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Tuesday, 15th 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, ring the Bell.

(The Quorum Bell was rung)

Hon. Members, we have quorum to transact business.

(Hon. Major (Rtd.) Abdullahi Sheikh walked along the gangway)

Hon. Speaker: Hon. Bashir take your seat. Take the nearest available seat.

COMMUNICATION FROM THE CHAIR

ESTABLISHMENT OF A JOINT COMMITTEE ON WORLDCOIN OPERATIONS IN KENYA

Hon. Members, you will recall that during the afternoon Sitting of Wednesday, 2nd August 2023, the Member for Manyatta Constituency, Hon. Gitonga Mukunji, sought a Statement from the Leader of the Majority Party regarding, *inter alia*, the steps that the Government was taking to ensure control of access to, collection and storage of Kenyan citizens' data, by foreign entities.

Given the gravity of the matter, I directed the Leader of the Majority Party to provide a Statement on the matter before the House on Thursday, 3rd August 2023 at 2.30 p.m. Consequently, the Leader of the Majority Party presented a Statement signed by the Cabinet Secretaries for Interior and National Administration and Information, Communications and the Digital Economy. In the Statement, the Cabinet Secretaries averred that an entity known as Worldcoin was reported to be harvesting eyeball data from Kenyans in exchange for cryptocurrency tokens worth approximately Ksh7,000. The aforementioned entity was not registered as a legal entity in Kenya but preliminary investigations revealed that the entity had hired a company in Kenya known as Sense Marketing to carry out the data capture on their behalf.

(Several Members walked into the Chamber)

Hon. Members, take the nearest seats. Thank you.

Having taken into consideration the comments expressed by Members of this House on the Statement that was read by the Leader of the Majority Party, I directed that the Cabinet Secretaries responsible for the two ministries appear before the House on Wednesday, 9th

August 2023. The Cabinet Secretaries were to jointly apprise Members on the pertinent issues that arose from their Statement.

As you are aware, Hon. Members, on the afternoon of Wednesday, 9th August 2023, the Cabinet Secretary for Interior and National Administration and the Cabinet Secretary for Information, Communications and the Digital Economy appeared before the House and responded to concerns by the Members. However, the Cabinet Secretaries could not satisfactorily respond to all the issues raised forthwith as it became apparent that their explanations raised more supplementary questions than answers.

In this regard, I directed the Cabinet Secretary for Interior and National Administration and his counterpart for Information, Communications, and the Digital Economy to retreat and come before the plenary of this House at a later date, which is tomorrow, Wednesday, 16th August 2023, to provide more comprehensive responses on the activities and operations of Worldcoin in the country. Consequently, Hon. Members, I wish to inform the House that I am now in receipt of a request from the Cabinet Secretary for Interior and National Administration on this subject matter, seeking my consideration of the various approaches for inquiring into the activities and operations of Worldcoin in Kenya.

In his request, the Cabinet Secretary suggests options that will avail an opportunity for the House to get clear, more coherent, accurate, and detailed responses on the matter.

Hon. Members, the Cabinet Secretary proposes the following three approaches:

1. THAT, the relevant Cabinet Secretaries, whose mandates have a bearing on the matter, including the Attorney-General, appear separately before the plenary of the House to respond to the matter;
2. THAT, the relevant Cabinet Secretaries and Heads of Agencies, whose mandates have a bearing on the matter, appear before the relevant Departmental Committees or an Ad hoc Committee; and,
3. THAT, the relevant Ministries, Departments and Agencies, whose mandates have a bearing on the matter, provide information on the subject matter to the Prime Cabinet Secretary who would then appear before the plenary of the House.

(Several Members walked into the Chamber)

Hon. Members, take the nearest available seats. Thank you.

Having carefully considered the three suggested options and to avoid any further equivocation on this matter, I am inclined to proceed with the second approach. In this regard, I direct as follows:

1. THAT, the matter of the activities and operations of Worldcoin, hereby stand referred to a Joint Committee of this House, comprising fifteen Members, five Members each drawn from the following three Committees —
 - (a) Departmental Committee on Administration and Internal Security;
 - (b) Departmental Committee on Communication, Information and Innovation; and,
 - (c) Departmental Committee on Tourism and Wildlife.
2. THAT, the nomination of Members to the Joint Committee shall be in writing to the Speaker, done by the respective Chairpersons of the three Committees, taking into consideration the Majority Party and Minority Party memberships of the House. In this case, the Majority Party will be allocated three slots while the Minority Party should be allocated two slots, by each Committee.

3. THAT, I will appoint the Chairperson of the Joint Committee from amongst Members drawn from the Departmental Committee on Administration and Internal Security;
4. THAT, the mandate of the Joint Committee is to inquire into the activities and operations of Worldcoin in Kenya; and
5. THAT, the Joint Committee considers and inquiries into the matter and submit its report by Thursday, 28th September 2023.

In view of the foregoing, Hon. Members, the two Cabinet Secretaries that were scheduled to appear tomorrow before this House, will instead appear before the Joint Committee to provide information on the matter.

Further, I wish to inform the House that I am also in receipt of two correspondences from the Cabinet Secretary for Health and the Cabinet Secretary for Investments, Trade and Industry, requesting to be given an opportunity to respond to questions in plenary at a later date. They were scheduled to appear tomorrow. This is owing to the fact that they have prior engagements to attend at the ongoing Devolution Conference. This is a request that I have acceded to. Therefore, I urge the Leader of the Majority Party to schedule the two Cabinet Secretaries to appear before this House immediately the House resumes from the upcoming August recess.

I thank you.

Next Order.

PETITIONS

(Several Members walked into the Chamber)

Hon. Speaker: Hon. Members, take the nearest seats. I have a Petition to present. You do not have to sprint to the nearest seat. The nearest seat must be close to where you are.

BANNING OF TIKTOK IN KENYA

Hon. Speaker: Hon. Members, Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2)(b) requires the Speaker to report to the House any petition other than those presented by a Member.

In this regard, Hon. Members, I wish to report to the House that my office has received a Petition from one Mr. Bob Ndolo, Executive Officer of the Bridget Connect Consultancy, regarding the banning of TikTok in Kenya. The petitioner says that TikTok is a social media platform that allows users to create and share short videos. Hon. Members, the petitioner decries that while it has gained popularity among the youth in Kenya, the content that is being shared on the platform is inappropriate thus promoting violence, explicit sexual content, hate speech, vulgar language, and offensive behaviour, which is a serious threat to the cultural and religious values of Kenya.

The petitioner avers that in Kenya, the internet application is not regulated by the Communications Authority of Kenya leading to the failure to remove or block content deemed to be inappropriate or offensive. Hon. Members, the petitioner further avers that TikTok has been implicated in several privacy scandals over the past years. For instance, in 2019 the App was fined US\$5.7 million by the United States of America Federal Trade Commission for illegally collecting personal information from children under the age of 13 by collecting data such as names, email addresses and locations from young users without their parents' consent thus violating the Children's Online Privacy Protection Act.

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Hon. Members, the petitioner alleges that TikTok collects a significant amount of data on its users including information about their devices, locations and browsing history and sharing with third-party companies without users' consent. The petitioner is concerned if the platform is not prohibited in Kenya, the App's addictive nature would lead to a decline in academic performance and ascend on mental health issues such as depression, anxiety and sleep deprivation among the youth.

Hon. Members the petitioner thus prays that this House intervenes and takes immediate action to safeguard Kenyans from the negative effects arising from the use of the platform and all together ban TikTok in Kenya.

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

Hon. Members, I will give a few Members a chance to comment on this, starting with the Leaders of the Majority and the Minority Parties. I will give you three minutes each. The rest of you Members will get two minutes each.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. As you have said, the Petition is well in the House and the petitioner, Mr Ndolo, is well within his rights. But Hon. Speaker, as you read the Petition, I noticed that Hon. Njeri Maina was actually on TikTok.

(Laughter)

Hon. Speaker: Is that correct? Go on.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, many of us, I included, are on TikTok, unashamedly. My Deputy Whip here also says she is on TikTok. There is nothing criminal or evil about being on TikTok. I am also on Snapchat. My teenage daughters are on all these apps. They have downloaded them on my phone and shown me how to use them. Therefore, as much as I feel what Mr. Ndolo has said that there could be an element of abuse of all these apps, as a House, we cannot preside over the outright banning of any app. We cannot fight against technology. What Ndolo and maybe the relevant Committee should do is to petition the House to look at ways that we can regulate the use of these apps and restrict the age groups that use them. We can also consider how the Communications Authority of Kenya (CAK) and the ICT Authority can regulate the content that is uploaded for viewership according to different age groups. Outright banning will kill careers.

I have been to a lavish establishment in Lavington which has established a digital village. The Government has made efforts to establish studios in villages all over the country where young men and women can create content on TikTok, WhatsApp, Snapchat, and all these other apps. Many young Kenyans earn a living from all these apps. The Government is even tapping the resources of digital content creators because it appreciates that the industry can generate revenue.

I have seen young Kenyans earning Ksh300,000 to Ksh400,000 on account of their number of followers on TikTok. We just need to regulate the content that young people or underage children view, and how they can use those apps. However, the outright banning of TikTok or any other app is going way beyond our call of duty.

Parents should also take charge. That is why I am on these apps. It serves one very well if one is a good parent. My daughters can tell my real-time location through Snapchat. They told me that they downloaded the app so that they can tell exactly where I am at any point in

time. They are able to track my movements and tell when I am coming home. At times, depending on the circumstances, I switch off the location function.

(Laughter)

At times, you also need to be a typical African father and appear home unannounced. I knew that my young daughters were tracking my movements so that they know when I am about to get home. I encourage parents to also apprise themselves of developments in the technological world so that they are not caught unawares, but they are able to see the content that their children are accessing. I urge the Committee to find ways to regulate the use of these apps, the content that is uploaded onto them, and who can access it.

Government agencies should also ensure that if one uploads content that is undesirable for young people, they are heavily fined and probably even banned from using those apps so that they do not become serial abusers of children and underage children through those apps.

With those many remarks, I support this Petition with the amendment that we do not consider the outright banning of any app.

Hon. Speaker: Hon. Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): Thank you, Hon. Speaker. Let me echo the words of the Leader of the Majority Party. The Petitioner is within his rights to petition the House on this very important matter. However, I am of the very strong view that in this digital age, we cannot be isolated as a country. We cannot operate as an island. The technological age knows no boundaries or borders. Therefore, it will be foolhardy to contemplate banning not only TikTok, but any other app for that matter.

Secondly, we are living in difficult times with high unemployment levels. Our youths are looking forward to creating opportunities for employment. Those platforms have provided avenues and opportunities for our youths to earn a living, especially those who can create content. As a responsible country, we should look forward to opening up those spaces for young people to continue to eke out a decent living.

Finally, I urge the relevant Committee to take its time, adequately interrogate this matter, and come up with appropriate recommendations.

Hon. Speaker: Thank you, Leader of the Minority Party. Hon. Njeri.

Hon. Njeri Maina (Kirinyaga County, UDA): Hon. Speaker, while you were reading the very meaningful Petition, the Leader of the Majority Party adversely mentioned my name saying that I was on TikTok. I confirm that I indeed subscribe to TikTok. I am a very popular content creator there, but I try to empower children.

Social media is not only open to people who want to abuse the platform, but it is also an avenue for many young Kenyans who are trying to eke out a living, as well as for marketing. As a House, we cannot say that we want to do away with TikTok. Young people are at the centre of many challenges such as rising unemployment levels. Some young people are earning up to Ksh300,000 per month on TikTok, money that they would not make in the regular market. As much as we are alive to the dangers of social media, we should see how to regulate abuse of content creation on social media. Many digital content creators are just people who are trying to put something on their tables. I, therefore, propose that we amend this Petition to only regulate TikTok, but not to do away with it entirely.

Hon. Speaker: Hon. Irene Mayaka.

Hon. Irene Mayaka (ODM, Nominated): Thank you, Hon. Speaker. I also join my colleagues in supporting the proposal that the ideal thing to do would not be to ban TikTok but to regulate it.

From an IT and audit perspective, I want to inform the House that even if you ban any application, if someone has access to a Virtual Private Network (VPN) from any other country, they can still access that application.

(Hon. TJ Kajwang' spoke off-record)

Hon. Speaker: Since Hon. Kajwang' is old school, you better...

Hon. Irene Mayaka (ODM, Nominated): Hon. Kajwang', a VPN is an application that allows you to access material available in another country on your phone. Therefore, an ultimate ban would not assist anyone.

(Hon. Opiyo Wandayi spoke off-record)

Hon. Speaker, protect me from the Leader of the Minority Party. I am very encouraged that the Leader of the Majority Party is on TikTok. I will follow him so that I can oversee him there.

Secondly, I would like to inform parents that they can follow up, restrict and monitor what their children are doing on any application through Google. Just ensure that their gadgets are registered under your address. Any time that they access any site that they should not consume, or that you feel does not have good content, you can always log in and stop them from accessing it.

Having said that, I support my colleagues in the proposal to amend the Petition to allow us to regulate TikTok and not ban it. Banning will not help us.

Hon. Speaker: Hon. Ruweida.

Hon. Ruweida Mohamed (Lamu East, JP): Ahsante, Mhe. Spika. Kama tunavyojua, dunia inabadilika na shetani ako juu zaidi. TikTok inatusaidia kuonyesha maendeleo yetu. Mimi nimekuwa nikionyesha mabarabara na maendeleo mengine lakini *haijatrend* kama siku nilipoimba tu *Ngamia Wangu*. Mambo ambayo si muhimu *inatrend* na kutuuza zaidi. Kwa hivyo TikTok isiende pahali. Kwa ajili ya uzuri wake, iwe papa hapa.

Hon. Speaker: Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Speaker. Geezers like us, who technology found, must accept that technology is here with us. As a country and as regulators and policy makers, our main focus should be to regulate its use. In any way, the right to petition is enshrined in the Constitution. As long as a petition is constitutional and legal, we cannot begrudge someone for bringing it. Indeed, with new technology, when the Public Petitions Committee sits to review the Petition, they need to tweak it. They need to look for the gentleman and listen to his fears and also talk to relevant State organs to regulate the use of social media. Some of us who are older are worried about the content that young people access, including the vulgar language they use. But we must accept and live with that kind of reality because it is their way of doing things. I urge the Public Petitions Committee to look at the Petition soberly to ensure that we align the rules and regulations to the modern-day era.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. KJ.

Hon. John Kiarie (Dagoretti South, UDA): Thank you very much, Hon. Speaker. As has been said, this Petition is properly before this House. TikTok is a development in ICT, coming out of what we call the Fourth Industrial Revolution. If there is anything we have learnt from the first, second and third revolutions, it is that technological tools are basically tools. A knife can be used to do good things or to kill. Fire can be used to cook; it can also be used to burn. The business of this House should not be to throw the baby with the bathwater. TikTok as an entity has committed no crime. The issue is how it is used.

At the heart of that Petition are issues of morality. You can never legislate morality. When faced with such an issue, former President of the United States of America, Barack Obama, said that the government can never come to your house to switch off your television. In the same breath, Parliament cannot go to individual households to switch off TikTok because children are misusing it. It is up to parents, religious institutions and schools to bring up the issue of morality and not to over-legislate morality.

Finally, because this Petition will not come before the Departmental Committee on Communications, Information and Innovation, I plead with the Public Petitions Committee, when considering this issue, to also look at the Computer Misuse and Cybercrime Act that was passed by this House, with some provisions suspended by the courts. There were some very critical provisions that would have aided us in dealing with some of the issues being raised in this Petition. The Committee should also propose to my Committee what we can do to unlock some of these provisions in the Act so that we can deal with some of these issues.

Hon. Speaker: Hon. KJ, as the Chairperson of that Committee, you can *suo moto* initiate a legislative proposal. You do not have to go to the Public Petitions Committee.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Speaker, we are very well guided and the Committee is doing something. I was just taking advantage of this Petition that will be placed before the Public Petitions Committee so that they also add a word to what our Committee is doing.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Ndhiwa.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Speaker. It is true that you cannot legislate moral standards, but it is also true that you should not provide an environment to encourage such behaviours. TikTok is one of the impacts of the ongoing events and it is yet to be realised. I think that as much as the owners are in business, socially and proportionally we have to think of our children. Most parents cannot regulate like we can because of our abilities. Very many children are vulnerable. This thing was banned in the United States for some time because of the same crime. As much as there are advantages, we have to be conscious of the effects of these platforms. In my opinion, we may not enforce a total ban, but the parts on which we are calling for regulation must be properly regulated. There is an element of time management, which the site denies our children. In fact, children who are not supervised very well spend more time on these applications and thereafter fail their exams.

Secondly, the addictive element of this app has been documented in health circles and it is a concern. We may not totally ban it, but let us put in place proper regulations to save our children.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Didmus.

Hon. Didmus Barasa (Kimilili, UDA): Thank you, Hon. Speaker, for this opportunity. I want to be very clear. First, this is a very good idea that the Public Petitions Committee can leverage on and improve. There is nothing that should not be regulated. When people were misusing Facebook, the founders tried to develop some policy guidelines. If you went against the guidelines, your account would be disabled. We cannot continue supporting TikTok when our youth are using the same platform to post nudity. For you to be allowed to have an account, you must be of a particular age. There is no control. A child who is seven years can select that they are 35 years old. We must regulate what can be posted on TikTok. The Communications Authority of Kenya and the Ministry of Information, Communications and the Digital Economy should go beyond TikTok and look at every other social media platform. Other countries are doing the same. You cannot just post anything you want on social media; it must be regulated. The Committee should leverage on this idea and improve it.

Thank you.

Hon. Speaker: Woman Representative for Kilifi County.

Hon. Gertrude Mwanyanje (Kilifi County, ODM): Asante, Mhe. Spika. Nataka kushukuru aliyeleta suala hili. Ningependa kuunga mkono waliopendekeza marekebisho kwa sababu TikTok ni muhimu katika kizazi cha sasa. Kimeleta ufahamu wa watu wengi ambao wameweza kujulikana kimataifa. Kitu ambacho kinasikitisha ni wachache wanaoweka mambo yao ya kibinafsi katika mtandao huu. Mimi siko TikTok, lakini niko katika mitandao mingine yote kama YouTube, Instagram, Twitter na WhatsApp. Ningependa kukufahamisha kuwa mimi ndiye Mbunge wa pekee Kenya hii, ndani ya Bunge hili na Bunge la Seneti, kuchaguliwa kuleta mabadiliko nchini Kenya. Ijumaa hii, nitatuzwa. Nafikiri wale wengine wote wanajua mabadiliko yangu yameenea dunia nzima na nikachaguliwa. Kwa hivyo, mitandao yote ni muhimu. Ujumbe unaokufanya usijulikane zaidi ndio muhimu zaidi. Najivunia kuwa katika mitandaoni, japo sipo TikTok. Nilikuwa naambia Mheshimiwa mmoja hapa kuwa ni wasichana wachache ambao wanataka kujulikana kibinafsi ndiye huweka picha za ngono. Niko tayari kumuunga mkono Mwenyekiti wangu.

Hon. Speaker: Hon. TJ Kajwang’.

Hon. TJ Kajwang’ (Ruaraka, ODM): Hon. Speaker, I have not risen to ask about VPN. Let me speak on the other side which I do not think speakers have looked at—the essence of public petitions. I served with the inaugural Members who created this Committee. Members of the public have not understood very well the essence of public petition. We cannot begrudge them, but we need to let them understand exactly what they are all about.

If you look at the Constitution of Kenya and the Standing Orders, we are not taking away the duties and mandates of noble governmental agencies. We only come into play where somebody has tried all he can in his best endeavour and failed to get response from those charged with mandates to do these things. For example, the issue that we are speaking about right now properly belongs to the Communications Authority of Kenya. They must go there and try to see how that Authority will work, and if there is an opportunity to limit some of these things. We should not be the first ports of call. If we do that, we will not do all that *wananchi* want us to do. That is the point I want to pass across.

Secondly, there is the right to information, speech and privacy. All these things are there. We, as Members of Parliament, must know that we work in a space...

(Hon. GG Kagombe gestured at Hon. Speaker)

Hon. Speaker: Your time is up. Hon. Members, I want us to stop here on this issue. Hon. Kagombe, I can see you menacing the Speaker with your hand. I give you two minutes to contribute.

Hon. GG Kagombe (Gatundu South, UDA): Thank you, Hon. Speaker. TikTok cannot be dismissed just like that. I have been seeing Hon. Opondo Kaluma trending on TikTok, and at some point, running away from the studio. When this social media service is used properly, it is good to disseminate information.

We have a State Department for ICT and the Digital Economy that is supposed to expand the space in which people communicate. We cannot fight technology. This Government has installed Wi-Fi, so that young people can find places to communicate with each other. Agencies that are supposed to regulate communication like the Communications Authority of Kenya should take up their mandate and regulate use of the social media services, so that they are used properly like the way Facebook is used. It has artificial intelligence that sieves the content that is communicated in there.

I support the Petition, but with changes other than banning. Thank you, Hon. Speaker.

Hon. Speaker: Hon. Chiforomodo, present your constituents’ Petition. Give him the microphone.

DELAYED ADJUDICATION OF PLOT NO.12224 AND SETTLEMENT
OF RESIDENTS OF LUNGALUNGA CONSTITUENCY

Hon. Chiforomodo Mangale (Lungalunga, UDM): Hon. Speaker, I rise to present a public Petition on delayed adjudication and settlement of residents of Kidomaya/Miungoni Village in Vanga Ward, Kiwegu Sub-location, Lungalunga Constituency, residing in plot No.12224.

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

THAT, the people of Kidomaya/Miungoni Village in Vanga Ward, Kiwegu Sub-Location - Lungalunga Constituency have occupied the parcel of land registered as Plot No.12224 under the dispute for more than 35 years;

THAT, aware that, the 1,506.5 acres of land of Conservation Restrictions No. (CR.)15083 was granted to one Mr. Velji Parbat, now deceased, under a lease for 33 years running from December 1973;

THAT, upon application for extension of lease on 1st June 1980, through the Kwale County Council, Mr. Velji Parbat was granted 27 years and 6 months that was to lapse on 1st June 2007;

THAT, currently the leasee has control management of around 600 acres of the total land on the said Plot while the locals are settled in the remaining land and are worried of impending evictions;

THAT, a budget of Ksh3 million was set aside by the County Government of Kwale during the Financial Year 2017/2018 for purposes of demarcation and survey of the area considering that the lease was not renewed;

THAT, the community had expectation that the area would be adjudicated, formally recognised and settled, however up to date, adjudication is yet to commence in the area;

THAT, following several attempts by the community to resolve the dispute by involving Mr. Velji Parbat's son, the County Government of Kwale and Dr Swazuri – former Chair of the National Lands Commission— were futile;

THAT, efforts to have the issues resolved by the relevant government agencies, including the leadership of the County Government of Kwale County, have proved futile; and,

THAT, the issues in respect of which this particular Petition is made are not pending before any court of law or any constitutional or legal body.

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

1. Inquires into the ownership of the land occupied by residents of Kidomaya/Miungoni Village in Vanga Ward, Kiwegu Sub-Location - Lungalunga Sub County, Plot No.12224.
2. Investigates the cause of continued delay in carrying out the adjudication and settlement of the residents of Kidomaya/Miungoni Village in Vanga Ward, Kiwegu Sub-Location - Lungalunga Sub-County.
3. Recommends that the Government under the One Million Acre Compulsory Land Acquisition Programme, acquires the land for the local residents and that the land be adjudicated so as to ensure that residents acquire title deeds.
4. Makes any other recommendation or action it deems fit in addressing the plight of the petitioners.

And your petitioners will ever pray. Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Chiforomodo. The Petition is committed to the Public Petitions Committee. The Chairman is, at least, in the House today. Those two petitions should be processed in the next 60 days.

Next Order.

PAPERS

Hon. Speaker: Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

1. Quarterly Economic and Budgetary Review Report for the fourth quarter for the Financial Year 2022/2023 – period ending 30th June 2023 from the National Treasury and Planning.
2. The Budget Speech of the East African Community at the fourth meeting of the 1st Session of the 5th Assembly in Arusha, Tanzania for the Financial Year 2023/2024.
3. Report of National Government Guarantees for the Fiscal Year 2022/2023 (1st July 2022 to 30th June 2023) from the National Treasury and Economic Planning.
4. Second Quarterly Report of the Ethics and Anti-Corruption Commission for year covering the period: 1st April 2023 to 30th June 2023 from the Office of the Attorney-General.
5. Reports of the Auditor-General and financial statements in respect of the following institutions for the year ended 30th June 2022 and the certificates therein -
 - (a) Bar Mathonye Vocational Training Centre.
 - (b) Kandaria Vocational Training Centre.
 - (c) Obwolo Vocational Training Centre.
 - (d) Ebukanga Technical and Vocational College.
 - (e) Sirisia Technical and Vocational College.
 - (f) Lake Basin Development Authority.
6. Reports of the Auditor-General and financial statements in respect of the following constituencies for the year ended 30th June 2022 and the certificates therein -
 - (a) Githunguri
 - (b) Embakasi East
 - (c) Embakasi South
 - (d) Funyula
 - (e) Kuria West

Hon. Speaker, as I lay those Papers, I beg your indulgence. You did notice at the beginning of the House this afternoon we did not have Quorum. Understandably, as you have noted that the Chair of the Petitions Committee is in the House, I must take this opportunity to commend him because since the other week he is now consistent on the Floor.

We were not lacking Quorum because Members were absent for no reason, you are aware that one of our colleague, Hon. Charity Kathambi of Njoro Constituency, lost her husband last week. Allow me to take this opportunity to convey on behalf of the National Assembly, our heartfelt condolences to Hon. Charity Kathambi Chepkwony on the loss of her beloved husband who is being laid to rest today. We are aware that you were supposed to be there. I was supposed to be at that funeral, but we are ably represented by a Member of the Speaker's Panel, Hon. Martha Wangari, and many of our Members across the aisle are in Njoro, condoling with our colleague and her family and the greater people of her constituency. We

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pray that the Almighty God may rest the soul of Mr. Chepkwony in eternal peace, as we continue to pray for the family and people of Njoro who have lost a father figure.

Hon. Speaker: Thank you, Hon. Leader of the Majority Party. I had actually allowed Hon. Beatrice Kemei to make a statement. I think we let it rest there. We all mourn with your colleague Hon. Charity Kathambi and may the good Lord rest her spouse's soul in eternal peace. As the Hon. Leader of the Majority Party says, Hon. Martha Wangari is there representing me, him and all of us. We leave it there.

Yes, Hon. Rozaah Buyu.

Hon. Rozaah Buyu: (Kisumu West, ODM): Hon. Speaker, thank you. I just want to add something if you would oblige me. I applaud the late Mr. Chepkwony for having given Hon. Kathambi an opportunity to get into the field of contesting in politics against men, and giving her the support given that our politics is still by and large patriarchal. I just want to applaud him and join the Hon. Leader of the Majority Party in wishing Charity and her family strength and comfort that can only come from the Almighty God. May his soul rest in eternal peace.

Hon. Speaker: Thank you Hon. Member. Before we go to the Next Order Hon. Members allow me to acknowledge students from the following schools: In the Speaker's Gallery we have Ogande Girls from Homa Bay Town, Homa Bay County, and Nyambunwa Girls from Bonchari, Kisii County. In the Public Gallery we have Nyondia Secondary School from Naivasha, Nakuru County; Sikri Junior Academy from Kasipul, Migori County; Eldoret Achievers School from Kapseret, Uasin Gishu County; St. Catherine Girls from Funyula, Busia County; Alfa Junior from Ainamoi, Uasin Gishu County; Marimu Secondary from Kipipiri, Nyandarua County; AIC Saniak Academy from Chesumei, Nandi County; Sunrise Academy from Moiben, Uasin Gishu County; Bambino Academy from Kilifi South, Kilifi County; Thome Academy from Kiambu, Kiambu County; Rangwena Primary from Suba, Homa Bay County; and, St. Joseph's Primary from Kwana, Trans Nzoia County.

Hon. Members, I have been requested by Hon. Kaluma to welcome schools and you can speak on behalf of all of us.

Hon. Peter Kaluma (Homa Bay Town, ODM): Thank you, Hon. Speaker for the honour to welcome all students from all learning institutions to the National Assembly which is the House of Parliament. Particularly, let me welcome Ogande Girls. At home we call the school the Brown Belt Movement. There is something very special about Ogande Girls not just being the best girls' school in my constituency and the other side but this is the school which produced Dr Ida Betty Odinga, the wife of the only Prime Minister surviving in Kenya. I welcome all students to Parliament and wish them well as they learn to serve Kenyans in future in the various fields that they will go.

Hon. Speaker: Thank you. Let us have Hon. Major (Rtd.) Abdullahi Sheikh.

PAPER

Hon. Major (Rtd.) Abdullahi Sheikh (Mandera North, UDM): Hon. Speaker, I beg to lay the following Paper on the Table.

Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its inspection visit to Kenyan Embassies in the Kingdom of Saudi Arabia and the State of Kuwait held from 5th to 12th May, 2023.

Hon. Speaker: Thank you. Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Hon. Speaker, we have two Members of Parliament Hon. Pareiyo and Hon. Tonkei who are dressed in a manner suggesting that they are not in Parliament. I think there is a dress code in Parliament. I do not think this House has allowed that kind of dressing. You need to make a ruling whether these two Members are

properly dressed. They can enjoy regalia from their traditions but is it parliamentary, especially in the National Assembly?

Hon. Speaker: Hon. Tonkei what are you celebrating today?

Hon. Rebecca Tonkei (Narok County, UDA): Hon. Speaker, next week Narok County, Samburu, Laikipia plus Kajiado County and Ilchamus from Baringo County will be celebrating their culture week. I want to request that when you see us dress this way... In fact, I am requesting this House and Kenya to adopt this kind of dress code as Kenya's dress code. Mheshimiwa Speaker I am here to celebrate the Maasai culture.

Hon. Speaker: Hon. Tonkei and Hon. Agnes, I am not satisfied that you are properly dressed but I will give you a reprieve. I have just sent away quietly a Member who came here dressed in an inappropriate manner to go and dress up. We do not want to name and shame any Member but certainly if we allow that kind of direction, tomorrow Hon. Kamket will come dressed in skins of Colobus monkeys.

(Laughter)

Others will dress in something different and you remember I sent away Hon. Kagombe when he faked to be a *Mukorino*. We give you reprieve for now. However, just know that you are inappropriately dressed and that kind of dressing will not be allowed here.

Yes, Hon. Julius Sunkuli. Is it because the two ladies are Maasais?

Hon. Julius Sunkuli (Kilgoris, JP): Hon. Speaker, you and I went around the Commonwealth and drafted the Standing Orders.

Hon. Speaker: Yes.

Hon. Julius Sunkuli (Kilgoris, JP): I know that you are more knowledgeable because you have been practicing them more. Just for clarity, Hon. Speaker, I plead that you make it very clear what the dressing code for women is. To the best of my understanding, if you look at it, look at the way Hon. Rebecca Tonkei is dressed, it makes her more beautiful. The texture of her dress is very good. It is made of cotton. It is just that she has worn more beads than before.

Hon. Speaker, can you just elaborate to me what exactly is wrong with it?

Hon. Speaker: Hon. Sunkuli, dressing is not supposed to elicit amorous considerations. You are out of order.

(Laughter)

Next Order. Yes, Leader of the Majority Party.

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

Before I give notice, you know you quickly dismissed that point of order by Hon. Sunkuli. I was going to object to that point of order on the basis that he has used the word "more". He said that the Hon. Tonkei looks more beautiful in that dress. I was going to protest because, ordinarily, Hon. Tonkei is a very beautiful lady, in that dress and even another.

(Laughter)

Hon. Speaker: Order, Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): I know there are Members who expect me to say other things. I said "in that dress and even another". I know what Hon. Kagombe expected me to say.

Hon. Speaker: You may be required to give further and better particulars but go on.

(Laughter)

NOTICES OF MOTIONS

ESTABLISHMENT OF THE NATIONAL DIALOGUE COMMITTEE

Hon. Kimani Ichung’wah (Kikuyu, UDA): Thank you, Hon. Speaker. I, therefore, beg to give notice of the following Motion:

THAT, aware that Article 1(1) of the Constitution provides that all sovereign power belongs to the people of Kenya and shall be exercised only in accordance with the Constitution; further aware that Article 1(2) of the Constitution provides that the people of Kenya may exercise their sovereign power either directly or through their democratically elected representatives; conscious that Article 10 of the Constitution espouses the national values and principles of governance, which include the rule of law, democracy and participation of the people; further conscious that Article 94 of the Constitution provides that Parliament manifests the diversity of the nation, represents the will of the people, and exercises their sovereignty; recognising that there is a need to embrace consultation, dialogue and consensus building as a way of resolving issues of concern to the people of Kenya; cognisant that despite the Constitutional and legal reforms on electoral processes and electoral laws, there has been mistrust of electoral outcomes after every election cycle, leaving the country divided; further cognisant that efforts to enhance constitutionalism, the rule of law and respect for human rights need to be promoted; aware that there have been previous calls and attempts at building consensus on issues of concern to the people of Kenya through bi-partisan engagements in Parliament; appreciating the need to establish an inclusive forum for dialogue, consultation and consensus building in seeking to promote the peace, stability and prosperity of the country; acknowledging that the Majority Party in Parliament and the Minority Party in Parliament have agreed to embrace dialogue through the establishment of a National Dialogue Committee to recommend a way forward on issues of concern to the people of Kenya; now, therefore, the Houses of Parliament resolve as follows:

1. THAT the two Houses of Parliament establish a National Dialogue Committee consisting of ten members to represent the Kenya Kwanza Alliance Party (Kenya Kwanza), a coalition constituting the Majority Party of the Parliament of the Republic of Kenya and Azimio la Umoja One Kenya Coalition Party (Azimio), a coalition forming the Minority Party of the Parliament of the Republic of Kenya.
2. THAT each coalition shall appoint five members to the National Dialogue Committee.
3. THAT the membership of the National Dialogue Committee shall be drawn from Parliament and outside Parliament.
4. THAT the National Dialogue Committee shall comprise the following Members to represent Kenya Kwanza:
 - (a) Hon. Kimani Ichungw’ah (Delegation eader).
 - (b) Gov. Cecily Mbarire (Deputy Delegation Leader).
 - (c) Hon. Sen. Aaron Cheruiyot.
 - (d) Hon. Omar Hassan Omar.
 - (e) Hon. Catherine Wambilianga.

5. THAT the National Dialogue Committee shall comprise the following Members to represent Azimio:
 - (a) H. E. Hon. Stephen Kalonzo Musyoka (Delegation Leader).
 - (b) Hon. Opiyo Wandayi (Deputy Delegation Leader).
 - (c) Hon. Amina Mnyazi.
 - (d) Hon. Eugene Wamalwa.
 - (e) Hon. Sen. Okong'o Omogeni.
6. THAT the mandate of the National Dialogue Committee shall be to facilitate dialogue and consensus building, and recommend appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya to be framed by the National Dialogue Committee in line with the Constitution and the laws of the Republic of Kenya and respecting the functional and institutional integrity of state organs.

Therefore, the Houses of Parliament approve:

7. THAT the technical teams representing Kenya Kwanza and Azimio shall support the National Dialogue Committee.
8. THAT the technical team representing Kenya Kwanza shall comprise the following persons:
 - (a) Dr Muthomi Thiankolu.
 - (b) Dr Linda Musumba.
 - (c) Dr Duncan Ojwang'.
 - (d) Mr. Nick Biketi.
9. THAT the technical team representing Azimio shall comprise the following persons:
 - (a) Hon. Jeremiah Kioni.
 - (b) Prof. Adams Oloo.
 - (c) Abubakar Zein Abubakar.
 - (d) Ms. Lynn Ngugi.
10. THAT, further, the National Dialogue Committee shall be assisted by two officers designated as communication secretaries, one of whom shall be appointed by the Leader of the Majority Party and the other by the Leader of the Minority Party.

The Houses of Parliament further resolve:

11. THAT the National Dialogue Committee shall formulate and adopt a framework agreement to guide the bi-partisan talks.
12. THAT the National Dialogue Committee shall report to the leadership of Kenya Kwanza and Azimio coalitions within 60 days and after that submit its Report to Parliament.
13. THAT in the execution of its mandate, the National Dialogue Committee may invite, engage with, and consider submissions from stakeholders, collate views from the public and engage experts, professionals and other technical resource persons as necessary.
14. THAT the National Dialogue Committee shall determine its own rules of procedure.
15. THAT the Speakers and Clerks of both Houses of Parliament shall provide secretariat and any other necessary support to facilitate the work of the National Dialogue Committee.

Hon. Speaker, this Motion is co-sponsored by myself, the Leader of the Minority Party, and Hon. Opiyo Wandayi. I beg to give notice for that Motion and beg Hon. Kamket to note point No.13.

Hon. Speaker: Leader of the Minority Party, this is a co-sponsored Motion. I just want your concurrence.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, I concur with the Motion whose notice has just been given by the Leader of the Majority Party. Let me just hasten to add that this is such an important moment for this country. It reminds us that every other time this country has basically gone to the precipice and reached the cliff, it has always pulled back and we cannot take it for granted. We must be thankful to the Almighty for always coming in to rescue us. We need to seize this moment very openly and sincerely look at the issues that confront our nation and try to deal with them in a manner that will not only secure our country, but also make it safer for the future generations that will be coming.

I, thank you, Hon. Speaker, for this opportunity.

Hon. Speaker: Hon. Members, that Motion will be allocated time tomorrow, immediately after your engagement with the Cabinet Secretary for Tourism. It will be the next item on our agenda. Therefore, Majority and Minority leadership in the House should prosecute the Motion tomorrow.

Next Order. Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations.

ADOPTION OF REPORT ON THE INSPECTION VISIT TO KENYAN EMBASSIES
IN THE KINGDOM OF SAUDI ARABIA AND THE STATE OF KUWAIT

Hon. Abdullahi Sheikh (Mandera North, UDM): Hon. Speaker. I beg to give notice of the following Motion:

THAT this House adopts the report of the Committee on Defense Intelligence and Foreign Relations on its inspection visit to Kenyan Embassies in the Kingdom of Saudi Arabia and the State of Kuwait, held from the 5th to 12th May 2023, laid on the Table of the House on Tuesday, 15th August 2022.

Thank you.

Hon. Speaker: Thank you. Next Order.

MOTIONS

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

THAT, this House adopts the Report of the Departmental Committee on Agriculture and Livestock on its inquiry into the Maize Flour Subsidy Programme for the Financial Year 2022/23, laid on the Table of the House on Wednesday, 7th June 2023.

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

(Debate concluded on 10.8.2023)

Hon. Speaker: Order, Hon. Members. Order, Hon. (Dr) Nyikal.

(Several Hon. Members walked into the Chamber)

Take the nearest seats. Hon. Members, debate on this Motion was concluded on 10th August 2023 and what remained was putting the Question.

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(Question put and agreed to)

Next Order.

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

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

(Moved by Hon. Samwel Chepkonga on 10.8.2023)

(Debate concluded on 10.3.2023)

Hon. Speaker: Hon. Members, debate on this Motion was concluded on 10th March 2023 and what remained was putting of the Question, which I hereby, do.

(Question put and agreed to)

Next Order.

(Hon. Farah Yakub stood in his place)

Order, Hon. Members. Member for Fafi. That is not how you should be when the Speaker is on his feet.

ADOPTION OF REPORT ON THE FINANCIAL
STATEMENTS FOR VARIOUS FUNDS

THAT, this House adopts the Report of the Special Funds Accounts Committee on its consideration of the Report of the Auditor-General on the Financial Statements for the Women Enterprise Fund, Coffee Cherry Advance Revolving Fund, Strategic Food Reserve Trust Fund, Equalisation Fund, Mechanical and Transport Fund, National Research Fund, Youth Enterprise Development Fund, Uwezo Fund and Civil Servants Housing Scheme Fund, laid on the Table of the House on Thursday, 15th June 2023.

(Moved by Hon. Fatuma Mohammed on 10.8.2023)

(Debate concluded on 10.8.2023)

Hon. Speaker: Hon. Members, debate on this Motion was concluded on 10th August 2023. I, hereby, put the Question.

(Question put and agreed to)

Next Order!

BILLS

First Reading

THE METEOROLOGY BILL
(National Assembly Bill No.37 of 2023)

(The Bill was read a First Time and referred to the relevant Committee)

Second Reading

THE FOOD AND FEED SAFETY CONTROL COORDINATION BILL
(National Assembly Bill No.21 of 2023)

Hon. Speaker: Leader of the Majority Party.

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

I beg to move that The Food and Feed Safety Control Coordination Bill (National Assembly Bill No.21 of 2023) Bill be now read a Second Time.

Let me first take this opportunity to thank the Departmental Committees on Health and Agriculture ably represented by their Chairpersons, Hon. (Dr) Mutunga and Hon. Pukose.

Let me also note that these two Chairpersons, unlike many others we were discussing in the House Business Committee (HBC), have been very consistent and taking their work very seriously in the House. They took a very short time to process this Bill being one that was being considered by the two Committees. I must commend them for the short time that they took in considering and tabling a very good Report.

Access to safe food as espoused in our Constitution, Article 43(1)(c) is a fundamental right. If you read that together with Article 46(1) of the Constitution, food safety is indeed not just a fundamental right that is guaranteed by our Constitution to all Kenyans, but a necessity. And that is why being a food related Bill, we also involve the Departmental Committee on Health because a lot to do with food safety relates to how food is grown. That is a matter that is to be looked at by the Departmental Committee on Agriculture, the harvesting, processing, transportation, retailing, distribution storage and how you prepare that food for consumption. The Departmental Committee on Health had invaluable input in both the Committees' Report as to how you will prepare food in a way that you safeguard its safety and ensure that it is food that is fit for human consumption; not just food that is safe for human consumption but also feeds that are safe for animal consumption or for our livestock. This is because the same livestock produces food in terms of meat or milk that will then be consumed by human beings. Therefore, it is quite imperative that we ensure both the food that is being grown and processed for human consumption is safe and secure, as well as food that is being grown and processed as animal feeds for both domestic and even non-domestic animals since in a way, they integrate with human beings in their different environments. Food safety means that all measures put in place to ensure that the food will not cause harm to the consumer or to human beings who will consume that food or to the animals when it is prepared to be eaten or for intended use.

Hon. Speaker, the Food and Feed Safety Control Coordination Bill has already been considered by the two committees and it seeks to do a number of things. One, is to provide for the coordination of public institutions for control of food and feed safety. Previously, we had too many institutions dealing with both food and feed safety. So, we are never certain who

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ascertains our food and animal feeds as safe for consumption. This Bill also seeks to establish the Office of the Food and Feed Safety Controller who will be charged with that responsibility. So, we will have a one stop Office of the Food and Feed Safety Controller to clear and ascertain food as safe for human consumption for Kenyans.

This Bill also provides for the role of county governments in food and feed safety. As you will realise there have been a lot of changes since the Constitution 2010 came in affecting many functions in the agriculture and health sectors other than policy formulation. A lot of other works are designated under Schedule Four of the Constitution to our county governments. Therefore, in this Bill, we seek to provide for the role which county governments will play in ensuring how farmers produce food, transport, process and package it as safe and secure for consumption.

This Bill further seeks to ensure there is supply of safe food to consumers and feed to animals. This being a critical function of both national and county governments in fulfillment of consumer protection rights. In this Bill, we have ensured there are modalities in which both the county governments and national Government will coordinate through the Office of Food and Feed Safety Controller. Once this Bill is passed, it will ensure both levels of government play their role of ensuring consumers both in and outside this country buy food and feed items fit for consumption and their interests and rights are protected.

Hon. Speaker, the Bill also seeks to ensure that food is safely produced, distributed, marketed and prepared from farm to human consumption. Clause 3 outlines the objectives which are as follows: One, to effectively coordinate the performance of the functions of the competent authorities and enhance accountability in the implementation of official control. As Members are aware, this Bill shall apply to every competent authority and every person conducting food business or feeds business.

The guiding principles provided for in Clause 5 upon the implementation of this Bill shall be as follows: One, is protection of human life and health. As I said, right from food production all the way to consumption through processing and marketing, we must ensure we protect both human life and health. Two, is protection of consumer interests in the conduct of the food and feeds businesses. In this country in the past, we have seen feed manufacturers who produce feeds for animals that produce meat, milk or poultry produce feeds - one, under very unhygienic conditions and two, in environments where these feeds are exposed to elements harmful to the human body.

Hon. (Dr) Nyikal who served as the Director of Public Health will tell you there is a huge bearing in relation to prevalence of certain non-communicable diseases and the feeds our animals consume. Consequently, human beings consume those animals as poultry, milk, beef or pork. There is scientific evidence that certain diseases are transmitted to human beings as a result of unsafely produced feeds consumed by animals.

Three, it seeks the use of scientific-based risk analysis which is very important. As I said in my earlier statement, without any scientific-based risk analysis, all manufacturers of animal feeds or human food have no basis of determining the ingredients they put in the food or feeds. In some instances, we find people importing feed nutrients that are already banned in their home countries and utilising them to produce animal feeds here. Consequently, they become harmful to our health.

No wonder the high prevalence of certain cancers, and again Dr Nyikal will bear me witness. I think the Departmental Committee on Health noted during their deliberations that certain cancers prevalence is in a way connected to the kind of feeds fed to animals and human beings consuming products from those animals. Therefore, with the promotion and use of scientific-based risk analysis, we shall be in a position to determine whether certain nutrients are useful to human bodies or animals and safe for consumption.

Four, is the promotion of food and feed safety which I do not want to over-emphasise. Five, is the promotion of fair-trade practices in the conduct of food and feed businesses. As I mentioned, the largest culprits are the producers of livestock feeds. Hon. Agnes Pareiyo will tell you because she comes from a livestock rearing community in Narok North. That, very innocent pastoralists farmers are made to buy feeds produced by business people who engage in very unfair trade practices. Therefore, there are no standards as to the level of nutrients whether; vitamins, calcium, protein and carbohydrates put in feeds.

Since nobody is regulating them, their feeds are full of carbohydrates and proteins with no vitamins or mineral content. The traders are allowed to market these feeds to gullible farmers in our rural areas because of the unfair trade practices. The farmers innocently buy the feeds believing they will allow their animals to gain weight and produce more milk and beef products. But woe unto them, they end up spending a lot of money without any meaningful input in the animal health or increasing productivity.

This Government has purposed to ensure we increase productivity and not just of the food we are producing. That is why you have seen the President over-emphasise on the need to use fertilisers. I am glad that as from last week, the Government reduced the cost of our subsidised fertiliser sold to our farmers from Ksh7,000 that was there before the elections to Ksh3,500. Last week, the President announced that our subsidised fertiliser will go at a price of Ksh2,500 all in an effort to increase food productivity all over the country. The same goes to increase productivity of our livestock farmers. It ensures that they can feed their animals so that they gain weight for sale. For the dairy cows, the feeds enable them to produce more milk. This can only be possible if we put in place a system where the Office of Food and Feed Safety Controller assures farmers that the feeds they buy for their dairy cattle will increase productivity of their animals. That way, a little bit more money will find its way in people's pockets. We promised during campaigns that ours would be *pesa mfukoni* or putting more money in the pockets of our farmers; both pastoralists and crop farmers.

Hon. Speaker, lastly, is to increase efficiency in the performance of official control. Myriad agencies and authorities that have been regulating our feed and food safety have not been efficient right from production to consumption. With the enactment of this Bill, there will be greater efficiency.

The Office of Food and Feed Safety Controller, cited in Clause 6 of the Bill, will be established as a body corporate and a State office as defined under Article 260(q) of the Constitution. The Bill further provides that county governments shall perform certain functions with respect to food and feed safety. It is important to distinguish the roles of the two levels of government. Therefore, the Bill lists the following as functions of county governments:

- (a) Implement and enforce food safety and feed safety measures.
- (b) License and exercise official control of persons who conduct food business and feed business.

The Committee noted, during its deliberations and scrutiny of the Bill as well as during engagements with stakeholders, that there are many people who produce food in their backyards without license. Others produce animal feeds in their farms without license too. Therefore, nobody really knows the ingredients these people use. Many others import ingredients such as mineral nutrients that are banned in the countries of origin. The banned substances are shipped into our country and incorporated into feeds for our livestock.

- (c) Conduct capacity building on food and feed safety. County governments have agricultural extension officers who will enhance capacity building on food and feed safety with our farmers and consumers back in our constituencies and backyards.
- (d) Conduct public awareness on matters food and feed safety.
- (e) Prepare county food and feed safety reports.

- (f) Provide a platform for the consultation and co-operation of the county governments and stakeholders in the implementation of a multi-annual control plan.
- (g) Conduct audits to ascertain compliance and enforcement of food and feed safety measures.

This is quite important because a system where county governments can enforce those who are licensed to produce foods or animal feeds has been lacking. There is no system in place where county government officers can scrutinise and determine whether all food and feed producers are complying with the law and relevant health safety measures. The county governments will institute control measures and conduct regular audits in all enterprises and institutions that produce foods and feeds, either for animals or for human beings.

- (h) Coordinate food safety and feed safety activities.
- (i) Regulate and enforce official control.
- (j) Monitor and evaluate implementation of the multi-annual control plan.

Hon. Speaker, I do not need to belabour all the functions of the national Government because they are provided for in the Bill and Members can scrutinise them. I believe those who looked at the Committee Report saw the issues that were raised by stakeholders during engagement with the two committees. There were concerns about animal feeds and the handling of food right from post-harvest stage. I commend the Kenya Kwanza administration because last week, again, His Excellency the President announced that in anticipation of the bumper harvest, especially of maize, the Government will invest in the procurement of food and maize driers. It means that all the food that will be harvested this year will be handled safely.

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

(The Deputy Speaker (Hon. Gladys Boss) took the Chair)

Hon. Deputy Speaker, Uasin Gishu, where you come from, and Trans Nzoia, are expecting a bumper harvest. Last week, as I traversed Nyeri County, I noticed that in Naromoru, Kieni Constituency, farmers had spread their maize by the roadside to dry. I am happy Hon. Wainaina is here. Those are some of the issues that this Bill is speaking to. It will ensure that farmers do not dry their maize in the sun by the roadside. Such a practice exposes grain and other crops to hazardous elements like lead, which is commonly found in motor vehicle exhaust systems. Lead gets embedded in the grain and that is how it ends up in our bodies. I must commend the Government for taking measures to ensure that when farmers produce maize it is dried in a safe and healthy environment. That way, Kenyans can be sure that the maize flour they buy from their local supermarket is safe for human consumption.

Let me not belabour that point much because I had a hard task choosing the person to second this Bill. It is because it was processed by two committees. Hon. Pukose prevailed on me that it has more to do with health because it talks more about health safety. He requested that he seconds. Thus, I beg that he seconds. I also beg your indulgence, Hon Deputy Speaker, that you allow the Chairperson of the Departmental Committee on Agriculture and Livestock to contribute to the Bill because he is one of the major stakeholders.

I beg to move and request Hon. Pukose to second.

Hon. Deputy Speaker: Hon. Members, I wish to recognise students from the following schools. In the Speaker's Gallery: Eronge Adventist School, Bonchari Constituency, Kisii County; Kasai School, Embakasi West Constituency, Nairobi County; and Garissa Academy, Garissa Township Constituency, Garissa County. They are all welcome.

Hon. Pukose, proceed.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Deputy Speaker, I beg to second the Food and Feed Safety Control Coordination Bill, 2023.

At the outset, I thank my colleague, the Chairperson, Departmental Committee on Agriculture and Livestock, Hon. Mutunga, for graciously co-chairing deliberations on the Bill together with me. I also want to thank the Office of the Leader of the Majority Party. It was ably represented during our public hearings on this Bill. We did consultations with the Office of the Leader of the Majority Party being the major sponsor of this Bill.

We had many interested parties, including persons from the Ministry of Agriculture and Livestock Development and the Ministry of Health. We had the Principal Secretary for Health representing the team. Members of the Public Health Union made their presentations too. We also had officers from the Kenya Bureau of Standards (KEBS), Agriculture and Food Authority (AFA) and other institutions. They all brought forth amendments and proposals.

I want to thank both the Departmental Committee on Agriculture and Livestock and the Departmental Committee on Health for having attended all the meetings. We had enough quorum. There was a lot of interest in this Bill in as far as creating the body that will coordinate public institutions mandated with food and feed safety is concerned. It is a State office. At one stage, we were debating whether it should be domiciled in the Ministry of Agriculture and Livestock Development or the Ministry of Health. We feel that this is one of those offices that will be under the Presidency. Through an Executive Order, the President will place it properly so that it can coordinate all these other competent public institutions that are involved in food and feed safety.

One of the biggest challenges in this country is how to bring all these bodies together. How do you bring public health and agriculture together to make sure that the food we eat or sell meets the required standards? At one stage, we were debating whether to adopt international standards or the national standards when it comes to food. It was a very heated debate. At last, we agreed that Kenya should adopt international standards. If we have to go to the market, then we have to use standards that are agreeable internationally. Other countries' standards might differ, but we must go with international standards. If we are going to export food, then it must meet international standards. We are talking about avocados, maize, tea, coffee, and many other foods which we might sell to other regions. We are also talking about animal feeds. Once we have this Food and Feed Safety Coordination Controller, then we expect that he or she will bring all the public institutions together to ensure that food and feeds meet the required standards.

The Leader of the Majority Party mentioned that at times when you travel by road, you see uncovered lorries carrying vegetables. All the dust falls on the vegetables. With the passage of this Bill, that will be a thing of the past. At times you walk along the road and you see people involved in meat business carrying raw meat on their backs. These are things that should be done away with. I remember a time when motorcycles and bicycles were being used to deliver food to some institutions. I do not want to say it is Parliament, but when we were in the Members' Services and Facilities Committee meeting, we saw a motorcycle bringing food for Members to eat in Parliament. These are things that should be done away with. With the Food and Feed Safety Controller in place, we expect them to come up with regulations. Some of those regulations are best enforced through self-regulation, whereby as an individual involved in food and feed safety, you must make sure that the food you are going to give to somebody else to eat is fit for your own consumption, not just for business. It must be safe food that is not harmful to anybody else. Our Constitution in Articles 43(1)(d) and 46(1)(d) provides that the food that we serve must be safe, good, and healthy for the person who is going to consume it.

With those few remarks, I second.

(Question proposed)

Hon. Deputy Speaker: Hon. Members, let me give the first opportunity to the Member for Garissa Township because he has got students here from his constituency.

Hon. Dekow Mohamed (Garissa Township, UDA): Thank you very much, Hon. Deputy Speaker.

On behalf of the House, I would like to take this opportunity to welcome all the students from the mentioned schools and particularly, Garissa Academy. It is one of the first private schools to be established in the whole of Garissa County. Interestingly, it is one of the schools that is owned by non-locals, that is, non-Somalis from the region. It was established in the early 1990s and it is one of the best performing schools in the county of Garissa. It is domiciled in my constituency. I take this opportunity again to advise all those students who are here to take this opportunity to learn as they aspire to be the next leaders of this country.

On that note, I take this opportunity to contribute on the Bill which is on the Floor of the House. As has been said, we are talking about the safety of the food we eat and the feeds for our animals. As you might have noticed, this country is facing very serious challenges on the issue of food handling and production as has been mentioned by both departmental committees of Health and Agriculture and Livestock. There is a high prevalence of cancer in our country. Some of us have thought about it, though not scientifically proven, that it might be the processed foods that we are importing into this country which are not well regulated.

We have a situation where any kind and type of food comes to this country without proper regulations. Food handling in this country is wanting. I believe the introduction of the Office of Controller of Food and Feed Safety will take care of these things. We have seen situations where food is grown on sewer lines. We are expecting international markets for our animals and that means we should take care of the kind of feeds we give to our animals so that they meet the international standards. If you are to export any food item to western countries and the Middle East, you face a lot of regulations, tests, and procedures on how that food is handled from the production stage to packaging and, ultimately, export.

I highly welcome the efforts of both departmental committees of Agriculture and Livestock and Health for the good work they have done.

Thank you.

Hon. Deputy Speaker: I also wish to recognise pupils from Kapsabet Highlands Primary School from Chesumei Constituency, Nandi County; Secret Junior Academy from Kasipul Constituency, Homa Bay County; and, Tassia School from Embakasi West Constituency, Nairobi County. You are all welcome.

Give the Chairperson, Departmental Committee on Agriculture and Livestock the microphone.

Hon. (Dr) John K Mutunga (Tigania West, UDA): Thank you, Hon. Deputy Speaker for the opportunity to also contribute to this Bill. The Food and Feed Safety Coordination Bill comes in to coordinate the control of safety in feed and food. Safety is important because lack of it can lead to infection and infestation. Lack of proper coordination with regard to which institution plays which role, leads to duplication of functions which in turn wastes both time and resources. Clarity is important so that we do not waste time when dealing with food issues.

This Bill seeks to amend several Acts: the Food, Drugs and Chemical Substances Act, the Dairy Industry Act; the Fertiliser and Animal Foodstuffs Act; the Pest Control Products Act; the Meat Control Act; the Biosafety Act; the Standards Act; the Kenya Plant Health Inspectorate Service Act, the Agriculture and Food Authority Act, the Fisheries Management and Development Act; the Water Act; and the Health Act. All these Acts will be amended to bring harmony in the functioning of the relevant competent authorities that are supposed to handle food issues in this country. By competent authorities, I refer to the institutions that are mandated to clear our food either into or out of the country. When we import food from other

countries, we rely on information given by their competent authorities, which are recognised internationally. We received presentations from: Council of Governors (COG), the Kenya Bureau of Standards (KEBS), the State Department for Public Health and Professional Standards, the State Department for Crop Development, the Pest Control and Produce Board (PCPB), the National Biosafety Authority (NBA), the State Department for Livestock Development, the Kenya Plants Health Inspectorate Service (KEPHIS), Nature of Kenya, and the Kenya Association of Manufactures (KAM). Some of these bodies are competent authorities. The reason to have competent authorities to coordinating functioning is that, in the past, some of them have claimed to play certain roles that others play too thus resulting in duplication of functions.

The other important issue is that we need to control feed safety because lack of it may lead to the consumption of harmful food by human beings. We need to be sure that the feed fed to our animals is safe. A classic example is aflatoxin, which is a fungal infestation. Aflatoxin toxicants can affect human beings. If we feed our animals on mouldy grain, they are most likely to pass those fungi to us. On the other hand, zoonotic diseases affect both human beings and animals. Diseases related to feeding which are zoonotic need to be contained because of feed safety. In other words, feed safety is food safety. The food fed to our animals may at the end of the day affect us.

Globally, some institutions are charged with the responsibility of ensuring food safety. In this respect, we have Codex Alimentarius, which Kenya subscribes to. Subscribing to the Codex Alimentarius ensures that Kenya's competent authorities are recognised. Counties cannot do business directly without passing through the national Government because competent authorities are single in a nation. We do not have more than one competent authority in a country handling a specific issue. We cannot have competent authorities in all the counties. Therefore, coordination in Government is important in export and imports.

Consultations were rife on many issues concerning food and feed safety issues. The discussions revealed that there has been confusion. Therefore, this Bill comes in to clear the confusion in the handling of food safety control. The establishment of the office of Food and Feed Safety Controller is important. The office will regulate all the competent authorities. This office is not going to be a competent authority in itself. It will be an institution that will oversee the functions of all the competent authorities by ensuring that food and feed issues are taken care of.

Hon. Deputy Speaker, I support this Bill.

Hon. Deputy Speaker: The Member for Emuhaya.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Deputy Speaker. I take this opportunity to congratulate the chairpersons and the Members of the two committees who worked on this Bill. I am talking about the Departmental Committee on Agriculture and Livestock and the Departmental Committee on Health. They have put in place the Office of Food and Feed Safety Controller, which will be in charge of food and feed safety. It will control the food we eat and the feed we give to our animals. If animal feed is contaminated, it is likely to affect us too.

I want to look at this Bill from an agricultural point of view first before I touch on the safety bit, which is also necessary. In my view, the Office of Food and Feed Safety Controller must enhance the capacity of farmers in this country. It has to be both crop-producing and animal-breeding farmers. These farmers should be given the necessary accessories for their crops.

Food insecurity in this country is as a result of such an office, which could control the type of inputs given to our farmers, not being in place. For quite some time, people from the food producing areas like Kitale, North Rift, and other places, gave up on food production because they were not sure of the kind of inputs given to them. A good example is fertiliser.

How many times did we hear of fake fertiliser that led to crop failure? We also had fake seeds which also led to crop failure. With all these, farmers could not get value for their money. I want to believe that this Bill and the Office of Food and Feed Safety Controller will arraign the quality of inputs given to our farmers. The beef and milk producers were the most affected. How many times do we see farmers giving feeds that are of no nutritional value to their animals hence low yields? This has affected dairy farmers, beef farmers, and crop-producing farmers. We must seriously invest in food production. For this to happen, we must also have quality animal feeds and quality inputs for crop farmers to assure them of good harvest afterwards.

Hon. Deputy Speaker, there was a Bill on pesticides in the last Parliament. Farmers do not have the right quality of inputs that will safeguard food production. Therefore, I fully support this Bill from an agricultural point of view so that we enhance our food production.

I am happy that fertiliser is reaching remote constituencies. For the first time, it has reached the remote areas of Bunyore in Mulukhoro, Luanda, Emuhaya Constituency. Ordinarily, we would have to buy fertiliser from far away in Chavakali. This Bill should enforce the quality of fertiliser. Seeds and farm inputs must be genuine so that we increase food production.

I need not belabour the point on the safety of foods that we produce right from the time we plant, process, and transport them. This may help in enhancing certain areas within the agricultural sector. Farmers who engage in floriculture and small-scale production of vegetables should have means of transportation, and should be helped to form associations, cooperatives, and other such organisations that will ensure the safety of foods that they transport and process. I look at the Office of Food and Feed Safety Controller as one that will enhance the agriculture sector, and not one that will simply arrest farmers who process foods incorrectly. Let them be capacitated to have correct inputs, and later be monitored on how they safely transport food.

With those few remarks, I support the Bill.

Hon. Deputy Speaker: Hon. Murugara.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Deputy Speaker. Allow me to rise and support the Food and Feed Safety Control Coordination Bill. We should pause and ask ourselves how safe the food that Kenyans consume today is. We have insufficient food control mechanisms in the country. We know very well that the only other law that attempts to control food safety in the country is the Food, Drugs, and Chemical Substances Act, which is insufficient. That is why it is important to put a law in place to control the safety of food and animal feeds.

We cannot afford to risk the lives of Kenyans by giving them food that is not fit for human consumption. Thus, we must have some coordinated way of ensuring that Kenyans eat food that is good for them. We know very well that we have problems with the fertilisers that we use and the pesticides that are applied in our farms. We are sometimes mocked on whether we know where what we have placed on our tables comes from. We are told that the best of the vegetables and tubers that we enjoy every evening, and that are grown all over, are watered with sewage because that is where they do very well. We have no control over that, and we may not establish that fact, but it may be true to some extent. We are also told that some of the animal meat that we enjoy such as beef, mutton, or chicken may be induced with some substances that make those animals grow faster than they should. As a result, we compromise our health.

It is vitally important that we know exactly what we are eating. That is why we must have this law that regulates manufacturing, packaging, and distribution of food. Most times, we do not know how food that is sold on the streets of Nairobi, Mombasa, and other towns has been manufactured. The packaging may be wanting because the manufacturer may not package

that food well so as to make a quick buck. As a result, the food is possibly degraded by the vagaries of nature, which changes its composition.

How do we distribute food that is consumed by Kenyans? In most cases, we have vans that bring in all manner of foods from upcountry. Those vans do not pass the test of food safety in any form.

What do we feed our animals? Many people buy whatever food they find in the market and give it to their animals. As a result, the beef, mutton, or other products you get are contaminated. This is because those feeds are not certified and are produced in unhygienic conditions. Therefore, Kenyans consume foods unfit for human consumption.

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

[The Temporary Speaker (Hon. Omboko Milemba) took the Chair]

We also know very well that Kenyans are ingenious when it comes to adulteration of foods. We are always cautioned to buy foods that have been certified by the KEBS and have other high-quality assurance marks. One must be extremely cautious because Kenyans are very good at adulteration and production of counterfeit foods, which cost much less than real food. They dupe Kenyans to buy counterfeit foods in haste in an attempt to make more money.

I will give an example of a product in my local market known as *guuzo*. It is a form of fermented flour, which comes from sorghum grown in Tharaka. Gadam Sorghum is used in beer production, but *guuzo* was used to make some local brew, which is now illegal and is, thankfully, not sold anywhere. We were told that it is not meant for human consumption. It is meant for animals as a form of feed. However, we adulterated it by adding a bit of baking powder and other additives which cause it to faster ferment into beer. That is how ingenious we are.

Therefore, the establishment of a control coordination office is welcome. Just like KEBS and liquor control boards, we want our foods to also be controlled so that we consume foods that have labels showing that they are fit for human consumption.

I support this very welcome Bill.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Faith Gitau.

Hon. Faith Gitau (Nyandarua County, UDA): Thank you, Hon. Temporary Speaker, for giving me this chance. I support this Bill. The issue of cancer in this country is really worrying. It is not just the elderly who are contracting cancer; even children are getting the disease. It is really worrying. This Bill has come at the right time. The establishment of the Office of Food and Feed Safety Controller will enable the Government to better track cases of unverified foods and feeds.

Lately, there has been evidence that people sleep on their jobs. Once this office is set up, everyone will be alert. We should carry out research on the fertilisers we use to grow our crops. There is an issue with fertilisers. What are we giving Kenyans? We need to know the kind of materials used in the manufacture of these fertilisers. We have had a rise in cancer cases and stomach problems in this country. It is like everyone in Kenya has stomach issues. I support this Bill because it will give us a framework of how the Government will monitor the food that we eat. We need to know whether it is the crisps that we eat, or the coffee, or tea that we drink, or the carrots that have a problem. Everything that we consume needs to be monitored, not just yearly, but monthly or even weekly. I thank the people who came up with this Bill because it has come at the right time.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Very well. Hon. Deputy Speaker.

(Hon. Gladys Boss spoke off the record)

Okay. Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity to contribute to this Bill, which has come at the right time. What we consume in this country and what animals consume as feeds, which later translate to human food, is questionable. The food and feed field is in trouble. One, we have a problem of preservatives. Meat in supermarkets looks very fresh all the time but has probably stayed there for four to five days. When you ask how the meat has been preserved to that level of freshness, the attendants tell you that they use certain types of preservatives. Those preservatives are poison to human beings because they eventually cause diseases. When we establish an office that controls food and feed, then we are assured of the safety of Kenyans. Food and feed safety means a safe country.

The safety of this country is not about the army, police or all other security organs. The safety of our country can be determined by the kind of food and feed that is supplied. It is very important that we establish this office and have people in office immediately, but my caution is this: We have the Kenya Bureau of Standards that regulates standards of goods in this country, including food and water, yet we have always had issues of food not being properly standardised in the country. There is the question of integrity when we set up this office. We can set up a good office with good objectives and very nice proposals, but if the persons occupying that office are people with questionable integrity, then we are doing zero work. So, when we put people in this office to oversee food and feed safety in this country, integrity should be the overriding principle in ensuring that the food in this country is safe.

Another important factor that must be considered is that as a tourism destination, this country requires the establishment of this office within the shortest time possible. Many high-end tourists look at the food safety in Kenya before visiting. I once went to a hotel in Malindi and realised that a billionaire who had come to that hotel had come with a whole plane-load of food because he did not trust the food in this country. I asked why all the food that was being prepared in that hotel was imported food. The workers there told me that even tomatoes, onions and everything else had been imported. This billionaire had come in a jet and landed at Malindi Airport with everything that he needed to be cooked. The billionaire then told me that he does not trust the food in this country. When I asked him why, he pointed out that there are a lot of integrity issues in this country, so the food that is sneaked in or what we buy from the market may not be very safe. I will name the billionaire later to my friend, Hon. John Kiarie, who seems surprised.

Many foreigners are worried about food in this country. As a result, the tourism sector is losing high-end tourists because they are not very sure about the food and feed safety. For example, tourists will not buy milk from this country because they think that animals in this country are fed with feed that is not of good quality and has been compromised. Therefore, they import milk. They also cannot buy cooking fat from this country. If you are hotelier who deals with international tourists, you are forced to import even cooking fat and milk because the clientele demand to have safe food. For us to boost the tourism sector in this country, we must have food and feed control that can help this country in terms of tourism.

I would also like to talk about Kenya being a dumping site of foods and feeds of low quality. The processes of importing food and feeds in this country has been compromised. My children like a certain type of food called noodles. When you go to the market to buy a packet of noodles, you look at the process they go through and wonder if they are safe for children. At that point, you conclude that you would not allow your children to eat the noodles because you do not know how it will affect them in future. Young children now suffer from cancer. If you visit the cancer ward at the Kenyatta National Hospital (KNH), you will realise that there

are very many young children with cancer. We are told that food can be one of the causes of cancer. It now dawns on us that with the kind of food we consume in this country, it is possible for children to have cancer. How then do we control it? This office will help us to ensure that the food our children eat, especially the fast foods, are safe. Sometimes that food does not meet the threshold of food fit for human consumption.

As I conclude, I would like to say that although many of the cancers that we have can easily be traced to food, it is not just the food but the feeds. Hon. Gladys Boss brought a petition on increased prevalence of chemical pesticides in the country. The pesticides used in our farms to grow our foods like tomatoes, potatoes, and maize might not be fit for human consumption. Therefore, we end up with food that has elements within it that can cause diseases. It is about time we established this office. As the Leader of the Majority Party has said, the office is supposed to coordinate public institutions that control food and feed safety. That is very important because it needs to coordinate KEBS, public health officers, and other public institutions. Depending on how much money one is given, public health officers can certify an animal that died of anthrax to find its way into a butchery. I have seen pictures on social media where donkey meat found its way into a butchery in Kiambu. I asked myself what happened so that donkey meat can find its way into a butchery. Unfortunately, there is a public health officer who will turn donkey meat into beef through his signature. All this is because there is no proper coordination. This office, when established, will coordinate public institutions that control food and feed safety.

Secondly, Hon. Temporary Speaker, the office will provide for the role of the county governments in food and feed safety. I believe in devolution. However, sometimes, county governments hire public health officers based on whom they know, but not based on high standards of qualifications. On that basis, those public health officers can kill a whole community. We recently had cases in two schools where children died of food poisoning. I can bet that a public health officer must have certified the food in those schools as fit for human consumption, yet we lost lives.

This Bill is very important. I urge Members of Parliament to have a bipartisan approach. Let us pass this Bill to ensure that our children or people are not harmed by the food they eat. People die from the food they eat, but not from diseases.

I support this Bill. I hope that when it comes to the Committee of the whole House, we will panel beat it and ensure that we give Kenyans a gift by ensuring that the food they consume is safe.

Thank you.

The Temporary Speaker (Hon. Omboko Milemba): Very well. Hon. Caleb Luyai, Member for Saboti. Is he in the House? Proceed.

Hon. Caleb Amisi (Saboti, ODM): Thank you, Hon. Temporary Speaker. I was trying to acquaint myself with the Bill. That is why I had run across to pick a copy.

I appreciate this Bill which originates from the Executive. It was brought to the House by the Leader of the Majority Party, Hon. Kimani Ichung'wah. This Bill ran short of collapsing all these authorities that were established to look at the safety of food and feeds: The State Department for Crop Development, State Department for Livestock Development which deals with veterinary services, State Department for Medical Services, State Department for Health Standards and Professional Management, and the Ministry of Agriculture and Livestock which is in charge of fisheries and the food authority.

Even if you just pick on matters of the agriculture and food authority, remember we used to have various boards, including the Pyrethrum Board of Kenya, the Kenya Sugar Board, and the Nuts and Oil Crops Directorate. They were collapsed into one entity called the Agriculture, Fisheries and Food Authority. You have seen its impact by collapsing all the independent boards that seem to have been given the same mandate. It has the advantages of

reducing the cost of running the boards and making them more effective. We have the Kenya Dairy Board and the KEPHIS, which is dominant in my constituency. One of their plants is in my constituency. They also have vast land there. I have seen their work in the field of testing the health of imported seeds before they are released to farmers. We used to have the Kenya Agriculture Reforms and Innovations (KARI) which was doing the same thing as KEPHIS. Some of the functions were transferred to the Kenya Agriculture and Livestock Research Organisation (KALRO) which is more effective. We also have Pests Control Board, Fertilisers and Animal Food Stuff Board, and the National Biosafety Authority.

I agree with the intent of this Bill. It proposes to collapse all these institutions into one. It is more effective to have it as one entity with various departments relating to different areas of operation in terms of food, animal feeds, or seeds. The most important thing is to ensure that whatever comes into this country meets the safety standards pertaining to human consumption.

Hon. Temporary Speaker, I support the Bill for trying to bring most of these agencies and the boards together. It is also paramount to note that most of the time when we pass Bills in this Parliament, we do not take so much cognisance of operationalisation of some of the authorities that we intend to form. We recently had to repeal a Bill on social assistance of the vulnerable in our society, just two years after it was passed by Parliament. We did it because it was impossible to operationalise that board. The authority that was envisaged to be formed could not get the much-needed funding from the Government.

The continuous enactment of several Bills that eventually land into a dustbin or on some shelves and are not implemented by ministries has always been our major undoing as Parliament. This is also a wake-up call to this Parliament, that we should not pass laws too quickly, whether emotionally or out of national popularity. We need to look at how we will use them. As we pass them, we need to envisage a future that we have an organisation that is well catered for, in terms of Exchequer funding and will stand the test of time. The onus is on this Parliament to make sure that the Bills that we pass here meet the quality standard of establishment. There must be in place proper mechanisms, staffing, and funding. We should not pass Bills to excite the crowds and Kenyans, and then later come back to repeal them. Remember we collapsed some of the organisations due to lack of funding meant for operations.

Some of these moribund organisations look like they exist, but they do not. They only exist on paper. In real sense, some of them are used as conduits of corruption. This is where donor funds are directed or misdirected for consumption by a few people. We also need to know the operationalisation of some of these entities that are formed by an Act of Parliament, legal notice, or Executive orders. We need to know the need and prevailing circumstances upon which they are formed. They later become moribund and are used wrongly by unscrupulous officials. Most of the allocations in some of these ministries are located in makeshift organisations. Since they have found a loophole in an Act of Parliament that establishes the authorities and boards, they, certainly, have a legal standing to direct money there. This is how money from various ministries go to waste.

I support this Bill but with a caution. As we pass laws in this House to establish a coordination body or an authority, we must also know how we will fund it and the nature of staffing. If you walk in some organisations, you will find all the members of staff - from the chief executive officer to the sweeper - are from one tribe. Because it is an activity based in a region, people assume that if it is something to do with maize, then this has to be in the Rift Valley and if it is sugar, it has to be in Western Kenya and so forth. Therefore, it becomes a tribal entity. You find that all people who work there, from the CEO downwards, are from one tribe. Hon. Temporary Speaker, we also need to know if these entities are going to meet even the national cohesion parameters of making sure that all Kenyans get a chance to be part and parcel of them. All Kenyans need to contribute to the well-being of the society.

With those few remarks, I beg to support.

The Temporary Speaker (Hon. Omboko Milemba): Let us have Hon. Didmus Barasa, but before then, Hon. Members, let me acknowledge the presence, in the Speakers' Gallery, even if they have left, pupils from the following schools: Eronge Adventist Primary School in Bonchari Constituency, Kisii County; Tassia School in Embakasi West Constituency, Nairobi City County; and, Garissa Academy Primary School in Garissa Township Constituency, Garissa County.

Hon. Didmus Barasa, you may proceed.

Hon. Didmus Barasa (Kimilili, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity to add my voice on this very important...

The Temporary Speaker (Hon. Omboko Milemba): Sorry, Hon. Barasa. There were students seated in the Speakers' Gallery from Mt. Kenya Baptist School, Nanyuki, Laikipia East Constituency, Laikipia County. Thank you. You may proceed.

Hon. Didmus Barasa (Kimilili, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity to add my voice on this very important Bill. At the outset, allow me to say that I support this Bill. This is a very important Bill because it is going to create jobs for thousands of Kenyan children as food and feed safety inspectors across the country. Secondly, the country will have an opportunity to tap into the skills of the very many Kenyans who have trained in evaluating and inspecting food and feed to ascertain their safety.

In this time and era, no country, Kenya included, can afford to lose its people just because they have consumed unhealthy food, neither should their cattle consume feeds that have not been certified. This Bill will go a long way to ensure that the healthy status of Kenyans is not curtailed or affected by food that is unsafe for human consumption. I have a belief that by approving this Bill, what we have been hearing about Kenyans consuming donkey meat, dog meat, and food that is not good for human consumption will cease to exist. I am even tempted to think that the food that I have been eating may not have been certified. I have always wanted to add some weight. So, I hope that when this Bill passes we will know which food is enriched with what nutrients from the notes they will add onto the packaging.

We learnt in school, in a subject called Home Science, about what entails a balanced diet. Some unscrupulous hotels sell food that does not have the nutrients. Majority of the food we consume does not contain the requisite starch and carbohydrates listed on them. I believe that these food and feed safety inspectors will not only ascertain that food is good for human consumption, but will also contain the prescribed nutrients so that Kenyans get value for money.

This is a very important Bill, like the Hon. Leader of the Majority Party has aptly put it and explained in detail. We may be having majority of Kenyans who are battling various mysterious diseases. It is reported that 90 per cent of the diseases are as a result of feeding on food that has not been certified to be fit for human health. I believe that we may have lost thousands of Kenyans because of the laxity to confirm whether food is fit for human consumption. We have also been told that majority of the fruits that are available in our Kenyan market are never allowed to ripen through the natural processes. That there are some additives that you spread on those fruits to help them ripen fast. If this House will pass this Bill and the Office of Food and Feed Safety Controller is created, then all the dubious acts we have been seeing will be a thing of the past. Food in our markets must be food that is properly inspected and certified to be fit for human consumption.

The only thing that I did not see in this proposed Bill, which I know the House will have an opportunity to add and enrich in the Third Reading, is a proposal of penalties. There needs to be some powers given to the relevant authority to take action against individuals found to be circulating or distributing food that has not been certified to be fit for human consumption. We cannot be legislating in vain. We cannot be passing Bills in vain. This law should act as a deterrence and prevent unscrupulous business people from distributing food that does not meet

the threshold laid down for human consumption. They should be dealt with. The law must take its course and we will be proposing further amendments to this Bill so that this authority is given some powers. Also, we need to prescribe penalties to those who will be found selling food that is not fit for human consumption.

Last but not least, we are also aware of very many institutions that sell food that has expired. They also falsify expiry dates of particular foods. This must also be within the mandate of this body that would be created once Parliament passes this Bill, which I am 100 per cent sure will be done. Those people should be dealt with. It is not only ungodly, bad manners, and against the law, but it is absolutely inhuman for an individual or a distributor to distribute food that is expired or not properly packaged. We are told that there is a certain plastic material that is not good for packaging food and that if you package food in it, chances are high that they transmit cancer. This new body will go a long way in ensuring that we package our food in a manner that does not put the health of both human beings and animals at risk, or expose them to the many diseases that are very rampant in this country.

I am fully aware that some of the deaths that are registered in this country are as a result of food that is not fit for human consumption. Like my friend has mentioned, it is a fact that every year we lose students for eating contaminated food. Every year the Government spends colossal sums of money carrying out investigations and tests on the cause of death of students. It has to do with the way food is stored. I will also be proposing further amendments to ensure that the mandate of this authority goes beyond testing food. It has to also ensure that food is stored in a proper manner. If you test food today and give a report that it is good for human consumption, you are given a certificate. When you do not store this food in a proper manner, chances are that the same food will deteriorate and change its status because it has not been properly stored. The same food that has a certificate of being good for human consumption, if tested again in two or three weeks, it might turn out not fit for human consumption. These are the very many things we are going to improve.

I thank the Leader of the Majority Party for bringing this very good idea to the House. We will assist him by improving the idea into a better one that will assist millions of Kenyans.

I support.

The Temporary Speaker (Hon. Omboko Milemba): Hon. James Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I rise to support this Bill.

This is an extremely important Bill for health. I support it because its object is to coordinate all public institutions involved in control of food and feed safety. It is important that we control food and feed safety. Food is the most important social determinant of health. In terms of health, we are what we eat. Food can result in direct illness from infectious and communicable diseases such as typhoid, bacillary dysentery, cholera, and all sorts of illnesses.

We can also have non-communicable diseases arising from the food we eat, starting from problems of lack of vitamins that are common things, particularly in children, to serious diseases such as diabetes, hypertension arising from obesity, and stroke arising from having a lot of cholesterol in our body systems. These are all important. We can also have chronic illnesses and poisoning in food. You can have contaminated fish. There have been parts of the world with serious contamination of fish due to heavy poisoning by metals like mercury. That can occur even here, seeing how our environment is being managed. People who get fish need to do something about it. You can have acute poisoning from the food that you eat. We often talk about food poisoning and we think that somebody put poison in food. In fact, if food has some bacteria, it will cause acute illness called food poisoning. For some, if you take milk, you can collapse immediately because it is contaminated depending on how milk is prepared. Some people put some things even as bad as melamine to make milk look thicker and richer. We need to look at all those things.

You can have long-term health effects depending on the type of food you eat. There are foods associated with cancers. You can have that. Things like cancer of the oesophagus and cancer of the liver have been associated with the kind of food we eat and the contamination in foods. What about feeds? Feeds given to animals are an important part of the food chain. It gets into animals and we eat their products. Again, that is extremely important. As I said, if you have things like aflatoxin in food, you will get cancer of the liver. It is important that we get this right.

Sometimes, food can be contaminated when it is being produced. Food can be contaminated at the time of production and that is where fertilisers feature. What is the effect of the fertilisers we use? When we use pest control chemicals, what is their impact on the food we eat? What do we put in feeds? We know of feeds energised with steroids so that chicken may grow faster. They pass this onto us. All processing and storage of foods is associated with chemicals or other things that make food dangerous to our health. Transportation of food is also extremely important. I support this Bill because if you look at all those areas from production of food in farms to the fork in our mouths, chances of contamination are numerous.

We then have very many institutions in ministries involved. This Bill seeks to coordinate all those institutions. That is extremely important because, as it is now, each one of them like the Kenya Bureau of Standards and the Kenya Plant Health Inspectorate Service are doing their own things. Nobody brings them together to check even the duplication that occurs. This Bill seeks to bring in coordination and establishes the structure called the Office of Food and Feed Safety Controller. It is extremely important. It also puts in place processes for traceability. If there is food contamination from a factory, can we trace where it came from? Can we also trace where it has been distributed? Can we go to supermarkets that have it? That is so that you can have a recall system. We will know where food was produced and distributed if there is an outbreak. Can we recall that food? Can we follow up the process to that factory and find out what went wrong? Can we trace it to the farm involved and find out what went wrong? This can only be done through very many competent authorities. Here we have ten of them. They are listed in the First Schedule of this Bill - from ministries responsible for public health, the Ministry of Agriculture and Livestock Development, the Ministry responsible for fisheries, the Agriculture and Food Authority (AFA), the Kenya Dairy Board, the Kenya Plant and Health Inspectorate, the PCPB, and those that deal with fertiliser. All these are working independently. During the discussion we had with them, we discovered they are working in silos. However, we live in a comprehensive manner. For the food in your house, it does not matter which authority is responsible for controlling food types. You just want to know that your food is safe. It is good to have somebody that is controlling them.

Again, I support this Bill because, in the Schedules, it states what also needs to be amended. Currently, there are about 13 Acts of Parliament concerning the matter at hand. It would be futile to do this without going deeper and looking at all those 13 Acts of Parliament, and amending them. Examples are the Public Health Act, the Food Drugs and Chemical Substances Act, the Dairy Industries Act, the Fertilisers and Animal Feeds Safety Act, the Pest Control Act, the Meat Control Act, the Standards Act, the Biosafety Act, the Water Act, and so on. They need to be coordinated. This Bill seeks to do that because it proposes to put in place structures that can help us do that.

I only hope we will manage when we get the Office of Food and Feed Safety Controller. The Bill has even put down how to appoint this person. It has stated the qualifications and structure of the office. When it is finally set up, I hope this office will do what it is supposed to do. The most important thing we must look at is that there should never be competition between this office and the various competent authorities. We do not expect this office to go out and start picking food from industries and checking them - that is not their duty. Their duty is to find out whether KEBS is doing what it is supposed to do. Is KEPHIS doing what it is

supposed to do? If not, where is the problem and what do we do? Otherwise, there will be a lot of chaos and unnecessary competition within the system.

I support.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Naomi Waqo.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker for allowing me to add my voice to this very important Bill that the Leader of the Majority Party has brought. At the outset, I support this Bill because it concerns the lives of our people. This Bill is about food. Those who can afford food will have, at least, three meals in a day. Food goes into our system and has a lot of effect on our bodies. When the Food and Feed Safety Control Coordination Bill will be law, we are sure to have a good and healthy society.

In the past, many people have suffered because of consuming contaminated food. Many others have even lost their lives. One time, people attended a certain wedding and almost 45 people were hospitalised. If good measures had been put in place, things would have been different. That is why the Food and Feed Safety Control Coordination Bill is something that our country needs like yesterday.

I support this Bill because if we pass it, we will ensure that food does not cause any harm to the consumer. Normally, food is produced in the farms. It can also be bought from the shops, markets, and all manner of places. Our people will be safe if we are sure of the product. This Bill will provide for the coordination of public institutions created for the control of food and feed safety. The Bill establishes the Office of Food and Feed Safety Controller. I am sure it will serve our nation in a better way. I suggest that as the offices are established, let us ensure that we devolve them. We should endeavour to have the Office of Food and Feed Safety Controller in every county.

Again, this Bill provides for the role of the county governments in food and feed safety. There is a lot of negligence in many areas within the counties. If this Bill is passed, the county governments will also be responsible in a way so that we do not blame the national Government only.

We have people who practice farming. They rear domestic animals like cows and goats as their only source of income. If we take care of animal feeds, we will have healthy animals. If you buy an animal and slaughter it and thereafter a health check is done, you might find the meat is unfit for human consumption. That means a great loss. However, if we have good measures in place, we would be able to take care of the businessmen, consumers, and the entire country hence become a healthy nation.

Clause 3 of this Bill outlines its objectives. One, it effectively coordinates the performance of the functions of the competent authorities. We do not have competent people in some institutions. The Bible says that my people perish due to lack of knowledge. When we have skilled people with enough knowledge and competent enough, then we can be sure that whatever approvals they do, it is something that is acceptable. As we approve this Bill, let us practice it in the best way possible. We should not entertain corruption or compromise on the matter of food and feed safety because it concerns people's lives. Once we do that, we can be sure about the safety of the products we consume.

Clause 3 enhances accountability in the implementation of official control. In our nation, accountability and good stewardship is what has been lacking. It is my prayer that under the Kenya Kwanza Government, it will be implemented. If we all become good stewards, this country can be transformed. A lot has happened in the past due to lack of accountability. Funds have been lost and resources wasted just because of lack of accountability. I suggest that all these objectives be followed so that this country can be transformed. With that in place, we are sure to have a healthy society that I talked about at the beginning.

As we pass this Bill, we will be sure to protect human life and health. Today, Kenya is suffering because many of our people are suffering from cancer. Many people say that cancer

is caused by some foods that we eat while others say it is through the consumption of food that has chemicals. Once this Bill is passed, we will protect the lives of our people. As a country, we have not been able to protect the lives of our people or consumers' interest. The prices are fixed and nobody knows by who. Sometimes, sellers take advantage and sell things expensively.

The promotion of the Food and Feed Safety Control Coordination Bill will have our people live with less fear because many of them are wondering whether what we buy from the supermarkets is fit for consumption. Once this Bill is passed, we will have a healthy society which is free from stress. We will be proud to buy whatever we find on our shelves.

Efficiency and performance in terms of safety control is what this Bill seeks to bring forth. That is why I support it. Efficiency is what we need in our country. Today, if you go to many offices and institutions, you will find people working hard because they know the President is hardworking. Once efficiency is put in place, we will be assured the products and...

The Temporary Speaker (Hon. Omboko Milemba): Very well. Please, add her one minute to conclude.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker. I appreciate. As I conclude, I want to say that I support this, Bill. It is my prayer that it will be implemented for the betterment of our nation.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Wilberforce Oundo.

Hon. (Dr) Ojiambo Wilberforce (Funyula, ODM): Thank you, Hon. Temporary Speaker. I stand to lend my voice to the Food and Feed Safety Control Coordination Bill (National Assembly Bill No.21 of 2023). If you read the memorandum and reasons for the Bill, you will find that it is basically to provide for coordination of public institutions involved in the control of food and feed safety. In short, the Bill seems to be a superintendent Bill and, indeed, the holder of the main office created here is a controller. Article 43(1)(c) of the Constitution places food security, hygiene, and acceptable standards as one of the economic and social rights. So, at any given time, we must pursue and ensure the end consumers in this country receive food that meets local and international standards.

Local standards of any product in this country fall within the realm of the standard architecture. The body authorised to make those standards is the National Standards Council (NSC). The mere contemplation or thinking by the Executive or Government so to speak, to bring this Bill in the House today, is an acknowledgment that the bodies with authority to oversee food and feed safety have fallen short of expectation. It is not that we lack laws, regulations, inspectors, and competent people. It is only that we appreciate and agree that, as a country, we have failed. This is because we have continuously said we lack the will to enforce existing laws. In essence, we are creating another unnecessary bureaucracy simply because we do not have courage to tell those in charge of the so-called competent authorities mentioned in the First Schedule, to act.

The competent authorities include the Cabinet Secretary responsible for matters relating to public health and medical services. If they did their work as per the international standards and professional requirements, there would be no need for the office being created today. The others are the ministries responsible for matters relating to veterinary services, crop and livestock development and fisheries, AFA, Kenya Dairy Board (KDB), KEPHIS, PCPB, Fertilizer and Animal Foodstuff Board, National Biodiversity Authority (NBA) and KEBS. We must also, indirectly, include Kenya Accreditation Service (KENAS) in that list.

We are creating a prefect who will be nosing all over asking, 'Have you done your work? If not, why?' Will he simply be walking around looking for areas that overlap between the various competent authorities? We do not need to create an office to do that. The Attorney-General and respective departmental committees of Parliament are here and we have professional bodies all over. How can we fail to identify all these institutions? The intention might be good, but we are taking the wrong approach. We are creating another layer of

bureaucracy and whenever there is bureaucracy upon bureaucracy, we end up with a system that does not serve the intention of the people.

Many of my colleagues who contributed here seem to have a misconception of the structure of this Bill. They think the Controller will be walking in various places checking whether food and feed is safe. No! Colleagues you need to read the Bill clearly. It simply says we are creating somebody who when he wakes up and is idle, will go to AFA to check if they are doing their mandate. That is the work of Parliament; to oversee the various State departments. The mere thinking and bringing this Bill here is an indictment that Parliament has failed in its role of oversight! We are not able to question this because we are driven by the tyranny of numbers: *sijui* reality and what not. Those are things that add no value to this country. If you look at this Bill, it proposes to amend various principle Acts. In a way, it is like an omnibus or miscellaneous amendment Bill that seeks to amend all those things yet, this would have been done in a more elaborate manner without a particular Bill. I can see we are simply creating jobs for the boys because of the work the Controller is supposed to do.

Clause 24(1) states:

“That the Controller in consultation with the relevant competent Authorities shall designate a laboratory as a reference laboratory for confirmatory testing”.

This is the role of KENAS. In 2019, we passed a Bill which is already an Act creating this authority to handle that role. So, what are we trying to do here? Looking at the powers and duties of the Controller as provided here, they are cosmetic, parlous, and of no value. All they will do is write a report to the Cabinet Secretary in-charge of the competent authority and that will be the end of the story. There is no provision for sanctions to ensure everything is done. We are creating a research body so to speak, to document failures and do witch hunting on who is not working and so on. We are creating a snitch who will be wailing around saying: ‘Yesterday I found rotten meat in Butchery X, Y, and Z in Karumaindo. Where is the Public Health Officer of the County Government of Nairobi who did not check that meat?’

Whoever drafted this Bill should have done much better than this. If they truly feel that the competent authorities mentioned in the First Schedule are not working, the best way would have been to review, look where the lacuna or shortfalls are, and simply ensure they are handled. Looking at Clause 18 on the scope of the verification conducted by the Controller, which includes, conduct of inspections; taking of samples; and conducting analyses. Surely, that is the work of the Government Chemist! Why would you again ask the Controller to do that kind of job? There are public health departments in county governments that do that. This is just a duplicitous process. We will create turf wars unless the two committees, headed by competent Members of Parliament who went to school and understand things, look at this Bill critically and give it a thorough shot. As Hon. Hamisi indicated, we are making a law that will not be enforceable and implementable. It will be just on paper, just like many other laws. I can assure you that in a matter of a few months, the same Leader of the Majority Party will stand here to propose amendments to this...

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

Hon. Adan Haji, Member for Mandera west.

Hon. Yusuf Adan (Mandera West, UDM): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity. I stand to support this Bill with a lot of reservations. The Food and Feed Safety Control Coordination Bill is very wide. Its content is supposed to be captured in two different Bills. Food and feed are quite different. When you talk about food, it is from the farm to the folk. Moving food from the farm to the folk involves various processes that need to be controlled and checked in quantity, quality, and safety as regards the quality and health aspects, the crop that sprouts have to be nurtured after sowing seed. What type of pesticides do we use? Until the other day, in this country, we were using Dichlorodiphenyltrichloroethane (DDT) pesticide, which has been outlawed worldwide. Is our

problem the dangerous DDT pesticide, or how to put together food and feed? Food and feed cannot be put together. These need two different Bills. Food involves sowing a seed, using pesticides, nurturing the plants, harvesting the crop, transporting it, storing it, and packaging it. All these stages require safety measures. For us to get quality, healthy, and safe food, safety measures must be put in place at every stage. In supporting my friend, we have laws for all these processes. Our biggest problem is the implementation of our laws to the letter. It is not creating new laws.

When it comes to feed, you grow animal feed, like nappier grass, chop it into small pieces and feed animals. All these processes are not there. However, we need to look at the quality and safety of feed. For example, if you want to feed your animals on silage, you will cut some greens, put them under pressure, roll them out, measure the temperature at every stage, sprinkle water, add molasses, and cover it up. When you harvest it, you must remove it every other time and check its safety before you feed your animals. So, these are two different sciences. Why are we combining the two sciences in one Bill? One is animal science, and the other is human science. If you combine these two, you will ultimately fail to perform properly, or you will end up with two competent authorities fighting over it. One competent authority will say, “No, it is this,” and the other will say, “No, it is that.” This is because the two competent authorities have different objectives but have been put together. If this Bill goes through, I foresee the Ministry of Health and its competent authorities having a rift with the Ministry of Agriculture and Livestock with its competent authorities.

What we need here – whether it is food or feed – is to put the right quantity, quality, and safety in place. If you put garbage in, you will get garbage out. We cannot export some of our products to the European market and other international markets because of our sanitary processes, which need to be seriously considered. We have competent people. Our biggest problem is corruption and lack of implementation of the already existing laws. We are not implementing our laws because of corruption. I remember very well when we got orders to export our camels through the Port of Mombasa. After making two trips, we could not do it anymore because of corruption by our veterinarians. We diverted it. Today, Kenya’s camels from the North-Eastern region are exported to the Arab world through the Port of Berbera, Somaliland, because of corruption in Kenya. We have laws, but they are not implemented. So, we must seriously consider this and separate food from feed.

When the Bill gets to the Committee of the Whole House, I will propose an amendment to split the Bill into two distinct Bills. It is not the first time we are debating this Bill. In the 12th Parliament, a similar Bill was brought to the House. It was discussed, and Members disagreed. The Ministry of Health wanted it to stay as it was because they wanted to control the bigger thing, including food and feed, while the Ministry of Agriculture and Livestock wanted to control animal feed quality, quantity, processes, and safety. The animal digestive system and the human digestive system are different. Most of our livestock, except a few, are ruminants with four-chambered stomachs. So, what they need is quite different from what human beings need. Human beings have simple stomachs, and what they need is something lean. Therefore, the Bill may be good, but it has to be split to have two separate Bills for food and feed.

With those remarks, I support.

The Temporary Speaker (Hon. Peter Kaluma): Thank you very much, Hon. Adan Haji, Member for Mandera West.

Hon. (Dr) Lilian Gogo. I know your Ph.D. area is food science.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Thank you very much, Hon. Temporary Speaker, for giving me this chance. I want to thank my friend, the Leader of the Majority Party, for bringing this particular Bill to the House. We are talking about the Food and Feed Safety Control Coordination Bill. From what I have read, there is a need - as it has been proposed - to

establish a national office of food and feed safety controller. It will be important because such an office has never existed. I do not want to oppose it if it has been deemed to be there. As we are aware, the challenge in Kenya is implementing what exists. We want to create an extra office, whereas we have too many unemployed university graduates who are food and feed safety experts rotting out there. We have many graduates who have studied food science.

As you have rightfully said, I have a Doctor of Philosophy (Ph.D.) Degree in Food Safety. I studied how to eliminate carcinogens that are found in sausages by way of nitrites and nitrates. I wanted to get a natural means of making sausages pink in color but also making them last. That is done by nitrites and nitrates, which, if not used at safe levels, have been found to cause cancer. I worked with a natural source by using fermented cabbage to do what is technically called ‘curing of meat.’ Fermented cabbage produces a substance akin to what is conventionally made using nitrites and nitrates. That particular project was sponsored by the German Academic Exchange Service (DAAD), which I owe for life.

We have had instances of food poisoning in our schools. We have lost several lives in one way or the other because of unsafe foods. There are basic components of food safety that we need to practice even at home, such as keeping food products at the right temperatures and separating raw food from cooked food. We must practice basic hygiene to keep our foods and feeds safe. It is also important that people trained in food safety be allowed to work where there is massive food production, like in our schools.

Basic components of food and feed safety management already exist in science, especially in chemistry, physics, biology, and mathematical engineering of food. We have the Hazard Analysis and Critical Control Points (HACCP) concept used in producing safe foods and monitoring and evaluating such processes. We also have good manufacturing practices that use clean wares and utensils. We also have the International Organization for Standardization (ISO) 22000 certification, which is used for food safety management, and the ISO 22003, which is the Food Safety Management Systems Audit. Altogether, these should help us manage the safety of our foods and feeds.

The Bill covers a very large area, as a Member has rightly indicated. It would be important that we amend it to separate the component of feeds from the component of foods. We should manage feeds from the point of production to the point of animal consumption so that they do not consume carcinogenic products that would end up giving us unsafe food. Also, in our phytosanitary practice, we need to monitor the use of fertilizers or sprays that take care of our plants so that plants that end up as food are safe.

It is also important to look at post-harvest technology so that our grains do not cause us problems. What bedevils us as a nation, which I fear, is that there could be a probability that someone sat down and thought of this office. This Bill is well intended, but I am curious whether we are creating an office for someone. That is what I am worried about. We already have KEBS responsible for food and feed safety and control. We have established international standards. I can see my dear friend laughing. It is very common in Kenya that we sit in the House and debate such matters when we consciously know we are creating an office for a specific person because we want to be nice. When the job is advertised, we target a specific person. Going through this Bill, it has nothing to do with food and feed safety control coordination. It is more or less a creation of an office for an individual. Is that what we want?

If it is well intended, I will not block it because it will create a job for one food scientist or someone who has studied animal science. I am comfortable with that. Either way, our food, and feed must be safe. We will have to amend the Bill at some point. If it suits the purpose, then we should have two separate offices. An officer should be at the apex of dealing with food safety control. At the next level, an officer should be in charge of feed safety control. At the end of the day, we want to meet international standards. We want to be seen giving food and feeds that are safe to consumers. This can control the springing up of lifestyle diseases like

diabetes, cancer, and high blood pressure. If we have control over the safety of foods and feeds, we will control many diseases that have recently emerged and are a problem to this nation.

With those many remarks, I thank you for giving me this opportunity. Thank you, grandson of Asumbi.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. (Dr) Lilian Gogo. Member for Tetu, Hon. Geoffrey Mwangi.

Hon. Geoffrey Wandeto (Tetu, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to lend my voice to the Food and Feed Safety Control Coordination Bill. At the outset, something is fundamentally broken as far as the food systems in this country are concerned. The evidence is the disease burden that we deal with as a country. Where I come from, non-communicable diseases like cancer are a major burden. Experts are telling us that this is all because of what we eat.

As a developing nation, we eat more and more of what we have not produced. We do not know how it has been produced and where it has come from. As consumers, we rely on upstream players in the food chain to meet their end of the bargain. It is important that every person preparing and presenting food is assured that the food they have put in front of their families and customers has passed the highest safety test.

Hon. Temporary Speaker, pathogens like bacteria, harmful hormones, and things like microbiological or antibiotic resistance are very common things that we find in food. There is also adulteration of raw milk. If you buy it in this country, you do not know what percentage of water has been added. You also do not know if formalin has been added to extend its life. This does not only apply to milk but also to other products like meat and poultry. If you look at other products like honey, you cannot tell whether you are consuming honey, molasses, or a combination.

This Bill has come at a suitable time so that we can protect our people from the burden of eating contaminated food. We are a country heavy on agricultural exports as a big source of foreign exchange. We are encouraging increasing our exports right now to tame this runaway dollar. Those acquainted with people who export goods can tell you numerous times when their cargo was either rejected or destroyed at the airport or the port of Mombasa or at the ports of destination because of not meeting certain standards. These include the issues one of my colleagues raised earlier - phytosanitary certificates and issues. It also includes the use of banned chemicals and pesticides.

Many pesticides in this country come from a few neighboring countries that have been banned in Kenya and our destination markets. Because of corruption, they still find their way into the Kenyan market through *panya* routes, such as pesticides for spraying tomatoes, cabbages, or other horticultural produce. Most of them are banned, but they are sold to unsuspecting farmers. For us to protect our export market, we must control the pesticides that are being used. We should also ensure that there are sufficient penalties for violation of the law. It is one thing to pass a Bill and another to ensure that the offenders or those who break the law are sufficiently penalised to deter them.

Hon. Temporary Speaker, while talking about food and feed, which is the food we eat and the feeds we give to our livestock, there is another very important dimension we need to consider as part of the food system; water. This also needs to find its way into this Bill. We also have to control the quality of water. We have occasional outbreaks of waterborne diseases in this country. Some of them are fatal. We have cholera, typhoid, dysentery, and other waterborne diseases because of the poor quality of our water. We devolved the water function and created numerous water agencies. Who checks to ensure that all water bodies domiciled within the counties give their customers water that is properly treated and, therefore, fit for human consumption? We can ask the proposed food and feed safety controller to add water as part of his brief.

In this country, we tend to cure all our problems with more laws, which sometimes means we will get better outcomes. The law is as good as those who use and enforce it. It is important that the proposed controller does not become a hindrance to trade by way of harassing traders, hoteliers, farmers, or exporters - which is what we tend to see in this country every time we create a new office. When a new layer of regulation is added, it becomes an extra burden to traders through new levies or taxes. It becomes another avenue for collecting or rent-seeking for those in charge of controlling this item.

It is important that the proposed coordinator or controller does not compete with the KEBS, which is already charged with this activity. The coordinator or controller proposed in this Bill should not compete with the KEPHIS, AFA, Kenya Dairy Board (KDB) and the meat inspectorates in the counties. Otherwise, we would have created a new layer of corruption and bureaucracy that will not serve our customers.

This must become a facilitative office to prepare policy and regulation, thus allowing the already existing government agencies in these fields to continue doing their work. We must build the capacity of this proposed office to ensure that we have safe food arriving in our markets for the benefit of our consumers. The new proposed office must ensure that our animals eat the right feeds to avoid contamination or the moving of disease from animals to human beings, as we saw in the case of COVID-19.

Hon. Temporary Speaker, I sit in the Public Investment Committee (PIC). In the agriculture sector, we have about 30 organizations created by Parliament, which have not been operationalised because of delays or refusal by the parent ministries to operationalise them. We hope that once the proposed office of the controller is created, funds will be provided for its operationalisation so that Kenyans can get value for money from the office.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Geoffrey Mwangi. Let us have Hon. Zamzam Mohammed. Utaongea kwa Kiswahili.

Hon. Zamzam Mohammed (Mombasa County, ODM): Asante, Mhe. Spika wa Muda. Kiswahili ni lugha tamu sana inayowaunganisha Wakenya na makabila yote. Pia, ninapenda sana kuzungumza kwa lugha ya Kiswahili ili Wapwani wanielewe vizuri.

Nimeuangalia Mswada huu wa leo, ambao ni mzuri sana, tukiangalia maswala ya chakula. Hakuna mwanadamu au mnyama atakayeishi hapa duniani bila ya kula chakula. Lakini cha kusikitisha ni kwamba mashamba yetu yanawekwa madawa ambayo yanaleta madhara katika afya zetu kupitia vyakula tunavyokula. Ninashangaa kwamba ingawaje tuko na Waziri wa Afya, Waziri wa Kilimo na Waziri wa Mazingira, pamoja na KEBS, bado tunatafuta idara ambayo itasawazisha mambo ya chakula cha binadamu na chakula cha mifugo. Hii ni kwa sababu Kenya tumeingia katika mambo ya uvivu. Wahudumu katika idara zilizopewa majukumu haya wamekua wavivu katika utendakazi wao. Ndio maana licha ya kwamba tuna Wizara husika katika nyanja za afya, kilimo na mifugo, Wakenya wanakufa kupitia cancer na *food poisoning*. Wizara hizi zinafaa kuhakikisha kwamba vyakula vinavyotoka shambani ni salama kwa matumizi ya binadamu.

Limekuwa jambo la kawaida kwetu kuleta mijadala na miswada hapa bungeni, tukijaribu kulainisha masuala haya. Wahusika wakuu Serikalini ambao wanapokea mishahara minono wamekaa mahali wanajivinjari. Wanaishi maisha mazuri na kuendesha magari makubwa, huku Wakenya walalahoi wakilishwa vyakula vibovu. Wakenya wanauawa na vyakula vibaya ilhali Waziri wa Afya, Waziri wa Kilimo, na Waziri wa Mazingira wanaendelea kupokea mishahara minono.

Nafaka kama vile mahindi, mchele, maharagwe na ngano, ambazo huwekwa kwenye maghala yetu, huwekwa dawa za kuzuia *aflatoxins*. Hiyo ni wazi kabisa kwa sababu harufu ya dawa hiyo bado huwepo kwenye nafaka hiyo ukienda kuisaga. Wanaokula vyakula hivyo si ndugu zetu sisi tulioko hapa bungeni. Sisi hununua unga chapa ya *Amaze* ama *Hostess*, lakini

yule mama mpiga kura, na yule anayekatwa ushuru kule mashambani hula chakula kilicho na sumu.

Nimeishi katika taifa la Saudi Arabia, na nimeona wakiagiza nyama ya ng'ombe, kuku, na mayai kutoka taifa la South Afrika. Ni kwa nini? Ni kwa sababu wakulima kule South Afrika wanaboresha afya ya chakula katika mashamba yao. Pia, wanaboresha huduma ya mimea katika mashamba yao. Hapa Kenya, utaona ndizi ikitolewa sokoni leo asubuhi, na imeiva kufikia jioni, na iko tayari kabisa kuliwa. Jiulize ni kwa nini nyanya zetu walikuwa wanazifunika ndizi vizuri ili zipate joto na kuiva. Leo hii, ndizi zinatoka sokoni leo asubuhi na kufikia jioni, tayari zimeiva. Utazipata ndani ya *supermarket*, na watoto na familia zetu wanazila.

Mhe. Spika wa Muda, hali hii inatamausha sana. Waweza kuchinja ng'ombe leo, na ukichukua hiyo nyama uiweke mahali, inaanza kutoa harufu ifikapo jioni. Lakini ukienda kwenye *supermarket* zetu, nyama zao siku zote ni nyekundu na *fresh* kana kwamba zimetoka kichinjioni sasa hivi. Licha ya hayo, Waziri wa Afya amenyamaza. Pia, Waziri wa Kilimo na Mifugo amenyamaza. Mkurugenzi wa KEBS naye huwa amenyamaza. Maanake ni nini? Hii yote ni *corruption - corruption* ambayo inaregesha Kenya nyuma. Huu ni wakati mwafaka kwetu sisi, kama Wabunge, kupanua mawazo yetu ili Mawaziri wakija hapa kujibu maswali, tuzungumze sote kwa pamoja bila ya kuangalia chama ama kuuliza huyu ni wa wapi. Tukishikana, tutawauliza maswali ya kulijenga taifa hili. Tusijifinye chini na kuwacha Wakenya wakihangaika.

Kila siku ninapata *case* nyingi za *cancer* ofisini mwangu. Kama mama, ninasikia vibaya kwa sababu Wakenya wanalishwa vyakula na nyama mbovu. Huu Mswada, ambao umeletwa na ndugu yetu, Mhe. Kimani Ichung'wah, ni mzuri sana. Ikiwa wizara na idara zipo, kwa nini tunatafuta ofisi itakayoangalia maswala haya yote wakati kuna watu wamekaa wanalipwa mishahara bila ya kuzingatia usalama wa Wakenya? Ningependa kusema kwamba kama ofisi hii itatungwa na iwahakikishie Wakenya kuwa mambo ya vyakula yataenda shwari, basi tuangalie hizi wizara ili tuone kina nani watafutwa kazi. Tukianzisha ofisi hii, tuwatoe kazini wale ambao hawafanyi kazi zao na hawawajibiki.

Mhe. Spika wa Muda, samahani. Nina uchungu kwa sababu mimi ni mama. Ukienda kwenye *maternity ward*, utapata watoto wanaozaliwa na hali za kutamausha kwa sababu mama zao wamekula vyakula vilivyoingia uchafu, kwanza hapa Nairobi. Samahani, lakini kuna sukuma wiki zimeng'ara kweli ukiziangalia. Lakini ukiangalia utagundua zinapandwa katika maji taka. *Chemicals* zilizotumiwa katika nyumba za watu zimeingia mpaka mashambani na katika zile mbegu pia. Ile mbegu humea na ule uchafu wote. Zile *toxins* zote huwa zimeingia ndani, na hii leo, twauziwa hizi mboga sokoni. Watu hawajali afya ya anayekula vyakula hivi itakuwa vipi. Waziri wa Afya na Waziri wa Kilimo na Mifugo wamenyamaza.

Leo nitazungumza nikitetea wakulima. Isijekuwa kuna mtu mahali amepiga hesabu vizuri, ashajua mvua inanyesha, na ana mashamba. Mtu huyu anatafuta njia ya ku *control* vyakula ili apate namna ya kusafirisha vyakula kutoka Kenya akipeleka nje, huku amefungia wakulima wengine. Ikiwa ofisi hii ina nia nzuri, basi kama Mama Mombasa, nitaipigia debe; nitai-*support*. Sitaiunga mkono ikiwa ina nia ya kudunisha wakulima wetu. Ukiangalia sehemu wakulima hutoka, hali ya sasa inawapatia uvivu wa kuingia shambani. Wamekuwa wakilima vyakula, maghala yamejaa mahindi na mchele, lakini sisi twatoa mahindi na mchele nje. Sukari tunayoleta nchini pia iko na sumu.

Je, Bunge hili litakuwa likitunga sheria kila siku, ilhali sisi tulioko Serikalini tunaona vile mambo yanavyotendeka? Kuna usemi unaosema, "Mgala muue, na haki yake umpe." Tunafaa kuwaheshimu wakulima wa taifa hili. Nimeona wakulima kule Mumias wakilia kwa sababu ya miwa yao kuharibika. Hii ni kwa sababu sukari inatolewa nchi nyingine ilhali wako nayo. Wenye tuko Serikalini tukishakula tunateuka. Unapopumzika nyumbani huku ukinywa chai yako, utasikia kwenye vyombo vya habari kuwa sukari tunayoinywa iko na sumu, na ni

ile iliyoagizwa kutoka nchi za kigeni. Na kwa sababu tushakunywa, imeingia ndani ya mwili na iliyobaki kwenye mili yetu tu ni sumu.

Mhe. Spika wa Muda, Serikali na mawaziri wahusika wanafaa wawajibike. Kama kuna waziri ambaye haelewi kazi yake, aondolewe. Ndio maana tunamwambia Rais aweke watu waliobobea katika sekta fulani. Ikiwa ni sekta ya kilimo, aweke mtu ambaye ni mtaalamu anayejua kuwa shamba fulani au mchanga uko na rotuba kiasi gani. Kama mchanga uko na sumu, na kama maji tunayonyunyizia mimea pia yako na sumu. Hiyo ni kazi ya Waziri wa Mazingira. Ninawaomba Mawaziri wa Mazingira, Kilimo, Mifugo na Mimea wakae pamoja ili waweke vichwa vyao pamoja. Haswa ninawalenga watu wetu wa KEBS wanaoruhusu vitu vyenye sumu kuingia humu nchini.

Ninatamaushwa sana, lakini Mjadala huu ni mzuri, na ninaupigia debe. Ninaunga mkono, isipokuwa tunafaa kujua ni kina nani watakaolingia na kuhudumu kwenye ofisi iliyopendekezwa. Ofisi hii isiwe ni ya kunyima Wakenya haki zao. Isiwe ofisi ya kuangalia maslahi ya mkulima mmoja, bali wakulima wote.

Nikitia tamati, ninataka kumshukuru sana aliyeuleta Mswada huu. Ninawapongeza wanaosimamia Wizara ya Afya na Mifugo, maana wameshughulika kutengenezwa kwa Mswada huu.

Asante sana.

The Temporary Speaker (Hon. Peter Kaluma): Mjumbe wa Jimbo la Kericho, Mhe Beatrice Kemei. Mhe. Zamzam wa Jimbo la Mombasa akianza kuongea, Kiswahili changu hupotea.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Temporary Speaker. I wish I could speak like her, but even for you, I could see that you were struggling to understand her Kiswahili, even though I could see how you enjoyed every bit of it. All said and done, we need some classes on the same.

Thank you for giving me this opportunity. I support this Bill, knowing that it is very important. I support it because no legal or policy framework currently caters for the same. This Bill has come at the right time. The Bill was moved by the Leader of the Majority Party, Hon. Ichung'wah, and seconded by the Chairmen of the Departmental Committee on Health, and Agriculture and Livestock.

We have Health as a department and ministry. We also have Agriculture as a ministry. Both have duties and responsibilities, but when it comes to safety measures, we realise that none can take responsibility. Enacting food and safety control law is very important so that county governments and institutions like schools, hospitals, colleges, and the like can be guided.

As it has been said, the way to a person's heart is through the stomach. That is to say, we show appreciation through food. Sometimes food is a problem or a blessing. We have food contamination issues. Therefore, safe food production starts from planting to harvesting, storage, and transportation - this supply chain is key.

We are concerned about food safety in this country because we often have surplus food, but preservation is an issue. Therefore, the passage of this Bill will come in handy in line with this. We have perishable foodstuffs like milk, fruits, and vegetables and dry foods like maize and cereals. How we preserve them for future use is key. We have lost lives through food poisoning. It is, therefore, high time that we supported this Bill to stop food poisoning in schools and our homesteads even as we market foodstuffs that are well preserved after processing.

Hon. Temporary Speaker, as my colleagues have said, the chemicals used, such as poultry preservation, are interesting. I support this Bill because the county governments will come in handy to create public awareness so that people can know about food safety and the

proper measures to use. We know that health and agriculture functions are devolved. Therefore, public health officers should go to villages to let people know how to preserve foodstuffs.

Members may have realized that life expectancy has come down. The main reason is lifestyle diseases. The food we eat nowadays is not safe. During the days of our mothers and grandmothers, they never drank water from modern refrigerators. They used traditional refrigerators because the water was safe. Nowadays, rivers are polluted, and the water is unsafe for drinking. We have to take this seriously and pass this Bill because it will save us.

Also, looking at our schools, sometimes we have lost children because of poor food storage. The stores may be very small, and maize and beans are not properly stored. We should not forget the pesticides used to preserve maize and beans. Coordination is very important. This will stop the blame game - that the Ministry of Health or the Ministry of Agriculture and Livestock Development have not done what they should.

I also want to echo what some of my colleagues have said. The people working in the many departments of the ministries should up their game so that whatever we pass here is implemented to the letter. That is when we will know that we have done the right thing. Capacity building is also very important. Sometimes the officers appointed to work on these matters may not be competent. Regarding animal feeds, it is important to consume safe meat. In some places, when a cow is very sick, the farmer sells it to a butcher. That is how our people consume meat that is not safe. Animal feeds matter a lot.

If we are to be on the safe side, let us pass this Bill and let it be implemented to the letter. As other Members said, the Bill does not target an individual but is for posterity. Even if one person was to be targeted at one time, those people cannot live forever.

So, the people...

Hon. Temporary Speaker (Hon. Peter Kaluma): *Asante sana.*

Member for Kisauni, Ndugu Rashid Bedzimba.

Hon. Rashid Bedzimba (Kisauni, ODM): *Asante sana Mheshimiwa Spika wa Muda...*

Hon. Temporary Speaker (Hon. Peter Kaluma): Hon. Members, I urge that we look at the objects of the Bill as stated therein as we debate it. This Bill is not about food or feed safety, but it is meant to provide a coordinating mechanism around agencies dealing with those functions by creating the proposed Office of the Food Safety Controller. I hope Hon. Caroli, Hon. Millie Odhiambo, and others are preparing to deal with that aspect.

I also request you, Hon. Members, to restrict our debate to five minutes because, from the indication I have, the debate on this Bill is ending today.

Hon. Bedzimba.

Hon. Rashid Bedzimba (Kisauni, ODM): *Mhe Spika wa Muda, ninakushukuru kwa mwongozo huo. Nitaenda kwa haraka ili wenzangu pia wapate muda na fursa ya kuchangia.*

Ninaunga mkono Mswada huu kwa sababu niko na imani kwamba umetoka kwa Wizara mbili muhimu – Wizara ya Afya, na Wizara ya Kilimo – ambazo zilikaa chini zikakubaliana. Kwa hivyo, niko na imani kuwa hili ni jambo muhimu ambalo litasaidia taifa. Ubora wa chakula ni jambo muhimu sana. Pia, ninaunga mkono Mswada huu kwa sababu utahusisha serikali za ugatuzi katika jitihada za kuboresha chakula kabla ya kukipeleka kwenye masoko yetu. Tuko na imani kuwa wakihusishwa, mambo mengi pia yatakwenda sawa.

Ubora wa chakula ni jambo muhimu sana kwa taifa. Chakula salama kinapunguza magonjwa na serikali haitopata uzito wa kuagiza madawa kutoka mataifa ya kigeni. Wananchi watakuwa salama na wenye afya nzuri.

Ubora wa chakula ni jambo muhimu sana. Saratani imeenea sana katika taifa letu kwa sababu ya vyakula vinavyotumiwa na watu wetu, ambavyo si salama. Ubora wa chakula unaanzia shambani kwa kuangalia ni mbolea aina gani imetumika, jinsi chakula kilivyovunwa kutoka shambani na kusafirishwa hadi sokoni, ambako wananchi watakinunua na kukitumia.

Wananchi wanategemea mashirika ya kiserikali kuwasaidia kwa sababu hawana uwezo wa kuchunguza vile chakula kimetolewa shambani. Hiyo ni kazi ya mashirika ya kiserikali. Lakini kwa sababu hawashughuliki, na kwa sababu uufisadi umekuwa mwingi, mwananchi anapata chakula kisicho salama kinachosababisha ugonjwa wa saratani na magonjwa mengine. Kwa mfano, kuku wa gredi hupewa dawa fulani, na inabidi wakae siku saba kabla ya kuchinjwa. Lakini kwa sababu hakuna mtu anayechunguza jambo hilo, wale kuku wanachinjwa na kuletwa sokoni ilhali ile sumu bado iko kwenye nyama hiyo, na watu wanakuja wanaitumia.

Mboga zinanyunyizwa dawa na kabla muda wa kuuzwa kufika, mtu anazivuna na kuzipeleka sokoni kwa sababu hakuna mtu anayeshughulikia jambo hilo. Taifa ambalo liko na chakula bora hupata watalii kwa maana chakula kikiwa bora, wageni watatoka sehemu tofauti kuja katika taifa letu kwa sababu wako na imani kwamba chakula chetu ni bora na salama.

Lakini leo kama walivyosema wazungumzaji wengine, mtu akishamaliza kunywa chai, anaona kwenye runinga kwamba kuna sukari ya sumu ambayo imeingia nchini. Hicho ni kitu cha kustajabisha. Watu wetu wanapata shida kwa kula sumu baridi. Watu wetu ni wagonjwa. Wewe ingia kwenye matatu, kama hujalingia siku nyingi, uone mtu anatoka kule tumbo languruma utafikiri kwapigwa ngoma ndani. Hii ni kwa sababu chakula ambacho amekula sio salama. Wale wanaotaka kutengeneza ofisi hii wawe ni watu ambao watajitolea. Sisi tunakubali ofisi hii iundwe, lakini wale watakaotekeleza kazi zao ndio hatujui.

Sasa, miraa na *muguka* zinapigwa dawa na kuletwa sokoni. Vijana wetu wengi sasa ni wenda wazimu kwa sababu ya dawa za sumu ambazo wanatumia kila siku.

Mheshimiwa Spika wa muda, ninakomea hapo ili nitoe nafasi kwa wenzangu kuchangia Mswada huu.

Ninaunga mkono.

The Temporary Speaker (Hon. Peter Kaluma): Asante ndugu Mhe. Bedzimba.

Mhe. Millie Odhiambo, Hon. Caroli akijitayarisha.

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

I want to make very brief comments. As I make these comments, I have seen some comments from Easy Coach. They have said they will no longer carry fish. Their notice says, "Following complaints from some of our clients on poorly packaged fish and fish products contaminating their accompanied luggage, we temporarily suspend the carrying of fish and fish products as accompanied luggage in our buses." After a complaint, they said, "The suspension has been lifted and you can now carry your fried, dried, smoked, salted *mbuta*, *ngege*, *kamongo*, *omena*, etc."

I am mentioning this because, coincidentally, it deals with similar issues. I do not want to speak too much about food and feed safety control issues because we have many comprehensive laws. I have looked at this Bill and am having a lot of difficulty supporting it. In terms of the principles behind it, I have no problem. Still, the best way of doing what this Bill is trying to do is to amend the Agriculture and Food Authority (AFA) Act and create the position of Controller within the Act.

Normally, when a Bill is brought to the House, it is supposed to cure some mischief. The major mischief that is being cured here is creating a job, which is not problematic. We can always create jobs. There are too many Kenyans without jobs. If we have a controller, we would have created a job. There is no problem. However, we do not need to enact a new law to create a job. We should have introduced an amendment to the AFA Act to provide for the position of the Controller.

The other issue that I have a problem with is traceability. Even the subsequent amendments to other Bills are primarily the issue of who has authority in terms of control so that when there is a conflict, it is given to the controller. However, the issue of traceability is core. For instance, Easy Coach may have raised this issue if there was a problem with some of

the food substances it was ferrying on its buses. It could be a problem of traceability. Transferring these standards to other agencies is not right. What would the proposed controller be doing primarily? The controller should set traceability standards, not transfer them to another agency and then come back to oversee the same agency's standards. If we are coming up with an entire Bill for an office or a person, they should have some substantive work, not just a roaming ambassador.

Even though I do not support the Bill—it will likely pass anyway—I will propose amendments. Members have spoken about this matter. I also have a problem with mixing food and feed in one Bill. It creates confusion. If you look at the qualifications of the Office of the Controller holder, they should have "either or." It is difficult to have a person with expertise in food and feed. Looking at the Bill, there is a lot of disservice to feeds because the primary aim is on food. There should be another amendment to another law that mainly focuses on animals and not on human beings.

The other issue I have is clause seven on the issue of the appointment of the Controller. This clause is flawed because it only talks about subsequent appointments. The initial appointment is not clear. I hope to bring an amendment to this. On Clause 11, we should also provide an appeal process if the controller is dismissed and is dissatisfied with the process. Good governance practice demands that there must be an appeal process.

Clause 16 requires counties to submit their food and feed safety to the Controller. I don't know whether this is connotational. We do not have a centralized system. We have a devolved system. In a devolved system, you do not expect governors to report to a controller. Is this controller more senior or more important than governors? What if they do not meet this standard? What happens? These are some of the things I have a problem with.

I agree with the Member for Mandera West and Hon. (Dr) Oundo on the principal object of this Bill. I do not want to repeat what they said. We have the same concerns. I wish we only amended the AFA Act to include the Office of the Controller. However, if we bring this law as it is, we should bring substantive provisions on traceability so that the controller has something substantive to do. These proposals provide clerical duties for the controller. He is like a clerk. This is a very important position for a person to do clerical work.

Hon. Temporary Speaker, these are my comments, with reservations.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Timothy Toroitich, the Member for Marakwet West.

Hon. Joshua Kimilu (Kaiti, WDM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): What is out of order, Hon. Joshua Kimilu?

Hon. Joshua Kimilu (Kaiti, WDM): Hon. Temporary Speaker, through the powers given by the Constitution of Kenya to order the Members and because this is an important Bill that we need to contribute to, can Members talk for four minutes each?

The Temporary Speaker (Hon. Peter Kaluma): Hon. Joshua Kimilu, I confirm your concern. However, this is a Bill which is not limited in time. It will continue until tomorrow if scheduled. Unless Members want to constrict their debates, let Members have their time to deliberate on the issues being raised.

Proceed, Hon. Toroitich.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this important Bill, that is, the Food and Feed Security Safety Control Coordination Bill. I rise to support this important legislation that seeks to establish an oversight body to check the competitive authorities established under other legislations.

Hon. Temporary Speaker, the French Philosopher, Montesquieu, the father of the separation of powers, talked about checks and balances. He said that for any government to

function well, there must be arms of Government that check the excesses of other bodies. We have had KEBS and the PCPB for quite a long period.

The World Health Organisation (WHO) has banned 207 pesticides, but they are still found on the shelves of agronomists in this country. Research was recently done, and it was found that most people diagnosed with cancer are farmers because they are the direct consumers of these products. On several occasions, this House has deliberated on the ban on those products. However, because of corruption, the need for a body to check the PCPB, and because the ministries charged with regulation have slept on their jobs, no oversight body checks on those competitive authorities. The establishment of the Office of the Food Safety Controller will be effective in checking the excesses of competitive authorities that have been established under different legislations.

We must be very careful about this because there is a likelihood that there will be overlapping of duties and functions. The law must be clear so that the Controller can avoid stepping on the feet of other authorities established by law. Their oversight role needs to be defined. To what extent will the regulator regulate competitive authorities? The extent of the oversight must be very clear.

On the second issue, I reject the proposal that we legislate on behalf of county governments. This House should provide a broad framework of issues. However, we cannot legislate on behalf of county governments. Our Constitution provides for the 47 county governments with their legislatures. They have county assemblies whose role is to legislate. We cannot usurp the powers of county assemblies through legislation passed by this House. We can only provide a broad framework, and then we leave county assemblies to provide the nitty-gritty so that we do not usurp their legislative powers, roles, and functions.

If we are to set up a legislative oversight body under this law, it should be fully under the national Government so that we do away with the role of county governments on this matter. We have had problems with legislation coming from county assemblies, which has led to duplication of legislation by county governments. If county assemblies are to legislate on this, as the National Assembly, let us provide a broad framework, and then the Senate, which oversees county governments, can come up with the specifics of this legislation so that the National Assembly is not seen as usurping the powers of county assemblies.

Hon. Temporary Speaker, because of time, I support the legislation on oversight. However, this House cannot and should not usurp the powers of county assemblies to legislate further on the nitty-gritty of the broad framework that this House shall pass.

The Temporary Speaker (Hon. Peter Kaluma): Thank you. I am informed that Hon. Andrew Okuome wants to address the House on this matter for five minutes.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Andrew Okuome.

Hon. Adipo Okuome (Karachuonyo, ODM): Thank you, Hon. Temporary Speaker. I will be brief because other Members want to express their opinions on this Bill. When we talk about food, we are talking about lives. Food is very important for us. Because of that importance, it is very good that I put across one or two points. The standard of safety we need for our food is essential. When you look at the principle the drafter of the Bill had, it is good that we support it. However, one thing bothers me. We talk about standards and safety, yet we have KEBS in place. We need to know the responsibility of KEBS and the new food and feed safety office we are discussing. What will the new office control that KEBS will not be controlling? I say this is because of what happened recently. Some contaminated sugar unsuitable for human consumption was brought into the country. That happened under the control of KEBS. It later disappeared, but I assume that Kenyans consumed it, thus endangering their lives.

The other issue that came up in Kenya sometime this year is the issue of GMO foods. There is a lot of debate around this topic. It touches on standards and safety. Kenya has had a

system to control itself against importing contaminated or sub-standard food. If we had this food and safety control office, it could do better than KEBS so that we could control the importation of dangerous foods to our country. I support the idea of having a law that safeguards the safety of the food we eat, the drinks we take, and the water we drink. Under KEBS, people drink contaminated water in Kenya all the time. As a result, many people have lost their lives. What is happening? What do the offices responsible for these kinds of things do? We need a strong system supported by laws that can help us have good health. This way we will make our lives better and be happy with whatever we consume within our borders.

Thank you, Hon. Temporary Speaker.

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

Hon. Catherine Omanyo.

Hon. Catherine Omanyo (Busia County, ODM): Thank you, Hon. Temporary Speaker. It is very important that we discuss this Bill. I have always known that there is a food safety management system in place, but the occupants of that office either do not care or are busy with business. We needed this Bill like a million years ago. We have delayed. Like Hon. Adipo had said, recently, unsafe sugar was released to the market when it needed to have been thrown out or banned. Unfortunately, it got lost. If we had proper food safety management in place, with a trained team that can trace such goods when misplaced and with proper documentation, it would show where it was taken. And the team would ensure the sugar does not reach anyone.

Hon. Temporary Speaker, I support this Bill fully because we need to have a comprehensive monitoring system and traceability of every product that comes into Kenya or is sold in Kenya. We are all sick to the back of the last tip. We talk about things but leave them. We do not follow up to make sure they are implemented. We talk, yet our people are suffering.

Today, some farmers inject animals to make them fat or give them food so they can be fat and grow very fast, especially chicken. Within a few days or two weeks, the chicken is big and ready for consumption. Those things that they use are not healthy for anyone. All of us are in trouble because this is the chicken that everybody consumes today. Pig farmers also inject or feed the animals funny food or pellets to make them grow fat and look healthy. When we buy such pork or poultry, we cook it in a hurry in our hustle and bustle of life. Sometimes, we microwave everything and eat something that goes into our body system. After consuming it, we start having health issues. Inconsequential diseases start popping up. Most of the people who consume this meat cannot afford hospital bills.

We need a regulation that protects every Kenyan, whether rich or poor, from anything we take in open-air markets or the markets that *bora afya* people used to visit. Anything that is going to be consumed by Kenyans should be inspected properly.

Hon. Temporary Speaker, allow me to stop there because of time. This office needs to be in place. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Caroli Omondi.

Hon Caroli Omondi (Suba South, ODM): Thank you very much, Hon. Temporary Speaker. I will be very brief. This Bill is fundamentally flawed. As a matter of fact, I strongly urge that it should be withdrawn and the content be considered seriously.

Why am I saying so? I am drawing from my experience as a person who drafted the Environmental Management and Coordination Act. When dealing with different sectoral statutes, you are concerned about how to coordinate effectively. Clause 3 of this Bill says that its objective is to effectively coordinate the performance of competent authorities' functions. This cuts across various ministries and statutes. Nothing in this Bill will enable the Food Safety Controller to coordinate effectively.

If you go to the First Schedule of the Constitution, even competent authorities like ministries are included in Article 6(1)(2) and (3). Those are not competent authorities for

coordinating the implementation of food safety. There should be another institution that you see there. The Food Safety Controller cannot coordinate another body established by statute of equal rank or do it as a Cabinet Secretary. On that alone, the Bill is fundamentally flawed.

I dealt with this issue extensively when I wrote the Environmental Management and Coordination Act. What I have seen here will not work. Let me go to the specifics. I propose that the government consider establishing a National Food Safety Authority. That is what we need in the Republic of Kenya instead of the office of the Food Safety Controller. There are enough precedents across the world. Hon. Temporary Speaker, the National Food Safety Authority will have the following responsibilities. Firstly, it will be the repository of all food and water standards. In other words, it will formulate and enforce all national food standards. I am glad the Hon. Leader of the Majority Party has just walked in. Secondly, that authority should be in charge of the certification and registration of all competent specialists under those competent authorities.

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a Point of Order.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Leader of the Majority Party, what is out of order?

Hon. Kimani Ichung'wah (Kikuyu, UDA): There is nothing out of order Hon. Temporary Speaker. Maybe just a point of information to the Hon. Caroli Omondi.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Caroli Omondi, do you want to be informed?

Hon. Caroli Omondi (Suba North, ODM): No.

(Laughter)

The Temporary Speaker (Hon. Peter Kaluma): Your information has been rejected. Proceed, Hon. Omondi.

Hon. Caroli Omondi (Suba North, ODM): Thirdly, that particular authority should have the power to intervene in case of national emergencies around food safety. It should also have enforceability powers which, regarding food safety, should include enacting food safety regulations, creating food labeling policy to provide adequate information on food, and managing farm inputs, what my Hon. sister from Suba North called traceability.

Finally, because there is not much time, I am trying to put my thoughts on record so that we can debate them later. We should separate, as the Honourable Member said, food regulation from feed regulation. They are completely different regarding the qualifications of who needs to oversee them.

The proposed National and Food Safety Authority should recognise traditional methods of food preservation as well as modern ones. I have done it in a rush simply because there is not much time. Still, as somebody with experience in creating an over-arching institution in the environmental sector, I can assure the Hon. Leader of the Majority Party that this is not good work. It should be withdrawn; we start afresh and create a National Food Safety Authority.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Fredrick Ikana.

Hon. Fredrick Ikana (Shinyalu, ANC): Thank you very much, Hon. Temporary Speaker, for giving me an opportunity to contribute to the Motion.

At the outset, I want to put on record that I fully support the Bill on Food and Feed Safety Coordination. Coming from a community where food matters are very emotional and dear to our hearts, I support this Motion in a way that will create this office and ensure that the food and feeds that our population and our animals are consuming are safe.

I lost three students and a member of staff at Mukumu Girls High School a few months ago. As we speak, we have no idea what exactly transpired, but we know that this would have

been prevented if we had a mechanism in place to ensure that the food and feed that our students and our population consume are safe for consumption.

We have been speaking a lot on matters of food security. Still, now we have an opportunity to put in place an office that will ensure that we have mechanisms to monitor food right from production to processing and even preservation and, ultimately, consumption. I seek to support the Bill.

Thank you.

Hon. Japheth Nyakundi (Kitutu Chache North, UDA): On a Point of Order

The Temporary Speaker (Hon. Peter Kaluma): What is out of order, Hon. Japheth Nyakundi?

Hon. Japheth Nyakundi (Kitutu Chache North, UDA): Nothing is out of order Hon. Temporary Speaker. We have debated and deliberated on this Bill. We request that the Mover be called upon to reply to this Bill. That is all.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Japheth Nyakundi has stood at his place and asked that the Mover be called upon to reply.

(Question put and agreed to)

Mover?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. The Member for Jomvu should be reminded that the House rises at 2:30 p.m., not 6:30 p.m. He wants to say that Mombasa is far.

Hon. Temporary Speaker, let me thank the many Members who have ventilated on this Bill. Close to 27 have contributed to this Bill from the time we started. I have keenly listened to some of the issues raised, including those raised by Hon. Millie Odhiambo on handling fish and even issues to do with Easy Coach. That tells you the import of this Bill and the importance of handling food and feeds properly.

I have also listened to issues raised on the need to separate issues concerning food and feeds. However, animal feeds are also food to livestock and give food to human beings. Therefore, it is not easy to clearly cover the distinction between what relates to animal feeds and what will end up as food for human consumption. They would pick this up if they had been there earlier as I moved this Bill. I know they were not all there. I indicated that you are feeding livestock and dairy cattle producing milk consumed by humans. It is the same thing with fish. I was not just talking about the fish fished in lakes. With the blue economy thriving in this country now, people are rearing fish. You find people raising fish in ponds if you go to Othaya and Kikuyu. They feed them with manufactured feeds. There is an important point in ensuring that you handle food and feeds the same way you deal with matters to do with food for human consumption.

I have also listened to Hon. Millie's neighbour, the Member for Suba South, Hon. Caroli Omondi. He is a very diligent and polished legislator who is doing very well in his first term. As much as Hon. Millie Odhiambo is complaining about additional positions being created like the Office of the Food Controller, the neighbour who is Hon. Caroli Omondi, is asking us to now create an authority that will be heavier to the exchequer rather than an office within government. This is in line with Public Service Act. The Public Service Commission can create such positions in the Executive. Therefore, creating an authority will be much heavier than the Exchequer.

When Hon. Caroli refused me to inform him, I wanted to inform him that it is government policy now not to create more Semi-Autonomous Government Agencies (SAGAs) and state corporations. Rather, we are to consolidate those doing similar duties to operate as one. To inform Hon. Caroli Omondi, I have heard the issues he has raised on additional

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responsibilities and functions given to this office. You do not need an authority to perform those functions. The Office of the Food Controller can still perform some of the functions you mentioned, as happens in other jurisdictions worldwide. Should this Bill go through Second Reading next week, you will be at liberty to bring necessary amendments to incorporate the additional functions you may want to be done by the Office of the Food Controller.

I want to persuade him to join those who support this Bill. Let him do so with necessary amendments to increase the functions he is speaking about. I agree with some functions he said. They could be additional functions to enrich that office without creating an additional authority that would need the people of Suba to cough a little bit more of their taxes to operationalise that authority.

With those remarks, I beg to reply.

The Temporary Speaker (Hon. Peter Kaluma): Leader of the Majority Party, thank you very much. We end this debate at that point. For the convenience of the House, the Question will be put when the people who prepare the House business next list this matter in the Order Paper.

ADJOURNMENT

The Temporary Speaker (Hon. Peter Kaluma): The time being 7.04 p.m., the House stands adjourned until Wednesday, 16th August 2023, at 9.30 a.m.

The House rose at 7.04 p.m.

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