the House to discuss this matter of great national concern.

Thank you, Hon. Speaker.

*(Several Members stood up in their places)*

**Hon. Speaker:** Do you have 20 Members supporting you? You have the requisite support. I direct that this Motion be moved by 6.00 p.m. this evening.

Hon. Tindi Mwale, what is your point of order?

**Hon. Nicholas Mwale** (Butere, ODM): Thank you, Hon. Speaker. I rise on a point of order concerning the matter you have just ruled on. I thank you for the direction you have given that we will have time to discuss the Motion of Adjournment by Hon. Ruku. But as you are aware, the architect and design of our Standing Orders do not provide that we get a resolution or direction at the end of the debate. Additionally, as you are aware, education is a fundamental right and its access should not be overemphasised. Therefore, I humbly request that, under Standing Order 25A(b), after debating the Motion, we should call the Cabinet Secretary for Education to shed more light on the matter and give the House relevant information about the new funding model for new university students.

Thank you, Hon. Speaker.

(Applause)

**Hon. Speaker:** Hon. Mwale, Hon. Ruku has chosen to bring that Motion, which is his right. But the Departmental Committee on Education needs not to be prompted by anybody to call or summon the Cabinet Secretary to appear before them to discuss any matter that touches on his docket and affects the people of Kenya. I can see the Chairman of the Committee is here and can note that. So, beyond the Motion that Hon. Ruku has brought to the House, the Committee shall remain seized of the matter and can call the Cabinet Secretary any time to deal with the issue. Under the Standing Orders, the Committee can also bring unsolicited statements to the House to apprise the House and the people of Kenya on any matters within their oversight responsibility. You are right, but the Chairman of the Departmental Committee on Education is here, although I will not give him an opportunity to say anything now. Let us wait for the Motion so that we can speak to it.

Next Order.

### STATEMENT

**Hon. Speaker:** The Leader of the Majority Party. Read to the House your Thursday Statement.

#### BUSINESS FOR WEEK OF 21<sup>ST</sup> TO 25<sup>TH</sup> AUGUST 2023

**Hon. Naomi Waqo** (Marsabit County, UDA): Hon. Speaker, I rise under Standing Order 44(2)(a) to make a Statement on behalf of the House Business Committee, which met on Tuesday, 15<sup>th</sup> August 2023 to prioritise business for consideration during the week.

I wish to remind Members that the House is scheduled to proceed for recess next week. As such, Members should note that the House may be required to sit longer or have additional sittings on some days to conclude any urgent matters before proceeding for the break. With respect to the business for Tuesday, next week, the House will undertake Second Reading of the following Bills, including those not concluded today:

1. The Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill, 2023.
2. The Water (Amendment) Bill, 2023.
3. The Climate Change (Amendment) Bill, 2023.
4. The Statute Law (Miscellaneous Amendments) Bill, 2022.

The House will also debate the following Motions, some of which are listed in today's Order Paper, should they not be concluded:

1. Report of the Kenyan Delegation to the 146<sup>th</sup> Assembly of the Inter-Parliamentary Union (IPU) and related meetings.
2. Report of the 4<sup>th</sup> General Assembly of the Eastern Africa Parliamentary Alliance on Food Security and Nutrition (EAPA-FSN).
3. Report on the inspection of various one-stop border posts in the Northern Corridor of the East African Community.
4. Report on employment diversity audit in public institutions.
5. Consideration of reports of the Auditor-General on financial statements of the National Government Constituencies Development Fund (NG-CDF) for 12 constituencies in Kakamega County.
6. Probable loss of investments in the Cytonn High Yields Solutions platform.

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, 23<sup>rd</sup> August 2023 to respond to Questions as follows:

1. The Cabinet Secretary for Tourism, Wildlife and Heritage will respond to the following Questions:
  - (a) Question 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.
  - (b) Question 320/2023 by the Member for Wajir East, Hon. Aden Daudi Mohammed, regarding oversight of the Tourism Promotion Fund Board.
  - (c) Question 321/2023 by the Member for West Pokot County, Hon. Rael Kasiwai, regarding rehabilitation and preservation of Kapenguria Museum.
  - (d) Question 322/2023 by the Member for Mandera South, Hon. Abdul Haro, regarding steps taken by the Ministry to mitigate human-wildlife conflict in Mandera South Constituency.
  - (e) Question 323/2023 by the Member for Samburu County, Hon. Pauline Lenguris, regarding compensation of families and residents in Samburu County for people killed by wild animals and destruction of their property.
  - (f) Question 324/2023 by the Member for Nyandarua County, Hon. Faith Wairimu Gitau, regarding cases of human-wildlife conflict at Mukindu in Ol'Kalou Constituency.
  - (g) Question 325/2023 by the Member for West Pokot County, Hon. Rael Kasiwai, regarding settlement of approved compensation claims in Nasolot Game Reserve.
2. The Cabinet Secretary for Foreign and Diaspora Affairs will respond to the following Questions:
  - (a) Question 241/2023 by the Member for Chuka/Igambang'ombe, Hon. Patrick Munene, regarding availability of emergency funds to Kenyan Missions abroad for purposes of assisting Kenyans in distress.
  - (b) Question 301/2023 by the Member for Saboti, Hon. Caleb Amisi, regarding delayed payment of salaries to Kenyan staff seconded to embassies and missions abroad.
  - (c) Question 302/2023 by the Member for Keiyo South, Hon. Gideon Kimaiyo, regarding refund of fees to unsuccessful United States visa applicants.
  - (d) Question 303/2023 by Nominated Member, Hon. Sabina Wanjiru Chege, regarding compensation of survivors of the 1998 bombing of the US Embassy in Nairobi.
3. The Cabinet Secretary for the National Treasury and Economic Planning will respond to the following Questions:
  - (a) Question by Private Notice 10/2023 by the Member for Turkana South, Hon. John Ariko, regarding unlawful dismissal of Revenue Service Assistants.
  - (b) Question 150/2023 by the Member for Kanduyi, Hon. John Makali, regarding the current annual status of the balance sheet of Nzoia Sugar Company.

- (c) Question 151/2023 by the Member for Mathare, Hon. Anthony Oluoch, regarding arrears owed to political parties in the financial years 2016/2017 and 2022/2023.
- (d) Question 153/2023 by the Member for Kiambu, Hon. Machua Waithaka, regarding the decline in US dollar reserves in the country.
- (e) Question 215/2023 by the Member for Ugunja, Hon. Opiyo Wandayi, regarding delay in disbursement of the equitable revenue share to counties.
- (f) Question 216/2023 by the Member for Tiaty, Hon. William Kamket, regarding the impact that de-localisation by countries such as China, Brazil, Russia, India, Malaysia, and Saudi Arabia may have on Kenya's economy;
- (g) Question 217/2023 by the Member for Wajir East, Hon. Aden Daudi, regarding non-disclosure of merchants' fees and penalties charged on credit/debit cards;
- (h) Question 294/2023 by the Member for Awendo, Hon. Walter Owino, regarding the proposed Privatisation Plan which includes the sale of South Nyanza Sugar Company nuclear land;
- (i) Question 295/2023 by the Member for Balambala, Hon. Abdi Shurie, regarding the refusal of cash payment by certain business establishments;
- (j) Question 296/2023 by the Member for Gatundu South, Hon. Gabriel Kagombe, regarding the delayed disbursement of funds to the National Youth Service;
- (k) Question 297/2023 by the Member for Mathioya, Hon. Edwin Mugo, regarding recruitment of Revenue Service Assistants by the Kenya Revenue Assembly (KRA);
- (l) Question 354/2023 by the Member for Dagoretti North, Hon. Beatrice Elachi, regarding the impact of the import fee levied on raw materials under the Crops (Nuts and Oil Crops) Regulations, 2020; and,
- (m) Question 356/2023 by the Nominated Member, Hon. Dorothy Ikiara, regarding the delay in payment of pension to retired teachers.

Hon. Speaker, the House Business Committee will re-convene on Tuesday, 22<sup>nd</sup> August 2023 to schedule the business for the rest of the week.

I now wish to lay this Statement on the Table of the House.

*(Hon. Naomi Waqo laid the document on the Table)*

I thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Naomi Waqo.

Next Order.

## BILLS

### *First Readings*

THE HOUSES OF PARLIAMENT (BICAMERAL RELATIONS) BILL  
(National Assembly Bill No.44 of 2023)

THE NATURAL RESOURCES (BENEFIT SHARING) BILL

---

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

(Senate Bill No.6 of 2022)

THE EMPLOYMENT (AMENDMENT) BILL  
(Senate Bill No.11 of 2022)

THE COTTON INDUSTRY DEVELOPMENT BILL  
(Senate Bill No.5 of 2023)

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

### MOTION

#### ALTERATION OF THE CALENDAR OF THE HOUSE

**Hon. Naomi Waqo** (Marsabit County, UDA): Thank you, Hon. Speaker. I beg to move:

THAT, pursuant to the provisions of Standing Order 28(4), this House, resolves to alter its Calendar for the Second Session (Regular Sessions), as adopted on Wednesday, 15<sup>th</sup> February 2023 by varying the period for the Long Recess with respect to the Second Part of the Session so that –

- (a) The Long Recess commences on Friday, 25<sup>th</sup> August 2023 and ends on Monday, 25<sup>th</sup> September 2023; and,
- (b) the House resumes Regular Sittings on Tuesday, 26<sup>th</sup> September 2023 to commence the Third Part of the Session.

Hon. Speaker, Members may note that this Motion seeks to provide for the alteration of the Calendar to allow, among other things, for the Members, as the people's representatives, to oversee and take stock of the prioritisation and utilisation of various decentralised funds under the NG-CDF and the National Government Affirmative Action Fund (NGAAF). This will allow Hon. Members to exercise oversight over projects in their respective constituencies and conduct public participation forums on priority projects.

We know that Hon. Members are not only missed by their families but by their constituents too. By this time, many people at the grassroots are longing to see their Members of Parliament so that they can engage them in public participation for the different projects. As Members of Parliament, we always make promises to our people. Some of our constituents are counting the days until we fulfil the promises we made to them. This is a great opportunity for Members of Parliament to do so.

Members of Parliament know that various Bills and legislative proposals are pending before committees. This extended Recess will accord committees ample time to hold sittings to consider pre-publication scrutiny, public participation, and the tabling of reports before the House to inform the Second Readings and subsequent stages.

Hon. Speaker, this proposed calendar alteration will also give Members time to reconnect with their families and constituents and come back rejuvenated in readiness to perform their roles. We spend much time in the Chamber and other official businesses, so seeing our children, grandchildren, and spouses is difficult. This Recess will give us enough time to bond, reconnect with our families, and plan as we approach the end of the year. It is time for Members of Parliament to spend quality time with their families, re-energise, and prepare to face the last part of the year. The proposed alteration will be of great benefit to all Members of Parliament.

With those few remarks, I beg to move and ask Hon. (Dr) Makali Mulu to second. Thank you.

**Hon. Speaker:** Hon. (Dr) Makali Mulu.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you, Hon. Speaker. I take this opportunity to second this important Motion. The alteration allows members one more week's break. As Members, we need the additional week to do some work. First, it will be a good time to reconnect with our families: children and relatives. Secondly, Hon. Members will use this time to take care of their NG-CDF in terms of oversight. We received the last batch of resources about two weeks ago. So, many Members have been unable to go down to their constituencies to launch projects or issue cheques. This is going to be a very good opportunity to do that.

The National Government Constituencies Development Fund Committee gave us the figures for our ceiling for this Financial Year. Members, therefore, will use this time to develop project proposals for this Financial Year. That will allow even those who have not conducted public participation to take the time and do it to get to know what is needed in their constituencies.

Hon. Speaker, you are aware there is an annual general meeting for the Commonwealth Parliamentary Association (CPA) team in Ghana in September. So, this time will also allow the team, which we launched this morning, to prepare for that important international event.

As I conclude, Hon. Speaker, allow me, since I did not get time to speak after your Communication, to congratulate those elected to the Kenyan Branch, CPA Executive Committee and inform them that there is a lot of work waiting for them. They need to prepare well.

Hon. Speaker, you are aware that the Chairperson of the Disability Network is Hon. Wanyonyi. Immediately after coming from Ghana, Hon. Adagala will assume the Regional Representation for Commonwealth Women Parliamentarians (CWP). She will also assume the Office of the Chairperson for CWP, Africa Region.

*(Applause)*

Hon. Speaker, you can see there is a lot of work for the team. I encourage them to work as a team and ensure that Kenya continues to provide leadership.

With those many remarks, I wish Hon. Members well when we take the break. I support the alteration of the House Calendar. Thank you very much.

I beg to second.

*(Question proposed)*

*(Question put and agreed to)*

Next Order.

## **BILL**

### *Second Reading*

THE ANTI-MONEY LAUNDERING AND COMBATING  
OF TERRORISM FINANCING LAWS (AMENDMENT) BILL  
(National Assembly Bill No.35 of 2023)

**Hon. Speaker:** Hon. Murugara, proceed.

**Hon. George Murugara** (Tharaka, UDA): Hon. Speaker, I beg to move that the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill (National Assembly Bill No.35 of 2023) be now read a Second Time.

*(The Speaker (Hon. Moses Wetang'ula) left the Chair)*

*(The Temporary Speaker (Hon. (Dr)  
Rachael Nyamai) took the Chair)*

Hon. Temporary Speaker, the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill (National Assembly Bill No.35 of 2023) has 17 proposed amendments. The Hon. Speaker committed the 17 proposed amendments to two Committees of the House. Ten of the 17 proposed amendments were committed to the Departmental Committee on Justice and Legal Affairs. The legislations are:

1. The Extradition Contiguous and Foreign Countries Act, Cap.76 of the Laws of Kenya.
2. The Extradition of the Commonwealth Countries Cap.77 of the Laws of Kenya.
3. The State Corporations Act, Cap 446 Laws of Kenya.
4. The Anti-Corruption and Economic Crimes Act (No.3 of 2023).
5. The Proceeds of Crime and Anti-Money Laundering Act, 2009 (No.9 of 2009).
6. The National Police Service Act, 2011 (No.11A of 2011).
7. The Ethics and Anti-Corruption Commission Act, 2011 (No. 22 of 2011).
8. The Mutual Legal Assistance Act, 2011 (No.36 of 2011).
9. The Prevention of Terrorism Act, 2012 (No.30 of 2012).
10. The Companies Act, 2015 (No.17 of 2015).

Those committed to the Departmental Committee on Finance and National Planning are:

1. The Capital Markets Authority Act, Cap. 485 of the Laws of Kenya.
2. The Insurance Act, Cap. 487 of the Laws of Kenya.
3. The Banking Act, Cap. 488 of the Laws of Kenya.
4. The Central Bank of Kenya Act. Cap. 491 of the Laws of Kenya.
5. The Micro-Finance Act, 2006 (No.19 of 2006).
6. The National Payment System Act, 2011 (No.39 of 2011).
7. The Limited Liability Partnership Act, 2011 (No.42 of 2011).

It is important to note that these particular sets of proposed amendments deal with the Anti-Money Laundering Laws. The Departmental Committee on Justice and Legal Affairs and the Departmental Committee on Finance and National Planning tabled elaborate reports, and each Member is invited to review. They deal extensively with what each of the proposed amendments entails.

It is important to note that anti-money laundering laws are important to this country for various reasons. One of them is foreign investment. Unless we have good laws, investors may be jittery when they come into the country to invest their money. Certain international standards must be adhered to so that investors and lenders can all be comfortable with the country's financial systems. This is why it has become necessary to come up with these proposed amendments after consultations with partners, which will improve the running of businesses. They will also prevent, most importantly, activities associated with terrorism and money laundering. Agencies that are tasked with the responsibilities of fighting terrorism will have better laws to enforce, and those charged with enforcement of economic crime laws will also have better laws to use.

In a nutshell, it is important to note from the Memorandum of Objects what exactly these particular laws are doing. I urge every Member to get a copy of the Bill and look at the Memorandum of Objects to ascertain what is being dealt with.

Let us move on to some of the laws sought to be amended. They include the Extradition (Contiguous and Foreign Countries) Act (Cap.76) and the Extradition (Commonwealth

Countries) Act (Cap.77) of the laws of Kenya. These deal with what happens when a fugitive or a lawbreaker is arrested and has to be extradited to a country for trial. It could be here in Kenya or out of Kenya, where the trial process is to be conducted.

It is important to note that we are now introducing the element of informed consent so that if this becomes necessary and the person agrees to be extradited, he may consent to it. However, that consent must be informed, and we must protect the law and the person's human rights. A person should not be coerced or subjected to undue influence. They should not be under duress and made to sign papers to consent to extradition. So, one has to consent properly. We also have the State Corporations Act, which touches on the Financial Reporting Centre (FRC) and how it has to be managed. It is so that it can efficiently deliver its services under the standards of Transparency International and the Financial Action Task Force (FATF), which we have subscribed to. There are other laws, including the Ethics and Anti-Corruption Commission Act, where we propose to empower the Commission to gain access to relevant information. While it retains the power to gain access to information, we have the Data Protection Act, which must protect every citizen regarding what information the EACC has to access. This is why we have said agencies may give that information. We have not said agencies shall provide that information because we know there are limitations set up by the law which must be respected.

There was then the elephant in the room, which was about professionals. Accountants and the rest of the professionals have had no problem with reporting, being reporting agencies of money laundering and other activities. The advocates had a problem because the law was passed sometime last year, but they rushed to court and obtained some interim orders which stopped them from being reporting agencies. That case has been pending in court for a long time. It is not an area we would have delved into because of the *sub judice* rule.

Fortunately, there appears to have been an agreement among the parties: the Law Society of Kenya (LSK), the Attorney-General, and FRC. They came up with consent and gave the Committees a joint memorandum regarding the resolution of the matter. The three parties have now agreed that the reporting agency will not be individual advocates; it will be the LSK. It is a self-regulating entity and regulates the practice of advocates in the country. It will report to FRC incidents which appear to be money laundering, terrorism, or gains from economic crimes. The advocates will report those suspicious circumstances to the Law Society of Kenya, which will then report to the Centre. It is expected that the Centre will be able to investigate upon consent of the Law Society of Kenya. Therefore, we do not anticipate any problems that may come along.

In the two Reports, we have included schedules of proposed amendments, and this will come up when we go to the Committee of the Whole House, where we will consider this Bill, clause by clause and proposal by proposal. The proposals by LSK, the Attorney-General and FRC will be considered in entirety. We will see whether we do not have any room for anyone to use the professional secrecy and the confidentiality rule, which is what advocates use when they want to decline to give information.

I believe this is a good proposal. This is a good proposed law, and it is good for the country as we move along. May it please you.

Hon. Temporary Speaker, with those remarks, I beg to move and call upon the Leader of the Majority Party, Hon. Kimani Ichung'wah, to second. The roles are reversed today. Hon. Ichung'wah to second.

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

Hon. Members, before the Leader of Majority Party seconds the Bill, I would like to recognise students from the following schools seated in the Speaker's Gallery this afternoon: Ogande Mixed Secondary School, Homa Bay Town Constituency, Homa Bay County; Vision

Kids Academy from Igembe Central Constituency, Meru County; and, Excel Academy from Tarbaj Constituency, Wajir County. You are welcome to the National Assembly.

Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. Let me begin by thanking the Hon. Chairman...

**Hon. Peter Kaluma** (Homa Bay Town, ODM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): What is out of order, Hon. Kaluma?

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Temporary Speaker, I seldom stop the Leader of the Majority Party, but schools have been mentioned, and one of them is my school, which I have fought hard to establish. Ogande Mixed Secondary School is in Parliament because they have won the national music competition in Nyeri under their category. They are here to celebrate that award with the National Assembly and other institutions. They are led by my best Principal, Madam Linet Olonde. The teachers are also present. Allow me to welcome them, and all learning institutions present to the House of Parliament during this learning tour.

I thank you. I also thank the Leader of the Majority Party.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Well, that is in order. Congratulations to Ogande Mixed Secondary School from Homa Bay Constituency, Homa Bay County. Leader of the Majority Party, you may proceed.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I guess Hon. Kaluma wanted to welcome students from his school in Homa Bay, the one from Igembe, and the other school from Tarbaj in Wajir County. I also take this opportunity to welcome them to the National Assembly.

I rise to second this Bill. Let me begin by thanking the Chairpersons of the Departmental Committees on Justice and Legal Affairs (JLAC) and Finance and National Planning, who led the two committees in considering this Bill when it came to the House for consideration. Let me thank the Hon. Chairman for ably moving this Bill. I was seated in my office attending to other matters when you called me out to move, but I knew Hon. Murugara was in hand. We had agreed if I got late to the office, he would move for me, and I would then second for him. If I moved, he would second me. His Committee and that of Finance and National Planning looked at the Bill.

As he has said, this Bill seeks to address legal gaps in the Anti-Money Laundering Act and Counter-Terrorism Financing Act. These are the two Acts of Parliament that we passed. One, the Proceeds of Crime and Anti-Money Laundering Act was passed in December 2009 and came into operation in June 2010, together with the Prevention of Terrorism Act enacted in October 2012. The two Acts are the architecture around the financing of terrorism and how we counter money laundering and proceeds of crime in this country.

Hon. Temporary Speaker, Kenya is among the League of Nations member States of the Financial Action Taskforce. This global body is mandated to set international standards to promote the effective implementation of legal, regulatory, and operational measures to combat money laundering, terrorism financing, and financing against the proliferation of small arms and weapons of mass destruction. This Taskforce is responsible for ensuring that the global financial system is secure, and criminals do not use our financial systems to launder money that is proceeds of crime, that is going to finance the production or mass distribution of weapons of mass destruction, or even financing terrorism.

It also speaks to people who launder corruption money. Much has been said about fighting corruption in our country and many other African States. We always say we cannot fight it by speaking without action. Part of the action is to ensure that States and governments can follow up on proceeds of crime like corruption right to where those who obtain money

corruptly from public coffers take their money. Suppose you move your money from Kenya to the United States of America (USA), South Africa or Dubai. In that case, the financial system globally can track it and ensure that proceeds of crimes like corruption, money laundering, drug trafficking, the proliferation of arms and terrorism financing... There should be no safe haven anywhere in the world for the proceeds of crime.

There are gaps that this Taskforce identified through their peer reviews. Kenya has been subjected to these peer reviews again. The Financial Year 2021/2022 was the last time Kenya went through its second anti-money laundering and counterterrorism financing mutual evaluation. This is a peer review among States in Eastern Southern Africa with a body called the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG). This regional anti-money laundering body conducts a peer review amongst the Member States. As a member State of this body, Kenya did its peer review in the Financial Year 2021/2022. Certain gaps were identified. This Bill seeks to address them. Allow me to review some of the identified gaps or deficiencies that were picked up during the mutual evaluation report for Kenya. They identified certain major deficiencies that needed to be addressed through legal reforms. They are the ones that this Bill now seeks to address.

The first item is on proceeds of crime and anti-money laundering. The Proceeds of Crime and Anti-Money Laundering Act only contains anti-money laundering requirements but does not cover combating terrorism financing. Therefore, there is a gap where we have a law that only deals with anti-money laundering but does not adequately cover terrorism financing or combating terrorism financing. In our region, where we have incidents of terrorism, it is very crucial to have measures and adequate legal safeguards to ensure that we are combating terrorism financing. Those are some of the issues the Chairperson mentioned that this Bill seeks to address.

It also identified that Kenya does not have a range of proportionate and suasive civil and administrative sanctions for dealing with natural or legal persons who fail to comply with anti-money laundering or combating the financing of terrorism requirements. If you do not have a range of proportionate and suasive civil and administrative sanctions against companies, those items are referred to as natural and legal persons...

Legal persons are like companies. If we do not have adequate sanctions in our laws, it means somebody can steal money and launder it through companies that cannot be sanctioned. This Bill seeks to have adequate sanctions for natural persons and legal entities like registered companies, whether limited or non-limited.

It was also noted that no provisions exist to make money laundering and terrorism financing extraditable offences. Therefore, you can commit a crime on terrorism financing or money laundering in Kenya and then take off to another country. Because those crimes are not classified as extraditable offences, then you will find people who steal from this country, and then they leave. An example is the owners of Triton Company. When they cleaned off money from this country through the Triton Energy scandal, they went and lived happily ever after in other countries. There are many other examples that you can cite where people have stolen money and obtained money corruptly. Because money laundering and terrorism financing are not classified as extraditable offences, you cannot extradite those people back to this country to be charged. These crimes are classified as extraditable offences in other jurisdictions. For example, the former Managing Director of Kenya Power and the former Minister for Energy were being sought in the British Islands to be charged with crimes related to obtaining money through corruption, but we could not do the same. With this new Bill, we will classify crimes around money laundering and combating terrorism financing as extraditable offences and extradite people who commit such crimes.

Hon. Temporary Speaker, there was also a legal gap in Kenya regarding terrorism financing, which impedes the country's efforts to fight terrorism financing. It also impacts the

terrorism financing preventative measures. As I said, with the threats of Al-Shabaab in Northern Kenya and other parts of the country like Lamu and Nairobi, if you do not have adequate legal safeguards to ensure that those who finance terrorism can be apprehended and charged... We have seen people being charged or accused of funding terrorism. Some have even maimed and killed Kenyans, but they walk out of court easily. With the passage of this Bill, all that will be a thing of the past. We will track money from piracy or organisations that finance terrorism. We will follow all that money and arrest and charge people who are involved in the financing of terrorism in this country or even elsewhere before courts of law. They make our country an unsafe place for terrorists and their financiers.

During this peer review, it was also noted that the country does not have mechanisms for simplified mutual legal assistance or simplified extradition. Those are the issues Hon. Murugara spoke about. They include the issues challenged in court by the LSK and other bodies. As the Chair has ably stated, following an out-of-court settlement between the LSK and the Office of the Attorney-General (AG), that issue has been settled. This is why we have this law here now.

Hon. Temporary Speaker, the other gap was around virtual assets and Virtual Assets Service Providers (VASPs) that are not limited. The country has not put in place regulatory frameworks around them. If all these VASPs are not covered under our laws yet we have an ongoing case today which I am happy the Member who has just walked in, Hon. Irene Mayaka, is among the Members who have been nominated by the ICT Committee together with the Chairperson to deal with these VASPs... I hear someone saying there is no committee by the name ICT. Whether you call it ICT or Committee on Innovation, Information and Technology (CIIT) or CII it is the Committee that the Chairperson is the Hon. KJ.

I was saying that without the VASPs having a clear framework on how they will be dealt with, these are the cause of cases such as the Worldcoin. That is why I am saying we have a live case today where these VASPs are not prohibited. The country has not put in place a regulatory framework that will deal with all these VASPs.

*(Hon. Jematiah offered the Hon. Leader of the Majority Party a bottle of water)*

Thank you to whoever has served me with water.

**The Temporary Speaker** (Hon. Rachael Nyamai): I can give you an opportunity to appreciate her. I watched her kindness.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): That must be Hon. Jematiah, the Member for Baringo. You know ladies from Baringo are usually very good people. You can see she noticed that I was struggling and my throat was getting dry. Thank you Hon. Jematiah, the very able County Member of Parliament for Baringo and a future first female governor of Baringo County.

*(Applause)*

This is to tell Hon. Irene Mayaka that maybe next time she should offer me water.

*(Laughter)*

As I was saying when Hon. Irene Mayaka was walking in, we need to have a framework to deal with VASPs. That is why you saw it was very easy for companies such the Worldcoin and other cryptocurrency service providers having a safe haven in Kenya. This is because, many of them know that the Anti-Money Laundering and Counter-Terrorism Financing laws

---

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

in Kenya are not strong enough. With the enactment of this Bill now and when it becomes an Act of Parliament, we will have a clear regulatory framework that will ensure that nobody takes advantage of Kenyans even for these virtual assets. It will ensure nobody can use these virtual assets because it is probable that people can use the virtual assets to finance terrorism or launder money. This law now will make it very difficult for anybody from anywhere around the world to use virtual assets to launder money, finance terrorism or clean money that has come from criminal activities.

During this peer review, it was also noted that the provision of Terrorism Act does not have provisions for sanctioning legal persons. That is why I said with the amendments in this Bill, because this is almost like an omnibus Bill as it is amending both the Terrorism Act and the Anti-Money Laundering Acts of Parliament... We will now have provisions that can sanction the legal persons including companies, trust funds and foundations. We have seen in the past people obtaining money through corruption and others through criminal activities. What they do is register and put the money in a trust fund or register a foundation. We have seen even politicians who run foundations.

*(Loud consultations)*

They are saying some are here and I am not talking about anyone who is here. So, do not fear if you are here. I am speaking about politicians who have registered foundations in their names. These foundations are ordinarily avenues for money laundering. People loot from public coffers and hide money in trust funds and foundations. Some with very appealing names and appealing characters of the good work they are doing in service to the people such as educating children, supporting widows, widowers and orphans. You will find someone who is running a foundation (I do not want to name names but they are known... Kenyans know the politicians who have foundations in their names claiming to be educating vulnerable children or assisting certain sectors of our health but they are basically avenues for laundering corrupt money. We will make it a thing of the past and impossible for now politicians to use public office to obtain money from public coffers. It will be hard for them to register a foundation or a trust fund then launder money that they stole from public coffers in the pretext that they are offering public goods or services to vulnerable people. It will now be very difficult Hon. Zamzam. I saw her getting very attentive when I mentioned politicians. She is among the politicians who are saying do not mention them. I am not mentioning any by name Hon. Zamzam. So, relax. I know the time you have been here as Member for Mombasa you have distinguished yourself as a good leader.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): On a Point of Order.

**The Temporary Speaker** (Hon. Rachael Nyamai): The Hon. Zamzam has already put a point of order. What is out of order, Hon. Zamzam? Is it because you have been addressed?

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Mheshimiwa Spika wa Muda, ningependa kumuelezea Mhe. Kiongozi wa Chama cha Waliowengi kuwa asiwe anajumuisha lawama. Mimi sina shida lakini pengine kunao wengine watakuchukulia vingine na pengine hawana lawama. Kwa hivyo, ukisema wanasiasa, tutafungwa ama nini? Wengine wako upande huo wa kwenu wa Serikali na tunawajua lakini pengine wako sawa. Kwa hivyo, sema wale ambao pengine wanatumia pesa za Umma kuingiza kule na pengine kama unawajua wataje. Usiwalaumu kwa ujumla watu wote ukawaweka katika kikapu kimoja. Wajua unaheshimika sana Kiongozi wa Chama cha Waliowengi na maneno ambayo yanatoka kwenye mdomo wako yanachukuliwa na uzito sana. Usije ukatoka pale mlangoni ukapigwa ngwala.

Asante sana Mhe. Spika wa Muda.

*(Laughter)*

**The Temporary Speaker** (Hon. Rachael Nyamai): Well, Hon. Leader of the Majority Party you may proceed.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. Sikujua kupigwa ngwala ni nini.

*(Laughter)*

Hon. Temporary Speaker, Hon. Zamzam may not know. I am very cautious on what I say. I will not name names. We know political leaders who have foundations and many trust funds. You can google those who have foundations in their names. Some have even been accused and charged in court. It is in the public domain that there are politicians who have held public offices and have looted from public coffers, laundered the money through foundations and trust funds yet they claim to be offering scholarships to students. You find a politician giving three scholarships to students in a year and claim that that is the work of that foundation. They use that foundation to launder money that was stolen from public coffers. I, therefore, will not be naming any names as much as I know you know them. They are known. I need not to name any names.

The other thing that was noted during this peer review that is being addressed in this Bill is that supervisory authorities are not implementing risk-based supervision across the board. This Bill now seeks to ensure that all supervisory authorities implement risk-based supervision. Risk based supervision is for instance our lawyers, members of the legal profession, who are dealing with clients from all walks of life. They can analyse your whole clientele as a lawyer and know this is a person who is in public office, this is how much they earn and this is how much is entrusted to them in that public office.

Therefore, if they are coming to conduct transactions or dealings in your law firm that could trigger you to report to the supervisory authorities like the LSK or others, then they will have a framework based on the risk levels of whoever their supervisory body is. This is more so with our professional bodies like the Institute of Certified Public Accountants of Kenya (ICPAK), Kenya Bankers Association (KBA) and Association of Kenya Insurers (AKI) in this country. They have information that can help in counter terrorism and anti-money laundering.

The Bill seeks to provide the following: supervision and enforcement, cross boarder declaration of monetary instruments, reporting suspicious transactions, reporting of cash transactions past the cash transaction reporting threshold from USD10,000 to USD15,000 and enhance the transparency on beneficial ownership. It also enhances transparency on beneficial ownership. Again, many people have hidden behind companies from which we can never lift the veil and know who the beneficial owners of certain companies registered in this country and outside are. Therefore, the Bill seeks to enhance transparency around beneficial ownership.

It will also help in combating terrorism financing, proliferation of financing weapons of mass destruction and small arms, and targeted financial sanctions. As the Chairman of the Departmental Committee on Justice and Legal Affairs mentioned, it makes mutual legal assistance between countries easy because money laundering and combative terrorism is a global matter and affair. Therefore, we need very clear provisions on how countries worldwide can offer each other mutual legal assistance. That is so that if you commit a crime, whether it is around terrorism financing and financing of weapons or an act of money laundering, you will know there is no safe haven anywhere in the world—not in Dubai, South Africa, the United Kingdom or even the Cayman Islands.

For a long time, the Cayman Islands and all the British Virgin Islands have been used, especially by the political class in this country, as a safe haven for money looted from Kenyans, the latest being the Telkom heist during the last regime. I must remind the Chairpersons of the Departmental Committees on Communication, Information and Innovation, and Finance and

---

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

National Planning, who are working on a report on Telkom, of this fact. We need that report tabled in this House so that we get to know how people looted a whopping Ksh6 billion during the last two days of the previous regime. They scattered away all that money to Malaysia and Mauritius. Part of it ended up in the Cayman Islands.

It is these national assets and public resources stolen by people who hold offices in Kenya that this Bill now seeks to tackle. It is to ensure that should you steal, even the Cayman Islands will no longer be safe. So, if you think you will take your money and cleanse it through what we heard people call Pandora Papers... You heard politicians say they would offer us information on the Pandora Papers in two weeks. That they would tell us how they got tens of billions of shillings carted out of this country to the Cayman Islands, the British Virgin Islands and other safe tax havens in the world. Three years later, we have not heard a statement from the same politicians telling us how they got tens of billions of shillings invested out there. They were in leadership positions at the time and asked other people to bring foreign direct investments into this country. What a contradiction that, as leaders, you ask people to bring foreign direct investments into your country. At the same time, you are extraditing money to the Cayman Islands and other tax havens, including those in our neighbourhood. How do you even tell us that it is clean money? I do not want to name names, but we know them. People have taken money suspected to have been stolen.

We are enacting these laws to ensure that no corner of the world becomes a safe haven for stolen money for people financing terrorism, the proliferation of weapons of mass destruction, or small arms that end up killing our people. I beg that we all support this Bill and ensure Kenya complies with the task force requirements and is a safe haven for people with legitimate and hard-earned money. Our taxes will be safe from those who have sticky fingers of taking our money to what they consider safe havens using money laundering.

With those many remarks, I beg to second.

**The Temporary Speaker** (Hon. (Dr) Racheal Nyamai): Thank you, Leader of the Majority Party.

*(Question proposed)*

Hon. Wilberforce Oundo, Member of Parliament for Funyula.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you for this opportunity to contribute to the Bill.

If you look at the memorandum of objects and reasons, the Bill seeks to amend various Acts of Parliament relating to anti-money laundering, countering the financing of terrorism and countering the financing of proliferation of weapons of mass destruction, among others. A basic count indicates that about 16 to 17 Acts of Parliament are being amended to align with what the Mover has indicated as addressing issues raised by the peer review. As it is always practice, 16 or 17 Acts of Parliament being amended at one go in one Bill becomes a mouthful. We have always complained here that it becomes difficult to give a thorough review or analysis of such a Bill. Nevertheless, it has been presented. Therefore, we must deal with it.

From the outset, let us agree that terrorism and financing terrorism are an existential threat to this country's national security and well-being. That is why, in the wisdom of framers, we came up with the Proceeds of Crime and Anti-Money Laundering Act. It is because terrorism and any acts of violence or threats to national security essentially depend on financing those activities. If you can cut out financing, the threats posed by terrorism and other crimes will be substantially reduced. We will save the country many resources required to protect it.

Unfortunately, as I have always said, we have very many laws in this country—very well thought out. We have regulations and mechanisms, but we pride ourselves in hate speech, war-mongering, and talking public relations. We do not go to the extent of implementing the

---

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

laws we have. If you read the report, one of the key issues they are raising is that we have laws that might have gaps. However, we have not implemented or enforced existing laws. As is in various laws, we hope whoever is in charge will go out of their way to deal with this matter.

Another emerging threat, which I had hoped the amendments would capture, is illicit financial flows. We seem to have concentrated on basic procedural issues. We have not given any serious talk or attention to illicit financial flows and tax expenditures, which we need to address. When we go to the Committee of the whole House, I hope the Departmental Committee on Justice and Legal Affairs and the Departmental Committee on Finance and National Planning will seek further technical support to ensure we address these issues.

Speaking to the Bill at hand, it has very many issues. Of course, we all know the greatest concern is what they are talking about voluntary extradition. When is it voluntary, coerced, forced, or obtained under duress? It becomes extremely difficult to know. We have had many cases of people abducted in this country and taken outside without a trace. They find themselves in hostile territories on the pretext that it is voluntary. I had hoped that any form of voluntary consent to extradition should be obtained before either a magistrate or a judge of the High Court so that it is truly voluntary. We also appreciate expanding the scope of the Financial Reporting Centre so that we can track illicit financial flows and cases of laundering money obtained from corruption cases.

Hon. Temporary Speaker, I would have also hoped that when they are talking about this financial reporting, they must also tell us why, many a time when we are vetting Cabinet Secretaries and the Principal Secretaries, they deliberately exaggerate their worth so that by the end of their five-year term, they will say their worth was this-and-that, yet their worth has been obtained through illegal, or corruption means. I had hoped that by now, we would be at a point where a public officer would come for vetting and disclose what they own and whether it has been valued and verified by a competent authority. We must be sure that the figures they give are not manufactured in anticipation that they will loot public resources.

How do we explain a situation where a Cabinet Secretary who earns Ksh1 million takes a mortgage of Ksh120 million to finance the purchase of a house? Those are the kind of things that we should be addressing now instead of just looking at foreign money getting out of the country. There is money being acquired through illegal means. The entire Bill seems to focus so much on vetting shareholders, substantial significant shareholders, beneficial owners, *et cetera*. Obviously, There is the fear that it will be misused. If the concerned people have beef with anyone, they will say that they do not trust their source of income or source of capital. So, they will not give you a license to find a company or something like that.

In the Committee of the whole House, where the two committees will be proposing amendments, we must include mechanisms to ensure a right of recourse. If you say that you are not giving a license or permission to proceed, we must be able to deal with that. I find it curious that the Insurance Act has been included in this Bill. What is proposed to be amended, other than the issue of vetting of shareholders and beneficial owners deals with the issue of changing from registration to licensing. I thought that should have been dealt with in a proper manner, that is when dealing with the Insurance Act on its own.

The issue that looks curious is what they are calling, under the amendment being brought in the National Police Service Act, “controlled delivery”. This is where an illegal consignment can be allowed into the country under the supervision and watch of police officers. We live in a country where the National Police Service is corrupt to the core. People with low levels of integrity and accountability populate it. Are we not creating a disaster? Imagine a case where arms, narcotics, and all harmful substances could be diverted. We are even dealing with a case where Kenya Revenue Authority (KRA) seals are tampered with. Clearly, we are creating a disaster. There is a discordant command structure at the National Police Service. The Inspector-General of Police (IG) talks about one thing, and the others talk about different

things. So, we could truly be creating a crisis. I would urge the Committee and the Mover of the Bill to delete the particular Clause as we wait to see how things go.

It also provides that all companies, even with a shareholding of less than Ksh5 million, must have, as mandatory, a company secretary or a contact person who will be providing information. We are imposing the undue cost of doing business to small-time businesses. Companies have occasionally submitted or filed their returns using, probably, a company secretary who is not necessarily an employee. As we proceed, we must look for a way to fix that.

As I conclude, we have had very many stories here. The Government has all the means and mechanisms to go after people who have looted this economy. As Kenyans, we are tired of being told daily that people looted. It is now one year down the line. How long does it take to investigate and arraign people who have looted? Is it a smoke screen so that they could also do the same?

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Your time is over. Hon. Musa Sirma, Member for Eldama Ravine. His name appears on the screen, but he seems to have left.

Hon. Dido Raso, Member for Saku.

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Temporary Speaker. I rise to support this omnibus Bill. I have a bit of reservation about this particular Bill. Kenya is not a rich country. Also, we cannot say we are poor, but we are somewhere at the levels of the world's economy. The intention of this Bill is good. The title of this Bill is Anti-Money Laundering and Combating Terrorism Financing. What we do not want this Bill to do is create rafts of bureaucracies so that people do not invest in Kenya. The talk out there is that people would rather put their monies in Tanzania, Uganda, and Rwanda for obvious reasons. Kenya is borrowing from wealthy countries in the West. The idea is to stem the flow of funds into this country.

This Bill establishes a baseline for prudence and financial discipline in the Kenyan financial sector and, to that extent, the economy. Our worry is: how much is the Central Bank of Kenya (CBK) paying our police officers to ensure financial prudence and discipline? How much are they doing to achieve that? The issue of bitcoins is one such interesting thing that has recently happened. Individuals can come to Kenya, set up shops somewhere and swill so much money. This Bill will provide a safeguard against such actions.

The issue of terrorism cannot fly without proper and regulated financing in this economy. There are cases where money is laundered by opening front shops. A lot of money is ploughed through companies or individuals. I see within this Bill a foreign limited liability partnership. It means a foreign entity wishing to set up a business in Kenya can use a local representative. We must go beyond that. We need to ensure that we deal with established individuals with addresses and companies carrying out day-to-day transactions as entities. They must be involved in growing the economy. It must not be individuals who can engage in nefarious activities.

Hon. Temporary Speaker, I also like that this bill attempted to identify proliferation. The previous Bill had not done this for its users or other laws. I think proliferation will help the police, watchdogs of our economy, and the financial sector to find out that stockpiling particular materials or goods may be a criminal activity.

There is also a new definition of tangible and intangible funds. This is where Hon. KJ and his committee come in. We have seen people buying buildings, cars, and throwing cash around. Billions of monies are being transacted virtually, much more than what we spend in shops and supermarkets using smartcards. As an omnibus, this Bill should have contained itself within the frame of anti-money laundering and countering terrorism instead of bringing in something like insurance on board.

Finally, for the Bill to be effective, respected, and enacted, it must have maximum participation from the stakeholders so that it does not affect the growth of our economy.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you, Member for Saku. Hon. Beatrice Elachi, Member for Dagoretti North.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I rise to support this Bill, but I have reservations about some proposals. We must always remember that we need political goodwill to have the ability to respond to existing threats. Looking at our country Kenya, you will find it has been a haven for many people from conflict countries for many years. They find a way into our real estate and oil companies. We question how citizens of other countries facing political crises can invest in Kenya. This is very wrong because most of their citizens are in camps struggling, but a few have decided to be real estate owners in this country.

As we support this Bill, I hope we will not just look at those we trust. We should start with those who took dirty money from their country and decided to invest in this country. I thank the Chairperson of the Committee for the good work. If you walk into some wholesale shops and ask to pay your Bill, the owners do not allow you to pay using *lipa na M-pesa*. You are only allowed to withdraw the money. It means that the person does not want to account for the payment. They want to run away from Kenya Revenue Authority (KRA). Since Kenyans want to buy, they comply, which is wrong. There are very many traders doing this in my constituency. What if they are also doing money laundering? As you go for public participation, look around and see how this is done. You will realise we have put our country at risk.

Many people have invested in real estate. Looking at the Bill, I want to ask the Chairperson to think about the committee they are establishing, known as the Counter Financing of Terrorism Inter-Ministerial Committee. We cannot conquer this through such a committee. It must have the Cabinet Secretary for Interior and National Administration and Cabinet Secretary for the National Treasury and Economic Planning. This is okay because definitely, they will send representatives. My biggest worry is that a committee member will be present today, but in the next sitting, they may send someone else to sit in for them. This will kill the spirit of this Bill because of a lack of institutional memory, as my colleague has said. They should think of a better way other than this inter-ministerial committee because it will not work well with the reinforcement teams. It will end up in blame games and others being compromised. We will still end up with the challenges we are facing. I plead with this committee to look for other agencies. They have done a very good job of coming up with this Bill, which has made us aware of how to deal with money laundering. However, we might face the same challenges we are trying to sort out. The country is being hurt, and until we get rid of the culture of being compromised, we cannot be helped.

The Leader of the Majority Party is back. On the issue of foundations, some of us have run them for many years. I disagree with those who have said that money can be looted and put in foundations. I think the Leader of the Majority Party should visit my children's home in Ngong and see how it is sustained without Government funding. Fifty-eight children have gone to campus, and many others are in school. The children's home is also a school. So, naming Members of Parliament who have foundations is very unfair. It will be good to go and see the work they are doing. I know they are many. We have those who have educational foundations. Do you want to tell me that some have put illicit financing in their education foundations? As we look at this Bill, we must look at the critical clauses that can affect some sectors and work on them. I know that this is a Bill that we need as a country. We have other things that people do, especially in the oil and gas sectors, and that is where money laundering takes place. Let us not run away from that. We can name, but we have to be cautious as we do it. I hope that the Chair is listening. The Committee will let this House down. We need to rethink and reorganise the Bill better so that it works.

With those many remarks, I support the Bill.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Beatrice. Hon. John Waweru, Member for Dagoretti North. Sorry. It is the Member for Dagoretti South,

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Temporary Speaker, your confession can be excused because my neighbour has just ceded the Floor, and it is becoming a Dagoretti affair. We see ourselves as one larger Dagoretti. So, I do not get offended when I am called the Member of Dagoretti North, and she does not feel offended when she is named the Member of Dagoretti South.

This is the real business we are transacting in this House this afternoon. Here is a raft of amendments that have been very ably presented by the Chairman of JLAC. It will occasion a drastic shift in how we attend to matters of fraud. At times when we refer to fraud, we give it fancy names. We call it using very big English words. Thuggery is thuggery; theft is theft; and a crime is a crime. We are attending to matters that seek to mitigate issues that lead to criminal activities.

Before I go into the heart of this Bill, first I would like to say that I support it. Second, as a preliminary, I recently had the honour of visiting a city in South Korea. The city I saw is not the biggest, the second biggest or the third biggest. It is the 10<sup>th</sup> biggest city in South Korea. However, if you look at its infrastructure, governance and development, no city in East and Central Africa is at its level. We are told that South Korea is a country we were at par with in the 60s.

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

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

I acknowledge the change of guard. I wish to take this opportunity to welcome the Temporary Speaker so that I do not get confused and call him “Madam Speaker.” That will be sacrilegious.

Hon. Temporary Speaker, I was saying that the city I visited is not the biggest, second, or third biggest. It is the 10<sup>th</sup> biggest city. However, that city's development, governance and infrastructure are not comparable to any city in East and Central Africa. Where did we go wrong if, in the 60s, we were at par with South Korea? At the end of that trip, I told myself that the biggest difference between Kenya and South Korea today is not the brick-and-mortar issues or the laws they have made but the soft issues we never attend to. These soft issues are discipline, honesty, integrity, and meritocracy. The patriotism in that country is admirable. So, as we attend to the hard laws, we also need to ask ourselves what we are doing to attend to the soft issues in this country. What are we doing to encourage patriotism? What are we doing to encourage honesty? What are we doing to encourage meritocracy? If we do not attend to the soft issues while making such laws, we will never be at par with the countries that were at par with us in the 60s and are now considered first-world countries.

I support this Bill because it is a step towards remedying some of the mischiefs we are presently attending to as a House. Worldcoin is a matter that you and I have to interrogate. It is live and pressing. Kenyans lined up in their thousands to have their eyes scanned under an oath that no committee of this House can tell what it entailed. No one knows what the medical implications would be after the scan. We do not see the connection between a scan of the iris and the cryptocurrency inducement given to Kenyans. I do not understand how a foreign company registered in the USA or Germany, with representation in the USA, defied orders to

cease its operations. These were orders that were granted by the office of the Data Protection Commissioner, which has the power to cease such activities. Worldcoin totally disregarded the orders. It went out and booked an office at the Kenyatta International Convention Centre (KICC) and started its operations. These are some of the matters we seek to cure by changing the raft of laws listed in this Bill by the Chairman.

The Departmental Committee on Communication Information and Innovation that I chair has a live matter before it. It is a matter of monies transacted in the last Parliament's dying minutes as we were going for elections. Money to the tune of Kshs6 billion changed hands. This money made its way out of the country into safe havens. It also found its way back to the local bank accounts in this country. Thankfully, this money has been frozen in some international bank accounts. Where Kenya has failed to address such issues, other jurisdictions have attended to them with the seriousness they deserve.

The Members' contributions sound good in this Second Reading of the Bill when I look at the raft of changes proposed. The only thing that I want to urge my colleagues is that... I hope we shall see Members' contributions reflected in the Bill during the Third Reading. When we see something in the Bill that is incomplete, we should bring an amendment during the Committee of the Whole House to build and fortify what the Chairman has presented.

I have noted the mischief this Bill seeks to remedy in the area of virtual assets and virtual assets service providers. It is a realm of technology and innovation. When we attend to matters that deal with innovation and technology, we have to strike a good balance between stifling technology and innovation and superintending matters that deal with innovation. I shall be proposing a few amendments for consideration in the Committee of the whole House so that we fortify what has been proposed here. As we seek to attend to the mischiefs that occasion cases like the example I gave of Worldcoin, we should not stifle technology as we police these matters.

Finally, this is something that I will pose to the House to think about. We have seen countries that have presented themselves as leaders in the global fight against corruption. However, I am very well informed that even as we celebrate other jurisdictions, they also have their failings. This continent has been a victim of exploitation for millennia. For centuries, certain individuals have landed on this continent, stripped it of its resources, and extradited them to capitals abroad. Yet, we celebrate them today as the best practice in anti-corruption matters. I call upon all of us to think of how to leapfrog and be the best-case study globally. We should not try to copy what has been done internationally. Some of the capitals we celebrate today have been built on the backs, sweat, tears, and blood of the exploitation of this continent. This continent can offer its solutions. We can leapfrog to the front and be the best case study for people to seek counsel on attending to matters of integrity and ethics.

I support the Bill.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Kiarie. Hon. Geoffrey Ruku, Member for Mbeere North.

**Hon. Ruku GK** (Mbeere North, DP): Thank you very much, Hon. Temporary Speaker, for this opportunity. I rise to support this amendment Bill, which touches on several pieces of legislation. Page 1092 of this amendment Bill touches on the Anti-Corruption and Economic Crimes Act. It seeks to change the definition of what an "economic crime" is. We must come up with laws which are in tandem with the objects and reasons for every Act that has been amended in the House. The objects and reasons of the Anti-Corruption and Economic Crimes Act No.3 of 2003 will have to be changed to take care of the proposal in this amendment Bill. I want to point that out so that it can be taken care of. We can probably amend the Bill during the Committee of the whole House to ensure that we align it with the current Act. This is so that we do not water down other legislations that are doing a good job for the nation.

The other important point is that the Proceeds of Crime and Anti-Money Laundering Act of 2009 takes care of drug dealing, human trafficking, wildlife poaching, financing of terrorism, and other offences. The Act is very well-formed and precise. It takes care of those offences. Therefore, amending the Anti-Corruption and Economic Crimes Act by changing the definition of the term “economic crime” will not augur well. Instead, it will end up diluting the intent and purpose of the Anti-Corruption and Economic Crimes Act.

The other important thing to mention is the fact that proceeds of crime and corruption usually end up in many countries in the West. However, those countries are ranked as the least corrupt nations in the world on the Corruption Perceptions Index. Whoever comes up with the Corruption Perceptions Index is taking nations like Kenya for a ride. They act as if we have not gone to school or attended any class. They act as if we do not know the parameters which are used. Proceeds of crime and corruption cannot be deposited in your country and utilised within your economy, and then you claim to be one of the least corrupt nations in the world. I do not know whether this is a parliamentary term, but that is nonsensical. They take African nations for granted as if we are fools. We are not fools. Those international fora must be made aware so that nations which allow such money within their financial systems are ranked as the most corrupt in the world.

I only want to point out that if the definition of “economic crime” is changed in the objects and reasons of the Anti-Corruption and Economic Crimes Act No.3 of 2003, it will affect the entire Act, and we will be required to change it. Since this Bill has not touched on the objects and reasons for that Act, we need to re-look at the clause on page 1092, which proposes the amendment of the definition of the term “economic crime”. We need to take care of that, bearing in mind that the Proceeds of Crime and Anti-Money Laundering Act of 2009 takes care of what that amendment aims to achieve.

With those many remarks, I propose that this issue be handled during the Committee of the whole House, and an amendment be proposed. I will do that during the Committee of the whole House.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Geoffrey Ruku. Hon. John Mutunga, Member for Tigania. Before you proceed, let me acknowledge the presence within the House of Parliament of pupils and teachers from Iruma Primary School from Maara Constituency in Tharaka Nithi County. You are welcome to the House of Parliament for your studies. May you travel back safely when your study tour ends. Feel welcome on behalf of the Speaker of the National Assembly and that of the House.

Hon. Mutunga.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Thank you, Hon. Temporary Speaker. On behalf of the Member for Maara Constituency, I also salute the pupils from Iruma Primary School. I studied at Chogoria Boys High School, which is near that area. I know where Iruma Primary School is. I want them to keep working hard to seek knowledge because knowledge is unbowed.

I support the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill before the House. Money laundering is a criminal offence. A criminal offence normally has three solutions. You can either be imprisoned, fined, or both. I expect this amendment Bill to improve on the penalties specified in the Proceeds of Crime and Anti-Money Laundering Act, 2009. The assets of culprits could also be frozen wherever they are.

Hon. Temporary Speaker, I believe we have relationships with countries where Kenyans are fond of keeping money stolen from here. There is a possibility of extradition of those resources back to develop this country. I believe this has all been taken care of in the development of this legislation. Money laundering is closely linked to terrorism activities because terrorism financing does not go through the normal banking system. It goes through shortcuts. We, therefore, need to enhance the provisions of this law to make sure that it does

not leave any loopholes for terrorism financing. Hopefully, the legislation will also reduce our country's vulnerability to money laundering given that Kenya is a cash economy.

Which problems exist with money laundering? I looked at the existing legislation and picked out a few issues. One of them is the inability to comprehensively deal with related issues, especially those happening in our neighbouring countries. Kenya cannot live as an island. It relates with other countries. Therefore, whatever happens in those countries affects our country. It can also delay the implementation of the Act itself. It took quite some time for us to interpret this Act and put in place mechanisms to implement it.

Hon. Temporary Speaker, the other issue is difficulty in monitoring movement of people, especially terrorists. Looking at the law being amended, the penalties are not punitive enough. There is also lack of proper linkages between money laundering and terrorism. As we speak about money laundering, we have experience with other cash-economy countries. I have in mind a city I have visited several times called Guangzhou in China, where you need cash to buy anything. They do not deal with cards or bank transfers. You need hard cash. That makes me pause and ask a few questions about this particular legislation. Does dealing with cash frustrate legitimate businesses? Are we saying that between 80 per cent and 100 per cent of businesses in Guangzhou are illegitimate because they deal in cash? Does dealing in cash in such a large city like Guangzhou necessarily end up corrupting the financial systems of that country?

We are considering a Bill that seeks to introduce restrictions which must be thought through very carefully. Does it also end up corrupting the social-political system of the country because dealing with money leads to corruption? Does it also diminish the Government's responsibility to collect revenue through taxation? Does it weaken the Government's control over the economy? Is our economy going to be messed up by the presence of cash? If our economy is going to be messed up by the presence of cash in the market, what effect will that have on other countries that insist on using cash? Does it also lead to undermining the integrity of the financial systems within a country? I hope this legislation proposal has answered the question of whether dealing with cash threatens the integrity and stability of the banking sector and foreign exchange bureaus. Lastly, why does money laundering happen in this country? That is a question we need to answer so that Kenyans can understand why we need to come up with a very serious legislation on this matter.

Hon. Temporary Speaker, one of the reasons why an anti-money laundering law is important to us is because we have porous borders with some of our neighbouring countries. Anything can pass through such borders at any time unrestricted. Additionally, the borders of those neighbouring countries with other countries are also porous. In fact, their borders are more porous than what lies between Kenya and themselves. Anything can pass into those countries and find itself in Kenya. Resources can enter into those countries and eventually find their way into Kenya. Terrorism activities can be managed and financed in those countries and permeate into this country. Porous borders are associated with terrorism activities, especially the financing aspect of it. In that respect, therefore, we need punitive penalties and proper implementation of this legislation proposal once enacted into law.

This particular Bill provides effective prevention of money laundering. The use of the word "effective" means that we shall have controls that are largely operating to contain money laundering in the country. It will also enable CBK, which is the regulator, to develop prudential guidelines for the banking sector. The CBK will make sure that banks do their work without getting free money or losing money. The Bill is also aimed at strengthening customer due diligence and enabling CBK to come up with good procedures. Additionally, it will make penalties stricter and ensure prudential management of those penalties.

**The Temporary Speaker** (Hon. Peter Kaluma): How many more minutes do you need to conclude?

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): (*Inaudible*).

**The Temporary Speaker** (Hon. Peter Kaluma): You have it.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Thank you, Hon. Temporary Speaker.

Hon. Temporary Speaker, the reason why we are raising some of these issues is because Kenya needs to be protected. Who in Kenya do we need to focus on? We need to focus on real estate agents. In most cases, property in this country is bought in cash. I have witnessed a situation where properties have been bought in cash to the tune of millions of shillings. When you build a house, it does not necessarily mean that you took a loan from an institution. This does not necessarily account for where the money came from. If we invest money from unknown sources and then declare such resources as our wealth, how does this legislation take care of that declaration? How do we go back and ascertain where the money came from?

We need to also engage the precious metal dealers who deal in gold, diamonds and other metals. They deal with a lot of cash. We also need to look at the accounting systems of legal professionals and accountants in this country. The law needs to clearly scrutinise how they manage their processes. Money is transferred through legal agencies.

If there are no mechanisms of ascertaining that the money has been earned properly, legal agencies are engaged to craft agreements which are used to transfer big amounts of money. How does this law make sure that the legal agencies are also restricted in doing such business? If we have to secure Kenya, we need to do it properly. This law comes in to basically ensure that money laundering does not occur. I hope this proposed legislation provides for as much and even more.

With those remarks, I support the Bill.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. John Mutunga. Do we have Hon. Julius Melly, the Member for Tinderet? He is not in the House. Hon. Joseph Oyula, the Member for Butula, is a finance mind. He must speak. Hon. John Bwire will follow thereafter.

Proceed, Hon. Oyula.

**Hon. Maero Oyula** (Butula, ODM): Thank you, Hon. Temporary Speaker, for giving me an opportunity to add my voice to this Bill.

I want to start by supporting it because it attempts to cover gaps related to money laundering and combating of terrorism financing. There were gaps in the laws that were presented to the Committee. As such, control of money laundering in this country has been weak. If we pass this Bill, we will cover a lot in money laundering.

People bring illicit funds into this country. The Bill does not touch on the flow of illicit funds. They can be tracked to various constructions that we see in this town. However, I believe with these amendments coming into place, the authorities concerned will follow up some of the illicit funds. We may have very good laws as we are trying to amend them. The biggest problem we have is the investigative arm of the Government. Some groups can investigate thoroughly and make sure that all the illicit and laundered money is brought to book and accounted for.

Kenya was behind other African countries as far as control of money laundering is concerned. A lot has been seen in Kenya. That is why I am saying that the investigative arm may be weak in control, even if we have the law. It is important to look at the investigative arm of the Government and see how it can be strengthened to ensure that money laundering and illicit cash-flows are eradicated from this country. It may take time. However, it is a disease that must be cleared. As I have mentioned, the problem is the investigative arm.

Hon. Temporary Speaker, the ability to trace some of the monies has not been possible because of the law. The authorities concerned should trace some of the monies among the member countries in Africa and beyond. The extradition of the offenders is another area that

has been weak. With this law coming into force, the people concerned should be extradited to the places where they are required. This amendment is making it possible for that to happen. I hope we will get the people concerned with this aspect of money laundering captured.

You recall the Triton case in Kenya where a lot of money was transferred outside the country. However, it was not possible to extradite those responsible to come and answer questions on the amount of money that was taken out of the country. This Bill should be supported by this House fully. The House should also look into the investigative arm so as to take care of situations where there is a law but we failed to recover money because of lack of investigations.

With those few remarks, I beg to support.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you very much, Hon. Oyula.

Let us have Hon. John Bwire, the Member for Taita Taveta.

**Hon. John Bwire** (Taveta, WDM): Thank you. I have had the privilege of going through the Amendment Bill prepared by the Departmental Committee on Justice and Legal Affairs under the leadership of our senior colleague, Hon. Murugara. I appreciate the substantial part of the Bill. However, allow me to pick one item in this Bill that I sincerely have a challenge with.

Hon. Temporary Speaker, since 2019, we have been having a serious debate as to whether we should lift the advocate-client confidentiality clause - that is, the rule of privilege. It has been in court for quite some time. What has been proposed as an amendment in this Bill is that now advocates do not have an obligation to report but their supervisory body, which is the Law Society of Kenya (LSK), can direct an advocate to disclose certain information about a client. I must appreciate that there is some significant change from the old provision.

**The Temporary Speaker** (Hon. Peter Kaluma): Order, Hon. Bwire, which Clause are you speaking to?

**Hon. John Bwire** (Taveta, WDM): I am speaking to sections cited for amendment through this Bill. - the proposed amendments to Section 36 of the Anti-Money Laundering Act, 2009. I am discussing Section 36 (A)(B) 36(A)(5A), 36(B)(5E) and 36(C). You will note that these are amendments to the Proceeds of Crime and Anti-Money Laundering Act of 2009. If you look at these provisions, you will appreciate that there is a recommendation that now reporting by advocates can be done as long as it is recommended by the supervisory board. Clause 36(B) says:

“Provided the board may cooperate and coordinate with domestic and foreign counterparts for purposes of combating money laundering, terrorism and financing...”

It goes ahead to say, “Including share of information and documents with a domestic or a foreign counterpart.”

Why am I saying this? In order for us to appreciate the Attorney-Client Privilege Rule, we must agree that this is a common law rule. It is very old. In fact, my little research shows me that it started the year 1700. The rule cures two mischiefs. It restores two absolute rights. This is the presumption of innocence and the right against self-incrimination. There are two categories of people. Any information shared by them is literally a violation of the right against self-incrimination. One is an attorney. The second person is a spouse. The reason we have the Attorney-Client Privilege Rule is to protect the client as envisaged by the rule against self-incrimination and rule of the right to presumption of innocence.

If we can now say that as long as a supervisory board recommends sharing information, an advocate has an obligation to share information regarding his client, we will be going against the fundamental rights of human beings against self-incrimination and the right to presumption of innocence under which an advocate accesses this information.

**The Temporary Speaker** (Hon. Peter Kaluma): Order, Hon. John Bwire. I thought we were debating this Motion up to 7.00 p.m. I thought we would conclude it today. I am told that

the substantive Speaker directed earlier on that we have an Adjournment Motion from 6.00 p.m. You will have five minutes next time this Bill is listed for debate, possibly on Tuesday. I like the points you are raising.

**Hon. John Bwire** (Taveta, WDM): Thank you, Hon. Temporary Speaker. I am guided.

*(Hon. George Murugara gestured to the Temporary Speaker)*

**The Temporary Speaker** (Hon. Peter Kaluma): In fact, I can see that the Chair of the Committee is very anxious to respond to debate but there is already a directive by the substantive Speaker, which we cannot review. In fact, that is what the Lead Clerk-at-the-Table came to tell me. I understand, Hon. Murugara. I only assist the Hon. Speaker. I am informed that the Speaker directed that we adjourn to discuss a matter of national importance at exactly 6.00 p.m. In terms of traditions and practices, only the substantive Speaker can make variation to his own directives.

Hon. John Bwire, advocate, you will have five minutes the next time we speak. Hon. Murugara, I empathise with you. I was also anxious that we conclude this debate today. With that earlier ruling, it is impossible.

In fact, the Clerks-at-the-Table are reminding me that the Leader of the Majority Party was to help you in replying. That is what they have indicated to me. Sincerely, I thought we could be done today. However, that ruling by the Speaker is cast in stone. There is nothing I can do to it as a mere Member of the Chairperson's Panel. It will take the Speaker to change it. So, regrettably, we have to move to the Adjournment Motion.

Hon. Geoffrey Ruku, proceed and move. In terms of the Standing Orders, Hon. Geoffrey Ruku will have ten minutes and then each Member speaking will have five minutes. Proceed.

### **MOTION OF ADJOURNMENT ON A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE**

#### **NEW FINANCING MODEL FOR HIGHER EDUCATION AND TECHNICAL INSTITUTIONS**

**Hon. Ruku GK** (Mbeere North, DP): Hon. Temporary Speaker, pursuant to Standing Order 33(1), I seek leave for the adjournment of the House to discuss a matter of urgent national importance, which is the new financing model for students joining universities, colleges and technical institutions in Kenya.

Under the new financing model, the level of funding to be extended to each student will be based on several factors to be determined by the Higher Education Loans Board (HELB) and the Universities Fund. Among the factors to be considered are one's parents' background, gender, programme-type and cost, marginalisation, disability, family size and composition, government's priority areas and affirmative action.

Hon. Speaker, the objectives and spirit of the new Tertiary Education Financing Model is to promote inclusivity and equal opportunity to accessing higher education by addressing financial barriers that hinder many students from pursuing higher education and technical training. However, there are serious concerns that the new financing model may put unrealistic burden on parents and guardians amidst the prevailing turbulent economic times, thereby disadvantaging some students who qualify to pursue higher learning. In addition, an analysis of various programmes in different universities indicate that some public universities are charging higher tuition fees than some private institutions, thereby jeopardising accessibility and affordability of higher education.

It is also notable that the previous Government's subsidy for higher learning has been removed and students who miss out on Government scholarships and HELB loans will have to pay the entire amount. Further, students would be required to apply for tuition funding every year with no guarantee of securing the funds on each application, among other tougher terms. While the new model could unlock a lot of potential in transforming funding for higher learning in our country, abundant caution must be exercised so that it does not jeopardise access to higher learning in this country. This is a matter of great concern given that the students who sat for Kenya Certificate of Secondary Education (KCSE) in 2022 are due to join universities and colleges in September, 2023 yet it is not clear whether the model will facilitate accessibility and affordability to higher learning or may end up commercialising the sector.

Hon. Temporary Speaker, it is against this background that I seek leave for the adjournment of the House to discuss this matter of great national concern. Tertiary institutions stand as a beacon of knowledge, moulding the mind of our future leaders and advancing our society. A majority of Members of Parliament are in this House, courtesy of education. Were it not for education, personally, I would not be a Member of Parliament for Mbeere North Constituency. Therefore, there is need for the country to ensure fair and accessible higher education opportunities for every qualified Kenyan student.

On 3<sup>rd</sup> May 2023, the Government of Kenya rolled out the Variable Scholarship and Loan Funding Model. In the new funding model, students from vulnerable and extremely needy backgrounds will receive 100 per cent financing, while those from needy backgrounds will get 93 per cent. Household income bands are classified according to monthly household incomes outlined as follows: Vulnerable, Ksh0; Extremely needy, Ksh23,671 per month; Needy Kenyans, Ksh23,672 to Ksh70,000.

Hon. Speaker, as we strive to provide equitable and quality higher education for all Kenyans, it is our duty to scrutinise the flaws inherent in the needs testing approach and explore more effective avenues for financing our institutions of higher learning. While designed with good intentions, the needs testing instrument presents a number of challenges that must be addressed by this House or the Ministry of Education. The following are the challenges that are associated with the new financing model:

1. The tuition fees have not been increased as per the degree programme. The previous automatic Government subsidy has been removed and the students who need the Government scholarships and loans will have to shoulder the entire burden.
2. More students qualified in medicine, engineering, pharmacy and other technical courses like actuarial sciences and many others will choose to do less expensive courses simply because their families cannot afford their dream career path. This might end up killing careers in medicine, engineering and other highly technical studies at the expense of art-based programmes.
3. The funding model also puts needy students at risk since qualification for tuition funding has to be done each year with no guarantee of securing the fund in each application.
4. Needs testing requires extensive effort to collect and verify financial data from the applicants. This complexity may lead to delays in funding, disbursement and administrative inefficiencies. Resources that could be directed towards enhancing education programmes and services may instead be spent in bureaucratic process.
5. The application system requires one to have an identification card and could disadvantage many students who do not have this document as they complete secondary school at an average of 16 or 17 years.

Internet connectivity in the rural areas has been a challenge rendering technology unavailable to many students in the rural areas and remote parts of our country. I am sure in many constituencies in the Republic of Kenya, Mbeere North included, there are many villages where internet connectivity is a problem.

Also, the very vulnerable students and their parents do not have computers and there are no cybercafes or phones that can be used to access internet because they use *kabambe* phones. How to make applications through a platform provided for by the Ministry of Education is a problem in the very remote areas of our country.

Hon. Speaker, cognisant of these challenges, it is apparent that this model will fuel a lot of corruption as parents and students strive to navigate through the needs testing processes. Further, with the risk of unnecessary delays in accessing education, it will perpetuate a violation of constitutional provisions on the Bills of Rights, specifically Article 43 (1)(f) of the Constitution.

Hon. Temporary Speaker, while the new model incorporates a diverse breadth of grants, loans and household contributions that closely align with specific needs and circumstances of individual students, there is an urgent need to ensure that it is properly implemented, with proper measures put in place by the Ministry of Education. This is in full realisation of the fact that the Kenya Certificate of Secondary Education (KCSE) 2022 candidates are set to join colleges and universities in early September 2023. Their rights should not be violated in any way.

Hon. Temporary Speaker, it is against this background, and pursuant to Standing Order 33(1), that I seek leave for the adjournment of the House to pave way for Members to discuss this definite matter of urgent national importance regarding the new University and Technical and Vocational Education and Training (TVET) Institutions Funding Model. I urge the House to support this Motion, which is calling out on the Ministry of Education to address a potential problem before it unfolds and hurts this country by killing an entire generation.

It is also important to request the Cabinet Secretary for Education to avail himself to this House to clearly explain how students in very remote areas, whose parents cannot access the internet or smartphones, and students who have not attained the age of 18, will be covered through this Model.

With those remarks, I beg to move.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Geoffrey Ruku, for this timely Motion. Hon. (Dr) James Nyikal, the Member for Seme, do you want to speak to this Motion?

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Temporary Speaker, I support this extremely important Motion. The funding system may be good and implementable but the implementation plan is poor and bad. Students lack information. The admission letter informs students of the total amount of money that they need. However, that figure is scaring parents because they do not know that they can get bursaries, loans and other forms of assistance. That is the problem.

The letter indicates a website where one can apply but it does not give enough information. When you go to that website, you have to use means testing which asks for a lot of information which will be used to classify students as vulnerable, very needy, needy, or not needy. Theoretically, at that point, many students may end up not paying anything, or if they do, it will be a very small amount, which is good. Will that be done in the time left?

They need a phone registered in their names to access the website. If they are looking for a loan, they will need identification cards (IDs). A number of students do not have IDs either because they are underage or they have applied but they have not received them. The timeline for admission into universities is another problem. In some universities, students are expected to report on 24<sup>th</sup> of August. By last weekend, many students in my constituency had

not even applied for funding because they have difficulties with the application process. Theoretically, this is a good system where students may end up paying less than they were paying before. However, the question is whether they will access that money in the current economy.

There is no clear infrastructure that has been set up to help students. The centres are very far for some students. There is need for staff of the Ministry of Education to support students on how to go about applying for funding. Students have problems with internet connectivity, computers and phones. I hope that, just as the manual indicates, the system is designed to be available and work. The way we are handling the situation right now is the problem. To manage the problem, my first suggestion would be that we extend the period of admission to universities. We should then set up centres, at least at the constituency level or closer, with computers and provide internet for students to apply for funding. Additionally, the centres should have staff to assist the students. We can borrow the idea from the election system we use in this country. I believe that will work. If that is not done, many students will not manage to apply because the time is too short and there is no infrastructure. Once all that is done, we will have the opportunity to see whether the design, as it is, works.

There is the issue of whether students will be given money every year. In my opinion, that is not important now. Let us start with this year first. We need to support the students to apply and get the slots in universities. We can then follow up on the other issues.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. (Dr) James Nyikal. Hon. Julius Melly, the Chairman of the Departmental Committee on Education.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Temporary Speaker. I rise to support the Motion by Hon. Ruku. As the Chairman of the Departmental Committee on Education and Research as well as an educationist, I want to bring out the issues very clearly.

Education funding in this country has undergone several changes since Independence. Between 1963 and 1975, there were Government scholarships for students pursuing university education. Between 1975 and 1990, tuition fees scholarships and out-of-pocket money were fully paid by the Government. In 1991, when I had just joined university, there was introduction of what was called “Pay-As-You-Study,” where Government asked students to pay part of school fees from their parents’ pockets and part of it through HELB loans. The loan system was actually introduced a bit earlier.

The funding model we want to introduce today actually existed before. The model referred to as Differentiated Unit Cost (DUC) is where universities and students were funded based on the courses they were taking and the infrastructural development of the university. Earlier on, funding was uniform. The new model has been introduced to address three or four main issues. One, previously, the Government funded universities on a wholesale scale, where it gave a lump-sum amount of money to universities based on the total number of students admitted at the university. If a university had 50,000 students, the Government would give it a block figure of, say, Ksh10 billion. Most universities are in debt because they did not receive enough money. In order to address this issue, the Government has decided to pay the amount required per student based on costs of the course being pursued by each student. This new formula has come into play to solve this problem.

Hon. Members, secondary schools do not line up at the Ministry of Education for grants. Their allocation is sent directly to their bank accounts and they are responsible for hiring staff, payment of workers and purchase of items. Of course, the new funding model has several challenges. I thank Hon. Ruku and the Member who has spoken before me for touching on this aspect. The biggest challenge of this model is the lack of publicity. The Government and the Ministry of Education should come out and tell the people how the model works. They need to disseminate this information to the villages, churches and schools. As we prepare the next

candidates for the 2023 and 2024 national examinations, their institutions should have adequate information concerning the new tertiary education funding model.

The new funding model is ingenious and good. It is trying to address the issue of big debts by public universities. Universities have been underfunded for quite some time. I have information that I would like to bring to the attention of the House. I will give an example of the cost of a Bachelor of Science in Education degree at the university. The total cost of the tuition fee for this programme is Ksh244,800. I want to focus on the less needy students. As Hon. Ruku said, we have four categories of students. One is the very vulnerable—these ones have zero ability to fund their education.

*(Hon. Julius Melly's microphone went off)*

**The Temporary Speaker** (Hon. Peter Kaluma): Kindly, add him another two minutes. This is the Chairperson of the Departmental Committee on Education and Research. How many more minutes do you need to finish?

**Hon. Julius Melly** (Tinderet, UDA): Five minutes will be enough, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): I will give you four more minutes. Try and summarise. The nation needs to hear you.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Temporary Speaker. I thank Hon. Ruku because it is through this Motion that we are asking the Ministry of Education to disseminate the information to the public. A less needy case is of a parent who earns over Ksh200,000. If the fee is Ksh244,000 then they have a balance of Ksh44,000. The Government scholarship is about 38 per cent. The loan is Ksh93,151. The Government loan is Ksh55,000. This student will pay Ksh17,136. We have instances where parents bring to us fee structures of Ksh200,000 and ask us to pay for the whole amount. I know that universities have issued all the students with admission letters and fee structures attached to them. The student is supposed to go to the nearest cybercafe and fill out the various stages of applying for the loan. Depending on each student's need...

Hon. Ruku has just listed some variables like a parents' background - which is the main testing instrument - the gender, the course type, the previous schools attended, the expenditure on education, family size and composition, marginalisation, and disability status, among others. The students will be asked the schools they went to and who paid their school fees. If the student are orphans and their fees were paid by the National Government Constituencies Development Fund (NG-CDF), that in itself qualifies them to get almost 100 per cent funding.

Hon. Temporary Speaker, a question was asked about up-keep. Let me give an example of the vulnerable. Such a student gets a scholarship of 82 per cent, a loan of 18 per cent and Ksh44,000 out-of-pocket for up-keep at the university. Such a student gets full school fees paid and out-of-pocket money. The major problem with the current situation is information not reaching parents. Also, most of the needy and vulnerable students come from the rural areas and from slum areas of urban centres, and most of them do not access this information.

There is also an issue of timelines. Timelines have been indicated in this document. Application for a loan has six steps. When students apply for loans, they are supposed to get them in a duration of five days. I was with the Ministry of Education officials and they informed me that the applicants are supposed to be 190,000. As we speak, I do not think they have passed 60,000 and these include students joining Technical and Vocational Education Training institutions (TVETs) and the other institutions. The timelines for students going to university should be increased, as Hon. Nyikal suggested. This is because, as we speak, at times the system is down because of increased traffic. At times parents do not have information and students may not have enough time. All these are attributed to administrative challenges.

---

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

Hon. Temporary Speaker, there is an issue I also want to bring to the attention of Members. Compared to the previous study model, this one is going to give universities more money. The second, third and fourth year students are still using the differentiated unit cost model. The money allocated this year for the new funding model alone is about Ksh40 billion. That means on average every student is supposed to get Ksh200,000 per programme. The issue of universities not having enough funds to run their programmes will be a thing of the past.

I advise the House to support the new funding model. However, we should ask the Ministry to make sure that this model is understood well, and that the relevant information reaches parents and students. They should ensure that all the challenges are adequately addressed.

With those remarks, I support the Motion.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Julius Melly. Next is Hon. Millie Odhiambo-Mabona, the Member for Suba North.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Speaker for giving me this opportunity. I thank Hon. Geoffrey for this Motion. I hope to be brief because we only have five minutes.

My concern, after listening to Hon. Geoffrey Ruku and the Chairperson of the Departmental Committee on Education and Research, is that I got more confused than I got answers. If, as a Member of Parliament representing my constituency, I am confused about this model, how much more are my constituents going to be confused? Listening to Hon. Geoffrey Ruku, I see many challenges with this model. On one hand, they are saying that it is a better model through which more students will access education. I agree with Hon. Geoffrey Ruku that we must ensure that if the subsidy has been removed, it means that there is a category of students who will pay the full amount of fees that they were not paying previously. So, in effect it means that the fees has been increased for that category of students. Most of the students in that category are going to drop out, even from the technical colleges. That is very worrisome because, as a country, we need to be producing doctors, nurses and other personnel in specialised fields. It is of grave concern if we have a system that is going to exclude people.

Speaking as a lawyer, I want to raise concern about the use of certain terms. I do not want to say carelessly, but when you say “vulnerable,” “needy,” “less needy,” and “extremely needy,” I do not understand these categorisations. Even from that alone, I do not know the legal framework that we are using to refer to a student as “needy.” At this point, I would not mind to be informed after I sit down so that you do not eat into my time. Is there a legal framework defining who is vulnerable? If there is no legal framework, then I can assure you that if I had a child, with corruption in this country, my child would be very vulnerable. In fact, I would even add another adjective to say “extremely” vulnerable because this is Kenya. We know what Kenya and corruption are. Corruption is our middle name as a country. As much as we are saying that we are committed to eradicating corruption, it will take us many years to do so.

For me the issue is the absence of a legal framework categorising the level of need by students. I am also very concerned about what the Chairman has agreed with Hon. Geoffrey - that, because of lack of public participation, most people are not aware of this information. Talking as a Member of Parliament who represents a rural constituency, we even have a challenge getting people out to access bursary, which is open to everybody at the constituency level. Almost everybody, let me say, in the constituency, knows about bursary.

During the time I was campaigning, I found a young man who had mean score “A” and had been admitted to the University of Nairobi. He hails from a place called Usao in my constituency, which is one of the far-flung areas of my constituency. He had deferred his studies for one year, not being aware that he could have come and asked for bursary. Now you are telling this guy in Usao, where there is no digital hub, to go get and use a computer to give information. Let us be realistic about the country we are living in. We have many people who

think like computers sound like going to Mars. Let us be realistic about the people we are representing here. Let us not operate as though we are representing people who live in Lavington, Kileleshwa and Karen alone. We are representing people who live in Usao, Sukuru and Sikri in my constituency. There are people who will not access this system very easily.

Another issue is on Identity Cards (IDs), which has also been raised by Hon. Geoffrey. If you are talking about border constituencies like my constituency, getting normal identification is a problem especially for people who are transiting from one system to another. They will not be able to apply at all because they will not get IDs. It takes a year or two years to even get those IDs. What are you telling us? I think I will leave it because my time is up, but could I just request that we hold a *Kamukunji* on this issue so that you inform Members of Parliament first so that we can be better representatives.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Millie, before you sit, I can see that you have a few seconds left.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Tell me. My eldest brother passed on. Now, for my immediate nephew, how do you consider his level of need to a son of some peasant farmer who is over 80 years or over 60 years old not earning a regular income? How, in terms of your information, would their level of need be categorised and defined?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): That is actually my challenge. How will you classify a person as vulnerable, needy and extremely needy? If you look at the number of people who are living below the poverty line in this country, almost 60 per cent are extremely needy. What we are basically saying is almost 70 per cent will qualify for full funding. Are we being realistic about this? We are going to knock some students off university education because of this new funding model.

The other thing is that we are going to push it to Members of Parliament. You should see in our inboxes already. I am sure you are already facing it. People are putting us in WhatsApp groups to collect funds for school fees and we cannot afford it. Mothers are panicking. There is a woman called Lindsay, who keeps on calling me from Mbita Town every day. She calls me every day because she cannot afford fees for her child, and she is not the only one. There is one from Ogando, and others. I can count many of them.

We are putting the country in a crisis. I thank Hon. Geoffrey for raising this matter at this time. We need to deal with it as a crisis.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker (Hon. Peter Kaluma)**: Hon. Gideon Kimaiyo, the Member representing the people of Keiyo South Constituency, you are recognised.

**Hon. Gideon Kimaiyo** (Keiyo South, UDA): Ahsante, Mhe. Spika wa Muda. Ninamshukuru Mhe. Ruku kwa Hoja ambayo ameleta jioni ya leo. Ninamuunga mkono.

Wizara ya Elimu inafaa ituambie vizuri kwa sababu kuna ukosefu wa habari. Mimi kama Mbunge sielewi vile huu ufadhili wa elimu ya juu ulioletwa utatekelezwa. Umesikia jinsi Wabunge wenzangu wamesema. Kama Wabunge hawaelewi vizuri huu ufadhili wa elimu ya juu, yule mtu aliye mashinani ataelewa vipi?

Jambo la pili ni kuhusu njia itakayotumika kumtambua mwanafunzi anayestahili kulipiwa karo na ufadhili. Wanasema watatumia tarakilishi. Yule mtu ambaye ako mashinani—kwa mfano, mahali ninakotoka kule Kerio Valley—ataoa wapi tarakilishi. Hiyo ni njia ya kumfungia asipate msaada wa ufadhili katika chuo kikuu.

**Hon. Julius Melly** (Tinderet, UDA): On a point of information, Hon. Temporary Speaker.

**The Temporary Speaker (Hon. Peter Kaluma)**: Hon. Melly Julius, what is out of order?

**Hon. Julius Melly** (Tinderet, UDA): Allow me to inform the Member.

**The Temporary Speaker (Hon. Peter Kaluma)**: Hon. Kimaiyo, do you want to be informed? He can only do so, if you want the information.

**Hon. Gideon Kimaiyo** (Keiyo South, UDA): I will allow him to inform me.

**Hon. Julius Melly** (Tinderet, UDA): Thank you very much. Hon. Speaker, I want to inform the Member that even the current model of funding is computerised. As we speak, there is no funding model today which does not require the student to enter his personal data into a database. The new model has teething problems but it is a good one because it is giving universities money. I am giving this information so that we do not think that we are introducing a model which is different from the other one. All of them have means testing instruments.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Julius Melly, you were allowed by Hon. Kimaiyo to inform him but now you have introduced a phrase called “means testing.” Can you unpack it?

*(Hon Millie Odhiambo-Mabona spoke off the record)*

In that context, how do you establish those categories? You said Ksh23,000 to what? How do you establish them for non-salaried guardians—people who live from hand to mouth like those parents in the villages or Kibra who do not earn regular monthly salaries like us?

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon Temporary Speaker. When a Member goes to a bank or financial lending institution, they guide him to fill a two or three-page document, which tries to assess his ability to pay and the need for him to have those resources. That is an example of a “means-testing” instrument. It has been in use for several years. Even in the current system, students’ means are tested.

Let me take you to the constituencies. I conduct oral means testing in my constituency to determine who qualifies to benefit from NG-CDF. If you are an orphan, you get more money. If you are from a single parent family and you are very needy—for example, if your mother or father are unemployed or are peasant farmers, you get a bigger amount. If you are a child of a teacher in a rural constituency, you get less. The kind of means testing that we have today is supposed to classify the child based on the school he attended. Did he attend a very local school? Was he being dropped by parents at school? Is he a beneficiary of scholarships or bursaries of NG-CDF?

The responses I get guide me as to which category of need each student belongs. Assuming that it is a child of Hon. Melly, and I am taking the child to school, the child will be asked what means of transport he uses to get to school. He or she will say they were dropped by the driver or they were taken to school by their parents. That child will be in the category of the less needy.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Just a minute. Remember Hon. Melly was just giving information. What of the child of my late brother as Hon. Kaluma? Remember, you are going to categorise him as an orphan, which you confirm entitles him to more. You get what I am talking about? What of the child of my late brother against the child of some villager whose parents or guardian are there but do not earn anything at all? In fact, some are very old. I am asking this of you in terms of the information you are giving to the House because I know you meet them when you oversee the NG-CDF in your constituency. We are talking about the deficiencies in bare clarifications. I remember that was what Hon. Millie Odhiambo was talking about.

Hon. Members, let us allow Hon. Kimaiyo, having been informed, to complete his contributions.

**Hon. Gideon Kimaiyo** (Keiyo South, UDA): Asante Mhe. Spika wa Muda. Nitamuomba anipatie...

*(Hon. Milly Odhiambo spoke off record)*

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Millie, the Chairperson of the Departmental Committee on Education and Research stood to inform Hon. Kimaiyo. You cannot stand on a point of order to inform Hon. Melly, who was also on a point of information to inform Hon. Kimaiyo.

Proceed Hon. Kimaiyo. You have been added some time so that you may conclude your contributions.

**Hon. Gideon Kimaiyo** (Keiyo South, UDA): Asante, Mhe. Spika wa Muda. Asante Mhe. Melly. Nimefahamika lakini sikuwa ninakosoa huo mfumo. Nilikuwa ninaangazia zile changamoto ambazo tutazipata hapo mbeleni. Kwa mfano, wiki zijazo wanafunzi watarudi shuleni na watalazimishwa kulipa karo kama hawatafaidika kutokana na huu mfumo wa msaada wa karo. Ninamuunga mkono ndugu yangu Mhe. Ruku kwa kuleta hii Hoja. Ni muhimu sana Wizara ya Elimu itueleze na itufahamishe maanake sisi kama Wabunge, tuna changamoto kuelewa ni nini kitakachofanyika kwa mwananchi wa kawaida. Watupatie habari tupate kuielewa vizuri kwa sababu kuna ukosefu wa habari. Bado tunahitaji taarifa zaidi kuhusu huu mfumo. Njia ambayo imetumika kutambua yule ambaye kwa lugha ya kimombo wanamuita *vulnerable* inafaa ieleweke.

Ninamuunga mkono Rais kwa kuleta huu mfumo kwa maana lile jopo ambalo lilituliwa na Rais ndilo ambalo lilileta huu mfumo mpya. Kule mashinani, mtoto ambaye amesoma kwenye shule ya kibinafsi anashindana na yule mtoto ambaye amesoma kwenye shule ya msingi iliyo chini kabisa. Kwa mfano, mahali ninakotoka kuna shule inayoitwa Kipkanao. Ni shule ya msingi ya tabaka la chini kabisa. Haina madawati, haina madarasa lakini inashindana na shule ambayo ni ya kibinafsi. Mtoto anapita mtihani na alama mia nne kwa sababu amesoma shule ya kibinafsi. Yule ambaye amesoma katika shule ya msingi duni ya Umma anapata alama mia mbili katika mtihani. Yule anaitwa shule ya upili ya Alliance na huyu mwingine anaitwa shule ya Kamang'u. Mzazi wa huyo mwanafunzi anajiweza kifedha kwa sababu alimpeleka shule ya kibinafsi. Wanapomaliza shule ya umma ya sekondari, wanaitwa kwenye chuo kikuu. Wanaenda tena kushindana kwenye chuo kikuu cha Umma. Maoni yangu ni kwamba mzazi ambaye anampeleka mtoto kwenye shule ya kibinafsi pia ampeleke mtoto huyo kwenye shule ya secondary ya kibinafsi na baadaye ampeleke kwenye chuo kikuu cha kibinafsi. Wacha watoto wa Umma walio chini kabisa wapewe fedha za serikali na kusaidiwa kuimarika katika maisha yao ndio wawe sawa na wale wanajiweza kifedha. Tusipofanya hivyo, ukosefu wa usawa katika jamii tunaoita *inequality* kwa lugha ya kimombo utaendelea kuongezeka. Katika jamii, utaona kwamba wale walio na mali ndio wanaendelea katika maisha yao. Wale ambao hawana mali wanaendelea kwenda chini.

Kwa hayo machache, ninaunga mkono mfumo huu mpya wa ufadhili lakini ninaiomba Wizara ya Elimu itupatie habari zaidi.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Adipo Okuome, the Member for Karachuonyo.

**Hon. Adipo Okuome** (Karachuonyo, ODM): Thank you, Hon. Temporary Speaker. I must say that the Motion is good. I support it. As my colleagues have indicated, the problems are in the application of this model.

When I read about this new model in the papers, I decided to call my sub-county director of education to get explanation from him. I wanted him to tell me whether students in Karachuonyo are applying for HELB funding or scholarships. Admittedly, he told me that they were not understanding it well. I agreed with him that even if I were to support a kind of

conference, he should call students who are eligible for this and get somebody from the ministry to explain what can be done. I also contacted some students and they told me that the system is still closed. September is just next door. When are these students going to apply for HELB funding or scholarships? That is one problem I am already seeing.

I know the Chairman of the Departmental Committee on Education and Research said that the bursaries would reach students five days after application. The students who are going to apply are extremely many. Will you be able to process the whole thing within three or four days? I know he will probably say yes, that the system is computerised and getting qualified students is not a problem. That will bring us to the matter that my colleagues have already raised - the problem of categorising students or classifying them in line with the categories that have been mentioned. That is abstract. Who declares a student very vulnerable? What are the details of declaration? These are things which are going to make the whole thing complicated.

In the meantime, one thing I would ask is that students who are joining universities in September should not be refused admission because they do not have fees to pay. If that happens, I do not know how we are going to get universities work. That is one request which can go through you, *Bwana* Chairman of the Departmental Committee on Education and Research. They should not refuse to take any child because of failing to pay the required fees by September. The information, like it is necessary we know, about this system should be given publicly. Let newspapers also come out to educate our people so that we maximise the use of this model coming up from the Ministry of Education.

I see that my time is up. Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you Member for Karachuonyo. Hon. Wilberforce Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker. As my colleagues have said, these are very agonising and stressful times for Members of Parliament and parents. Allow me to read a message that I was sent by a parent.

*“Mtoto wangu anaenda Chuo Kikuu cha Meru kusomea utangazaji na karo ni elfu mia mbili na nne. Nilikuwa naomba usaidizi kwa sababu hiyo karo ni nyingi na sitaweza kumpeleka peke yangu. Nisaidie niweze kusomesha mtoto wangu.”*

That is where the problem lies. The model has not been marketed or publicised. I speak so because before I came to Parliament, I came from the lecture halls. I was the last group that got boom the first year. When they abolished the boom, we went on a serious strike. We stayed home for a year, and we had gone through a metamorphosis over time.

You are aware that there is the Equity Bank’s Model, Wings to Fly, and there is a Presidential Award for Secondary Schools. All of them have been beset with various challenges of administration and management. As we stand here today, through the Chairperson, Departmental Committee on Education and Research, it is important that whatever it takes, let the Cabinet Secretary and the Ministry of Education take as much space in media, be it vernacular media, mainstream media, social media or any other form of communication to reach out to the people wherever they are. Let them take a crash programme to the Assistant Chiefs and other officials. Let us take them through the Members of Parliament for them to understand this model, and sell it to the people out there. A good idea will be lost because of the challenges of implementation, and of how it is framed. We are going to lose very many students. As the Chair has said, they are targeting 190,000 students. There is only one week before the first cohort joins university, around 24<sup>th</sup> August. How will they capture these 130,000 students? Parents are apprehensive and students are confused. Nobody knows what is happening. Can you imagine?

I totally agree that we need to do it through the digital space, so that we digitise the economy. I do not accept paper application. It is becoming a waste, but we need to look at how far the 3G network is deepened, so that these students are able to reach various people.

On the issue of selecting the bands, I fear introduction of some parameters because they are not going to work. There are primary school teachers in the villages, whose salary on paper is probably, Ksh23,000 or so, but they are saddled by loans. God has given them enough strength in their loins because they have many children and, obviously, their expenses are spread thin.

If I were the Government, I would treat 190,000 students the same - regardless of one's social and economic background - instead of giving them scholarships and loans based on need assessment. Honestly speaking, when we went to university during our time, it did not matter where you came from. When you applied for HELB, you had committed yourself to pay because it was a loan. If the Government wants to re-introduce free education, because education is an equaliser, let us use this opportunity to equalise Kenyan students. Introducing so many bureaucracies may not help.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. John Bwire, Member for Taveta.

**Hon. John Bwire** (Taveta, WDM): Thank you, Hon. Temporary Speaker. Every time I hear my colleges debate on this matter, like them, I get more confused. I have listened to the Chairperson of the Departmental Committee on Education and Research. There is one thing that has not come out clearly. The previous model of HELB had a two-tier categorisation that was used to finance university education. There was a loan component and a bursary component. The first categorisation was merit. As long as you are selected to join university under the Joint Admissions Board of Kenya (JAB), you would get an allocation by way of Government subsidy. The second categorisation was need-based. The challenge with this model is that it has only used this angle. The previous model had a lot of checks and balances. The Chairperson, Departmental Committee on Education and Research has said that it was an automated hybrid system. You filled a form online and were required to take it to your chief and pastor to assess whether you are truly a needy student. I practice in Mombasa, where there are cybercafes with people who assist university students to apply for HELB loans. They have mastered the art of applying for HELB loans. They have garnered enough knowledge to ensure that even if you are not needy, they categorise you as extremely needy at a fee. Those checks and balances are missing. The previous system ensured only needy students benefitted. Even if there was a marginal error, it was plus or minus five. The current system has completely failed.

I come from a constituency where there is no fibre optic. I forced myself to put an application centre in my office. Children come there all the way from Njukini and Marodo. The cost of a *boda boda* ride from Njukini to Taveta Town is almost Ksh600, which many parents cannot afford.

Hon. Temporary Speaker, we both understand that every change of system has a transition clause. The problem is that we allowed some professors to come up with a good idea but they do not have first-hand experience of the challenges that Members of Parliament face. I wish they called us for a stakeholder's engagement. We would have told them about the challenges we are facing with the system.

The Cabinet Secretary for Education should come to explain to us and the public how they will implement the financing model in the midst of the many challenges that my colleagues have mentioned, like time and resources.

With those remarks, I support the Motion.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. (Dr) Lillian Gogo, you have two minutes.

**Hon. (Dr) Lilian Gogo** (Rangwe, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I also want to congratulate you for the good performance of your school - Ogande Mixed Secondary School - at the national level. It pains me to know that some

of those good performers may never see the gate of a university because of the very stringent measures and high fees required.

As it has already been articulated, it is unfortunate that the consumers of this new model were not fully involved. They were not given opportunity to make an informed decision as they consent to it. I find that to be very unfortunate. Were it not for the loans we got through HELB, some of us would not have gone to school given the backgrounds we came from. It is important for us to re-look at Kenya's education financing model at all levels - right from primary school through secondary school to higher education. What country will we have if we make it very difficult for daughters and sons of poor persons to access education? I know that Ksh300,000 is nothing but pocket change for some people in this society but there are families which cannot afford food and basic shelter. Somehow, God has a way of balancing things such that we get very bright students from very poor families. What will we do about them? We know that education is the only equaliser. It is education that puts a rich man's child and a poor man's child on the same table. It is high time we re-thought this model as a nation and give the children of the poor opportunity to go to school at whatever level that their brains will allow them.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you. Hon. Geoffrey Ruku, you are doing very well in your first term by bringing such Motions. Let me thank you on behalf of the House.

Hon. Julius Melly, the Chairman of the Departmental Committee on Education and Research, Parliament does not debate in vain. What action is the Committee going to take to secure the matters we have talked about here and ensure that they are addressed in a manner that children are not prejudiced in terms of university entry? Is it possible for the Departmental Committee on Education and Research to meet, latest, by Tuesday and allow as many Members as possible to be present so that, together with the concerned Government agencies, and come up with a solution as the leadership in terms of how this can be implemented to not prejudice children reporting for admission?

I will give you a minute to make a commitment. I know it is an Adjournment Motion. However, it will be good that you communicate, on behalf of the Committee that you are in charge of.

**Hon. Julius Melly** (Tinderet UDA): Thank you, Hon. Temporary Speaker. The direction you have given is in order. I will ask the Clerk to expedite the information because of the seven-day rule of the Standing Orders so that the Cabinet Secretary can appear before the Committee by Thursday, next week with all the information. That meeting should be beamed live on television across the country for more parents and people to learn. Also, more Members should come to the Committee so that they can get more information. With your direction, I will do so.

*(An Hon. Member spoke off record)*

The people who allocate halls are the Sergeant-at-Arms. If they will allocate this place, there will be no problem.

**The Temporary Speaker** (Hon. Peter Kaluma): I can assure you that this matter is very important. We adjourned the business of Parliament to discuss it. It is a matter that the Office of the Speaker will gladly support, if you request that the meeting be held on Tuesday.

I pray that you do so.

**Hon. Julius Melly** (Tinderet UDA): I will, Hon. Temporary Speaker.

Thank you.

**ADJOURNMENT**

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Members, the time being 7.06 p.m., the House stands adjourned until Tuesday, 22<sup>nd</sup> August 2023 at 2.30 p.m.

The House rose at 7.06 p.m.

*Published by*  
Clerk of the National Assembly  
Parliament Buildings  
Nairobi