



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

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## THE HANSARD

Wednesday, 23<sup>rd</sup> August 2023

The House met at 2.30 p.m.

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

### PRAYERS

### QUORUM

**Hon. Speaker:** Serjeant-at-Arms, it is clear we have no quorum. Can you ring the Bell?

*(The Quorum Bell was rung)*

**Hon. Speaker:** Order. We have a quorum now. The Deputy Whip of the Majority Party.

### PAPERS

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

1. Annual Report and Financial Statement of the University of Eldoret for the year ended 30<sup>th</sup> June 2021.
2. Ratification, acceptance and ascension of the agreement establishing International Vaccine Institute (IVI).
3. Audited Financial Statement of Kenya National Shipping Line for the year ended 30<sup>th</sup> June 2023.

**Hon. Speaker:** Thank you, Deputy Whip of the Majority Party. Chairperson of the Public Petitions Committee, Hon. Nimrod.

**Hon. Nimrod Mbai** (Kitui East, WDM): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Public Petitions Committee on its consideration of Public Petition No. 6 of 2023 by Mr. Patrick Kiberia regarding amendment to the Kenya Information and Communication Act.

Thank you.

**Hon. Speaker:** Thank you. Chairperson of the Public Investments Committee on Social Services, Administration and Agriculture, Hon. Wangwe Emmanuel.

**Hon. Emmanuel Wangwe** (Navakholo, ODM): Hon. Speaker, I beg to lay the following Paper on the Table:

First Report of the Public Investments Committee on Social Services, Administration and Agriculture on its consideration of the report of the Auditor-General on 23 non-compliant State corporations.

**Hon. Speaker:** Thank you. Next is the Chairperson of the Departmental Committee on Labour, Hon. Karemba.

**Hon. Muchangi Karemba** (Runyenjes, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Labour on its consideration of the Public Service Commission (Amendment) Bill (National Assembly Bill No.6 of 2023).  
**Hon. Speaker:** Thank you. Next Order.

### NOTICE OF MOTION

#### ADOPTION OF REPORT ON NON-COMPLIANT STATE CORPORATIONS

**Hon. Speaker:** The Chairperson, Public Investments Committee on Social Services, Administration and Agriculture, Hon. Emmanuel Wangwe.

**Hon. Emmanuel Wangwe** (Navakholo ODM): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Public Investments Committee on Social Services, Administration and Agriculture on its consideration of the Report of the Auditor-General on 23 non-compliant State Corporations, laid on the Table of the House on Wednesday, 23<sup>rd</sup> August 2023.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Clerk-at-the-Table, hold the next Order.

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

Okay. Hon. Mary Emaase, I had given you permission to move a Motion of Adjournment if you get the requisite support. We will allocate you time tomorrow. Go ahead.

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

#### RISING INSECURITY IN TESO SOUTH CONSTITUENCY

**Hon. Mary Emaase** (Teso South, UDA): Thank you, Hon. Speaker. Pursuant to Standing Order 33(1), I seek leave for the adjournment of the House for purposes of discussing a definite matter of urgent national importance regarding insecurity and killing of bodaboda riders and businesspeople in Teso South Constituency and other parts of the country.

Hon. Speaker, insecurity and targeted killing of bodaboda riders has been on the rise in Teso South Constituency where frightful residents have been witnessing dastardly attacks and cold blood murder of bodaboda riders and businesspeople. According to reports, the gang has been targeting motorcycle riders, particularly of the Bajaj Boxer model. The gangs attack them with crude weapons, kill them and dump their bodies beside roads, in thickets, maize plantations or sometimes across the border in Uganda. After killing them, the gangs rob them of their motorcycles. Survivors of the savage attacks have been left nursing life threatening injuries.

Astonishingly, all incidences involve riders who purchased motorcycles from credit vendors who offer flexible payment plans, and incidentally, they are killed immediately after they clear the loans or when they are almost through with the loan repayments. This pattern paints a probable well-coordinated collusion between some creditors and criminal gangs to attack targeted motorbikes, kill the owners and repossess them for resale to other clients who might likely suffer the same fate as initial owners. It is no wonder that whenever an owner of a motorcycle is killed, his motorcycle tracker is immediately dismembered making the motorcycle untraceable.

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The spate of killings of bodaboda riders is making business a death trap, not just in Teso South Constituency but also in other parts of the country. In the last one month, at least eight people have been killed and robbed of motorcycles while 50 others have been injured. Among those who have fallen prey to this scheme are:

1. Mr. Emanuel Ekisa of ID No.33324538 from Ekipor Village;
2. Mr. Samuel Ong'ala of ID No.2664324 from Asiriam Village;
3. Mr. Steve Sande of ID No.39721012 from Ang'orom Village;
4. Mr. John Bakwa, from Ang'oron Ward;
5. Mr. Bernard Ochieng' from Siaya;
6. Mr. David Ochieng' from Siaya;
7. Mr. Kelvin Olubai from Agolot Village who went missing with his motorbike and up to date has not been traced; and,
8. Mr. Peter Maina, who was shot at his shop at Ojamii Centre.

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

Thank you, Hon. Speaker.

*(Loud consultations)*

*(Several Members stood in their places)*

**Hon. Speaker:** You have enough numbers. Hon. Members, take your seats. Hon. Deputy Speaker, please approach the Chair.

*(Hon. Deputy Speaker approached the Chair)*

**Hon. Mary Emaase** (Teso South, UDA): Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Emaase, we will allocate you time to move your Motion tomorrow at 5.30 p.m.

**Hon. Jared Okello** (Nyando, ODM): On a point of order, Hon. Speaker.

**Hon. Speaker:** What is out of order?

**Hon. Jared Okello** (Nyando, ODM): Hon. Speaker, I thank you very much for the opportunity. I need your direction because this House has never thrown its hands in the air as a symbol of surrender when called upon to act.

Last week, I managed to be in the village for the better part of the week and the number of university students who were trickling into my home from morning to evening with letters of admission was mind-boggling. The university fees as you are aware, Hon. Speaker...

**Hon. Speaker:** Order, Hon. Okello. If you want to make a Statement, you approach the Chair and seek concurrence. We are on Notices of Motions and now you are making a statement that should come at the next order.

**Hon. Jared Okello** (Nyando, ODM): I stand guided.

**Hon. Speaker:** If you have a statement to make, you approach the Chair as a matter of courtesy because under the guise of a point of order, you have gone on a totally different tangent.

**Hon. Jared Okello** (Nyando, ODM): I am sorry. I stand guided, Hon. Speaker.

**Hon. Speaker:** Thank you, my friend. Next Order.

## QUESTIONS AND STATEMENTS

**Hon. Speaker:** Hon. Members, on Questions, I believe the Cabinet Minister for Sports and Youth Affairs should be in the precincts of Parliament. Hold it first.

Hon. Okello, now this is the time you should have sought permission for your statement.

## STATEMENTS

### HIGH COST OF UNIVERSITY EDUCATION

**Hon. Jared Okello** (Nyando, ODM): Thank you, Hon. Speaker. I am forever indebted to you on your guidance in this House.

Hon. Speaker, this is a matter that calls for the involvement of this House to give direction. For the better part of last week, I was in the village and I received many students coming to my home with university admission letters. What was so mind-boggling and bizarre is the amount of money that they are required to pay for the first year at university and these are new students. The least that I saw was Kshs258,000 for one year. The highest for students wishing to pursue medical related courses is Kshs450,000. I acknowledge that the Ministry of Education came up with a new raft of measures as regards payment of school fees and it introduced two fundamental measures. One, is the scholarship and, two was the bursary element. Initially, every student was liable to capitation funds from the Ministry of Education to pursue their courses at the university that has since been scrapped and replaced by bursary and scholarships.

*(Hon. John Mbadi consulted loudly)*

Hon. Speaker, I need your protection. There seems to be a higher tone in consultations.

**Hon. Speaker:** Order, Hon. Mbadi, and your trio.

**Hon. Jared Okello** (Nyando, ODM): I thank you for your protection.

**Hon. Speaker:** Wind up, you have made your point.

**Hon. Jared Okello** (Nyando, ODM): Hon. Speaker, if this is left unattended, I can assure you that less than 20 per cent of our university students are going to report to college. When there was capitation, there was a level of certainty in terms of payment of school fees. Now, that has now been left to the discretion of the Higher Education Loans Board (HELB) and other people within the Ministry of Education thereby leaving all these students not knowing whether they will qualify or not because again, there is no set criteria as to who qualifies to get either scholarship or the bursary from the Ministry.

If we do not act as a House, whereas we have never thrown our hands in the air as surrender, we are afraid that we are going to lose many brains that ought to have been plugged into classrooms within the university precincts going to languish out there.

Unlike during our time, we were a bit fortified on several respects. The current crop of students is quite delicate and vulnerable. I do not want to see a situation where we register several cases of suicide by students who cannot access university education. This House has what it takes to rewind and bring back the capitation so that what we are used to paying between Ksh16,000 and Ksh35,000 a year is affordable. The number of fundraisers that are being organised now by university students are mind boggling.

I call upon your direction, Hon. Speaker, so that we revert back to capitation and our students can now have certainty of joining university. I thank you for the opportunity and a listening ear.

**Hon. Speaker:** I will not allow any debate on that. Who is the Chairman of the Departmental Committee on Education? Is Hon. Melly here?

Yes, Hon. Martha Wangari.

**Hon. Martha Wangari** (Gilgil, UDA): Hon. Speaker, thank you for your indulgence.

**Hon. Speaker:** Two minutes.

**Hon. Martha Wangari** (Gilgil, UDA): Thank you. Anywhere there is a scramble, it breeds corruption. Right now the application for this model has to be through HELB. Some students do not even have Identity Cards (IDs). What Identity Cards and Civil Registration services offices are doing is demanding money to actually get these cards out. This issue is of national importance. We have some minors who are supposed to join university. We need it to be clear to this House so that we can transmit it to our members because like in my constituency, I have a programme where I sponsor children in high school from Form One to Form Four. Normally, we would give them Ksh20,000 each to report to Form One, and they would be able to survive for a year. Right now, they have quotations and invoices of Ksh300,000 to Ksh400,000 for courses.

This model needs better public participation and this House needs to lead that process. I beg that you direct the Committee to give a comprehensive statement on how it is going to work.

Thank you.

**Hon. Speaker:** Hon. Omboko Milemba.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Speaker. The matter that has been raised by Hon. Okello is creating a desperate situation in the entire country.

I had originally sought to even have a statement, but it did not work. Now the portal the university students are supposed to use to apply is completely jammed and they are unable to access either what is called scholarship or loan, leave alone the household payments.

Another desperate situation is the fact that over 4,000 students who do not have Identity Cards cannot access them yet there is space in the original way where they could use their parents Identity Cards to get the loan. Furthermore, in this particular situation, students have a deadline of 27<sup>th</sup> August, the day after tomorrow, to close. So, as you refer the matter, I would really wish that there is an extension of the deadline so that students can access the portal.

Thank you.

**Hon. Speaker:** Hon. Mwashako, the Member for Wundanyi?

**Hon. Danson Mwashako** (Wundanyi, WDM): Thank you, Hon. Speaker. This is a very important matter to this country. I wish to add to what my colleagues have said. Another challenge that we are facing with students is that those who have been placed in private universities have been told that they cannot access the Government scholarship because they are assumed to be joining private universities. They can only qualify for HELB loans yet most of these students did not entirely choose to go to private universities. They have now found themselves in a quagmire and, therefore, it is a matter that the Government must make a statement on possibly requiring that the placement to universities and the time frame that students have to change from one university to another be changed to a later date. Whereas universities are asking students to report from next week, they should shelve the reporting time until this issue is sorted out, particularly the one that places students into different categories of vulnerable, needy and needier. By the time the student is reporting to university, he or she is able to know how much funding she or he is getting from Government.

Thank you.

**Hon. Speaker:** Thank you. Hon. DK.

**Hon. David Kiplagat** (Soy, UDA): Thank you very much, Hon. Speaker. The problem that we are currently facing as parents is students joining universities are paying huge amounts of money. They cannot afford to pay the amount of money that they are being told to pay. I think the Committee that is concerned and the Cabinet Secretary for Education should come out clearly and explain to the public why a student who was paying around Ksh28,000 is supposed to pay Ksh450,000 without any guidelines because they are left in the dark and they

do not know what to do. This is a matter that, before even we go for recess, has to be very clear as to what parents need to do because the universities are opening, the fee structure is there but the issues of funding are so opaque and nobody has explained them. There is no advertisement out there on what students are supposed to do. Some of the students do not have the necessary IDs to process whatever they need.

We call upon you, Hon. Speaker, to intervene and let the Cabinet Secretary for Education come to this House and explain vividly what the country needs to do for purposes of processing our students to go to university.

Thank you.

**Hon. Speaker:** Leader of the Majority Party, what Members are saying is the same thing: The portal is jammed. You have a large number of students because they are underage and they have no IDs yet you need an Identity Card to apply. What exemptions can you give to that rule, the confusion between HELB, scholarships and whatever you call it? The ball is squarely in your court. I want you to find out from the Ministry since tomorrow is the last Sitting day. I direct that you bring a statement to the House tomorrow at 3.00 p.m. when we take our Sitting. Before you make your Thursday statement, you will make a statement on this issue so that you allay the anxiety and give direction and solution to the problem.

*(Applause)*

Leader of the Majority Party, proceed.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. I will endeavour to do that. Coincidentally, Hon. Speaker, this afternoon I was just sharing with my deputy here at 2.05 p.m. I was on a phone conversation with a constituent of Hon. Kwanjiku from Kiambaa Constituency about a young lady who is turning 18 years in March next year and cannot access the loan but university scholarship. In as much as we appreciate the new funding model which will be more beneficial to most vulnerable children, there is need for clarity especially to students.

They may claim to have provided information on the portal but it is hanging. Therefore, they should have done a bit of public and civic education on the new funding model. One of the things we should ask the Cabinet Secretary is to ensure that not a single student is denied admission into any public university until they resolve the pertaining issues on the aspect of age and access to loans. I will be in touch with the Cabinet Secretary to give a statement tomorrow.

Thank you, Hon. Speaker.

**Hon. Speaker:** Very well. I want us to leave it there. Leader of the Minority Party, is it on the same issue?

**Hon. Opiyo Wandayi** (Ugunja, ODM): Thank you very much, Hon. Speaker. This is a different issue and not so different because yesterday you recall...

**Hon. Speaker:** It cannot be different and not so different. Is it different or not?

**Hon. Opiyo Wandayi** (Ugunja, ODM): It boils down to the same issue of public policy. Yesterday, you gave a directive to the Leader of the Majority Party to bring to this House today, a statement on the purported memo from the Kenya Rural Roads Authority (KeRRA) or Ministry of Roads, Transport and Public Works

Hon. Speaker, following a short debate on that matter here yesterday, in the evening I got numerous phone calls and inquiries from across the country. This is because people are alarmed that monies earmarked for KeRRA roads can be reduced. They could not believe what they were hearing. Yet, that is the lifeline for the poor inhabitants of our constituencies. This is a matter that cannot wait. I was hoping to hear from the Leader of the Majority Party but he

has not told us what happened. Hon. Speaker, I request you to give him a chance to tell us how the situation is.

*(Applause)*

More importantly, a message must be sent out to whoever is contriving, imagining or contemplating reducing monies earmarked for KeRRA roads by even a cent. This House will take drastic measures against any such person or authority. This could be the first case of impeachment; I tell you because it is a very serious issue. Therefore, I plead with you to allow Hon. Ichung'wah to report to us what is happening.

Thank you, Hon. Speaker.

*(Loud consultations)*

**Hon. Speaker:** Order! Order Hon. Members! Leader of the Majority Party, do you have the statement ready?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you Hon. Speaker. Indeed, it is true the issue was raised yesterday by Hon. Jared Okello and we spoke at length about it. I want to agree with the Leader of the Minority Party that this issue is disturbing many people across the country. In fact, very many Members were asking if I had the statement during the morning sitting.

I will be giving the statement tomorrow. I spoke to the Cabinet Secretary who is out of the country and asked him to give us a comprehensive report on the shift and what it is anchored on. Is it on the basis of reduced budgets to KeRRA or any law passed by another House other than this one? This is because this House has not passed any laws that would alter those allocations.

Hon. Speaker, I can commit to give that statement tomorrow afternoon. Thank you.

**Hon. Speaker:** Thank you. Next Order! Hon. Members, we must make progress. Let us dispose of Order No.8 before we come back to Order No.7 on Questions.

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

Sorry, Hon. Members I have not finished with statements. Hon. Harrison Garama Kombe.

DEMISE OF HON. JONATHAN KATANA NDZAI,  
FORMER MP FOR MAGARINI CONSTITUENCY

**Hon. Harrison Kombe** (Magarini, ODM): Thank you, Hon. Speaker. Pursuant to Standing Order 43(1), I wish to make a General Statement regarding the untimely passing on of Hon. Jonathan Katana Ndzaï, former Member of Parliament for Malindi North, currently Magarini Constituency in Kilifi County. He served from 1983 to 1997 on a KANU ticket.

Hon. Speaker, it is with deep shock that I learnt of the untimely demise of my mentor and friend, the late Hon. Jonathan Katana Ndzaï, that occurred on Friday 18<sup>th</sup> August 2023.

Hon. Speaker, the passing on of Hon. Jonathan Katana Ndzaï has robbed the people of Magarini, Kilifi County and the country as a whole. Hon. Katana Ndzaï was elected to Parliament in 1983 and during his time he fought for the pension rights for former Members of Parliament and former Presidents. His contributions and participation were commendable particularly his contributions on various legislations which were insightful and enriching.

His dutifulness made him stand out among peers thereby earning him admiration that elevated him to being elected three times to Parliament. His passing on marks a dark moment not only to his family but for the people of Magarini, Kilifi County and the country at large. Kenya has lost a former candid legislator, devoted public servant, hardworking leader and a true son who endeavoured to give everything for what he believed in with great courage, tenacity and humility. He always reached out to elected leaders to consult for the betterment of the residents of Magarini, Kilifi County, Coast region and Kenya at large.

Hon. Speaker, I express my heartfelt condolences to the family, residents of Magarini, Kilifi County and Kenya as a whole. May the soul of the departed Hon. Jonathan Katana Ndzai rest in peace. I thank you.

Hon. Speaker, I seek your indulgence to allow Members to stand for a minute of silence for the departed Member of this House. Thank you.

**Hon. Speaker:** It shall be so. Hon. Members be up-standing. Hon. Wanjala, this is a solemn moment.

*(Hon. Members stood in their places)*

Thank you, Hon. Members.

I served with Hon. Katana Ndzai in the 7<sup>th</sup> Parliament. He was a wonderful representative of his people and a very active Member of this House. That was the time when there were no committees. The only arena for expression was the Floor of the House. He did his job well.

Next is the Chairperson of the Departmental Committee on Social Protection.

#### NEW REGISTRATION OF INUA JAMII CASH TRANSFER PROGRAMME BENEFICIARIES

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(d), and as the Chairperson of the Departmental Committee on Social Protection, I rise to make a Statement regarding the upcoming mass registration of beneficiaries of the Inua Jamii Cash Transfer Programme in all constituencies in the country.

The State Department for Social Protection and Senior Citizens Affairs is responsible for implementing the Inua Jamii Cash Transfer Programme, which targets older persons aged over 70 years, poor households taking care of orphans and vulnerable children, and persons with severe disabilities. Beneficiaries of the Programme receive a monthly stipend of Ksh2,000.

The Programme currently has a total number of 1,233,129 beneficiaries. However, due to natural attrition and graduation of beneficiaries from the Programme, the actual number of registered beneficiaries has dropped to 1,042,864 as per the July 2023 payroll.

In line with the Government's commitment to progressively increase the number of beneficiaries under the Programme to 2.5 million in the next three years, on 8<sup>th</sup> August 2023, the Cabinet approved the first phase of the registration of 500,000 new beneficiaries. Consequently, the State Department for Social Protection and Senior Citizens Affairs will be rolling out a mass registration exercise from 1<sup>st</sup> September 2023. The exercise will take place in all constituencies and will target all older persons aged 70 years and above, households with vulnerable children, and people living with disabilities.

Further, the registration exercise will target the replacement of 190,265 beneficiaries who have exited the Programme at locations where the exit occurred. In addition to the prescribed eligibility criteria, the distribution of the number of beneficiaries will be guided by data from the Kenya National Bureau of Statistics (KNBS).

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The exercise will be coordinated by officers from the Directorate of Social Development, the Directorate of Children Services, and the National Council for Persons with Disabilities (NCPWD) at regional, county, and sub-county offices supported by established community structures.

To this end, I urge all Members of this House to take this noble exercise seriously and support it fully to ensure that deserving constituents benefit from this Programme, and that the vulnerable get Ksh2,000 from January next year.

**Hon. Speaker:** Thank you, Hon. Alice. Hon. Members, before we go to the next Order, allow me to acknowledge students from Tinderet Educational Centre from Tinderet Constituency in Nandi County in the Speaker's Gallery. In the Public Gallery, we have students from AIC Cheribisi Primary School from Emgwen Constituency in Nandi County; Kabianga Primary School from Belgut Constituency in Kericho County; and Joel Omino Primary School from Kisumu Central Constituency in Kisumu County. On my behalf and that of Members, I welcome the students and their teachers to the House of Parliament.

Next Order. Call out Order No. 8 so that we dispose of it before we go to Questions. Hold on, Clerk-at-the-Table. Yes, Hon. Josses.

*(Hon. Josses Lelmengit spoke off-record.)*

**Hon. Speaker:** Okay. Welcome the students on behalf of Members.

**Hon. Josses Lelmengit** (Emgwen, UDA): Thank you, Hon. Speaker, for this chance. I would like to welcome students from AIC Cheribisi Primary School. On behalf of Members, I welcome the other schools that have been mentioned. I want to single out and appreciate the headteacher of AIC Cheribisi Primary School, Mr. Chumba, for the exemplary work that he has done. The AIC Cheribisi Primary School performs very well. I commend them for the work that they are doing. I encourage other students who have come here today to visit the precincts of Parliament that their future is bright. Work hard, be disciplined, respect your teachers, and fear God.

**Hon. Speaker:** Thank you. Call out Order No.8. What is out of order, Hon. Bedzimba?

**Hon. Rashid Bedzimba** (Kisauni, ODM): Ahsante sana, Mhe. Spika, kwa kutupatia nafasi ya kusema pole kwa ndugu, jamaa na marafiki wa Mhe. Ndzai. Ninaomba utupatie nafasi tutoe rambirambi zetu.

**Hon. Speaker:** Tumemaliza hayo, ndugu yangu. Tumempatia heshima ambayo anastahili kwa kusimama kimya kwa dakika mbili.

**Hon. Rashid Bedzimba** (Kisauni, ODM): Ahsante sana, Mhe. Spika. Pia mimi ninasema pole.

**Hon. Speaker:** Tunakubaliana na Mhe. Kombe ambaye alitoa rambirambi kwa niaba yetu. Tunamuomba Mhe. Katana Ndzai alazwe mahali pema. Sawa sawa?

**Hon. Gertrude Mwanyanje** (Kilifi County, ODM): On a point of order.

**Hon. Speaker:** What is out of order, Hon. Gertrude? I hope it is not on the same matter.

**Hon. Gertrude Mwanyanje** (Kilifi County, ODM): Hon. Speaker, I wanted to bring a matter to your attention. Members of Parliament are being frisked at the entry of Parliament in front of students. Serjeant-at-Arms should respect us.

**Hon. Speaker:** Which entry?

**Hon. Gertrude Mwanyanje** (Kilifi County, ODM): At the entry of the Chamber. I have complained about the matter severally. It is not respectful for Serjeant-at-Arms to frisk female Members of Parliament. Gadgets can be used to frisk and check our handbags. Serjeant-at-Arms should not use their hands to do so. As we break for recess, Serjeant-at-Arms should buy a machine for security checks. They should not use their hands. I am disappointed.

**Hon. Speaker:** Hon. Member for Kilifi, we agreed here that we would sustain certain inconveniences for our security. We also agreed that the Serjeant-at-Arms Office will be checking us for our sake. I told you that a bomber killed the entire Parliament of Lebanon in 1985. A bomber who was a Member of Parliament killed three quarters of the Parliament of Iran in 1987. It can happen here. I urge you, Hon. Members, that as long as the physical search of ladies is done by women Serjeant-at-Arms and men by male Serjeant-at-Arms, try and find a way of accommodating each other.

*(Laughter)*

*(Loud consultations)*

Order, Hon. Members. We shall not compromise your security under whatever circumstances. When you travel in modern airports in New York and Dubai, you walk through the X-ray and you are also searched physically. It is not different from what is being done here.

*(Hon. TJ Kajwang' spoke off the record)*

Hon. Kajwang', I will not reverse the order for women to search men and men to search women. I will not do that.

*(Laughter)*

If Hon. Kajwang' wants to submit himself to be searched by women, so be it.

*(Laughter)*

Hon. Members, the Committee of the whole House had finished Order No. 8. I will put the Question and then call the Mover.

## MOTION

### CONSIDERATION OF REPORT ON THE THE CLIMATE CHANGE (AMENDMENT) BILL

That, this House do agree with the Report of the Committee of the whole House on its consideration of the Climate Change (Amendment) Bill (National Assembly Bill No.42 of 2023).

*(Hon. Kimani Ichung'wah on 22.8.2023)*

*(Resumption of consideration  
interrupted on 23.8.2023)*

*(Question put and agreed to)*

## BILL

### *Third Reading*

THE CLIMATE CHANGE (AMENDMENT) BILL  
(National Assembly Bill No.42 of 2023)

**Hon. Speaker:** Mover.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, I beg to move that the Climate Change (Amendment) Bill (National Assembly Bill No.42 of 2023) be now read a Third Time.

I request Hon. Gikaria to second.

**Hon. David Gikaria** (Nakuru Town East, UDA): Hon. Speaker, I second.

*(Question proposed)*

**Hon. Speaker:** Members, can I put the Question?

**Hon. Members:** Yes.

*(Question put and agreed to)*

*(The Bill was accordingly read  
a Third Time and passed)*

## QUESTIONS

**Hon. Speaker:** Thank you, Hon. Members. We will go back to Order No.7. Bring in the Cabinet Secretary for Youth Affairs, Sports and the Arts. We will deal with this Order for one hour and then go to the Committee of the whole House.

*(The Cabinet Secretary for Youth Affairs, Sports and  
the Arts was ushered into the Chamber)*

Cabinet Secretary, Hon. Ababu Namwamba, welcome to Parliament. Leader of the Majority Party.

*(Hon. James K'oyoo consulted loudly)*

Order Hon. K'oyoo and your team. The Cabinet Secretary is here on a special direction by the Chairman, following the points of order raised by Hon. Wanjiku Muhia and picked up by many Members in the House about the treatment or lack of it of members of a special team that went to represent our country in Berlin.

Leader of the Majority Party, you may take the Floor.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. As I begin, with your indulgence, when the paralympics team visited the House, a number of Members raised issues on the conduct of the Ministry of Youth Affairs, Sports and the Arts and how it treated that team. There were also issues that emerged about other teams and players within the sporting fraternity. When you asked me to rise and speak to the issue, I committed that we would call the Cabinet Secretary for Youth Affairs, Sports and the Arts who is here today to answer the questions that are in the Order Paper, together with other issues that may arise.

Before I read the Questions to the Cabinet Secretary, I am in receipt of a letter which was received in my office yesterday dated 21<sup>st</sup> August 2023.

*(Hon. James K'oyoo and other Members consulted loudly)*

Hon. Speaker, protect me from the noise.

**Hon. Speaker:** Order, Hon. K’oyoo and your colleagues. Hon. K’oyoo, you can hold a *Kamukunji* out there. You do not have to do it on the walkway.

**Hon. Kimani Ichung’wah** (Kikuyu, UDA): Thank you, Hon. Speaker. Before I read out the Questions, I am in receipt of a letter that was copied to me from the Cabinet Secretary for Sports, Culture and the Arts, Hon. Ababu Namwamba. It is addressed to you and the Speaker of the Senate, Hon. Amason Kingi. I beg your indulgence to read it out to the House because it is a public document. It says:

“The attention of our Ministry has been drawn to statements made, respectively, by Hon. Kimani Ichung’wah, Leader of the Majority Party in the National Assembly and Hon. Hon Simon Cherargei, Senator, Nandi County, which purport to cast aspersions on the Ministry of Youth Affairs, Sports and the Arts.

Parliament is a hallowed House of record, rules and pre-eminent honour, with well laid Standing Orders backed by age-old established normative customs, usages and traditions. Among the immutable norms of parliamentary practice include non-admissibility of hearsay, not condemning anyone unheard and in their absence. Indeed, these basic rules of natural justice apply to Parliament in recognition of its eminent status, not only as a supreme institution of representation of the will of the people but also as a quasi-judicial organ.

Further, Parliament has a formal oversight mechanism through the committee system that ensures all executive actions are checked within established official structures. Private Member’s Questions and Motions as well as summons are part of this oversight architecture.

We believe our Ministry is performing optimally in sync with the Government’s bottom-up economic transformation agenda. We are also available and open to robust parliamentary oversight within the established official mechanisms including through the relevant oversight committees of the august House. It is in this context that the Ministry writes to inform you, Hon. Speakers, of our readiness and availability to appear before the august Houses to respond to the specific issues raised by Hon. Kimani Ichung’wah and Senator Samson Cherargei at the earliest opportunity available, as per the Calendar of the House.

Your kind indulgence is appreciated in advance.

Hon. Speakers, please, do accept the assurances of our highest regard.”

This is signed by Hon. Ababu Namwamba. This letter was copied to the Head of the Public Service and Chief of Staff, Mr. Felix Koskei; the Leader of the Majority Party in the Senate; the Chairperson of the Standing Committee on Labour and Social Welfare, Senator Julius Murgor; Hon. Dan Wanyama; the Senator for Nandi County, Senator Samson Cherargei; and, me.

Hon. Speaker, I have chosen to read this letter because I find it extremely condescending to the House.

*(Applause)*

Whereas I appreciate that the Cabinet Secretary has opted to come to the House today, he has appeared here on the invitation of the House but not him inviting himself, as he seems to imply in this letter. Even before the Cabinet Secretary answers the Questions before him, we want him to tell the House which is this hearsay that he alludes to.

The Cabinet Secretary says that he is available for an open and robust parliamentary oversight within the established official mechanisms including the relevant oversight

committees of the Houses. In my reading and interpretation of this statement, it seems that the Cabinet Secretary is alluding that he is okay to appear before the relevant committees but he has a problem with being overseen by the plenary. I must be on record that neither the Leader of the Majority Party nor any Member of Parliament here serves at the whims of any Cabinet Secretary.

*(Applause)*

We are here as the people's representatives who oversee cabinet secretaries and officers of the Government in light of our mandate as espoused in Articles 94 to 96 of our Constitution. Therefore, I find this letter condescending to the institution of Parliament. When a Cabinet Secretary says that we are raising issues on hearsay, it is not fair to the Leader of the Majority Party, Hon. Wanjiku Muhia, and all the Members who spoke to this. I do not care what Senator Cherargei might have said outside Parliament, whether on Twitter, Facebook or anywhere else. We rightfully transact business in this House as Members of Parliament who oversee the Government.

For the record, I want to state this clearly to this Cabinet Secretary and all cabinet secretaries, that as the Leader of the Majority Party, I do not hold brief for them. I was hired by the people of Kikuyu and the Members of the Kenya Kwanza Coalition to lead them as a first amongst equals. This does not take away my role to oversee anybody from His Excellency the President, the Executive and all cabinet secretaries. Whichever position you hold in the Executive, I will hold you to account and oversee your actions. This should be clear to this Cabinet Secretary and others.

Some people may be misguided to believe that as the Leader of the Majority Party, I hold briefs for cabinet secretaries. When it comes to accountability, I will hold all of you to account as if I am the Leader of the Minority Party and the same way a Member of the Orange Democratic Movement (ODM) or Wiper Democratic Movement (WDM) will do. When it comes to advancing and pushing Government business and agenda in this House, I will do so with the same gusto and energy I use to oversee you. I hope that is clear. As much as I work for the Kenya Kwanza Coalition as the Leader of the Majority Party and for the people of Kenya, that must never be misconstrued to mean that I will not hold any Cabinet Secretary to account.

The President moved Parliament to amend the Standing Orders because even he, who appointed the cabinet secretaries, wanted them to be accountable to the people through their elected representatives.

*(Applause)*

Hon. Speaker, allow me to read the Questions.

**Hon. Speaker:** Before that, let me give the Leader of the Minority Party, Hon. Wandayi, two minutes.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Thank you, Hon. Speaker. First and foremost, I learnt of that letter two minutes ago. That letter should have been copied to me as the Leader of the Minority Party. The Cabinet Secretary must be reminded that the order of precedence in this House is such that after the Speaker and the Leader of the Majority Party, it is the Leader of the Minority Party. Anything transacted in this House belongs to the House. It does not belong to the Majority Party or the Minority Party.

Two, I advise the Cabinet Secretary to be a good student of history. When Hon. Kimani Ichung'wah, Senator Cherargei and the Deputy Speaker, Hon Gladys Boss, speak in the manner they did, you should take note.

*(Laughter)*

This reminds me of 1999 when a similar narrative began here by the Late Hon. Mwenje against the then Vice-President Hon. Josephat Njuguna Karanja. We all know what happened then.

However, on a more serious note, this House can choose to transact its business in any manner it deems fit. It is not for anybody else to direct us on how to transact business. This includes the business of inviting people to this House. Article 95(2) of the Constitution provides that this House has the mandate to deal with any issue of concern to the country and the people. No greater issue is of concern to the country than the plight of our sportsmen and women. Therefore, this House is in order to raise the queries, in the manner it did.

Hon. Speaker, before we go to the substantive Questions, this letter needs to be addressed. You should make a pronouncement on whether we shall proceed this way in this House. I am sure you are aware that, as a coalition, we have issues with cabinet secretaries coming to this House. However, even as they come, we must set the record straight on how they are going to engage in this House and how they are going to treat issues that emanate from this House. Anything pronounced here does not belong to the person making the submission; it belongs to the House. If the Leader of the Majority Party, the Leader of the Minority Party or any other Member raises an issue on the Floor, it ceases being their issue. It becomes the property of the House and for the House.

Thank you, Hon. Speaker.

**Hon. Speaker:** One minute only to Hon. Kajwang' then I give direction.

**Hon. TJ Kajwang'** (Ruaraka, ODM): Hon. Speaker, when matters such as this arise, probably it is good enough that a few Members who have been around may also share their sentiments. With all that the Hon. Leader of the Majority Party and the Hon. Leader of the Minority Party have said, I want to take a different tangent. There is a disorder in the House right now and until that disorder has been solved, the House is unable to conduct further business. I am talking about the sanctity, dignity and respectability of this House. We changed the Standing Orders to allow cabinet secretaries and other people that could be invited to this House to deal with us in terms of statements. We did not give them the privilege to walk into this House. They must know they are strangers. Right now, they are strangers and at best they can only be witnesses whom we summon from time to time in our own wisdom and only to participate and say the things that you want them to say here.

*(Applause)*

For a witness, to appear before us and give us a lengthy lecture about hearsays and say: "We are purporting..."

*(Laughter)*

To allow this witness to write to the Hon. Speaker... Where is the protocol of writing to the Hon. Speakers of the Houses? Once we have issued the summons and the Constitution of Kenya allows us that we can summon anybody, whether in Plenary or in Committee to come before us... How is it that a witness decides, therefore, to address the Presiding Officer of this House and lectures him accordingly?

*(Applause)*

This witness is reminding us of the traditions and culture that we should adopt when we deal with these matters.

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*(Laughter)*

**Hon. Speaker:** You have made your point.

**Hon. TJ Kajwang'** (Ruaraka, ODM): The last point I want to make Hon. Speaker is that this is the first of the issues that I have seen since we changed the Standing Orders. If we allow this unaddressed, then the Executive or anybody else under whom we supervise will have their latitude because there is something called precedent. I know the witness wants us to talk about the traditions. He also knows about precedent. If we allow him to go on with this unattended then, of course, we have lost our value in holding these people to account.

There is a disorder in the House and until this disorder is dealt with by getting this very insubordinate witness, at least, not hostile... Using the word hostile will bring me problems. That must be taken out before we can move on.

Thank you, Hon. Speaker.

**Hon. Speaker:** Order, Hon. Members. As your Hon. Speaker, indeed, I found the contents of the letter read by the Leader of the Majority Party strange.

*(Applause)*

This goes to the Leader of the Majority Party. Inform all cabinet secretaries that they come to answer questions guided by you who is the nexus between this House and the Executive. Writing to Hon. Speaker after he has given direction is inadvisable. In future, you may need to communicate to all cabinet secretaries on how to engage the House, and more particularly, once the Chairperson has given direction on the matter, no Cabinet Secretary has any right to give value judgement on that direction.

*(Applause)*

The contents of that letter is giving value judgement on the direction of the Chairperson. He is out of order, and to cut the long story short, you will be required to rescind in totality the content of that letter, tender an apology to the House then we move on with answering the questions that are before us. Please go ahead.

*(Applause)*

**The Cabinet Secretary for Youth Affairs, Sports and the Arts** (Hon. Ababu Namwamba): Thank you, Hon. Speaker and Hon. Members of this august House. Let me make it absolutely, succinctly and unambiguously clear that I subject myself to the authority and oversight of this House in totality.

*(Applause)*

That should not be in doubt whatsoever.

Let me also make it clear that the correspondence that has been referenced here was authored and conveyed in good faith, and I apologise unreservedly if in any way that letter has created...

**Hon. Speaker:** Do not give a conditional apology Cabinet Secretary. Just cut the long story short. An apology should be unequivocal and clear. Cut the long story short. Rescind the contents thereof. Apologise to the House. We have business, and many Bills pending after this.

**The Cabinet Secretary for Youth Affairs, Sports and the Arts** (Hon. Ababu Namwamba): Hon. Speaker, may, I therefore, with a lot of respect withdraw that correspondence and unreservedly tender an apology to the honourable House.

*(Applause)*

**Hon. Speaker:** Thank you.

**The Cabinet Secretary for Youth Affairs, Sports and the Arts** (Hon. Ababu Namwamba): May I proceed Hon. Speaker?

**Hon. Speaker:** Let the Leader of the Majority Party read out the questions and then you can proceed to answer. In your questions Members, those chips on the correspondence will lie where they fall. I will not allow any one of you to go back to it. Deal with the questions on how our athletes are being dealt with, managed and how the issues came to this House.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. I am well guided. I will proceed to read out the questions as listed on the Order Paper.

Hon. Speaker, pursuant to the provisions of Standing Order 42A (6B), I beg to ask the Cabinet Secretary for Youth Affairs, Sports and the Arts the following Questions:

Could the Cabinet Secretary explain:

1. The role of the Ministry in facilitating the Kenya Team that attended the Special Olympics held in Berlin, Germany in June 2023 on the following issues:

- (a) How and why Kenya's team to the Special Olympic Games jetted out of the country without neither the Cabinet Secretary for Youth Affairs, Sports and the Arts nor a representative from the Ministry flagging them off?
- (b) How and why the Cabinet Secretary did not deem it reasonable to receive and celebrate the team for their monumental performance during their arrival into the country from the Games?
- (c) What measures is the Ministry putting in place to ensure the anomaly of ill-treating athletes does not recur again?

2. On management of Aquatic Sports in the Country, could he:

- (a) Explain why Kenya Aquatics has historically been unable to comply with rules and decisions of World Aquatics including holding of elections even after a Stabilisation Committee was established on the 28<sup>th</sup> June 2022?
- (b) Enumerate efforts that the Ministry has put in place to ensure that Kenya Aquatics Stabilisation Committee conducts elections and state when the elections will be conducted so that World Aquatics can lift the suspension of Kenya Aquatics since 2022 from participating in any activities within World Aquatics?
- (c) Give an undertaking that the Ministry will facilitate Kenyan swimmers to participate in the World Aquatics event scheduled for February 2024 in Doha, Qatar, and in the 2024 Summer Olympics in Paris, France?
- (d) State how the Ministry plans to address discrimination, unfairness and opaqueness in selection criteria of swimmers participating in various local, regional, continental and international swimming competitions?

Thank you, Hon. Speaker.

**Hon. Speaker:** For better management of the Questions, Cabinet Secretary, answer Question one, on Paraplegic Olympics then we can come to the Aquatic one later so that we can take supplementaries on the first Question which you will answer before we go to the next.

**The Cabinet Secretary for Youth Affairs, Sports and the Arts** (Hon. Ababu Namwamba): Hon. Speaker, before I go straight to answer this Question, allow me to thank this honourable House for affording myself and the Ministry the opportunity to come here and

engage with the House on a number of activities that the Ministry is responsible for. I will seek your indulgence in the course of this submission to share with you a bit of other information that touches on the work of this Ministry which particularly sets the environment or the ecosystem within which the two particular Questions have been set.

Hon. Speaker, just as a matter of providing some background, as a Ministry we are very alive to the value of sports in this country. In fact, it is the mantra of this Ministry and its belief that Kenya's number one export to the world is our sportsmen and women. They do more in branding this country and in bringing honour to this country than anything else. Therefore, I want to assure this House that as a Ministry we are fully committed to addressing the myriad challenges confronting this important sector. When we came to office 10 months ago, we inherited a sporting scene with a number of critical challenges.

Allow me, Hon. Speaker, to quickly share those challenges because they are relevant to the two issues that you have invited me here to share. First, we found a country that was under suspension by Federation Internationale de Football Association (FIFA); Kenya had been suspended by FIFA from all international footballing activities. That suspension had a very costly impact on sporting in this country.

Harambee Stars and Harambee Starlets were locked out of competitions to qualify for African Cup of Nations (AFCON) and the World Cup. I am glad to report to this House that among our first order of business was to engage FIFA very quickly and I sought and got an appointment with the FIFA President, Mr. Gianni Infantino, and within one month that suspension was lifted. I am very glad to report to this House that last Saturday, 19<sup>th</sup> of August 2023, Kenya formally returned to international football with the participation of Kakamega Home Boys hosting the Libyan side Al-Hilal in the first round of CAF Confederation Cup.

Hon. Speaker, the second challenge we inherited was a looming ban...

**Hon Speaker:** Yes, Deputy Speaker.

**Hon. Gladys Boss** (Uasin Gishu County, UDA): Hon. Speaker, the Cabinet Secretary is telling us about the history and the work he has done. He should simply stick to answering the Question that he has been asked which is about the athletes and the team; a very specific Question. We did not ask about FIFA, football and being suspended.

Thank you.

**Hon. Speaker:** Cabinet Secretary, you may proceed to answer the Questions as they were read out by the Leader of the Majority Party, in the interest of time.

**The Cabinet Secretary for Youth Affairs, Sports and the Arts** (Hon. Ababu Namwamba): Thank you, Hon. Speaker. I just thought that this whole area is a complete ecosystem and the House could benefit from this background, but let me go straight to the Questions. As you have guided, Hon. Speaker, let me go to the Question on the Summer Special Olympic Games.

I am pleased to provide a detailed report on Kenya's participation in the 2023 Summer Olympic Games held in Berlin, Germany from June 17<sup>th</sup> to 25<sup>th</sup> 2023. The Games had a global participation of a total of 6,500 athletes from across the world representing 190 countries competing in 26 different disciplines. We had a whole contingent of 3,000 coaches and 18,000 volunteers at those Games. Team Kenya had a total of 66 athletes who were accompanied by 26 coaches and guides. These particular Games, Hon. Speaker, let me clarify, normally involve persons who are intellectually challenged, and therefore, I need to emphasise that even the accompanying delegation is normally a bit bigger than normal delegations because of extra-support needed to the team.

The team departed on different dates between 10<sup>th</sup>, 11<sup>th</sup> and 16<sup>th</sup> of June 2023. The reason normally teams depart in batches is because the schedule is normally quite long and athletes prefer to arrive when their particular discipline is very close. Even the weather can affect the performance of athletes and so they depart in batches.

Hon. Speaker...

**Hon. Wanjiku Muhia** (Kipipiri, UDA): On a point of order, Hon. Speaker.

**Hon. Speaker:** Hon. Muhia, what is the point of order?

**Hon. Wanjiku Muhia** (Kipipiri, UDA): Hon. Speaker, I am, indeed, sad that the Cabinet Secretary is not answering the direct question of flagging off these children and welcoming them.

My point of order is that he may not be well briefed about the Special Olympics. Special Olympics from my experience are games where all children go together because traditionally the opening and closing ceremonies are traditional. The reason they went on different dates was purely because of late procurement of air tickets when the games had already commenced.

**Hon. Speaker:** Let him finish. You will ask him supplementaries.

**The Cabinet Secretary for Youth Affairs, Sports and the Arts** (Hon. Ababu Namwamba): Thank you, Hon. Speaker. The team was accompanied by 13 Government officials led by Her Excellency the Second Lady and two officers from the Ministry: the Chief Executive Officer of the Kenya Academy of Sports and the Acting Director of Sports. I want to assure the House that the Ministry took full responsibility for this team. We provided a total of Ksh159,825,282 to support the full preparations and participation of this team at these games. That money included support to residential training, provision of uniforms, sports equipment, travel expenses which included return tickets for the whole delegation, allowances in accordance with the Salaries and Remuneration Commission, accommodation, reception - we had a reception upon the team returning - and also awards or rewards for this team.

Hon. Speaker, let me inform the House that on average, because of the sporting tradition of this country, we have multiple teams participating in various activities across the world. In any given month, we might have three or so delegations going to different parts of the world to represent the country in different activities. We work at the Ministry as a team and we take responsibility for different activities at different times. This particular activity or this particular trip did not find me in town because I was performing other duties elsewhere but the team was fully facilitated. I can confirm to this House that, indeed, I was not at the airport at the departure of this team but officers of the Ministry accompanying this team ensured that all the preparations required were done and that full funding as required was done.

I can also confirm that we remained in touch with this team throughout the period of these Games. We tracked their participation, and upon their return from this trip, we had a reception at the airport complete with traditional dancers, which is a tradition for us in this country. We had officers of the Ministry. We even had gallants of flowers to celebrate them. I have images and videos of the very elaborate ceremony of receiving the athletes at the Jomo Kenyatta International Airport.

Immediately after the arrival of this team, we arranged a special reception to honour them. Let me also disclose to this House that Her Excellency the Second Lady is also patron of this team. That is why she travelled with it and has been very supportive to this team. Indeed, through her, we had already received information that His Excellency the Deputy President wished to host a reception for this team. I confirm to this House that we facilitated the reception. We also provided a confirmation of Ksh18.75 million as cash awards for the team at that reception. The team won 15 gold medals: ten individual gold medals and five team gold medals. They won four silver medals: two individuals and two for the team. They also won five bronze medals: two individuals and three for the team. We are using the scale the ministry has established over time. It provided Ksh750,000 for every gold medal winner, Ksh500,000 for every silver medal winner, and Ksh300,000 for every bronze winner.

I can assure the House that the Ministry was fully represented at the ceremony by the Principal Secretary of the State Department of Sports, Eng. Peter Tum. As I have already indicated, I was out of town on an official assignment of the Ministry during that period. This

Ministry is not run as a one-man show. Two Principal Secretaries, one of whom has accompanied me here, run it together. Senior officers from across the State departments run the Ministry. We share responsibilities. I believe that this team was handled well. It was well facilitated, received well and was well rewarded for the excellent performance of representing the country.

Let me conclude on that Question by confirming to this House that I have been available to receive Kenyan teams and send them off multiple times. I have been at the airport to see off our rugby team and hold receptions for our teams. When our team to the World Cross Country Championships in Australia left the country, I was on hand to flag them off. I was on hand to receive them and hold a reception for them when they came back. I have done this countless times. The last one is our team that is currently competing at the Budapest World Athletics Championships. I hosted and flagged off that team.

On the occasion of flagging off this team, they raised issues on their allowances. After consulting and looking at the scheme we have been revising, we tripled allowances for the team that is currently in Budapest. We tripled local allowances from Ksh1,000 to Ksh3,000 per day. We tripled international allowances from US\$60 to US\$200 a day. That was done in the context of the rewards scheme we have revised to improve our appreciation of our athletes. When Faith Kipyegon broke the world record in the context of that new scheme, we awarded her Ksh5 million and a house worth Ksh6 million. We did the same to support Ferdinand Omanyala for his excellent performance in the African Championships in the 100 metres. Under the same scheme, we held a ceremony called Hongera Awards Ceremony a month ago where we awarded different teams in different disciplines. That includes football and legends. That is just to confirm that our commitment to reward our athletes is absolutely unprecedented. This is something that has never happened before.

I submit.

**Hon. Speaker:** Hon. Members, the screen is full. It will be difficult to follow the screen. Some of you hooked in very early. Let us start with the Questioner, the Leader of the Majority Party, then come to all of you. Cabinet Secretary, record supplementary questions to answer them together. We will take several in a row.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, the Cabinet Secretary asserts he was at the airport to receive them. I do not know if it was at the airport. I am assuming it was at the airport. Maybe he can clarify. If there would be any evidence, I propose that the evidence be adduced through the relevant Committee. That is to give the House comfort that, indeed, the Cabinet Secretary or any representative of the ministry was at hand to receive them. Because this is an open engagement, I have received a text message from somebody who says he is a sports photographer. I choose not to read his name. He says, "I would like to inform you that even the current Team Kenya in Budapest was not issued with running shoes or spikes and athletes had to source old spikes or borrow from friends."

Part (c) of the Question was about the measures the Ministry is taking to ensure the ill treatment of athletes and other sportsmen does not recur. Probably, the Cabinet Secretary should also give the specific measures he has taken. Some of the things we would like to hear is whether the Cabinet Secretary needs the support of this House in budgetary allocation. Members of the Departmental Committee on Sports and Culture, and the Budget and Appropriations Committee represented here can note some of the things they need to support the Cabinet Secretary when we engage in the budget-making process later in the year from October.

**Hon. Speaker:** Yes, Hon. TJ Kajwang'.

**Hon. TJ Kajwang'** (Ruaraka, ODM): Hon. Speaker, I will be quick. The response has not answered the Question I heard. The Cabinet Secretary says that he was involved or engaged elsewhere in official capacity. This is the gist of the Question, as I understand it. The Member

seems to suggest it was children in Olympic Sports; children who are very special in this country. Two, there were people abled differently. Why should these two signals not have forced the Cabinet Secretary to prioritise? One, you are dealing with children. Two, you are dealing with their exemplary performance in the Olympics. Three, there were people abled differently. Cabinet Secretary, you can go to rugbies and people who run very fast but you cannot prioritise just for children in the Olympics.

Two, you say you were engaged in official capacities. We do not dispute that. I read it on social media, which I am trying to keep abreast with; it is too fast for me.

*(Laughter)*

I read on social media that this Cabinet Secretary chose to go to fine destinations overseas and dining in fine restaurants eating calamari. I do not know what that is. He was having a fine wine called cavalier. Even as a Member, I am not able to pronounce some of the things. Now this is the point: you chose to prioritise your official engagements instead of issues that should have demanded your official presence. In all the responses he has given, he says his personnel were with them; the Principal Secretary, Her Excellency the Second Lady and all the officers. The point is: Why, as the Cabinet Secretary, would he not find it necessary to be where children and people abled differently are concerned?

**Hon. Speaker:** Let us take one more. Hon. Wanjiku, you are the cause of all this. Try asking one supplementary question at a time.

**Hon. Wanjiku Muhia** (Kipipiri, UDA): Thank you, Hon. Speaker. I am sad because we are discussing people with special needs. When we speak in this House, and I believe Special Olympics International is watching, presenting contrary facts is a bit disheartening. The Cabinet Secretary has said that he provided money for accommodation, which is far from the truth. Special Olympics are special in nature. Once the children arrive at the destination, the host government takes over accommodation, transport and food. For the record, the children were sleeping in four to five star hotels. All the 90 participants, including myself and Hon. Catherine, were given badges for free transport by the government. What is the point here? If accommodation was to be taken care of by the Ministry of Youth Affairs, Sports and Arts, these children would have been sleeping on floors or on the streets.

Air tickets were procured when the games had already started. In fact, the local organising committee in Germany kept calling the coordinator of Africa, who is based in Kenya. At one point on Sunday evening she broke down and called me, literally crying. The local organising committee was asking whether they should reserve accommodation and plan for transport for Team Kenya. The children had not yet received the air tickets and, as a result, they flew with unintended air transport. They landed at Munich, which is an eight-hour drive to Berlin where the games were being held yet these are children with special needs. Why? The procurement officer in the Ministry did not allow last-minute flight bookings. I was informed that he was so arrogant, even indicating that he would book the flights when he is free. That was the scenario.

The second truth that I want to go on record in this House is that Her Excellency Dorcas Rigathi is the patron of Special Olympics. She does not work for the Ministry of Youth Affairs, Sports and the Arts. Through her own goodwill, she accompanied the children and stayed with them. I also want to go on record that I, Hon. Wanjiku Muhia, through the Chairman of Africa International Olympics and the coordinators for Kenya, stood in for Kenya at the high roundtable meetings which were meant for the Cabinet Secretary. The 20 African countries were represented but when the time for Kenya came, the Cabinet Secretary was absent. I only participated in the field twice because the rest of the time I spent sitting in for the Cabinet Secretary. Let the Cabinet Secretary understand that we are dealing with children.

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**Hon. Speaker:** Thank you, Hon. Wanjiku. The Nominated Member, Hon Abubakar, ask one question.

**Hon. Abubakar Talib** (Nominated, WDM): Thank you, Hon. Speaker. Is the Cabinet Secretary aware that four swimmers, namely, Emily Muteti, Maria Brunela, Swaleh Talib and Monyo Maina, attended the World Aquatic Championships in Japan?

**Hon. Speaker:** We have not reached that Question yet. Hold your horses. We will come to it.

Deputy Speaker.

**Hon. Gladys Boss** (Uasin Gishu County, UDA): Thank you, Hon. Speaker. I just want to ask a follow-up question. The Cabinet Secretary has explained that they spent close to Ksh159 million on various items to take care of the athletes, particularly for the provision of uniforms. It is public knowledge, including on social media, that our teams have been wearing knockoff uniforms, that is fake Adidas and Nike uniforms. My question is: How much did they spend on the fake uniforms, which are most likely from River Road?

**Hon. Speaker:** Cabinet Secretary, note all those questions. Hon. Basil, ask one question.

**Hon. Robert Ngui** (Yatta, WDM): Thank you, Hon. Speaker. I read somewhere that the cheering squad comprised girlfriends of Ministry officials. I want to know whether the Cabinet Secretary can share the list of the Kenyan delegation who were purported to be the cheering squad.

Thank you.

**Hon. Speaker:** Hon. Chepkonga. Cabinet Secretary, record all those questions. You will answer them together.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): Hon. Speaker, I will not repeat the questions already asked. I would like to remind the Cabinet Secretary that he needs to acquaint himself with Article 73(a) of the Constitution. For the record, I would like to read it. It states that:

“Authority assigned to a State officer is a public trust to be exercised in a manner that:

- (i) Is consistent with the purposes and objects of this Constitution.
- (ii) Demonstrates respect for the people.
- (iii) Brings honour to the nation and dignity to the office.
- (iv) Promotes public confidence in the integrity of the office.”

I have listened to the Cabinet Secretary. He has said he spent money on accommodation of the children. I would like him to confirm: Is it true that the German Government paid for the accommodation? If they did, can he account for the Ksh500 million that he purports to have been paid and could not even take those children by flight to Berlin?

Secondly, could the Cabinet Secretary also confirm that it is true that the rewards that were supposed to have been paid have actually been paid? It is not an intention or a supposition but it is something that is true. That needs to be confirmed in this House.

**Hon. Speaker:** Right. Who is the Member near the walkway? Hon. Kanchory Memusi, proceed.

**Hon. Memusi Kanchory** (Kajiado Central, ODM): Thank you, Hon. Speaker. You know facts are very stubborn and they have been well stated here. In light of all the facts that have been stated and in light of Article 73, which Hon. Chepkonga has just read, will this House be in order to demand that the Cabinet Secretary, Hon. Ababu, resign because he has painted this country in a very negative manner? Will we be in order to demand that he resigns?

**Hon. Speaker:** Hon. Murugara, did I see your hand? No. I will give the next opportunity to Hon. Emaase. Ask one question then Hon. Nyamai will follow. Cabinet Secretary, you will then answer those.

**Hon. Mary Emaase** (Teso South, UDA): Thank you, Hon. Speaker. I speak as a Member of the Departmental Committee on Sports and Culture. From the outset, I must say that I am very disappointed and saddened by what I have been reading on social media, having been one of the champions defending the budget of the Ministry before the Budget and Appropriations Committee, where I am the Vice-Chairlady. When we send sportsmen and athletes in the special needs category, they represent Kenya and are Kenyan ambassadors marketing this country. Any image whatsoever will be about Kenya. The dignity of those players has been compromised. We have allocated sufficient funding and we keep adding whenever they request. What is the problem? Is it that you do not have enough funding? Or, is it that you have incompetent staff? It is unacceptable, Hon. Speaker.

Thank you.

**Hon. Speaker:** Thank you. Hon. Nyamai.

**Hon. (Dr) Rachael Nyamai** (Kitui South, JP): Thank you, Hon. Speaker. I would like to ask the Cabinet Secretary whether he has financial challenges or procurement challenges because, clearly, something is not in order.

Lastly, I would also like to ask the Cabinet Secretary to assure this House that this will never happen again in this country, especially for the Special Olympics.

Thank you.

**Hon. Speaker:** Cabinet Secretary, you can now answer those. We will do another round after this.

**The Cabinet Secretary for Youth Affairs, Sports and the Arts** (Hon. Ababu Namwamba): Thank you, Hon. Speaker. Let me make an effort to quickly run through these questions.

I will start with the question by the Leader of the Majority Party. He has asked a question touching on the team in Budapest, regarding the uniforms. It is a question that has also been asked by Hon. Deputy Speaker, Gladys Shollei, also touching on the uniforms. Allow me to clarify to this House that, number one, Kenyan teams at this level, do not use Adidas as a brand. In fact, the National Olympics Committee of Kenya which is responsible for teams at this level, has a subsisting contract with Nike. It is a contract we found already in place. By virtue of that contract, Kenyan teams are kitted by Nike. I have the privilege of having the photos of the team that went to Budapest because I flagged off the team myself. At the flagging off, I was together with the President of Athletics Kenya, General Jackson Tuwei. If you allowed me, I would pass on to the Leader of the Majority Party images of Team Kenya fully kitted in their Nike uniform as per the contract of kitting these teams. I submit respectfully that the Kenyan team in Budapest is properly kitted by the kitting partner who is Nike.

Hon. Speaker, the Leader of the Majority Party also raised a question on the challenges that the Ministry may be facing that could affect its performance. That is why it would be useful as we do this interaction for me to set the scene of what the sporting arena generally looks like. I confirm here that, number one, we have had limitations with budget allocations. It will be recalled, for instance, that among the ministries that traditionally suffer budget cuts and limited funding is this Ministry. Yes, we have the Sports, Arts and Social Development Fund, but traditionally this Fund supports too many other things. This Fund has supported health care, it has supported the Ministry of Education, school feeding programmes, and equipment acquisition in hospitals. So, one of the things that we will be requesting this House to do is to ring-fence this Fund, and make it strictly a Fund for sports and the arts. As it stands today, that Fund now supports too many other things, which crowds out support for sports and the arts.

I want this honourable House to note, that among the biggest challenges facing this Ministry, is the ecosystem of federations. I invite this House to acknowledge that the running of sports is not the exclusive domain of Government. In fact, it is a partnership between the Government and federations. On the issue of kitting, for instance, every federation normally

makes arrangements for kitting. They present budgets to Government and then the Government provides resources to the federation. We have a serious governance challenge with many of our federations. When we come to the issue of aquatics, it will come out clearly. But we have a serious issue.

One of the things that I invite this House to do is to support the Ministry fully in cleaning up the mess in the federations by making sure that they are run accountably, and they hold elections on time. We have a situation where some federations are run by life officials. Those are issues that the Ministry is dealing with. Some of them require legislative action. We have already started the process of reviewing the Sports Act, a matter on which we shall be engaging this House on. Those are some of the issues that we will require support from this House.

On the question by Hon. Otieno Kajwang', Hon. Speaker, let me confirm that...

**Hon. Speaker:** That is Hon. TJ Kajwang'. Otieno Kajwang' is the late.

**The Cabinet Secretary for Youth Affairs, Sports and the Arts** (Hon. Ababu Namwamba): Hon. TJ Kajwang', yes, my apologies. I served with the late Hon. Kajwang'. Thank you for the correction.

Number one, this team was not a team of children. Just to confirm, it was a team of senior players aged generally between 20 and 35 years. That was the general age of the team, as a clarification on record.

Number two, Hon. Kajwang', I can confirm to this House that certainly I am the least travelled Cabinet Secretary when you talk about travelling to destinations. I saw some report indicating that I am supposed to be in Budapest with the World Athletics Team. I can confirm to this House that because of austerity measures of spending within the Ministry, I have not had the honour or privilege to accompany our teams travelling out of the country. Instead, we choose to send technical officers. Like for this particular team, we sent the Chief Executive Officer of the Academy of Sports and the Director of Sports. The team in Budapest right now has a technical officer who is the Director of Sports accompanying the Principal Secretary, Eng. Peter Tum. So, it is not true at all, that I go gallivanting around the globe. I travel very sparingly. I want that to go on record.

Hon. Speaker, Hon. Wanjiku Muhia raised a number of questions. One on the spending on accommodation. I confirm that the spending on accommodation which I indicated here and is in our formal submission, was on local accommodation. We accommodated this team at Kenya Institute of Special Education (KISE), for the entire period of camping. That cost was met by the funding that I have provided. Ordinarily, when you have Olympics, the organising federation takes responsibility at that level. Let that be clarified. In terms of why this team flew to Munich, it is because there was a build-up activity in Munich. Different teams were supposed to congregate in Munich and then proceed to Berlin. That is the reason this team went to Munich.

It is not true that there was late registration. This team was registered on time and all of them were able to participate. The rules for these international events are so stringent, that they do not allow any registration out of time. I can confirm that this team was, indeed, registered on time.

Hon. Gladys Boss Shollei, the Hon. Deputy Speaker, raised a couple of questions. One on budget and how that budget was spent. Let me confirm that, ordinarily, the Ministry does not generate any budget for any event; budgets are generated by the parent federations. In this case, the budget was generated by the Special Olympics Federation. It is that budget that is used to make the allocation. The funds go to the federation. It is the federation that takes responsibility for that spending. The federation also takes responsibility for kitting. I want to confirm yet again that we are not aware of any fake Adidas kits, and that these teams are ordinarily kitted by Nike under a very formal agreement that is headlined by the National Olympics Committee of Kenya, that takes responsibility.

**Hon. Gladys Boss** (Uasin Gishu County, UDA): On a point of order.

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

**Hon. Gladys Boss** (Uasin Gishu County, UDA): Thank you, Hon. Speaker. I apologise for having to interrupt, but I just wanted to confirm that even if the kits are procured by the federation, it is the responsibility of the Ministry to ensure that these ambassadors of Kenya are not doing something that is illegal. With me here are photographs which were downloaded from the Team Kenya website. The Africa Beach games that happened in the second edition show that that the team was wearing Adidas, and I will give them to the Cabinet Secretary.

On the 28<sup>th</sup> of June 2023, on the official Team Kenya site including your own Twitter handle, again they were wearing Adidas kits. We all know what Adidas is. If they were kitted by Nike, then you will have a confirmation that Nike actually donated the uniforms and that they are originals.

I have a picture here of our team. In fact, the CEO of the Paris 2024 Olympics alerted us on the use of fake kits by Kenya, and I have that email. Again, on the 27<sup>th</sup> of July, our national team for the 3 by 3 under 23 left the country for the Federation of International Football Association (FIFA) National League Games, and again, here are their pictures wearing fake Adidas kits. Unless you confirm and give a letter through the Leader of the Majority Party which shows a confirmation from Adidas that these are original uniforms, and if it is Nike, a letter to also claim the same, this is not hearsay.

So that I do not have to get up again on this issue, I would also like the Cabinet Secretary to clarify... I have searched for days on end for the Talanta App which was launched by the Head of State on 9<sup>th</sup> of June but there is none that exists. What the President launched does not exist at all. We would like to know: Does the Talanta Hela exist *ama ni Talanta hewa?*

(Applause)

**The Cabinet Secretary for Youth Affairs, Sports and the Arts** (Hon. Ababu Namwamba): May I continue, Hon. Speaker?

This issue of kits is a very important issue because it touches on copyright and intellectual property. It is an area which is tightly guided. I want to confirm to this House that I flagged off the team that Hon. Gladys Boss refers to have gone to Tunisia, and they were in their official Nike kit. That is something that I can confirm to this House without fear of contradiction.

I also want to confirm to this House that I personally flagged off the team in Budapest, the World Athletics Championship team. At the time, they were wearing official Nike colours. I am willing to get confirmation from the Athletics Kenya, the Federation that manages athletics, National Olympics Committee, the team that manages all the teams to the Olympics on the agreement that they have with Nike and the kitting by Nike of all Team Kenya to these delegations.

I would also be happy to receive the images and the information that the Hon. Gladys Boss has.

Allow me to come back to Talanta Hela in a moment, but quickly just indicate on the question raised by my learned friend Hon. Chepkonga, on the question of accommodation. I have already confirmed that it local accommodation because this team was in camp for a number of days preparing for this activity.

On the payment of the awards, that payment is being processed and I have confirmed this with the Principal Secretary that there was a challenge with some of the accounts presented for transmission of this money. I want to inform this House that because of previous cases of misappropriation of money meant for athletes, we have changed the procedure and now we send money directly to the athletes. It takes a bit of time to get the details, which sometimes

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have difficulty, but the Ksh18.75 million has already been released, and is available to the athletes.

Hon. Emaase posed the question on whether the challenge is funding or incompetent staff. As I have already indicated, the Ministry has a serious challenge of funding. That I will admit to this House, and I will invite you to be a lot more accommodating in the resource allocation to sports, given its value. Kindly, be more accommodating when we request this House to reinforce the Sports, Arts and Social Development Fund for Sports and Arts, exclusively.

I have no doubt that the Ministry has competent staff, but we definitely have issues in federations, and as I have already asked this House, we are putting together a very robust programme to deal with the governance challenges of federations but it is a challenge that requires the full support of this House. We have already put these federations on notice and we invite this House to support that process of streamlining federations.

Allow me to conclude with the question on Talanta Hela. It is a very revolutionary programme. It is a programme which is intended to fix the myriad challenges that we inherited in this sector. I had started by making reference to those challenges. We found a country banned by FIFA; a country on the verge of being banned by the World Athletics because of doping; and, a country with no single stadium approved by FIFA or CAF for football activities. The whole arena of sports infrastructure was completely tattered. We found a country where federations had myriad issues. We also inherited a scene where that whole area of what we call the creatives was really not consolidated. I am talking about musicians, film and royalties' payable to our creatives. To help fix these challenges, we imagined what we considered to be a silver bullet, which we now call the the Talanta Hela initiative.

This initiative is about launching sports and creatives as a mega industry. It is also about monetising talents of our younger people. As I speak right now, we have already had a very successful national youth talent camp. The Talanta Hela inter-county football tournament is going on all-over the country. We launched that tournament in the home county of the Hon. Deputy Speaker, Uasin Gishu, at Kipchoge Keino Stadium in a very successful ceremony. That is going on.

On the Talanta Hela App, that App is not just an App; it is a digital system that would allow scouting of talents from all-over the country through the virtual space. It is a fantastic system. A child in Turkana, for instance, can send his or her skill through that App to a team of scouts. What was ignited by His Excellency the President at State House on 9<sup>th</sup> June, was the system, and it is ready. I can confirm to this House that there was a challenge that caused a delay in the completion of the screening room because it is a whole ecosystem from the point where you take a clip and put it in the system, to where it is then transmitted to a screening centre. The centre suffered procurement delays and we have been given a date, 4<sup>th</sup> September, as completion of the screening room.

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

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

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Cabinet Secretary, are you confirming it does not exist?

**The Cabinet Secretary for Youth Affairs, Sports and the Arts** (Hon. Ababu Namwamba): The system exists only that it has not been activated. I want to clarify that the moment you activate it and send content, it will not have a destination because it is being put together. The destination is the Talent Screening Centre at Kasarani. I invite this House to visit

the Kenya Academy of Sports at Kasarani to confirm we are working round the clock to complete the screening room.

**Hon. Gladys Boss** (Uasin Gishu County, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): There is a point of order from the Deputy Speaker.

**Hon. Gladys Boss** (Uasin Gishu County, UDA): The Cabinet Secretary is confirming that the President launched something which was not ready. If it is not live to the public, it should not have been launched. He has said it is work-in progress, so whatever was launched is under construction. This should come out clearly, instead of him saying they are building at Kasarani. It was launched so it should be available to the public.

**The Temporary Speaker** (Hon. Martha Wangari): There are many interventions on this so Cabinet Secretary, please save yourself. The Deputy Speaker has asked if what was launched in State House exists or not. I think I heard you say it does not exist. I will hear Hon. Ochieng' and then Hon. Fatuma.

**Hon. David Ochieng'** (Ugenya, MDG): I have sat here listening pensively to my friend, the Cabinet Secretary for Sports. I can tell you from where I sit, he is not in charge because he kept passing the blame on federations. On the Special Olympics, it is the Olympics Committee that was in charge and on football it is the Football Federation. Things cannot work that way.

**The Temporary Speaker** (Hon. Martha Wangari): Order, Hon. Member!

**Hon. David Ochieng'** (Ugenya, MDG): Hon. Temporary Speaker, I want to ask a question.

**The Temporary Speaker** (Hon. Martha Wangari): Yes. Ask a question on Talanta Hela because I will open it for a few follow up questions.

**Hon. David Ochieng'** (Ugenya, ODM): Hon. Temporary Speaker, if you allow me, I want to ask all my questions so I do not come back.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, we have already exhausted the one hour intended for questions. I request we let the Cabinet Secretary to finish then, and I allow a few more interventions as we go to the second part of the question which touches on aquatic games asked by a few Members. Hon. Ochieng' wind up, then I will give the Cabinet Secretary as we continue with other questions.

**Hon. David Ochieng'** (Ugenya, MDG): One, what is the Cabinet Secretary doing to ensure he takes charge of the Ministry and sports affairs in the country? Two, we have heard this Government works through an approach called 'one government'. As a follow-up question: Is it the policy of the Government to keep launching things in sports? The President is told to launch things that are not ready and then you tell us there were procurement challenges. Why not finish before launching?

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Cabinet Secretary please be precise.

**The Cabinet Secretary for Youth Affairs, Sports and the Arts** (Hon. Ababu Namwamba): Thank you, Hon. Temporary Speaker, I will be very precise. I want to confirm that the President launched an initiative called Talanta Hela on 9<sup>th</sup> June 2023. It had a programme and a calendar which included inter-county football tournaments. The tournaments started one week ago because of preparations including working closely with counties. We had a national talent camp which was concluded last week so, there are a series of activities.

The Talanta Hela initiative is not just the application but a series of activities. In fact, I can confirm to this House that the application was intended to be used during the tournament because that is when we pick talents. So, it is not true that the President launched something

non-existent. He launched a programme that is being rolled out through the inter-county football programme, the national talent camp and creative economic programme.

I can confirm to this House, that the entire ecosystem of sports undertaken by schools like the second term ball games concluded in Kakamega were fully funded by this Ministry, to the tune of Ksh267 million. Through this programme, we brought 2,000 students to Nairobi for the national talent camp and this is part of the Talanta Hela Programme. Under the same programme, we are building partnerships in music and field events. We have already signed partnerships with a number of partners like Trace TV and American Grammys as part of the Talanta Hela ecosystem. So, this is a very broad programme with a long implementation time frame and the activities set under are going on.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, I want us to make progress. I can see there are some questions remaining. Hon. Basil asked a question on joyriders. If I remember well, Hon. Rachael Nyamai asked whether you are underfunded and Hon. Elijah Memusi asked if you are willing to resign. You will respond to those three then we will go to the last part on questions. Hon. Members, please hold your horses. We will try to cover as many as possible.

**The Cabinet Secretary for Youth Affairs, Sports and the Arts** (Hon. Ababu Namwamba): On the question by Hon. Robert Basil, I am unaware of any joyriders being part of any official delegation accompanying Kenyan teams to any event. If it is the Paralympics Games in Berlin, the Ministry was represented by only two officers, who I have named - the CEO Kenya Academy of Sports and Acting Director of Sports. Her Excellency the Second Lady had a delegation which was managed separately. Other than those two delegations and officials accompanying the team together with the athletes, I am unaware of any other joyriders. If the Member has any details on joyriders, I will be more than happy to get them.

Hon. Rachael Nyamai asked a question on resources. I have answered and stated clearly that this Ministry is among those which are least funded and this is not a lie. This Ministry is least funded by the Government and it is always a struggle. Even the Sports Fund which was intended to be some kind of back-up is crowded by many other needs like health, education, tourism and culture. Everybody deeps their hand in and this crowds out the resources available for sports and arts.

We would be very grateful if this House passed regulations to ring-fence. We brought a formal request asking this House to strictly ring-fence the Sports Fund for sports and the creative industry. I have not in any language, whether it is English, Kiswahili or Lunyala dialect that I grew up speaking back in the villages of Budalang'i, said at all that I am not in control of this Ministry. I can confirm that I am fully in touch and in control of this Ministry. However, I have made it clear that this is a public institution and it cannot be run as a one-man show. I share responsibilities with my two principal secretaries and my technical officers. I also know that sports have other stakeholders.

Federations play a critical role in the management of sports. The reason Kenya was banned by FIFA in 2021 is because the Government attempted to do something which FIFA interpreted as meddling in the affairs of the federation. This is something that crops up repeatedly. Federations have a role. If we genuinely want to improve sports in this country, we should oversee the Ministry of Sports and make sure that it performs optimally, but we should not close our eyes to federations. They have a critical role to play. Let us make them accountable and improve their governance culture. If federations and the Ministry perform, definitely sports in this country will improve, especially if we provide sufficient resources to support these activities.

I submit.

**The Temporary Speaker** (Hon. Martha Wangari): Order, Hon Members! We will make progress on this matter. I would request that the Cabinet Secretary answers part two of

this Question so that we open up another window for follow-up questions. We will get as many questions as possible at that point.

Hon. Cabinet Secretary, we understand the history of where you are coming from. Please, stick to the question on this issue. Be precise.

*(Hon. Memusi Kanchory consulted loudly)*

What is your point of order Hon. Memusi? I have already raised your question to the Cabinet Secretary on whether he is willing to resign. I do not want you to repeat it because you had already asked it.

Cabinet Secretary, as you answer the second part, kindly respond to Hon. Memusi's question.

**The Cabinet Secretary for Youth Affairs, Sports and the Arts** (Hon. Ababu Namwamba): Hon. Temporary Speaker, I believe I have responded to all the questions, except the one raised by Hon. Memusi.

**The Temporary Speaker** (Hon. Martha Wangari): Cabinet Secretary, address the House. Proceed.

*(Hon. Memusi Kanchory consulted loudly)*

No! Let the Cabinet Secretary make his response then we will give a few more Members an opportunity to ask questions. We will allow the Cabinet Secretary to answer Hon. Memusi's question. Please go on and answer the question.

**The Cabinet Secretary for Youth Affairs, Sports and the Arts** (Hon. Ababu Namwamba): Thank you, Hon. Temporary Speaker. I have no doubt whatsoever in my mind about my work. In my imagination, I have no doubt that I am performing well as the Cabinet Secretary for Youth Affairs, Sports and the Arts. Ten months ago when I walked into this Ministry, as the Cabinet Secretary, I inherited an arena that was in a total mess as I had already indicated. As I said, football was banned...

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Cabinet Secretary, please respond precisely.

**The Cabinet Secretary for Youth Affairs, Sports and the Arts** (Hon. Ababu Namwamba): Hon. Temporary Speaker, I can respond to this House.

**The Temporary Speaker** (Hon. Martha Wangari): Are you willing to resign based on the issues that have been raised on this Floor?

**The Cabinet Secretary for Youth Affairs, Sports and the Arts** (Hon. Ababu Namwamba): Hon. Temporary Speaker, I believe that there is absolutely no sufficient ground that will cause my resignation because I believe I am performing exemplary well as the Cabinet Secretary responsible for this Ministry.

*(Loud consultations)*

**The Temporary Speaker** (Hon. Martha Wangari): Order, Hon. Members! I know we have many follow-up questions on this issue. I would like to allow the Cabinet Secretary to move to the second part then we will open it up as well. I know Hon Wanjiku had raised a question which has not been answered.

*(Hon. Ruku spoke off the record)*

Order, Hon. Ruku! Hon. Cabinet Secretary, respond to the question that Hon. Wanjiku had raised on payment which has not been answered.

*(Hon. Muhia spoke off record)*

You are not on record, Hon. Wanjiku.

Hon. Cabinet Secretary, there was a question on the payment. You said it is in the process. How long will it take and when is it supposed to be paid.?

**The Cabinet Secretary for Youth Affairs, Sports and the Arts** (Hon. Ababu Namwamba): Hon. Temporary Speaker, I can confirm to Hon. Muhia that with the little glitches that have already been settled by the Principal Secretary and the Fund, I believe that in no more than a week, the funds should be in the accounts of the athletes.

May I now go to the Question on aquatic sports? I want from the outset to indicate to this House that the state of swimming in this country is symptomatic. It is a microcosm of the challenges in federations that I have repeatedly alluded to. For a long time, federations have not been ready to respect the law of this country and they have been reluctant to be accountable. We have a law in this country called the Sports Act. It was put in place to regulate the arena of sports. This law was enacted in 2013 when I was the Minister for Sports in the coalition Government. I stood on this Floor as both the Minister for Sports and the Member of Parliament for Budalang'i to move the Sports Bill for enactment. We have had serious challenges in the intervening period in enforcement of that statute.

Today, what ails Kenya aquatics? The issue here is failure to comply with the law and regulations. Most importantly is that, as we speak today, the Kenya Swimming Federation is embroiled in a legal tussle. It is a case that has moved from the Sports Tribunal to the High Court. It is now filed as the Nairobi High Court Petition No. E08 of 2021: *Margret Ngungu Mwashwa and another versus the Kenya Swimming Federation and three others*. Two factions of this federation have gone to court. The bone of contention is who should be in control of this federation and how should elections of this federation be conducted. One faction is clinging on to a constitution that they produced. The other faction is insisting that things have to be done differently. This has caused a major stalemate. I want to confirm to this honourable House that we have made efforts to intervene on this matter by engaging directly with World Aquatics. This House needs to take notice of one major issue when it comes to dealing with international federations. They are very protective of their turf and affiliates. If you touch their affiliate, they will tell you that that is Government interference. We have been tussling with World Aquatics to allow the Government to exercise the law, specifically the mandate in Section 54 of the Sports Act. Section 54 of the Sports Act allows the Cabinet Secretary to make an intervention in the management of a federation. We have gone back and forth with World Aquatics because they feel that if we deploy Section 54 of the Sports Act, they will pretty much walk out of Kenya and completely freeze us out of international swimming activities.

I am glad to inform this House that we had a breakthrough this morning with World Aquatics, which has now agreed to allow us to form a team under Section 54 of the Sports Act, in consultation with them, because they had already put together a team called the Stabilisation Committee. They have been very protective of that Committee and they even refused to allow the Government to have membership on it. We have agreed with World Aquatics that we can now consult and put together a joint team that involves their desired representation, and that meets the requirements of Section 54 of the Sports Act.

I assure this House that we have held multiple meetings with World Aquatics. I have also held meetings with parents because this is a sport where they have a big voice since it involves minors. We previously had the challenge of minors being abused. As a result, parents insist on having a big say. I have met with parents and the Stabilisation Committee, and I have

also engaged World Aquatics. I believe with today's agreement allowing us to form a joint committee, we should resolve this matter.

The elephant in the room is High Court Petition No.08/2021, which we must resolve out of court. Through this application, we have an injunction that stops anybody from purporting to undertake elections or the management of swimming activities.

I also assure this House that one of the requests that we have made to World Aquatics is that as we go on with the process of putting together a committee, preparing for elections, and agreeing on a constitution for Aquatic Kenya, we can have an arrangement where our swimmers continue participating in international competitions. There is an important Olympics Qualifier event coming up in February, next year. We have asked World Aquatics not to punish athletes as we deal with these issues. Let us deal with governance issues but also have an arrangement that will allow our swimmers to participate in the Olympics Qualifiers, and in the Olympics.

I submit, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): The first chance will go to Hon. Fatuma from Migori County. Cabinet Secretary, I see that you have a team. Please, note down the many questions that you will be asked.

Hon. Fatuma.

**Hon. Fatuma Mohammed** (Migori County, Independent): Hon. Temporary Speaker, it has taken me an hour to get an intervention, so that I could raise a point of information. The Cabinet Secretary is being given evidence from Facebook, which has been printed and read by one person. I do not know where that person is reading from. I have seen a Member reading a Short Message Service (SMS). I do not know who wrote it. Based on that evidence, the Cabinet Secretary has been asked whether he is ready to resign. How does one resign based on information provided from Facebook?

I request that all cabinet secretaries be treated the same. As the Opposition, we have tried to bring information to this House that is certified by lawyers, but it was rejected. What is it about this Cabinet Secretary that an SMS and a Facebook post can lead to his resignation? May I be properly informed on whether all cabinet secretaries are the same?

*(Laughter)*

**The Temporary Speaker** (Hon. Martha Wangari): Thank you, Hon. Fatuma. I confirm that the question on resignation was by Hon. Memusi. It was from your side, and it was totally different from what the other side asked.

Hon. Alice Ng'ang'a from Thika.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Thank you very much, Hon. Temporary Speaker. I am the Chairlady of the Departmental Committee on Social Protection. I know that there are sportsmen and sportswomen who are differently abled. Are they given the special treatment that they deserve when they go out there? They are not like any other sportsmen and sportswomen. They need special attention before they leave. Are they given personal aides to take them around? I know that they go for the Olympics, but they also need to be treated in a special manner because they are vulnerable.

Another thing that I have realised is that there is lack of communication on your side. You have just told us that you brought 2,000 people to Nairobi. We do not know what part of this nation they came from. We do not have that information. The location for drama or music festivals is known across the country. We have no information about the activities the Ministry is undertaking. If you want information to reach every corner of this nation, just involve Members of the National Assembly. By tomorrow morning, every person will know what is

happening in the youth sector, but if you keep the information to yourselves, we will continue experiencing difficulties like we are right now.

We only saw the football matches that you mentioned on television. We did not know that matches were going on at inter-county levels. Information should flow from the Ministry to the grassroots where it matters. The youths are on our case at the grassroots. They keep asking us what is happening, why it is that their constituencies are not involved in football, and when they will come to Nairobi. Information should flow from your Ministry to the grassroots where it matters most.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, let us keep our questions precise and to the point so that as many people as possible can speak.

Hon. K.J.

**Hon. John Kiarie** (Dagoretti South, UDA) Thank you very much, Hon. Temporary Speaker. My two questions to the Cabinet Secretary, Hon. Ababu Namwamba, are very succinct. The first one is regarding the federations that he has referred to several times. Noting that the gazette notice banning the Football Kenya Federation (FKF) by the Cabinet Secretary Emeritus, Hon. Amina Mohamed, has never been voided, vacated, reversed or challenged, and that there are two court orders confirming that due process was followed in the banning of FKF, are FKF officials legally in office? That is one of the federations that is pulling back sports in this country. Noting that even if they were legally in office, their term would be ending in February, are there active plans to prepare for elections in the coming year?

I ask the second question as the Chairman of the Departmental Committee on Communications, Information and Innovation. Is the Cabinet Secretary aware of any deals that are being cut with Azam Television in Tanzania? If there is any such deal, is it being done at the expense of the national broadcaster, the Kenya Broadcasting Corporation (KBC)? Have we checked KBC's ability to air live matches? Have they proven not to be fit for the purpose even when there is a memo before the Cabinet where he sits on revamping and reorganising the KBC?

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Mark Nyamita.

**Hon. Mark Nyamita** (Uriri, ODM): Thank you, Hon. Temporary Speaker. I have two questions, but I will just make a comment. I run a club as a sports practitioner. I have interacted with these federations. The House should know that the Ministry has limited powers in dealing with federations. Maybe it is about time that this House considered giving more powers to the Cabinet Secretary if we expect some of the demands that I am hearing to be met.

If we come to this House and refer to hot discussions that are going on in the social media to grill a Cabinet Secretary, we might miss the point. Having said that, as a sports practitioner, there has been a great...

**Hon. Wanjiku Muhia** (Kipipiri, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari) There is a point of order from Hon. Wanjiku.

**Hon. Wanjiku Muhia** (Kipipiri, UDA): Hon. Temporary Speaker, is the Hon. Member in order to refer to the discussion here as 'hot air from social media' when we know that the Special Olympics happened in Berlin in 2023? This was the subject matter that gave rise to these other debates.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Mark Nyamita, what concerns me is that under Standing Order 90, you are bound to declare interest as a club owner.

**Hon. Mark Nyamita** (Uriri, ODM): Hon. Temporary Speaker, there is no conflict of interest in this particular matter. I am only sharing my experience, having managed a club. There is no point of conflict or interest. For the benefit of the House, I am only sharing how federations have powers that the Ministry does not have sometimes.

To the point of order raised by Hon. Wanjiku Muhia, the word “hot air” is from her. You will agree with me that many of the Members here have alluded to discussions that are going on in the social media. For the purpose of the record, Hon. TJ Kajwang’, Hon. Deputy Speaker, and the Leader of the Majority Party referred to what is going on in the social media. If we have no way of verifying what we see on social media - because some of us have even been declared dead there, yet we are here - it is unfair to ask the Cabinet Secretary to resign on the issues that are being raised there.

I will go back to my Question. I want to ask the Cabinet Secretary...

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Mark Nyamita, you have already taken two minutes. You said you had no question, but a comment.

**Hon. Mark Nyamita** (Uriri, ODM): I have one question, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): You said that you did not have a question but a comment which I have given you a chance to execute. We can check the *Hansard*. The next chance will go to Hon. Rindikiri, on this side.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Thank you, Hon. Temporary Speaker. I am sure the Cabinet Secretary is aware of the Kenya Deaf Handball Championship Team. They missed their international match in July 2023 because they could not get visas. They were referred to the Ministry of Youth Affairs, Sports and the Arts. Subsequently, they were disqualified from participating in 2025 because of missing the visas. The games took place in Copenhagen, Denmark.

Could the Cabinet Secretary explain why members of the team were denied visas by the Government of Denmark? What steps will the Ministry take in future to ensure that these people with special needs are given passports and visas?

**The Temporary Speaker** (Hon. Martha Wangari): Before the next speaker, allow me to recognise, in the Public Gallery, students from Karama Academy, Msambweni Constituency, Kwale County. Please, join me in welcoming them to observe the proceedings of the House.

The next chance will go to Hon. KK, Member for Molo.

*(Several Members spoke off the record)*

**Hon. Kuria Kimani** (Molo, UDA): Thank you, Hon. Temporary Speaker. I have one comment and one question. At a time when we are all lamenting about how the Cabinet Secretary has performed, I would like to congratulate him on the National Secondary School Ball Games that took place at Bukhungu Stadium, Kakamega. That was really nice. I did not know it was the Ministry of Youth Affairs, Sports and the Arts that did that. Kenyans are saying that they are ready to go and pay to watch our local matches. That was very good.

*(Applause)*

On the Talanta Hela Application that the Cabinet Secretary kept on referring to, I checked on my application store, but it is not available. I thought it was because I was using an iPhone. So, I asked my colleague who was using an android phone to check, but still, it was not there. Is the application working? Has it been operationalised? If not, when will it be operational?

I thank you, Hon. Temporary Speaker.

*(Hon. Ruku GK spoke off the record)*

**The Temporary Speaker** (Hon. Martha Wangari): Order Hon. Ruku. The next chance will go to Hon. Abubakar Ahmed.

**Hon. Abubakar Talib** (Nominated, WDM): Thank you, Hon. Temporary Speaker. I was speaking, but I was stopped.

Is the Cabinet Secretary aware that four swimmers namely, Emily Muteti, Maria Brunhelter, Swaleh Talib, and Monyo Maina attended the World Aquatic Championship in Japan last month? They were admitted under the suspended member federation without any support from the Ministry. Despite lack of funding, the team managed to set a new national record. The four athletes did an email correspondence to the Cabinet Secretary on 11<sup>th</sup> July 2023 detailing the challenges they faced and continue to face up-to-date. The Ministry has never replied or responded to the email. They do not seem to care about the welfare of swimming and sports in general. They even texted you on your WhatsApp number with all the details and the complaint.

**The Temporary Speaker** (Hon. Martha Wangari): The next chance goes to Hon. Mutunga. Make it short and precise.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Thank you very much, Hon. Temporary Speaker. I want to speak on a very specific issue that concerns me. The Cabinet Secretary has said that he is up to the task and he has everything in control. When it comes to communication, I would like to ask him whether he is aware that I, personally, invited him to launch an African book award by a member of my community. Writing in this country is really poor. We need to encourage the young people to write. I spoke to his Personal Assistant and sent him a letter. The award is being given tomorrow. However, we do not have any response from his end. Is he aware of that? Is he in charge of his Ministry? Does he have that communication?

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, we should not personalise these matters. Member for Sirisia, the microphone is roaming behind you.

**Hon. John Koyi** (Sirisia, JP): Thank you, Hon. Temporary Speaker. Some of the questions are personal. Let me ask mine. *Waziri*, you recently gave out Ksh100 million to sports teams and individuals. It is the first time it has happened in this country. Could this have contributed to your problems with some of those who did not benefit?

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Umulkher.

**Hon. Umulkher Harun** (Nominated, ODM): Thank you, Hon. Temporary Speaker. My question to the Cabinet Secretary is on the National Talent Academy on the Talanta Hela Programme. Are we just making the young players to play without having professional agents to scout them, so that they can get professional football careers? Between March and August, I was made aware of private agents who have been coming to the country and have scouted at least 10 Kenyans. When I looked at Talanta Hela Programme, it did not have any nearby deliverables where we would sign these young players from across the country in the next few years. So, my question to him is: Does the Ministry have a plan to partner with agents? In football, unlike athletics, individuals do not just run and have their scouting happening from within. They have to be signed to professional football academies.

**The Temporary Speaker** (Hon. Martha Wangari): Let us have the Hon. Justice.

**Hon. Justice Kemei** (Sigowet/Soin, UDA): Hon Temporary Speaker, my question to the Cabinet Secretary is very brief. We have been doing extremely well in athletics, particularly in the steeplechase race. Are you aware that we seem to be losing our grip on the steeplechase race? What are you doing specifically to make sure that this traditional event gets back to Kenya? I thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Kesses.

**Hon. Julius Rutto** (Kesses, UDA): Thank you Hon. Temporary Speaker. I will be brief just as my colleague. All of us are aware that currently Kenya is participating in the World Championship in 'Buddhism'. Coming from...

**The Temporary Speaker** (Hon. Martha Wangari): Did you mean 'Budapest'?

**Hon. Julius Rutto** (Kesses, UDA): Hungary, is the other name. You can fill in for yourself.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Julius Rutto, this House is a House of records. You meant 'Budapest', not 'Buddhism'.

*(Laughter)*

**Hon. Julius Rutto** (Kesses, UDA): It depends with the school that you went. I went to Lomatyun Primary School. You can excuse me for that.

As you have said, Uasin Gishu, and more so Eldoret, has acquired the name City of Champions because of the athletes that come from that area or reside in that place. Recently, I saw the Cabinet Secretary visiting Eldoret. As the leaders from there, we had no prior information, else we would have accompanied him and dwelt on issues around there. However, since we have an occasion now, I wish to know the deliberate measures that you have put in place to save us from the shame of Kipchoge Keino Stadium that has been there for years. This is the only stadium we have available for athletes to train and practice. Maybe, the current challenges we are experiencing in the steeplechase race is because we have no field for them to train. What measures have you put in place? I saw you there, I am sure you have information and you never made any communication that would have assisted us to be together with you.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Kagombe.

**Hon. GG Kagombe** (Gatundu South, UDA): Thank you, Hon. Temporary Speaker. I have three concerns to the Hon. Cabinet Secretary. One, on the issue of money, he said he has a challenge of accounts. But he also confirmed that he has paid allowances. This account that paid allowances, could it not pay money to the winners of medals? I want to find out how this account paid some money and not others.

Secondly, it is good he has observed that he had a meeting with the World Aquatic today morning. He has alluded to what they discussed. However, Kenya is watching and those who are interested in swimming have been waiting for this day. There are many young children who have quit swimming as a sport because Kenya has been banned from swimming. They are wondering and they want something concrete to hold on. The qualifier for Olympics is coming up in February next year and we are unlikely to have the Cabinet Secretary again in this House. So, we want to know the concrete plans that he has with World Aquatics to make sure that our children participate in the qualifier for Olympics in the swimming sport. I am also concerned that we have two factions in a federation and we are not able to moderate between the two factions that have kept us in courts since 2014.

**The Temporary Speaker** (Hon. Martha Wangari): What is the question?

**Hon. GG Kagombe** (Gatundu South): I expected the Cabinet Secretary to put these two factions together so that we do not have to wait for the courts. They can have an out-of-court settlement so that our children can stop suffering.

**The Temporary Speaker** (Hon. Martha Wangari): I also want to confirm, Hon. Kagombe, that the Cabinet Secretary can be made to appear in this House any other time if the House so feels it is important.

Let us have the Majority Whip?

**Hon. Sylvanus Osoro** (South Mugirango, UDA): Thank you Hon. Temporary Speaker. I will pick it up from where Hon. Kagombe has stopped. While holding brief for the Leader of the Majority Party, I want to ask the Cabinet Secretary to come clear on the Question that was

asked on aquatic sports. In particular, part (c) of the Question required him to give an undertaking that Kenya will participate in the World Aquatic event scheduled for February 2024, in Doha, Qatar and the 2024 Summer Olympics in Paris, France.

He has stated that there are two factions that have taken each other to court on the issue of the Stabilisation Committee that was established on 28<sup>th</sup> June 2022. However, he has not come out clear on whether the Ministry is making effort possibly even to invoke the alternative dispute resolution mechanism, at least, for the purpose of hastening this process. To make sure that these particular teams participate in the 2024 Summer Olympics and the February 2024 events that are scheduled there, what measures have they taken? Have they been enjoined in the case that is in the High Court?

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Bensouda.

**Hon. Atieno Bensouda** (Homa Bay County, ODM): I have really been trying since morning. Thank you, Hon. Temporary Speaker for giving me this opportunity.

First, allow me to appreciate that the Cabinet Secretary was appointed as a youthful and intelligent young man who must deliver and champion the youth, sports and everything that is under his docket. From the discussion, since I listened to the introduction by the Leader of the Majority Party, a lot of issues have been alluded to. Hon. Kajwang' mentioned that there are some disorders which need to be put in order. I put a lot of emphasis on the wrath the Leader of the Majority Party directed at the Cabinet Secretary. That, in my view, was not fair because that was not the purpose as to why he was called here.

Secondly, there was also a mention of reckless talks. I was disappointed, as a professional teacher, to hear a Member of Parliament talk about not caring about what is on social media when students are seated in the galleries. It is very unfortunate for elected leaders to talk that way and that must be corrected.

Three, from the discussions, the Cabinet Secretary has to Table the records and reports on the framework of his work in terms of procurement and activities taking place within and outside the country, and align them to the budget allocated to the Ministry. That is so that issues can be verified. The Hon. Deputy Speaker gave out photos of Adidas and Nike kits. I do not know what else. We cannot verify that. I remember one time when Hon. Otiende Amollo tabled signed documents in this House, they were disapproved. The Speaker said that the documents were not admissible for lack of authenticity. So, even the Adidas photos are not authentic until the Departmental Committee in charge of sports summons the Cabinet Secretary to appear before them.

One thing I am talented in is psychology. I want to say that the discussion I am seeing here is tailored towards crucifixion. Even Jesus was accused for claiming to be God. I think we are leaders and we are mature. I now want to ask my question.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Bensouda you are now debating. I will give you 30 seconds if you have a question to ask.

**Hon. Atieno Bensouda** (Homa Bay County, ODM): Very fast. In one second, I will ask three questions.

What framework do you have for the female gender of this country in active participation of sports, not necessarily international? I come from the lake region in Homa Bay County. We are not only talking about swimming, but also boat racing and I want him to tell us what plans he has for talent nurturing. This country is working towards youth empowerment. What activities are we doing with regard to the lake to ensure that the youth are empowered? If Talanta Hela is working, come on board and work with the office of the Woman Representative for Homa Bay County.

*(Laughter)*

**The Temporary Speaker** (Hon. Martha Wangari): Order, Hon. Members. We must make progress. We will close this session. We have already gone one hour overboard from the time allocated by the Speaker. We will get to a close because we have serious business ahead.

Hon. Cabinet Secretary, you will respond to the many questions. Leader of the Majority Party, when I look at the statements you sought and the questions you raised, the Cabinet Secretary has not been able to respond properly to (c) and (d). So, we will definitely call him back. You can commit to that because there are still many Members with many questions on these issues.

Leader of the Majority Party, as a precursor to the Cabinet Secretary.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, indeed, I wanted to seek your indulgence because I have seen we have gone an hour past the time the Speaker had allocated. In view of other business, I seek your indulgence so that we allow the Cabinet Secretary to take leave and probably answer some of those follow-up questions together with others that have been asked by the Members. Remember, today we only called him on notice and we will invite him again. Let us allow him not to answer these ones so that we can proceed to the other business.

**The Temporary Speaker** (Hon. Martha Wangari): Cabinet Secretary, you will answer the ones you can right now, but join them with your closing remarks. Take the shortest time possible. The rest of the questions will be done in the follow-up session.

**An Hon. Member:** On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): There is nothing out of order. Let the Cabinet Secretary respond.

**The Cabinet Secretary for Youth Affairs, Sports and the Arts** (Hon. Ababu Namwamba): Hon. Temporary Speaker, there are, definitely, challenges. I admit. There have been challenges in selection of teams representing the country in various activities. It is important - I will keep on repeating this - that we streamline operations of federations.

One of the things we will propose when we bring a request for amendment of the Sports Act is to include the entire Article 10 of the Constitution on national values in constitutions of our federations. On the basis of Article 10 of the Constitution on national values, every single athlete in this country across the disciplines must be afforded the opportunity to compete for the opportunity to represent the country. That has really not been the case. It is among the issues which we intend to work on keenly as we streamline operations of federations.

On the question of gender, I am glad to inform this House that, as a Ministry, we are very keen on ensuring gender equity in our sports by ensuring that every single opportunity we have involves both genders.

**Hon. Ruku GK** (Mbeere North, DP): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): What is out of order, Hon. Ruku?

**Hon. Ruku GK** (Mbeere North, DP): The Cabinet Secretary is talking about keenness. It is true the Ministry made the President to launch Talanta Hela when it was not ready. That is not part of keenness. The Office of the President must be *ex cathedra* as far as executing its mandate is concerned. The cabinet secretaries...

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Ruku, I hear you, but that issue was already canvassed and responded to. Proceed, Hon. Cabinet Secretary.

**The Cabinet Secretary for Youth Affairs, Sports and the Arts** (Hon. Ababu Namwamba): Hon. Temporary Speaker, should I run over the questions in the last session?

**The Temporary Speaker** (Hon. Martha Wangari): Yes.

**The Cabinet Secretary for Youth Affairs, Sports and the Arts** (Hon. Ababu Namwamba): Allow me then to answer them very quickly and I will try to be as brief as possible.

Hon Fatuma, I thank you for your statement.

Hon. Alice Ng'ang'a, I want to admit that there is need to communicate more; there is need to network with Members of Parliament robustly. I want to make an undertaking; that is certainly an area where the Ministry will seek to step up so that there can be more interaction, more communication, and more networking with Members of Parliament.

The programme I alluded to of the 2,000 young people from the National Talent Academy is part of the Talanta Hela Initiative. These are young people who were selected by scouts during the schools' ball games and they were selected across nine disciplines from across the country because this went on right from the regional level. They were brought to Nairobi for training and scouting. I combine this answer with the question raised by, I believe, Hon. Umulkher, who wanted to know whether this talent academy, which we hosted was just an opportunity for young people to come here or whether there was any deliberate effort for scouting. I assure this House that the National Talent Camp is one of the key deliverables of Talanta Hela Initiative. I assure this House that the Talanta Hela Initiative is on and rolling. There is the National Talent Camp, the Talanta Hela Intercounty Football Programme, the Creatives Economy Programme... A lot of activities are going on in the Talanta Hela space.

During the Talent Camp, all federations participated in the various disciplines - rugby, football, and the rest. The purpose of federations participating is that we wanted them to start selecting players from this level for teams under those federations. For instance, we expect that the Kenya Rugby Union must have identified some young talents for progression to the Kenya Under 20 Rugby Team. The national team technical benches participated. We had, present, the national coaches of both the Harambee Starlets, which is the national football women team; and Harambee Stars, the national football men's team. The purpose was to start picking talents at that level. In football, for instance, Kenya has never had national under 15, 17 or 19 teams. The purpose of this programme is to start constructing age-capped teams because that is the best way to feed the national team and ensure that Kenya is supremely competitive. It is during this programme that we also announced that three young Kenyans had won scholarships to progress to foreign academies. Aldrine Kibet, Alvin Kasavuli, and Moses Wamalwa have all been admitted to the NSA Academy in Spain to advance their footballing talents. So, the camp is not just about gathering children. It provides an ecosystem where they can receive elite training and progress to develop their talents to the next level.

Hon. KJ asked two very significant questions. On the question on FKF, we are fully aware of the status of FKF, including the legal conundrum. We had an arrangement with FIFA that was to progress FKF to a point where they can hold elections because there are serious issues in this Federation. I expect that FKF should hold their elections as scheduled. That is one way to start putting the whole footballing ecosystem on a new keel.

On the question of Azam TV *vis a vis* KBC, I want to tell this House that, again, as part of the monetisation agenda of Talanta Hela, we have taken cognisance of the fact that all corporate sponsorships took flight from Kenyan sports. Live broadcasts took flight from football. All the interest we have had previously in sports has disappeared because of mismanagement and improper running of this space. But I am glad to report to this House that a package has been put in place. Allow me not to go into those details because it has not been officially made public and there are a number of partners involved. I, however, confirm to this House that KBC is right at the heart of that programme. We believe that KBC must be afforded opportunity to build its capacity to become a serious broadcaster. You must have seen that we gave them an opportunity to broadcast the Safari Rally. We also gave them right to broadcast live the National Ball Games finals in Bukhungu. We are slowly assisting KBC to build its muscle. It is going to be part of a package that includes two major things, namely, a sponsorship package that will see money go straight to clubs and a live broadcast package.

Very soon, the details will be made public. Hon. Rindikiri, I got your question on the Kenya Deaf Handball Team. The challenge we had with this assignment was issuance of visas by the Embassy of Denmark.

The late processing of requests by federations when they are preparing teams for international assignments is among the challenges we face daily. These requests come late. It becomes a big problem to process funding. It is even a bigger challenge to deal with visas. As you know, Hon. Temporary Speaker and Hon. Members, the Ministry does not have control over issuance of visas. If you apply for visa late, it becomes extremely difficult for the visa to be issued. This is a matter where we have developed new regulations. We are planning to have a retreat or a meeting with federations to share the package we have put together.

**Hon. Mary Emaase** (Teso South, ODM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): What is out of order, Hon. Emaase?

**Hon. Mary Emaase** (Teso South, ODM): Thank you, Hon. Temporary Speaker. I was just wondering. I want to believe that most sporting events are known much in advance, over a whole year before and even beyond. Is the Cabinet Secretary in order to say there is delay in preparation of visas and that it is beyond the control of his Ministry? For example, we know where most of these sporting events will be held. It might be in Berlin or Budapest, at a certain time. Why are the visas not prepared in advance?

**The Temporary Speaker** (Hon. Martha Wangari): You have made your point. Cabinet Secretary.

**The Cabinet Secretary for Youth Affairs, Sports and the Arts** (Hon. Ababu Namwamba): Hon. Temporary Speaker, definitely, calendar of events are normally known. However, the federation initiates participation in these events. The federation is affiliated to the relevant international organisation. The federation gets the rights to participate and then brings a request. It is true we receive very late requests more often than not. It is something for which we have put together a framework to help federations handle this matter a lot more smoothly.

Hon. KK, thank you for your statement about Bukhungu. I confirm that all the drama in film and music festivals for which we had a concert in Nakuru today with his Excellency the President, and the ball games, were fully funded by the Ministry to the tune of Ksh267 million. We have worked very closely with the Kenya Secondary Schools Sports Association and the Kenya Primary Schools Sports Association. That whole programme is part of our rolling out the Talanta Hela initiative. As I have already said, the back end of the Talanta Hela system is being sorted out. As soon as that is sorted out, its livestreaming can start away.

Hon. Abubakar Ahmed, we are aware of the issue raised on swimmers who went to Japan. I also want to make it clear here that the regulations of the Sports, Arts and Social Development Fund only allow the Ministry to provide support through federations or associations. It is the body that brings a request. The challenge we continue to have with swimming is because of this challenge with the federation. As soon as we sort this out and agree with the World Aquatics that the committee we put in place can take responsibility of swimmers, then it should be possible to offer some support to our swimmers both for the qualifiers and for the Olympics. Participation in the Olympics is dependent on qualification.

Hon. Mutunga, yours is on your invitation to the book launch award. I can confirm to you while on my feet that I will be more than glad to join you if the book launch is tomorrow. I love books. Promotion of literary arts is one of the areas we need to improve. Certainly, Kenya could do with more writing and production of books. Therefore, I will be more than happy to come and join you during the launch of this book.

There was a question from Hon. Waluke on the Ksh100 million given to sportsmen and women. He wanted to know if this could be the source of my troubles. What I can say is that

we have not really treated our sportsmen and women right. You may want to know, Hon. Members, that the Ksh100 million Hon. Waluke refers to here was largely to clear outstanding awards going back to 2010. There are athletes who competed and represented this country from 2010 but not paid their awards. We cleared that entire backlog. For the first time in the history of this country, we were able to offer something to our legends. We honoured our legends who have competed for this country for the last 60 years. I believe it is a good way of spending money. Our sportsmen and women are the goose that lays the golden egg. We must acknowledge and reward them appropriately. We will continue to do this every single year through the Hongera Awards.

Hon. Justice asked a fundamental question. We have lost hold on some of the events like the steeplechase race where we reigned supreme. We could only manage a bronze medal yesterday during the steeplechase finals in Budapest. I want to inform this honourable House that I have sat down with Athletics Kenya and challenged them to go back to the drawing board so that we reclaim our glory in our traditionally strong sports. I am also happy to report that, after that engagement, Athletics Kenya has submitted a blueprint for youth development to the Ministry. It is being considered. The blueprint requires Ksh64 million to go back to primary schools, the basics. Steeplechase requires special training and equipment. The Ministry has accepted to make special investment for Kenya to bounce back in steeplechase. It is an area where we have definitely lost our way.

The Member for Kesses asked about Kipchoge Keino Stadium. As I said at the beginning, it is among the facilities and sporting infrastructure that had gone under. Until last Saturday when the Kakamega Homeboyz Football Club played the Libyan team called Al Hilal, Kenya did not even have a stadium approved by FIFA or the CAF. To get CAF approval for that game, we had to do an emergency rehabilitation of the Nyayo Stadium. We have a masterplan that I will be glad to share with this honourable House. Part of the Talanta Hela programme is a sports and arts masterplan on how to improve our infrastructure. That masterplan includes revamping our international stadia so that CAF and FIFA can be comfortable with them. As you know, we have put in a bid to host the Africa Cup of Nations, 2027. We have made tenders for rehabilitation of stadia and Kipchoge Keino Stadium is among them. These tenders were opened on 17<sup>th</sup> of this month for rehabilitation of Kasarani Stadium, Nyayo Stadium, and Kipchoge Keino Stadium in Eldoret. As we await this programme to start, we did some emergency rehabilitation of Kipchoge Keino Stadium and that is why it hosted the Devolution Conference Games, which, again, I had the honour to open.

Hon. Kagombe, when I mentioned the issue of the account, I meant account details given by some athletes. There were bits of issues which are being sorted out, and I believe that money should reach the athletes within a week as I have confirmed here.

On concrete measures for swimmers, I have made it very clear here that we want to agree with World Aquatics on a programme where we can have a joint effort between World Aquatics and the Government of Kenya to resolve these issues. It will be important to get this court case out of the court and get these factions on the table so that we can get Kenya Aquatics back on track because the people who are suffering are our swimmers and not those who are fighting.

Finally, there was a question from the Chief Whip that was reiterating a question raised by the Leader of the Majority Party on participation in Doha and Paris. The undertaking I can give, and I have already given... Let me reiterate it: We want to agree with World Aquatics to accelerate the process of withdrawing this case from court, getting the elections for Kenya Aquatics done and getting Kenya Aquatics back to undertake their mandate. Ultimately, this is the mandate of Kenya Aquatics and as we do that, we want to agree with World Aquatics on a framework that could allow our swimmers to compete even if that process is delayed. That is the best way to support these athletes.

Hon. Bensouda, I have prepared all the records of the issues I have referred to, and it is a whole world of records here, including the state of sports as we found it and as we inherited it. As I have repeatedly said, we found Kenyan Sports in a mess; a total mess. The efforts we have made to start revamping infrastructure, create a pipeline for talent, monetise the creatives and talents generally and to just make sure that Kenya maintains her pedigree as a top competing nation are in the records. I will gladly leave them here with the august House.

I, thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you, Hon. Cabinet Secretary. I can note that there are still very many Members with follow-up questions. I have noted Hon. Abu, Hon Irene Mayaka, Hon. Ruweida and Hon. Rindikiri, but as the Leader of the Majority Party had presented, this will be done in the follow-up session. I will, therefore, request that we let the Cabinet Secretary out at this point so that we can proceed with the business of the House.

*(Hon. Shakeel Shabbir consulted loudly)*

Hon. Shakeel, you have just walked in. Hon. Cabinet Secretary, kindly take your leave.

Next Order!

## COMMITTEE OF THE WHOLE HOUSE

*(Order of the Committee read)*

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

### IN THE COMMITTEE

*[The Temporary Chairman (Hon. David Ochieng') in the Chair]*

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

*(Resumption of consideration interrupted on 23.08.2023 – Morning Sitting)*

**The Temporary Chairman** (Hon. David Ochieng'): I hope Hon. Murugara and Hon. Kuria Kimani are all in the House.

Hon. Members, in the morning, we moved and reported on the Committee of the whole House consideration of the Anti-Money Laundering and Combating of Tourism Financing Laws (Amendment) Bill (National Assembly Bill No.35 of 2023). We wish to pick up from where we left. If you can remember, it was with regard to the provisions relating to the National Police Service Act No.11A of 2011. I will propose the question.

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

I have just done that Hon. Millie. I have brought you to speed and indicated that in the morning, we reported progress to the House on the consideration of the Anti-Money Laundering and Combating of Tourism Financing Laws (Amendment) Bill 2023 up to and

including the provisions relating to the Proceeds of Crime and Anti-Money Laundering Act, No.9 of 2009, which we finished.

Hon. Members, in the Order Paper, if you go to Page No.1016, we are now considering amendments relating to the National Police Service Act. Therefore, I wish to propose the Question.

*Provisions relating to the National Police Service Act, No.11A of 2011*

*New Section 56A*

**The Temporary Chairman** (Hon. David Ochieng’): Mover.

**Hon. George Murugara** (Tharaka, UDA): Thank you Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended—

(d) in the proposed amendments to the National Police Service Act, No. 11A of 2011 in the proposed new section 56A by—

- (i) inserting the following new subsection immediately after subsection (1)—  
“(1A) The Cabinet Secretary shall prescribe, in regulations, the procedure and safeguards applicable to a controlled delivery.”
- (ii) deleting the definition “authorised officer” in the proposed subsection (2) and substituting therefor the following new definition—  
“authorised officer” means a Gazetted officer of the rank of inspector and above;”

The justification is that we need to empower the Cabinet Secretary to gazette regulations prescribing the modalities of a controlled delivery and safeguards preventing abuse of the investigative agencies. Those regulations will be brought to this House.

The second proposed amendment is to limit the use of controlled delivery officers of the rank of inspector and above.

*(Question of the amendment proposed)*

The first bite will go to Hon. Shakeel who has almost similar amendments.

**Hon. Shakeel Shabbir** (Kisumu East, Independent): Thank you, Hon. Temporary Chairman. The amendment is more or less similar to mine, but I would like the regulations to be set rather than asking for them to be set, as and when the National Police Service (NPS) feels they should. I feel that the regulations must be set in respect of the controlled... I have forgotten the right word.

*(An Member spoke off the record)*

Yes, that is right. I propose we include the amendment that I proposed, which is very similar, except for the fact that I propose that the regulations be set from time to time. This is because amounts and currencies change. There are many other issues that change that cannot be put into law. Regulations must have a stipulated timeframe. Regulations must be put in place rather than leaving it to chief officers of the NPS to come up with them, as and when they are needed.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you very much, Hon. Shakeel. You realise that if the proposed amendment by the Chairperson carries the day, your amendment becomes mandatory.

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

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

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

*(New Section 56A as amended agreed to)*

*(Provisions relating to the National Police Service Act,  
2011 as amended agreed to)*

*(Provisions relating to the Ethics and Anti-Corruption  
Commission Act, 2011 and the Mutual  
Legal Assistance Act, 2011 agreed to)*

*Provisions relating to the National Payment System Act, 2011*

**The Temporary Chairman** (Hon. David Ochieng’): Mover.

*New Section 17A*

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended—

(f) in the proposed amendments to the National Payment Systems Act—

(i) by inserting the following new item immediately before the proposed new Section 17A—

s. 2 Insert the following definitions in their proper alphabetical sequence—

“beneficial owner” has the meaning assigned to

No. 17 of 2015. it under the Companies Act;

“significant shareholder” has the meaning

Cap. 488. assigned to it under the Banking Act;

The amendment has two sections. In the first one, we are tightening up the definition as contained in the Bill.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): On a point of order, Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. David Ochieng’): What is out of order, Hon. Millie?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Chairman. Because this is an omnibus Bill, there are some Acts that have amendments while others do not have. When the Movers are moving the amendments, can they, please, indicate the page in the Order Paper to enable us follow properly?

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Kuria.

**Hon. Kuria Kimani** (Molo, UDA): For the benefit of my good friend, we are on amendment (f) on the Order Paper. I do not think it has pages. We are talking about the proposed amendment to the National Payment Systems Act. Having said that, we have two parts. The first one is tightening up the definition. The second one is on the new proposed Section 17 B.

**The Temporary Chairman** (Hon. David Ochieng’): Move the first one first. The one which has the definitions so that we can proceed.

**Hon. Kuria Kimani** (Molo, UDA): I beg to move the amendment which tightens up the definition of “significant shareholder” and “beneficial owner” as per the explanation I had given when we were moving the other amendments related to the same in the morning sitting.

**The Temporary Chairman** (Hon. David Ochieng’): Members, this amendment deals with definitions of “beneficial owner” and “significant shareholder.”

*(Question of the amendment proposed)*

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

*(New Section 17A as amended agreed to)*

*New Section 17B*

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Kuria.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended—

(f) in the proposed amendments to the National Payment Systems Act—

(ii) in the proposed new Section 17B (1) by deleting the word “institution” and substituting therefor the words “payment service provider”;

This is where we are replacing the word “institution” with “payment service provider”. I beg to move this amendment.

*(Question of the amendment proposed)*

**Hon. TJ Kajwang’** (Ruaraka, ODM): Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. David Ochieng’): Yes, Hon. TJ Kajwang’.

**Hon. TJ Kajwang’** (Ruaraka, ODM): Hon. Millie had a point. The sugar level is going down. If you are not careful, we will run too fast. This is Section 17D. As we began in the morning, in all the clauses in which this language appears, we were using a standard phrase. If we do not express ourselves on *Hansard*, the person who is going to write the vellum copy will not have evidence that we have spoken to it. That is why we keep on repeating ourselves.

Even if the Hon. Temporary Chairman does not remember, we should help him to do so. When the Mover says that he is moving an amendment as per the Order Paper, that is a very big word. When he says so, some of us who are following but are not Members of the Committee are unable to follow. I ask that Section 17D(2)(a) be amended to say that the person’s home or property may be searched with a warrant.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Kajwang’ that is okay, but we are not there yet. I am sure it will come at the right time. We are still in Section 17B. I mean Section 17B; [B] for barber.

*(Laughter)*

Barber the *Kinyozi*.

*(Laughter)*

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

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

*(New Section 17B as amended agreed to)*

*New Sections 17C and 17D*

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended—

(iv) by inserting the following new items immediately after the proposed new Section 17B—

New

Rights and  
fundamental  
freedoms

17C. All persons subject to this Act shall enjoy all rights and fundamental freedoms enshrined in the Constitution unless limited to the extent specified in Article 24 of the Constitution, this Act or any other Act.

New

Limitation of right  
to privacy

17D. (1) The right to privacy guaranteed under Article 31 of the Constitution is hereby limited under Article 24 of the Constitution only to the nature and extent contemplated under subsection (2).

(2) Where a person is suspected or accused of an offence under this Act—

- (a) the person's home or property may be searched;
- (b) the person's possessions may be seized;
- (c) information relating to that person's financial, family or private affairs where required may be revealed; or
- (d) the privacy of a person's communications may be investigated or otherwise interfered with.

(3) A limitation of a right under subsection (1) shall apply only for the purpose of the prevention, detection, investigation and prosecution of proceeds of crime, money laundering and financing of terrorism.

- (a) in section 2 of proposed amendments to the Limited Liability Partnerships Act by deleting the proposed new definition “beneficial owner” and substituting therefor the following new definition—

No. 17 of 2015. “beneficial owner” has the meaning assigned to it under the Companies Act;

I would also like to move a further amendment that 17D...

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

**The Temporary Chairman** (Hon. David Ochieng’): Let him move the amendment first.

Okay Hon. Millie, what is your point of order?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Chairman. I request that he moves 17D by sub-sections. The reason is I may have issues concerning some sub-section on 17D and not on the entire Section. When he moves 17C together with 17D, it means we either accept it as a wholesome or not. With your indulgence, can the Chairperson move 17C separately? My main area of concern is 17D(2) on limitation of rights. There are certain issues that I want to speak to not just relating to warrants but on others limitation of rights. The suggestions were given because of time. Otherwise, I would have brought the amendments.

**The Temporary Speaker** (Hon. David Ochieng’): I will allow the Chairperson to move the amendments. In fact, he has taken into account what was raised by Hon. Kajwang’ in the morning. He is proposing a further amendment. After he moves, if you can convince him to adopt your amendment, I am sure he is magnanimous enough to pick yours if it makes sense to him. Hon. Kuria, please move your amendment quickly and then Hon. Millie will move hers.

**Hon. Kuria Kimani** (Molo, UDA): Thank you for your indulgence, Hon. Temporary Chairman. You have guided Hon. Millie properly. I am willing to listen to any amendment that will enrich this Bill. I will be happy to take those amendments if we feel that they will limit the rights of any individual. That is not the intention of this Bill.

So, I beg to move a further amendment on Section 17D(2)(a) by inserting the words “with warrant” as we did with the other sections. With that, I beg to move.

*(Question of the amendment proposed)*

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Millie.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Chairman. First of all, let me thank the Chairperson for agreeing to adopt the issue on warrants. My concern is in 17D(c) on information relating to that person’s financial, family or private affairs, where required, may be revealed. My only concern is to whom this information will be revealed. For example, I have just seen a news flash that Hon. Oparanya has been arrested by the Ethics and Anti-Corruption Commission (EACC) and he has been found with 13 or 14 title deeds. What is wrong with owning title deeds?

My issue is, even if I am being investigated, this information should only be revealed to the investigating body. These proposed amendments are properly worded. However, why are we flashing private property to the public when we do not know what these investigations relate to? Can we adopt an amendment relating to a person’s financial, family or private affairs, that where this information may be required, it can only be revealed to the relevant authorities?

Hon. Temporary Chairman, when you leave it that way it means we reveal it to anyone and everyone. But for what purposes? We are making people vulnerable because if my property

is revealed that I am very rich, then the next thing I may be attacked by thieves. Even where we are limiting rights, we are overly limiting.

That was my main amendment. The other amendment has already been adopted by the Chairperson of the Departmental Committee on Finance and National Planning.

**The Temporary Deputy Chairman** (Hon. David Ochieng’): This is the variance I want to give. I would agree with the Chairperson of the Committee. We allow, because you have already moved a further amendment just now and so you cannot move it further. I would request Hon. Millie to formally move that amendment so that when we vote on this particular amendment, we vote for them wholesomely. Hon. Millie, if you could formally move your amendment. This amendment as I have heard you is in regard to the New Section 17D(2)(c).

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): This is in relation to the National Payment Systems Act, I believe. Hon. Temporary Chairman, I do not know whose amendment I am moving to because this is a proposed amendment by the Chairperson of the Departmental Committee on Finance and National Planning. The amendment in the Order Paper is by the Chairperson, so it makes it difficult procedurally.

*(Several Members spoke off record)*

**The Temporary Chairman** (Hon. David Ochieng’): I have just guided you that you are moving a further amendment to the Chairperson’s amendment. Once you move it, I will give the Chairperson a chance to say whether he supports it as a further amendment or not then we proceed that way.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Deputy Chairman, I beg to move:

THAT, the Schedule to the Bill in 17D(2)(c) be further amended in the proposed amendments to the National Payment Systems Act by adding the words ‘to the relevant authorities’ after the word ‘revealed’.

This so that it reads: ‘‘information relating to that person’s financial, family or private affairs where required may be revealed to the relevant authorities’’

**The Temporary Chairman** (Hon. David Ochieng’): Thank you, Hon. Millie.

*(Question of the further amendment proposed)*

Hon. Chairperson.

**Hon. Kimani Kuria** (Molo, UDA): Again, we are making these laws for posterity without the intention of victimising anybody. We must make sure that we do not infringe on the rights of any person. I agree with Hon. Millie Odhiambo that we further amend 17D(2)(c) so that, that information should be revealed to the relevant authorities.

Just to give Hon. Members some comfort, if you read further, New Section 17D(3) states thus:

(3) A limitation of a right under subsection (1) shall apply only for the purpose of the prevention, detection, investigation and prosecution of proceeds of crime, money laundering and financing of terrorism.

So, you must have offended those particular provisions for you to find yourself there.

Having said that, I agree with Hon. Millie Odhiambo and I urge the House to accept the amendments as proposed by myself and further amended by Hon. Millie Odhiambo.

**The Deputy Chairman** (Hon. David Ochieng’): Very well. What I am going to do now Members is that I am going to propose a Question on Hon. Millie’s amendments so that we carry it fully together.

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

*(New Sections 17C and 17D as amended agreed to)*

*(Provisions relating to the National Payment  
System Act, 2011 as amended agreed to)*

*Provision relating to the Limited Liability Partnerships Act of 2011*

*Section 2*

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Kuria. This is Section 2 dealing with definitions. If you remember, we are in 17(d) and if you flip the page there is (g).

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended-

(g) in Section 2 of proposed amendments to the Limited Liability Partnerships Act by deleting the proposed new definition “beneficial owner” and substituting therefor the following new definition—

No. 17 of 2015. “beneficial owner” has the meaning assigned to it under the Companies Act;

Hon. Temporary Chairman, the proposed definition under the Limited Liability Partnership Act is an unnecessary repetition. By doing the cross referencing, the Companies Act remains as the substantive legislation on the definition for the purposes of that citation.

**The Temporary Chairman:** That is very clear.

*(Question of the amendment proposed)*

Hon. Millie.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairman, for purposes of legislative elegance, all the other Bills that we are proposing amendments to have actually gone a direction that the Member is moving away from. I am not saying that what he is doing is wrong, it is right. Perhaps we may not clean it now, but for purposes of the subsequent ones that are remaining, can we go the same way? We will have some referring to the Companies Act and others giving the full definitions.

I support.

**The Temporary Chairman** (Hon. David Ochieng’): Perfect.

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

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

*(Section 2 as amended agreed to)*

*(Provisions relating to the Limited Liability  
Partnership Act, 2011 as amended agreed to)*

*Provisions relating to the Companies Act No.17 of 2015*

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*New Section 992A*

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Murugara

**Hon. George Murugara** (Tharaka, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended-

(e) in the proposed amendments to the Companies Act, No.17 of 2015 in the proposed New Section 992A by deleting the word “six” appearing immediately after the words “at least” and substituting therefor the word “seven”.

The justification is two-fold: To harmonise the period which a local representative of the foreign company is required to retain the records relating to the company with the period of seven years prescribed for by local companies, and the Limited Liability Partnerships also to take care of the Limitation of Actions Act.

*(Question of the amendment proposed)*

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Shakeel Shabbir, you have an amendment that is similar to this one. I will let you have a chance on it. You have a minute.

**Hon. Shakeel Shabbir** (Kisumu East, Independent): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended-

c) in the proposed amendments to the Companies Act, No.17 of 2015 in the proposed new Section 992A by deleting the word “six” appearing immediately after the words “at least” and substituting therefor the word “seven”.

**Hon. Temporary Chairman** (Hon. David Ochieng’): Thank you.

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

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

*(New Section 992A as amended agreed to)*

*(Provisions relating to the Companies Act, No.17 of 2015 as amended agreed to)*

*Provisions Relating to the Prevention of Terrorism Act No. 12 of 2012**New Section 40D(2)*

**The Temporary Chairman** (Hon. David Ochieng’): Mover, Hon. Murugara.

**Hon. George Murugara** (Tharaka, UDA): I beg to move:

THAT, the Schedule to the Bill be amended—

(f) in the proposed amendments to the Prevention of Terrorism Act, No.30 of 2012—

(i) in the proposed New Section 40D(2) by inserting the following new paragraph immediately after paragraph (g)—

“(ga) the Director of the National Counter Terrorism Centre;”

(ii) in the proposed new Schedule by inserting the following new paragraph immediately after paragraph (f)—

“(fa) Office of the Director of Public Prosecutions;”

The justification is that we intend to include the Director of the National Counter Terrorism Centre as a member of the Counter Financing of Terrorism and Inter-Ministerial Committee.

*(Question of the amendment proposed)*

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

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Murugara, do you have something?

**Hon. George Murugara** (Tharaka, UDA): There were two proposed amendments in that section. The amendments were to add (ga) and (fa). It has been approved without being moved.

**The Temporary Chairman** (Hon. David Ochieng’): Did you move one only?

**Hon. George Murugara** (Tharaka, UDA): Can I move the second one now?

**The Temporary Chairman** (Hon. David Ochieng’): Go ahead and move the second one.

**Hon. George Murugara** (Tharaka, UDA): I beg to move:

THAT, the Schedule to the Bill be amended—

(f) in the proposed amendments to the Prevention of Terrorism Act, No.30 of 2012—

(ii) in the proposed new Schedule by inserting the following new paragraph immediately after paragraph (f)—

“(fa) Office of the Director of Public Prosecutions;”

This includes the Office of the Director of Public Prosecutions as part of law enforcement and co-ordinating groups in the proposed Schedule of the Act.

**Hon. TJ Kajwang’** (Ruaraka, ODM): On a point of order.

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Kajwang’ what is it? I want to propose the Question first and then you can have a word.

*(Question of the amendment proposed)*

Hon. Kajwang’

**Hon. TJ Kajwang’** (Ruaraka, ODM): Hon. Temporary Chairman, we are struggling. I have realised our Order Papers are not the same. I was just about to consider what may have been called “the Schedule”. I would have thought that the Chairman was going to move what is (g) here, the new amendment on 4(A).

**The Temporary Chairman** (Hon. David Ochieng’): We will come to that after this.

**Hon. TJ Kajwang’** (Ruaraka, ODM): Hon. Temporary Chairman, where are we? I do not get it when he says “Order Paper”.

Hon. Temporary Chairman, where are we? When the Mover says “as per the Order Paper”, we flip back and forth and we are unable to get to where we are.

**The Temporary Chairman** (Hon. David Ochieng’): I do not know if your Order Paper has Page 1017. He had moved amendment to Section 40D(1). Now he has moved amendment

to Section 40D(2), to which I want to put the Question and then we can move to the New Section.

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

*(New Section 40D(2) as amended agreed to)*

*(Provisions relating to the Prevention  
of Terrorism Act, No.12 of 2012 as amended agreed to)*

*Provisions relating to the Law Society of Kenya Act, No.21 of 2014)*

*New Section 4A*

**Hon. George Murugara** (Tharaka, UDA): Hon. Temporary Chairman, I beg to move:  
THAT, the Schedule to the Bill be amended by inserting the following new amendments in proper chronological sequence—

Written law	Provision	Amendment
Law Society of Kenya Act, 2014 (No. 21 of 2014)	New	Insert the following new section immediately after Section 4— Powers on anti-money laundering and combating the financing of terrorism.
		No. 9 of 2009.
		<b>4A.</b> (1) Pursuant to section 36A of the Proceeds of Crime and Anti-Money Laundering Act, 2009, the Society shall regulate, supervise and enforce compliance for anti-money laundering, combating the financing of terrorism and countering proliferation financing for lawyers, notaries and other legal professionals.
		(2) In undertaking its mandate under subsection (1), the Society may—
		(a) conduct onsite inspection;
		(b) compel the production of any document or information the Society may require for the purpose of discharging its supervisory mandate under the Proceeds of Crime and Anti-Money Laundering Act, 2009;
		(c) impose monetary, civil or administrative sanctions for violations relating to anti-money laundering, combating the financing of terrorism and countering proliferation financing purposes;
		No. 9 of 2009.

- (d) issue regulations, guidelines, directions, rules or instructions for anti-money laundering, combating the financing of terrorism and countering proliferation financing purposes;
- (e) cooperate and share information for anti-money laundering, combating the financing of terrorism and countering proliferation financing purposes; and
- (f) take such action as is necessary to supervise and enforce compliance by lawyers, notaries and other legal professionals with the provisions of the Proceeds of Crime and Anti-Money Laundering Act, 2009 and any regulations, guidelines, rules, instruction or direction made or issued thereunder.

No. 9 of 2009.

(2) The provisions of this section shall come into effect six months from the date of commencement of this section.

The justification by the LSK is that the amendment is to enable LSK to issue enforceable guidelines for anti-money laundering and counter terrorism financing purposes. The amendment shall come to effect six months from the date of enactment so as to allow the LSK to do the following: Sensitise LSK members on the new requirements, set up LSK structures to take on board these new responsibilities and give an opportunity to the LSK to consider best practices and develop appropriate regulations.

The regulations are going to be developed under subsection (2)(d), which is the concern Hon. Kajwang' had as regards specific regulations, guidelines, directions, and rules which apply to this particular new provision. It is, therefore, clearly covered by the proposed amendment.

**The Temporary Chairman** (Hon. David Ochieng'): Hon. Chairperson, before you take your seat, would you move that the amendment be now read a Second Time.

**Hon. George Murugara** (Tharaka, UDA): Hon. Temporary Chairman, I beg to move that the proposed New Section 4A to the Law Society of Kenya Act be now read a Second Time.

*(New section was read the First Time)*

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

**The Temporary Chairman** (Hon. David Ochieng'): Hon. Millie.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Chairman. I just want to request that, for purposes of the future, we should get paginated documents. I want to make reference and seek clarity from the Chairperson. I do not know whether it is the Advocates Act that talks about advocate-client confidentiality and how it relates with this provision. Unfortunately, because of the way the document is organised, I do not know whether I saw the issue of advocate-client confidentiality here or in the Bill. At the same time, this provision does not protect advocate-client confidentiality. Personally, I do not care because I do not practise anymore. Therefore, I have no conflict of interest. Within that framework, I still want to protect other lawyers. The provision was either in the main Bill or in a proposed amendment. This will ensure we do not have a possibility of a clash between the Advocates Act and the Law Society of Kenya Act.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. TJ Kajwang’.

**Hon. TJ Kajwang’** (Ruaraka, ODM): Hon. Temporary Chairman, let me commend the Chairperson of the Departmental Committee on Justice and Legal Affairs Committee because he is always a truthful man, as senior as he is.

Today, he has given evidence that he surely is truthful. He has moved amendments. Let us also speak to the public and lawyers out there so that they understand where we are. That in this case, there are exceptions, to not just lawyers but to professionals, that they will be self-regulated. We have made amendments to refer to these bodies as self-regulators. In this amendment, therefore, the societies that the members will fall under, will then regulate themselves.

Further, the issue of issuing regulations which I see here on Section D is very important. This is because without those regulations, even the Law Society of Kenya is unable... It would be issuing orders in futility were it not for regulations which are supervised by this House. In his delegated legislation, you will find that the regulations that they will produce will still come back to us so that we are able to oversee.

Hon. Temporary Chairman, having supported that, the last thing is to go back to what Hon. Millie Mabona is saying that there was an issue about advocate-client confidentiality. If I tell Hon. Shakeel that he is stealing, or warn him that these must be proceeds of crime, that does not amount to tipping off. I do not know whether the Chairman of the Departmental Committee on Justice and Legal Affairs (JLAC) is listening. Hon. Millie and I are asking: There is a provision in which amendments were made to the fact that, if I tell Hon. Shakeel that he is stealing or that these proceeds are as a result of theft, that will not amount to tipping off. That is what we are asking. In what provision of law have we included this amendment that we have?

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Murugara.

*(Loud consultations)*

**Hon. George Murugara** (Tharaka, UDA): Thank you. Let me answer those questions. As regards the last one, if you look at the extradition... Sorry. Let me get tipping off.

**The Temporary Chairman** (Hon. David Ochieng’): Chairman, as you look for your notes, I will allow Hon. Shakeel one minute.

**Hon. George Murugara** (Tharaka, UDA): Yes. As he does that I will...

**Hon. Shakeel Shabbir** (Kisumu East, Independent): Hon. Temporary Chairman, thank you for allowing me to speak.

This particular issue of confidentiality caused a big problem in the last parliament, especially towards December. When we went to the Conference of the State Parties to the United Nations, a particular proposal had been put. Kenya was one of the few countries that had been targeted, that had not been able to satisfy the requirements. Kenya was on the verge

of being put on a grey list. However, with the wisdom of Parliament and the Speaker at the time, we passed that particular amendment or clarification that Hon. Kajwang' and the Chairman of JLAC are now talking about. That saved us. As far as the Anti-corruption Act, the Anti-corruption Movement, and the Conference of State Parties...

**The Temporary Chairman** (Hon. David Ochieng'): Hon. Shakeel, 30 seconds, please. You have to wind up.

**Hon. Shakeel Shabbir** (Kisumu East, Independent): Yes, Sir. The Conference of State Parties in the issue of anti-corruption and that of confidentiality had caused a big problem. But it was then sorted out from the point of view that the Chairman is now presenting. I support it and I suggest that we make it very clear that Kenya is very much in line with the requirements of the United Nations Convention Against Corruption (UNCAC) declaration on corruption, in respect to the advocates and the confidentiality of clients.

Thank you, Temporary Chairman.

**The Temporary Chairman** (Hon. David Ochieng'): Thank you. Hon. Murugara, one minute.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much. The proposed sub paragraph 4 is to be found in the amendment we made in regards to the Schedule. The law is the Proceeds of Crime and Anti-Money Laundering Act No.9 of 2009, Section 8(4). It says that the act of the lawyer, notary or other independent legal professionals seeking to dissuade telling a client not to do what is wrong in engaging in an illegal activity, does not constitute the offence of tipping off under this section. That is the one he wanted to know.

As regards confidentiality, this will actually have it in the old Act, but the Law Society went to court and had that particular provision suspended. To cure the problem, there was an engagement between the Law Society of Kenya, the Attorney General, and the Financial Reporting Centre. They are the ones who hammered this amendment to the extent that the Law Society of Kenya alone becomes a self-regulating body. This is how the lawyers were able to cover themselves.

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

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

*(Clause 2 agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Temporary Chairman** (Hon. David Ochieng'): Hon. Members, I now call upon the Mover of the Bill to report. Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): I beg to move that the Committee do report to the House its consideration to the Anti-Money Laundering and Combating of Terrorism Financing Laws Amendment Bill (National Assembly) Bill No.35 of 2023 and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Members, thank you very much. We have finished the Anti-Money Laundering and Combating Terrorism Financial Laws Amendment Bill (National Assembly) Bill No.35 of 2023. Let us now move to the next Bill, which is the Food and Feeds Control (Amendment Bill) Bill No.21 of 2023.

*[The Temporary Chairman (Hon. David Ochieng’ left the Chair]*

*[The Temporary Chairlady (Hon. Martha Wangari) took the Chair]*

FOOD AND FEED SAFETY CONTROL CO-ORDINATION BILL  
(National Assembly Bill No.21 of 2023).

**The Temporary Chairlady** (Hon. Martha Wangari): Order, Hon. Members! We are in Committee of the whole House to discuss the Food and Feed Safety Control Co-ordination Bill (National Assembly Bill No.21 of 2023).

*(The Temporary Chairlady consulted with the Clerk-at-the-Table)*

*Clause 3*

**The Temporary Chairlady** (Hon. Martha Wangari): Order, Hon. Members! Hon. Yusuf Haji was designated in writing to move this amendment on behalf of Hon. Caroli Omondi.

**Hon. Yusuf Adan** (Mandera West, UDM): Thank you, Hon. Temporary Chairlady. The amendment seeks to separate the words ‘food’ and ‘feed’. The Bill seeks to delete the title and substituting it with the National Food Safety and Coordination Bill 2023.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Member, you are moving the amendment to Clause 3, initially to be moved by Hon. Caroli Omondi.

**Hon. Yusuf Adan** (Mandera West, UDM): Hon. Temporary Chairlady, I beg to move: THAT, the Bill be amended by deleting Clause 3 and substituting therefor the following new Clause —

Object of this Act.

3. The object of this Act is to—

- (a) establish a national framework, through the Office of the Food Safety Controller, for the effective co-ordination of the competent authorities in the performance of their functions; and
- (b) enhance transparency and accountability in the implementation of official control.

**The Temporary Chairlady** (Hon. Martha Wangari): Just for guidance, these amendments are listed on the Order Paper. So, simple say, ‘...be amended as indicated on the Order Paper.’

*(Question of the amendment proposed)*

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

*(Clause 3 agreed to)*

*Clause 4*

**The Temporary Chairlady** (Hon. Martha Wangari): There is a proposed amendment by the Chair of the Departmental Committee on Agriculture and Livestock.

Wait, Hon. Chair. For the comfort of Hon. Millie, there are proposed amendments by the Chair of the Departmental Committee on Agriculture and Livestock, Hon. Caroli Omondi and Hon. Millie Odhiambo. We will wait for the Chair to prosecute his amendment first.

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

I beg to move:

THAT, Clause 4 of the Bill be amended by deleting the words “and every person conducting food business or feed business.”

The rationale is to limit the scope of the Bill to the regulation of the competent authorities by the Controller who will only regulate competent authorities and not individuals. That is why we are proposing to delete those words because they will bring in individuals.

*(Question of the amendment proposed)*

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

*(Clause 4 as amended agreed to)*

**The Temporary Chairlady** (Hon. Martha Wangari): The import of that amendment means that the proposed amendments by Hon. Caroli Omondi and Hon. Millie Odhiambo fall by default.

*(Proposed amendments by Hon. Caroli Omondi and Hon. Millie Odhiambo-Mabona dropped)*

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): On a point of order, Hon. Temporary Chairlady.

**The Temporary Chairlady** (Hon. Martha Wangari): What is your point of order, Hon. Millie?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairlady, I do not think so because the amendments are not the same in substance. Having said that, even though Hon. Caroli Omondi aligns with the hustlers, he is actually a dynasty like me. Our mind frames were thinking of horses, cats and kittens.

*(Laughter)*

However, Hon. Nyikal who had a different mind persuaded me that when we talk of animal feed, we are talking of feeds for chicken, goats and cows. However, me as a dynasty, I am thinking of horses.

*(Laughter)*

Therefore, I drop my proposed amendment.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Millie, your amendment had already fallen on this one. I want to confirm if you are dropping all your amendments or just this specific one.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairlady, I am not dropping all my amendments. I am a very diligent Member. Although I knew that Hon. Kimani Ichung'wah was going to oppose my amendment on "feed", Hon. Nyikal persuaded me otherwise. I also saw problems where you have "feed."

*(An Hon. Member spoke off the record.)*

Yes, it was Hon. K.J. and Hon. Nyikal who persuaded me. So, I had amendments that strengthen where you have "feed." For example, where we forgot "animals." So, the ...

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Millie, we will be getting to all the other amendments. I just wanted to confirm whether you were dropping all your amendments or you will prosecute them. You need to confirm whether you are dropping your amendments, or else we will prosecute them. Do not worry. We will consider each amendment.

Hon. Members, let us make progress.

#### *Clause 5*

**The Temporary Chairlady** (Hon. Martha Wangari): There are three proposed amendments by the Chairperson of the Departmental Committee on Agriculture and Livestock, Hon. Caroli Omondi and Hon. Millie Odhiambo. We will start with the amendment by the Chairperson.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 5 of the Bill be amended—

(a) in paragraph (a), by deleting the words — "life and"; and

(b) by inserting the following new paragraphs immediately after paragraph (f)—

“(g) the promotion of sustainable production, processing and handling of food and feed; and

(h) the protection of animal health.”

The import of this amendment is to provide for biodiversity conservation and ecosystem safeguards.

*(Question of the amendment proposed)*

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

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

**The Temporary Chairlady** (Hon. Martha Wangari). Hon. Haji.

**Hon. Yusuf Adan** (Mandera West, UDM): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 5 of the Bill be amended —

(a) in paragraph (b) by deleting the words “and feed business”;

(b) in paragraph (d) by deleting the words “and feed safety”; and

(c) in paragraph (e) by deleting the words “and feed business”.  
The intention is to separate food from feed.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Chairperson.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Hon. Temporary Chairlady, for purposes of Members’ understanding, Hon. Caroli Omondi is trying to ensure that we exclude feed from the entire Bill and just focus on food. I would like Members to note that the best practices on food safety management demand a holistic approach. We cannot just talk about food without feed. If cows eat contaminated feed, contamination such as aflatoxin is likely to filter into the systems of human beings. We should not delete the word “feed” as Hon. Caroli Omondi suggests, but instead retain it.

I can give many reasons but the Chief Whip of the Majority Party is telling me that that is enough.

**Hon. Members:** Put the Question!

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

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Millie Odhiambo.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Chairlady. My dynastic comments have to do with what the Chairperson has said. My frame of mind was to separate animals from human beings. I told you that my idea of animals is on horses, but not cows. We deal with fish only. We do not have cows. My amendments touch on Clause 5(a), (b), (c) and (e). Based on the persuasion, I drop Clause 5(b), (c) and (e). However, I move the amendment in Clause 5(a), which includes adding the words ‘and animal’. When we are talking about human and animal in that paragraph, we are excluding animals. I just want us to add “and animal” after the words ‘the protection of human’ and “life and health” so that the feed also includes animal.

Hon. Temporary Chairlady, I beg to move:

THAT, Clause 5 of the Bill be amended—

(a) In paragraph (a) by inserting the words “and animal” immediately after the words “protection of human” and “life and health”.

**The Temporary Chairlady** (Hon. Martha Wangari): Well prosecuted. Chair, do you have anything to say to that?

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Hon. Temporary Chairlady, we will be forced to add the words “and animal” everywhere. In the definition section, we have defined properly what feed is all about. So, we do not need to add the words “and animal” anywhere.

On the other hand, there was also an amendment on the same Clause 5(e) which deleted the word “and” immediately after the words “feed business”. That also needs to accompany that. If we add the words ‘and animal’, we will be forced to add them everywhere in the Bill. We have clearly defined what we mean by ‘feed’. It means livestock feed.

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

*(Clause 5 as amended agreed to)*

*PART II*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover, Hon. Millie Odhiambo. Do you have an amendment to Part I, Hon. Millie?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairlady, I am not too sure if it is Part I or Part II on the Office of the Food Safety Controller.

**The Temporary Chairlady** (Hon. Martha Wangari): It is actually Part II. So, we will move on. There is an amendment in Part II by Hon. Millie Odhiambo. It is on the Office of the Food Safety Controller. Do you have your amendment? Kindly prosecute it.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairlady, I beg to move:

THAT, the heading to Part II be amended by inserting the words “and feed” immediately after the words “office of the food”.

When we do that, it will read, “the Office of the Food and Feed Safety Controller”. It is not only about food but also feed.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Leader of the Majority Party.

**Hon. Kimani Ichung’wah** (Kikuyu, UDA): Hon. Temporary Chairlady, I support the amendment.

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

*(Part II as amended agreed to)*

Mover, Hon. Millie Odhiambo.

*Clause 6*

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Deputy Chairlady, I beg to move:

THAT, Clause 6 of the Bill be amended in subclause (i) by inserting the words “and feed” immediately after the words “office of the food”

Hon. Deputy Chairlady, this goes with the amendment that has just been passed. So that it reads office of the food and feed. It is in tandem with the amendment that we passed under Clause 6 (1).

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Chair.

**Hon. (Dr) John K Mutunga** (Tigania West, UDA): I support the Hon. Chair.

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

*(Clause 6 as amended agreed to)*

*Clause 7*

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**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Deputy Chairlady, I beg to move:

THAT, Clause 7 of the Bill be amended in subclause (i) by inserting the words “and feed” immediately after the words “Office of the Food”

Again, Clause 7 seeks to do the same by providing for food and feed. The amendment is just putting food and feed because we have changed the title to food and feed. So, it is just doing that.

*(Question of the amendment proposed)*

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

*(Clause 7 as amended agreed to)*

**Hon. Kassim Tandaza** (Matuga, ANC): On a point of order.

**The Temporary Chairlady** (Martha Wangari): Hon. Kassim, what is out of order?

**Hon. Kassim Tandaza** (Matuga, ANC): Thank you, Hon. Deputy Chairlady. Is Hon. Millie in order? She has been proposing amendments, and when we say ‘Ayes’ she keeps quiet because she is used to saying ‘Nay’. Is she in order?

*(Laughter)*

**The Temporary Chairlady** (Hon. Martha Wangari): Order! Order, Hon. Tandaza. Hon. Millie Odhiambo, you have very many upcoming amendments. We will be looking at your mouth when we are voting.

Next clause.

*Clause 8*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover. There is an amendment by Hon. Caroli Omondi and an amendment by Hon. Millie Odhiambo.

Let us have Hon. Haji.

**Hon. Yusuf Adan** (Mandera West, UDM): Yes, the bulk of the amendment is by Hon. Caroli, which I have the same opinion as an expert in this field. Since I will be working under vitality and I always say remove feed...

**The Deputy Chairlady** (Hon. Martha Wangari): Please, Move your amendment.

**Hon. Yusuf Adan** (Mandera West, UDM): I, therefore, withdraw all feed to substitute all food and feed as most of my amendments are. I will raise the rest of the amendments as we go on. I withdraw anything to do with deleting feed.

*(Proposed amendment by  
Hon. Omondi Caroli withdrawn)*

**The Temporary Chairlady** (Hon. Martha Wangari): Noted, Hon. Haji. Hon. Millie Odhiambo.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Chairlady. My amendment in Clause 8 suffers similar fate. It also has the feed, my earlier mentality. So, I withdraw the ones in Clause 8.

*(Proposed amendment by  
Hon. Millie Odhiambo withdrawn)*

**The Deputy Chairlady** (Hon. Martha Wangari): Thank you. We will make progress.

*(Several Members spoke off record)*

**The Deputy Chairlady** (Hon. Martha Wangari): We will now Move Clause 8 as having no amendment.

*(Clause 8 agreed to)*

*Clause 9*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover. We have three proposed amendments from the Chairman of the Departmental Committee in charge of agriculture, Hon. Caroli Omondi, and Hon. Millie Odhiambo.

**Hon. Silvanus Osoro** (South Mugirango, UDA): On a point of order, Hon. Temporary Chairlady.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Osoro what is out of order?

**Hon. Silvanus Osoro** (South Mugirango, UDA): Hon. Temporary Chairlady, there is a “stranger” in the House. About a month ago or so, she looked different from what she is today. It is important for us to welcome her officially in a very special way.

*(Laughter)*

**The Temporary Chairlady** (Hon. Martha Wangari): Who is that? Who are you referring to?

**Hon. Silvanus Osoro** (South Mugirango, UDA): Hon. Cynthia Muge.

**The Temporary Chairlady** (Hon. Martha Wangari): Order, Members. I join you in welcoming Hon. Cynthia Muge back. I also want to confirm that I have seen the bouncing baby boy. Congratulations.

*(Applause)*

Order Members! Let us make progress. Let us have the Chair of the Departmental Committee on Agriculture and Livestock. There are also amendments by Hon. Caroli Omondi and Hon. Millie Odhiambo. Wait Hon. Chair. I will give Hon. Cynthia Muge one minute to say thank you.

**Hon. Cynthia Muge** (Nandi County, UDA): Thank you Chairlady. I take this opportunity to say I missed this House and it is a pleasure to be back so that I can transact business. I convey my special thanks to you for being very traditional and coming to my house to say hi to my baby boy. We thank God for good health. The Leader of Majority Party will no longer be worried anymore and Hon. Osoro’s reminder messages will not be going in vain. I will be showing up when you need me.

I thank God. I seriously missed all of you.

**The Temporary Chairlady** (Hon. Martha Wangari): Thank you, welcome back. Hon. Chairman, please move your amendments.

**Hon. (Dr) John K Mutunga** (Tigania West, UDA): Hon. Temporary Chairlady, I beg to move:

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THAT, Clause 9 of the Bill be amended—

(a) by deleting paragraph (d) and substituting therefor the following new paragraph—

“(d) liaise with competent authorities to identify and advise on policy gaps and inadequate regulation on food safety and feed safety official control;”

(b) in paragraph (i), by inserting the words “coordination of official control of” immediately after the words “necessary to ensure”

The reason is to limit the scope of exercise of official control by the Controller. Further justification is to limit the scope of exercise of official control by the Controller.

Thank you, Hon. Temporary Chairlady.

*(Question of the amendment proposed)*

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

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

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

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairlady, I have an amendment.

**The Temporary Chairlady** (Hon. Martha Wangari): Sorry, Hon. Millie. There is an amendment by Hon. Caroli Omondi. Is it still on or have you dropped it?

*(Proposed amendment by Hon. Caroli Omondi withdrawn)*

It has been withdrawn. So, Hon. Millie kindly prosecute yours.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Chairlady. First of all, let me congratulate Hon. Cynthia. The last time I saw her was in Bahrain and she was very fat. I bought a baby girl dress so I am a bit disappointed. I was hoping the baby would be a girl. He can still wear the baby girl dress until he becomes big.

Hon. Temporary Chairlady, I withdraw all my proposed amendments except (h).

Hon. Temporary Chairlady, I beg to move:

THAT, Clause 9 of the Bill be amended by inserting-

(h) the words “and feed” immediately after the word “food”

As it is, it says, ‘...prepare an annual report on the state of food safety in Kenya.’ If we do not say food and feed, it means the only report that will be given will be on food. So, I propose we add food and feed safety. That is my proposed amendment, Hon. Temporary Chairlady

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Chair of the Committee.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Hon. Chair we adopt that proposal.

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

*(Clause 9 as amended agreed to)*

*(Clause 10 agreed to)*

#### Clause 11

**The Temporary Chairlady** (Hon. Martha Wangari): Clause 11 has an amendment. Mover, Hon. Millie.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 11 be amended by inserting the following new sub-clause immediately after sub clause 4 –

“(5) Where the Controller is dissatisfied with the decision of the Public Service Commission under sub-section (3), the controller may appeal to the High Court within thirty days of normal notification of that decision.

Hon. Temporary Chairlady, this amendment allows a person who is dissatisfied with the decision of the Public Service Commission to appeal to the High Court within 30 days.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Can you comment, Departmental Committee Chairperson?

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Hon. Temporary Chairlady, I believe the provisions in the Bill are sufficient.

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

*(Clause 11 agreed to)*

#### Clause 12

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairlady, I encourage the Chairman of the Departmental Committee to be listening carefully. It is the same way I was accused of keeping quiet allegedly because I am used to saying ‘Nay.’ He is also saying ‘Nay’ because he thinks everything from Millie must be “Nay.” If you sit in this House, you will discover I am one of the best legislators. I do not think about parties when I do law because I know I will be subject to this law sometime in future.

Hon. Temporary Chairlady, I beg to move:

THAT, we renumber Clause 12 as Clause 12 (1) and a new sub-clause 12 (2) be inserted as follows:

“In employing members of staff under sub-section 1, there shall be regard for gender, and regional and ethnic balance. Regard shall be taken to include youth, persons with disability, minority and marginalised communities.”

Hon. Temporary Chairlady, I know that we have provided for this in the Constitution. However, because people always forget, even the Bible tells us to remind them even if they know. In law, we still remind people even when they know that we need to be inclusive.

I propose.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Departmental Committee Chair, could we have your reaction?

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): We have enough provisions on employment, Hon. Temporary Chairlady. She has cited the Constitution. I believe the Employment Act also proposes as much.

**Hon. Temporary Chairlady**: Hon. Rachael.

**Hon. (Dr) Rachael Nyamai** (Kitui South, JP): Hon. Temporary Chairlady, to support the Chairman of the Departmental Committee, and with much respect to Hon. Millie, this matter is covered in other laws. There is no need to over-legislate.

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

*(Clause 12 agreed to)*

*(Clauses 13, 14 and 15 agreed to)*

*Clause 16*

**The Temporary Chairlady** (Hon. Martha Wangari): Where is Hon. Haji? The amendment is withdrawn.

*(Proposed amendment by Hon. Yusuf Adan withdrawn)*

*(Clause 16 agreed to)*

*Part IV*

**The Temporary Chairlady** (Hon. Martha Wangari): The amendment by Hon. Haji is withdrawn.

*(Proposed amendment by Hon. Yusuf Adan withdrawn)*

*(Part IV agreed to)*

*(Clause 17 agreed to)*

*Part V*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover, Hon. Millie.

**Hon. Millie Odhiambo Mabona** (Suba North, ODM): Hon. Temporary Chairlady, I note that that was a typo. I wanted to move the amendment to Part IV, which has since been withdrawn.

**The Temporary Chairlady** (Hon. Martha Wangari): That amendment was withdrawn.

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*(Proposed amendment by Hon.  
Millie Odhiambo-Mabona withdrawn)*

*(Part V agreed to)*

Clause 18

**Hon. Yusuf Adan** (Madera West, UDM): Hon. Temporary Chairlady, I beg to move:  
THAT, Clause 18 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause—

18 (1) The Controller shall verify that a competent authority has mechanisms to enforce the requirements of food safety in accordance with international standards of food safety.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Departmental Committee Chair.  
**Hon. (Dr) John Mutunga** (Tigania West, UDA): Hon. Temporary Chairlady, that amendment has already been withdrawn. He withdrew all amendments on feed in the entire Bill.

Thank you.

**The Temporary Chairlady** (Hon. Martha Wangari): The amendment is withdrawn.

*(Proposed amendment by Hon.  
Yusuf Adan withdrawn)*

Yes, Hon. Millie Odhiambo, proceed.

*(Hon. Silvanus Osoro spoke off the record)*

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairlady, Hon. Osoro used to sit behind me. Now that he has changed position, he is very excited. Relax! You might find yourself here again.

Hon. Temporary Chairlady, I need the Chair of the Departmental Committee to listen. I withdrew the other amendments on the feed, but on Clause 18(2)(e), the county governments have already been given the mandate, under this Bill, to issue certificates, permits, and licenses. Under this clause, we are again giving the same mandate to the Controller. My concern is that there will be a clash in coordination. I suggest deleting the provision. It appears that the county governments have the same mandate as the Controller. If it can be confirmed that the mandate is undertaken by county governments, then we are creating a clash of roles.

Therefore, my proposal on this one is deletion.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Let us hear the Chairman of the Departmental Committee.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Hon. Temporary Chairlady, there are two levels of licenses - certificates and permits. The Controller will issue permits,

certificates, and licenses to the competent authorities. That is what we are referring to here. We are not talking about any other food handlers. I do not support the amendment.

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

*(Clause 18 agreed to)*

*(Clause 19 agreed to)*

#### *Clause 20*

**The Temporary Chairlady** (Hon. Martha Wangari): We have three proposed amendments by the Chairman, Hon. Caroli, and Hon. Millie Odhiambo.

Hon. Chairman.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 20 of the Bill be amended in sub-clause (3) by inserting the words “and each County Government” immediately after the words “competent authority.”

The reason is for inclusion of the county government in the transmittal of the audit report prepared by the controller.

*(Question of the amendment proposed)*

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

*(Clause 20 as amended agreed to)*

#### *Clause 21*

**The Temporary Chairlady** (Hon. Martha Wangari): We have two proposed amendments. Hon. Caroli’s amendment is dropped. Good. Hon. Millie’s amendment is also dropped. Then we move it without amendments.

*(Proposed amendments by Hon. Millie Odhiambo  
and Hon. Caroli Omondi dropped)*

*(Clause 21 agreed to)*

#### *Clause 22*

**The Temporary Chairlady** (Hon. Martha Wangari): The proposed amendments by Hon. Caroli and Hon. Millie Odhiambo have been dropped.

*(Proposed amendments by Hon. Millie Odhiambo  
and Hon. Caroli Omondi dropped)*

*(Clause 22 agreed to)*

*Clause 23*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Haji's and Hon. Millie's amendments are dropped.

*(Proposed amendments by Hon. Millie Odhiambo and Hon. Yusuf Adan Haji dropped)*

*(Clause 23 agreed to)*

*Clause 24*

**The Temporary Chairlady** (Hon. Martha Wangari): The proposed amendments by Hon. Yusuf Adan Haji and Millie Odhiambo dropped.

*(Proposed amendments by Hon. Millie Odhiambo and Hon. Yusuf Adan Haji dropped)*

*(Clause 24 agreed to)*

*Clause 25*

**The Temporary Chairlady** (Hon. Martha Wangari): The amendments by Hon. Caroli and Hon. Millie are dropped.

*(Proposed amendments by Hon. Caroli Omondi and Hon. Millie Odhiambo-Mabona dropped)*

*(Clauses 25 and 26 agreed to)*

*Clause 27*

**The Temporary Chairlady** (Hon. Martha Wangari): The Chairperson and Hon. Millie Odhiambo have proposed amendments.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 27(1) of the Bill be amended in paragraph (b) by inserting the word "of" immediately after the words "makes copies".

This is to correct the typographical error.

*(Question of the amendment proposed)*

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

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Millie.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 27 (1) be amended in paragraph (b) by inserting the words “and feed safety” immediately after the words “food safety”.

We are giving the compliance officer the authority to inspect, examine, and make copies of licences, registers, records, and other documents relating to food safety only. That should also be done about feed safety, not just food safety.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Departmental Committee Chairperson, what do you have to say?

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Let us adopt that amendment, Hon. Temporary Chairlady.

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

*(Clause 27 as amended agreed to)*

*(Clauses 28, 29 and 30 agreed to)*

#### Clause 31

**The Temporary Chairlady** (Hon. Martha Wangari): There is an amendment by Hon. Millie.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 31 of the Bill be amended by inserting the words “the Controller” immediately after the words “the Office of”.

This is just a typographical error. I propose to insert the words “the Controller” between the words “Office of” and the word “shall”.

*(Question of the amendment proposed)*

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

*(Clause 31 as amended agreed to)*

*(Clause 32 agreed to)*

#### Clause 33

**The Temporary Chairlady** (Hon. Martha Wangari): There is an amendment by Hon. Millie.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 33 of the Bill be amended in sub-clause (2) by inserting the words “and feed” immediately after the words “traceability of food” appearing in paragraph (b).

I propose an amendment to include traceability of feeds to the regulations made by the Cabinet Secretary in consultation with the Controller. I am suggesting that it should not be “the traceability of food” but “traceability of food and feed.”

Thank you.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Departmental Committee Chairperson, what is your position on the proposed amendment?

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Let us adopt the proposed amendment.

**The Temporary Chairlady** (Hon. Martha Wangari): Departmental Committee Chairperson, I want to remind you that the adoption is up to the House. You can say that you support it.

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

*(Clause 33 as amended agreed to)*

*(Clause 34 agreed to)*

#### *First Schedule*

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, the First Schedule to the Bill be amended by inserting the following new paragraph immediately after paragraph 10—

“11. Veterinary Medicines Directorate.”

The reason for the inclusion of Veterinary Medicines Directorate as a competent authority is because it is responsible for animal health products such pesticides and drugs. It is established under Section 39 of the Veterinary Surgeons and Veterinary Para-professionals Act, 2011.

*(Question of the amendment proposed)*

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

*(First Schedule as amended agreed to)*

#### *Second Schedule*

**The Temporary Chairlady** (Hon. Martha Wangari): The amendment by Hon. Caroli is dropped.

Thank you.

*(Proposed amendment by Hon.  
Caroli Omondi dropped)*

*(Second Schedule agreed to)*

Clause 2

**The Temporary Chairlady** (Hon. Martha Wangari): The proposed amendment by Hon. Haji is dropped.

*(Proposed amendment by Hon. Yusuf Adan dropped)*

Hon. Millie has an amendment to this clause.

**Hon. Silvanus Osoro** (South Mugirango, UDA): The amendment is dropped.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairlady, I know that Hon. Osoro is tired and is setting the wrong tempo for Members. Please bring this during the day when you are not tired or do not have a date.

*(Laughter)*

Hon. Temporary Chairlady, I seek your guidance. I have several proposed amendments. I wonder if I should go through them one by one, because I want to withdraw some and move others. Can I go through them one by one in Clause 2?

**The Temporary Chairlady** (Hon. Martha Wangari): Go through them one by one.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 2 of the Bill be amended—

(a) by defining the word “consumer” as defined in the Consumer Protection Act (No.46 of 2012).

The word “consumer” is referred to in the Bill, but it is not defined. I am, therefore, suggesting that we define “consumer” as defined in the Consumer Protection Act (No.46 of 2012). That is my first proposed amendment.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Departmental Committee Chairperson, what do you say on that proposed amendment?

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Hon. Temporary Chairlady, I support the proposal.

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

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairlady, I drop my proposed amendment on the word “feed.” I had two proposals. The first proposal was to delete that, but my second is to delete the definition of “feed,” which “is consumed or an animal whose produce is capable of being consumed as food,” appearing after the words “directly by an animal.”

Hon. Temporary Chairlady, we are moving very fast. I have not done what I traditionally do - give the import for the amendment. Because of that, I will drop it. I know it makes sense, but I want to save time. So, I will drop it. However, I encourage the Departmental

Committee Chairperson to look at it later for it to make sense. It was not making sense. That is why I proposed this amendment. We are doing this in a hurry...

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Millie, we have already voted on one. Which one are you dropping? Please be on record so that we follow. Which one are you dropping, and which one are you prosecuting?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairlady, I am dropping the definition of “feed.” I had two proposed amendments on the word “feed.”

**The Temporary Chairlady** (Hon. Martha Wangari): Have you dropped both?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): I have dropped both.

**The Temporary Chairlady** (Hon. Martha Wangari): Does it mean you have also dropped the definition of “feed business?”

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Let me check. Yes, I have dropped the definition of “feed business.” I am also dropping the definition of “feed ingredient.”

**The Temporary Chairlady** (Hon. Martha Wangari): What of the definition of “feed safety?”

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairlady, I have a second definition for “feed safety.” In tandem with what I said, my proposed amendments clarified some of the legally awkward things. Because of time, I will not move my second proposed amendment. I drop it as well - That is the definition of “feed safety.”

**The Temporary Chairlady** (Hon. Martha Wangari): What of the definition of the word “food?”

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): On the word “food,” I propose an amendment to add the word “any edible” after the words “drinking water” and “substance” which has been used.

If you look at the definition of food, there...

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Millie, are you moving that amendment now?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Yes, Hon. Temporary Chairlady. The Bill says:

“Food” means “a processed, semi-processed or raw substance which is consumed by human beings and includes drinking water and substance which has been used in the production.”

Hon. Temporary Chairlady, among the substances used in food production include *sufurias*. If we do not add the word “edible,” we define *sufuria* as food. We need to add the word “edible” so that we do not mean that *sufuria* is food.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Members, for purposes of the record, we have dropped Hon. Millie’s proposed definitions of “feed,” “food,” “feed business,” “feed ingredients,” and “feed safety.” We are now on the definition of the word “food.”

*(Proposed amendment on clause 2 (b)  
by Hon. Millie Odhiambo dropped)*

*(Question of the amendment proposed)*

Departmental Committee Chairperson, what is your reaction?

**Hon. (D.r) John K. Mutunga** (Tigania West, UDA): Hon. Temporary Chairlady, the definition of “food” is sufficient. “Food” means a processed, semi-processed, or raw substance

consumed. You cannot consume a *sufuria*. Anything that is consumed is assumed to be edible. I do not support that amendment.

Hon. Temporary Chairlady, I have another amendment, given the amendment that was proposed by Hon. Millie', which was adopted. That is the definition...

**The Temporary Chairlady** (Hon. Martha Wangari): Can we, first, prosecute Hon. Millie's amendment on the definition of "food?" Allow me to put the Question.

*(Question, that the word to be inserted  
be inserted, put and negated)*

Hon. Millie, you have several other definitions. Please, prosecute or drop them.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairlady, I beg to move:

THAT, the words "for commercial purposes" be added after the words "distribution of food" to the definition of the word "food business."

I am saying this because when you have a wedding, the food served there is not for commercial purposes. Looking at the definition of "food business," says "the production, processing, storage or distribution of food." Still, it does not include "domestic preparation, handling or storage of food for consumption within a residence." Weddings are not necessarily conducted within residences. So, it is not a domestic affair. That is why I propose adding the words "for commercial purposes."

I beg to move.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Chairperson of the Departmental Committee on Agriculture and Livestock.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): I support the amendment.

**The Temporary Chairlady** (Hon. Martha Wangari): Thank you.

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

**The Temporary Chairlady** (Hon. Martha Wangari): Millie, move your amendment on the definition of the word "hazard."

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairlady, I withdraw that amendment.

*(Proposed amendment by Hon. Millie Odhiambo withdrawn)*

**The Temporary Chairlady** (Hon. Martha Wangari): Thank you. What about the one on the definition of "multi-annual control"?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairlady, if you indulge me a little so that I do not end up dropping things that make sense in a hurry. In the multi-annual control plan, I proposed to delete the words "animal plant." I am sorry; I withdraw that one as well.

*(Proposed amendment by Hon.  
Millie Odhiambo withdrawn)*

**The Temporary Chairlady** (Hon. Martha Wangari): Well noted. That is withdrawn. Next is the amendment to the definition of “official control.”

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): I have two proposed amendments, one concerning food, but I withdraw both.

*(Proposed amendments by Hon. Millie Odhiambo withdrawn)*

*(Clause 2 as amended agreed to)*

**The Temporary Chairlady** (Hon. Martha Wangari): Let us proceed to Hon. Mutunga’s amendment on the Long Title.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Hon. Temporary Chairlady, before we go to the Long Title, arising from the adoption of Hon. Millie Adhiambo’s amendment on the definition of “controller,” we need to define “controller” correctly, which means “food and feed safety controller”.

Hon. Temporary Chairlady, we must add the words “and feed” in the definition to complete it as a further amendment.

**The Temporary Chairlady** (Hon. Martha Wangari): Are you moving the amendment now?

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Yes, Hon. Temporary Chairlady.

*(Question of the further amendment proposed)*

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

*(Clause 2 as further amended agreed to)*

*Long Title*

**Hon. Temporary Chairlady** (Hon. Martha Wangari): Hon. Members, the proposed amendment by Hon. Haji is withdrawn.

*(Proposed amendment by Hon. Yusuf Adan withdrawn)*

The proposed amendment by Hon. Millie is also withdrawn.

*(Proposed amendment by Hon. Millie Odhiambo withdrawn)*

*(Long Title agreed to)*

*Title*

**Hon. Temporary Chairlady** (Hon. Martha Wangari): The proposed amendment by Hon. Haji on the Title is withdrawn.

*(Proposed amendment by Hon. Yusuf Adan withdrawn)*

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The proposed amendment by Hon. Millie is also withdrawn.

*(Proposed amendment by Hon. Millie  
Odhiambo withdrawn)*

*(Title agreed to)*

*Clause 1*

**Hon. Temporary Chairlady** (Hon. Martha Wangari): The proposed amendment by Hon. Haji is withdrawn.

*(Proposed Amendment by Hon. Yusuf Adan withdrawn)*

**Hon. Temporary Chairlady** (Hon. Martha Wangari): The proposed amendment by Hon. Millie is also withdrawn.

*(Proposed amendment by Hon. Millie  
Odhiambo withdrawn)*

*(Clause 1 agreed to)*

**Hon. Temporary Chairlady** (Hon. Martha Wangari): Mover, initiate the process of reporting to plenary the consideration of the Food and Feed Safety Control Coordination Bill by the Committee of the whole House.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Chairlady, I beg to move that the Committee do report to the House its consideration of the Food and Feed Safety Control Coordination Bill (National Assembly Bill No.21 of 2023) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

IN THE HOUSE

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

**MOTION**

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

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): I call upon the Chairperson to report on the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill (National Assembly Bill No.35 of 2023).

**Hon. Martha Wangari** (Gilgil, UDA): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill (National Assembly No.35 of 2023) and approved the same with amendments.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Mover.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said Report.

I request Hon. Beatrice Adagala to second the Motion for agreement with the Report of the Committee of the whole House.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Beatrice Adagala. Please give her the microphone.

**Hon. Adagala Beatrice** (Vihiga County, ANC): Hon. Temporary Speaker, I second.

*(Question proposed)*

*(Question put and agreed)*

**The Temporary Speaker** (Hon. (Dr) Racheal Nyamai): Leader of the Majority Party, you are moving Third Reading of the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill (National Assembly Bill No.35 of 2023).

## BILL

### *Third Reading*

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

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill (National Assembly Bill No.35 of 2023) be now read a Third Time.

I request Hon. Komingoi to second.

**The Temporary Speaker** (Hon. (Dr) Racheal Nyamai): Please give him the microphone, even if he is just bowing.

**Hon. Kibet Komingoi** (Bureti, UDA): I second.

**The Temporary Speaker** (Hon. (Dr) Racheal Nyamai): Thank you.

*(Question proposed)*

*(Question put and agreed to)*

*(The Bill was accordingly read a Third Time and passed)*

## MOTION

### CONSIDERATION OF THE FOOD AND FEED SAFETY

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CONTROL COORDINATION BILL  
(National Assembly Bill No.21 of 2023)

**Hon. Hon. Martha Wangari** (Gilgil, UDA): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Food and Feed Safety Control Coordination Bill (National Assembly Bill No.21 of 2023) and approved the same with amendments.

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

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report.

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

**Hon. Francis Sigei** (Sotik, UDA): Hon. Temporary Speaker, I second.

*(Question proposed)*

*(Question put and agreed to)*

**BILL**

*Third Reading*

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

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the Food and Feed Safety Control Coordination Bill (National Assembly Bill No.21 of 2023) be now read a Third Time.

I request Hon. Susan Ngugi, the Member for Tharaka Nithi County, to second.

**Hon. Susan Ngugi** (Tharaka Nithi County, TSP): I second.

*(Question proposed)*

**Hon. Members:** Put the Question!

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Members, having confirmed that we have quorum, I proceed to put the Question.

*(Question put and agreed to)*

*(The Bill was accordingly read a  
Third Time and passed)*

**COMMITTEE OF THE WHOLE HOUSE**

*(Order for Committee read)*

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

## IN THE COMMITTEE

*[The Temporary Chairlady (Hon. Martha Wangari) in the Chair]*

THE WATER (AMENDMENT) BILL  
(National Assembly Bill No.33 of 2023)

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Members, we are in the Committee of the whole House to consider the Water (Amendment) Bill (National Assembly Bill No.33 of 2023).

*(Clauses 3 and 4 agreed to)*

*Clause 5*

**Hon. Temporary Chairlady** (Hon. Martha Wangari): Chairman of the Departmental Committee on Blue Economy, Water and Irrigation.

**Hon. Kangogo Bowen** (Marakwet East, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 5 of the Bill be amended in the proposed new Section 68A—

(a) in subsection (1) by deleting the expression “68 (b) and (c)” and substituting therefor the expression “68 (ba)”; and,

(b) in subsection (2) by inserting the word “in the *Gazette* and on its website” immediately after the word “publish”.

Hon. Temporary Chairlady, this one is just a cross-reference error. This is just to say that the regulatory board will regulate the water bulk supply and purchase agreement.

**Hon. Temporary Chairlady** (Hon. Martha Wangari): Thank you, Chairman.

*(Question of the amendment proposed)*

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

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

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

*(Clause 5 as amended agreed to)*

*(Clauses 6 and 7 agreed to)*

*Clause 8*

**Hon. Temporary Chairlady** (Hon. Martha Wangari): Chairman of the Departmental Committee on Blue Economy, Water and Irrigation.

**Hon. Kangogo Bowen** (Marakwet East, UDA): Hon. Temporary Chairlady, I beg to move:

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THAT, the Bill be amended by deleting Clause 8 and substituting therefor the following new clause—

Amendment of  
section 8 of No. 43  
of 2016.

8. Section 75 of the principal Act is amended in subsection (1)—
- (a) by deleting paragraph (a) and substituting therefor the following new paragraph—
    - (a) their names, telephone numbers, electronic mail and postal addresses;
    - (b) in paragraph (c) by deleting the word “accredited” and substituting therefor the word “licensed”.

This is to make sure that the contacts of water service providers, like their telephone numbers and their emails, are provided.

**Hon. Temporary Chairlady** (Hon. Martha Wangari): Thank you.

*(Question of the amendment proposed)*

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

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

*(Clause 8 as amended agreed to)*

#### Clause 9

**Hon. Kangogo Bowen** (Marakwet East, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, the Bill be amended by deleting clause 9 and substituting therefor the following new clause—

Amendment of section  
93 of No. 43 of 2016.

9. Section 93 of the principal Act is amended by—
- (a) deleting subsection (1) and substituting therefor the following new subsection—
    - (1) A contracting authority may enter into a public private partnership or public partnerships for the exercise and performance by another person as a licensee, of some or all of its functions with respect to a part or the whole of its area of water service provision.
  - (b) deleting subsection (3) and substituting therefor the following new subsection—
    - (3) Where the person entering into an agreement with the contracting authority owns or possesses assets or infrastructure used for the provision of water services, the agreement shall set out the terms and conditions under which the assets may continue to be used.
  - (c) inserting the following new subsections immediately after subsection (3)—
    - (3A) Where a person entering into an agreement with the contracting authority fails to

complete the project, the contracting authority shall take up the remaining works and complete the project.

(3B) Where a party to an agreement and the contracting authority jointly or concurrently participate in undertaking the project works, the party and the contracting authority shall undertake mutual co-ordination, integration and consultation in the implementation of the whole project.

(3C) Subject to subsection (3B) each party to an agreement shall select identifiable components of the project and set out specific financial and non-financial responsibilities attached to each party on each of the components of the project.

This is just to say that if a party who enters into a Public-Private Partnership (PPP) agreement abandons the work in the middle of a contract, the Government can take over that project and complete it. This part is just a clean-up of the bill, which was erroneously left out in the previous amendment.

**Hon. Temporary Chairlady** (Hon. Martha Wangari): Thank you.

*(Question of the amendment proposed)*

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

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

*(Clause 9 as amended agreed to)*

*(Clause 10 agreed to)*

#### *New Clause 11*

THAT, the Bill be amended by inserting the following new clauses immediately after clause 10—

Amendment of  
section 114 of No.  
43 of 2016.

11. Section 114 of the principal Act is amended in the opening statement by inserting the words “or any water works development agency” immediately after the word “counties”.

*(The new clause was read a First Time)*

**Hon. Temporary Chairlady** (Hon. Martha Wangari): Chairman of the Departmental Committee on Blue Economy, Water and Irrigation, move Second Reading of the new clause.

**Hon. Kangogo Bowen** (Marakwet East, UDA): Hon. Temporary Chairlady, I beg to move that the New Clause 11 be now read a Second Time.

Hon. Temporary Chairlady, the importance of this amendment is that the Water Trust Fund can currently give grants to the county governments. Projects are being carried out by water development agencies. The Water Trust Fund should also support them.

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

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

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

### *New Clause 12*

**The Temporary Chairlady** (Hon. Martha Wangari): Departmental Committee Chairman.

**Hon. Kangogo Bowen** (Marakwet East, UDA): Hon. Temporary Chairlady, I beg to move that the Bill be amended by inserting the following new Clause 12 –

Repeal and replacement  
of section 119 of No. 43  
of 2016.

**12.** The principal Act is amended by deleting section 119 and substituting therefor the following new section—

Establishment of  
the water tribunal.

**119.** (1) There is established a  
Water Tribunal.

(2) The Water Tribunal shall consist of the following members appointed by the Judicial Service Commission—

(a) a Chairperson who shall be an advocate of the High Court of Kenya with not less than ten years' post qualification experience;

(b) two persons one of whom shall be a registered civil engineer and the other a registered water engineer, with at least ten years' experience; and

(c) two persons who possess a degree from university recognized in Kenya and at least five years' experience in a relevant field.

(3) The Chairperson and members of the Water Tribunal shall be appointed for a term of three years and

shall be eligible for reappointment for one further term of three years.

(4) The Chairperson and members of the Water Tribunal shall be paid such remuneration and allowances as the Judicial Service Commission may, in consultation with the Salaries and Remuneration Commission, determine.

*(The new clause was read a First Time)*

**The Temporary Chairlady** (Hon. Martha Wangari): Departmental Committee Chairman, move Second Reading of new clause 12.

**Hon. Kangogo Bowen** (Marakwet East, UDA): Hon. Temporary Chairlady, I beg to move that the new clause be read a Second Time.

Hon. Temporary Chairlady, the purpose of this amendment is to operationalise the Water Tribunal, which currently only provides for the chairperson without membership.

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

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

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

## Clause 2

**Hon. Kangogo Bowen** (Marakwet East, UDA): Hon. Chairlady, I beg to move:

THAT, Clause 2 of the Bill be amended by inserting the following new paragraph immediately after paragraph (a)—

(aa) by deleting the definition of “bulk water” and substituting therefor with the following new definition—

“bulk water” means supply of water in bulk by a water works development agency or the Water Storage Authority to water service providers for retail;

The purpose of this amendment is just to define the term “bulk water.”

*(Question of the amendment proposed)*

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

*(Clause 2 as amended agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Temporary Chair** (Hon. Martha Wangari): Mover, initiate reporting the consideration of the Bill by the Committee of the whole House to plenary.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Chairperson, I beg to move that the Committee do report to the House its consideration of the Water (Amendment) Bill (National Assembly Bill No.33 of 2023) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed)*

*(The House resumed)*

## IN THE HOUSE

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

## MOTION

### CONSIDERATION OF REPORT ON THE WATER (AMENDMENT) BILL (National Assembly Bill No.33 of 2023)

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): I call upon the presiding Chairperson of the Committee of the whole House to report to the House on the outcome of its consideration of the Water (Amendment) Bill (National Assembly Bill No.33 of 2023).

**Hon. Martha Wangari** (Gilgil, UDA): Hon. Temporary Speaker, I beg report that the Committee of the whole House has considered the Water (Amendment) Bill (National Assembly Bill No.33 of 2023) and approved the same with amendments.

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

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee on the said Report.

I request Hon. Beatrice Kemei to second the Motion of agreement with the Report of the Committee of the whole House.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Beatrice Kemei.

**Hon. Beatrice Kemei** (Kericho County, UDA): Hon. Temporary Speaker, I second.

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

*(Question proposed)*

**Hon. Members:** Put the Question!

*(Question put and agreed to)*

## BILL

### *Third Reading*

### WATER (AMENDMENT) BILL

(National Assembly Bill No.33 of 2023)

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the Water (Amendment) Bill (National Assembly Bill No.33 of 2023) be now read a Third Time.

I request Hon. Gideon Kimaiyo, who has just walked in, to second.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Gideon.

**Hon. Gideon Kimaiyo** (Keiyo South, UDA): Hon. Temporary Speaker, I second.

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

*(Question proposed)*

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Can I go ahead and put the Question?

**Hon. Members:** Yes!

*(Question put and agreed to)*

*(The Bill was accordingly read  
a Third Time and passed)*

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you.  
Next Order.

## BILL

### *Second Reading*

#### THE SUGAR BILL

(National Assembly Bill No. 34 of 2022)

*(Moved by Hon. Emmanuel Wangwe  
on 16.8.2023 – Afternoon Sitting)*

*(Resumption of debate interrupted  
on 16.8.2023 – Afternoon Sitting)*

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Members, this is resumption of debated interrupted on Wednesday, 16<sup>th</sup> August 2023 in the Afternoon Sitting. We had a balance of two hours and 23 minutes.

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

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Leader of the Majority Party, what is out of order?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. There is nothing that is out of order. This is to note that other than the Member for Muhoroni, the Member for Nyando, and Hon. Wangwe - the sponsor of this Bill - all the other Members from the Sugar Belt region are not here to speak on this important Bill. I see many of our colleagues in Azimio Coalition talking...

*(An Hon. Member spoke off the record)*

I know that sugarcane is grown in Teso, Transmara, and South Mugirango. I am speaking about my colleagues in the minority. I can only see Hon. Keynan, who does not grow sugarcane in Eldas, Wajir County. The Member for Magarini is also here, but his constituency does not grow sugarcane. The Member for Dagoreti North is also here, but his constituency does not grow sugarcane. Everybody else on the Azimio side, especially those I see shouting about problems of sugarcane farmers in Western Kenya and parts of Nyanza at funerals, are not here. We always tell them that this House is the right place to articulate issues to do with sugarcane farming. In this House, we formulate laws relating to sugarcane farming, but they are nowhere to be seen.

As you can see, Hon. Salasya is walking in now. We must keep encouraging Members. It is good that, at least, Hon Salasya heard me from the other corner. You know where Hon. Salasya was at this time.

*(Laughter)*

At least, he has shown up, which is good. I have seen him articulate issues to do with sugarcane. I want him to encourage his colleagues in the opposition that this House is the place to demonstrate their concern on issues to do with the cost of living. The way to deal with the cost of living is to ensure you put money back in farmers' pockets. The only way to ensure that money gets back into farmers' pockets is to increase sugarcane productivity so that sugar prices come down. We cannot bring down the cost of sugar by demonstrating on the streets. You know, the last time Hon. Salasya was demonstrating in Nairobi, he was a new Member in town. He ran into many problems because he did not know what corners to cut. One of the corners he has to cut to bring down the cost of living is sitting in this House up to this hour to articulate issues to do with sugarcane farming. He should ensure that the cost of sugar comes down by increasing productivity. The Kenya Kwanza Administration, under the able leadership of President William Ruto, has ensured that there are subsidized fertilizers for Ksh2,500 per 50-kilogramme bag, even for sugarcane farmers.

Hon. Wangwe has been at pains pleading with the Leader of the Majority Party to ask Members of the Kenya Kwanza Alliance to remain in the House to keep him company through this debate. However, the Leaders of the Minority Party and the Minority Whip are not here. I cannot whip the majority side and the minority side. I cannot lead the minority when they have their leadership. Unfortunately, their leadership is also absent from Parliament.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Leader of the Majority Party, you have made your point.

Hon. Ichung'wah was on a point of order.

**Hon. Emmanuel Wangwe** (Navakholo, ODM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Wangwe, what is out of order? Remember that you are the Mover of this Bill.

**Hon. Emmanuel Wangwe** (Navakholo, ODM): Thank you, Hon. Temporary Speaker. I wish to clarify that, whereas the Leader of the Majority Party has spoken well, he has made it look like this is an Azimio Bill. I want to clarify that this Bill affects both sides of the House. We have Members who are sugarcane farmers on the other side of the House. Therefore, the House is properly constituted. I want to invite the Leader of the Majority Party to help us move forward as one. This Bill cuts across the political divide. It is not for Azimio or Kenya Kwanza coalitions. It is for the entire nation. Let us move as one.

Thank you.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Very well. Would you like to be informed by the Leader of the Majority Party?

**Hon. Emmanuel Wangwe** (Navakholo, ODM): No, not now, Hon. Temporary Speaker. Let us move on.

*(Laughter)*

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

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

**Hon. Samwel Chepkonga** (Ainabkoi UDA): Thank you very much, Hon. Temporary Speaker. I rise pursuant to Standing Order 83. This is a very important Bill, particularly coming from my good friend, Hon. Wangwe. Is it in order for us to discuss the sugar industry when our sugar levels are low?

*(Laughter)*

It would only be fair for us to adjourn until tomorrow when our sugar levels would have risen. We can then rationally discuss the Bill.

Hon. Temporary Speaker, when you came in, Members remained seated because their sugar levels were too low that understanding the issues raised was difficult. We have been here since 9.30 a.m. We have eaten everything in the restaurant until there is nothing left. Even the Sergeant-at-Arms could not tell us to rise as you came in to take the Chair because their sugar levels were also too low.

*(Loud consultations)*

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Order, Hon. Chepkonga. You have a lot of experience because you have been in this House for a long time. I fully understand that people are tired. However, you can only adjourn the debate on this matter by using Standing Order 96. I have also received requests from Members of both sides of the House who would like to speak to the Bill, including the Chairperson, Hon. Mutunga, and Hon. Keynan, among others.

We still have 30 minutes. I order that we make progress. The Chairperson would like to speak. He approached the Table and indicated that he would like to speak.

Those who have spoken to the Bill are the Mover of the Motion, Hon. Emmanuel Wangwe; the Seconder, Hon. Nabii Nabwera; Hon. Julius Melly, Hon. Bady Bady, Hon. Martin Wanyonyi, and Hon. James Nyikal. Others are free to engage.

I will go directly to the names on the screen and give the first opportunity to the Chairperson.

Hon. Mutunga, please proceed.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Thank you very much, Hon. Temporary Speaker, for the opportunity.

**Hon. Adan Keynan** (Eldas, JP): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Keynan, you are a very senior Member. When you rise on a point of order many times, I am inclined to give you a chance. I will now do so. What is out of order, Hon. Keynan?

**Hon. Adan Keynan** (Eldas, JP): Thank you, Hon. Temporary Speaker. You have heard the Leader of the Majority Party cast aspersions on the leadership of the Minority side. We, the nominal and active Members of Azimio la Umoja-One Kenya Alliance, have consulted and

hereby appoint Hon. Salasya as our Acting Leader of the Minority Party until the end of this debate.

*(Laughter)*

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Keynan, I order that we proceed with the debate. The Chairperson was on the Floor. Hon. Mutunga, please proceed.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Thank you very much, Hon. Temporary Speaker. I appreciate the fact that people are tired. I remember what happened in the last Parliament. Sometimes, we would stay up until midnight to pass important legislation. The other issue is about sugar levels. Sugar in the body is different from the sugar that we are discussing. It is called sucrose and has a different formula from the sugar we are talking about.

The sugar value chain is very important to this country. It supports over eight million households relying on sugar for their livelihoods. Sugarcane farming was introduced in Kenya in 1922 by the colonialists. It was introduced in several angle ecologies. A lot of it was introduced in the Western part of Kenya. Sugarcane is also produced in Kenya's coastal region, and the potentialities matter.

Hon. Temporary Speaker, looking at the Western Kenya region as a sugar production area, we must apply different models for improving it. We should target more productivity because it is an area that does not have a lot of land. However, some options have been proposed in this Bill. This comes in to improve sugar productivity and increase sugar production so that, as a country, we can be self-reliant on sugar. We produce about 48 per cent of our local sugar requirements. Our annual requirement is about one million metric tonnes. So, we produce 48 per cent or 480,000 metric tonnes. That is why we import sugar occasionally. The sugar sector has many challenges. Those challenges collectively comprise the mischief this Bill seeks to deal with.

Part of the challenge is the high cost of production. The cost is high when you produce anything at a small-scale. There is an acute shortage of sugarcane in this country. Sometimes, the processors run for only four or five months a year. They remain closed for the rest of the year. We do not have enough sugarcane. There is low productivity. Our sugarcane quality and varieties are not very high sucrose-yielding. They are also not high yield in terms of productivity. Therefore, we need to embark on research. We have proposed measures in this legislation to ensure that we increase sugar production. The Committee looked through the Bill and made proposals that would come as amendments during the Committee of the whole House.

Hon. Temporary Speaker, sugar production in Kenya has many other challenges I would not wish to allude to because my colleagues will speak to them. I want to be very specific on a few issues. One of the key issues this Bill seeks to address is reintroducing subsidy at 4 per cent for off-factory sugar and all imported sugar. We import sugar from the Common Market for Eastern and Southern Africa (COMESA) region, and they are very much resistant to any form of discrimination. If we charge Kenyan producers 4 per cent, COMESA will term anything beyond that as discriminatory, and they will not want to go in that direction.

We propose that once we get the Sugar Development Levy, it will be managed by the Commodities Fund - an entity in the Agriculture, Fisheries and Food Authority (AFFA). It has proposed legislation to be recognised as a parastatal for managing all the agricultural funds. We propose that the funds be managed by the Commodities Fund and not necessarily the Kenya Sugar Board. It will not manage the funds, regulatory affairs, crop development, and marketing. We will leave them to be regulators, and the funds will be managed by the Commodities Fund. Out of the Sugar Development Levy, 40 per cent will go to cane development. We will prioritise it because that is where we need to invest to improve productivity. Fifteen per cent

will go to the research station, which we have renamed the Kenya Sugar Research Institute in this legislation. Another 15 per cent will go to the management or, rather, the issues of the Kenya Sugar Board. Another 15 per cent will go towards factory rehabilitation and modernisation. Ten per cent will go to infrastructural development.

Hon. Temporary Speaker, let me explain how we have structured the infrastructural development aspect in this Bill. The Kenya Sugar Board or the county authorities - that is, the county governments - will have no business in handling this money. After collection, it will be transferred directly to the Kenya Rural Roads Authority (KeRRA). They will use their mechanisms of development to utilise the money to develop the areas where this money was collected. If we collect levy from Kakamega County, 15 per cent will be used to construct the roads there.

This Bill proposes enforcing the cane contract to ensure that farmers and millers respect it. Previously, neither of the parties has been serious about respecting contracts. Sometimes, farmers would sell sugarcane to anybody who approached them at a good price. We want the sugar millers to respect the contracts they enter into with farmers so that once farmers are engaged in cane development, they can do serious cane development. If a miller has developed cane in a certain area, then that cane must be consumed or processed by that miller. The penalties that have been put in this legislation will restrict any cane selling through dubious methods.

Hon. Temporary Speaker, another issue that has come up is the possibility of using the Cane Testing Units (CTUs). The CTUs are big investments that this country has made. We have put up about 11 testing units in 11 milling plants. The CTU enables farmers to sell their sugar using sucrose content. Sucrose content is the sugar within a cane plant, giving the farmer more money. They have not been appropriately sensitized about CTUs nor used them. Yet, the CTUs are just investments within the sugar factories and need to be used so that farmers can benefit. The idea is to benefit the farmer and other value chain actors without any form of mismanagement.

Another important issue is managing the investments within the sugar industry. Investments are required at all levels of the sugar industry, especially at the farm level. Where the farm sizes have reduced, we must get high-yielding varieties. That is why we have proposed revitalising the Sugar Research Institute to get better cane varieties that mature faster and have higher sucrose contents so that farmers can benefit.

Hon. Temporary Speaker, the cost of production in the sugar industry is high. I want to take a few minutes to discuss the cost of production. One of the reasons why it is high is that the inputs are costly. The fertilisers are costly. Other operations within the production process are costly. The number of times you must weed your farm translates into high production costs. There are also high operation costs in terms of the firepower that is used, the fuel itself by these processors, and the taxes and licenses are also expensive.

The other issue is that most of the public mills are obsolete. They use obsolete technology. The technology used by the millers needs to be replaced with modern technology. The processors being used currently are old and outdated. They consume a lot more than they give a mechanical advantage. We need more efficient machines to increase the turnover within the milling plant.

Hon. Temporary Speaker, another issue is the high cost of farm inputs. We know that fertiliser is used and is expensive. We know the other inputs are also expensive. Extension services are not very much available. What we have done deliberately is to ensure that the research institute has an arm of training so that it can provide farmers with necessary messages to enable them to increase production and productivity.

Another issue is poor networking within the sugar sector. There is a lot of suspicion. We have gone to all the regions. We have seen more than 11 or 12 factories. We have seen

many farmers and realised that there is a lot of suspicion in the sugar sector. We need to reduce the level of suspicion by having many more interactions. The Bill basically seeks to promote interaction among the stakeholders.

It is also a high labour cost issue with inadequate raw materials. The raw materials, in this case, we are looking at in terms of inputs to the farmers because cane development has not happened in Kenya. The research system has not been very efficient. They have not produced new and better varieties. Also, on the other hand, we have not tried varieties from other countries. There has not been much happening because the Kenya Sugarcane Research Foundation was merged with other research institutes under the Kenya Agriculture Livestock Research Organisation (KALRO), and the efficiencies went down instead of improving.

Hon. Temporary Speaker, finally, if we have to contain production in the sugar belt and ensure that the farmer benefits, we must invest intensively in productivity. That is a topic for another day. I support this Bill to the extent that we must invest much in the sugar industry to ensure farmer's benefit. We must ensure that the livelihoods of the more than eight million families dependent on the sugarcane industry are supported.

Thank you, Hon. Temporary Speaker.

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

Let us have Hon Jared Okello.

**Hon. Jared Okello** (Nyando, ODM): Thank you very much, Hon. Temporary Speaker. This Bill could not have come at a better time. I thank my brother, Hon. Wangwe, for carrying the mantle we almost abandoned in the last regime. Sugar and sugarcane, by extension, have suffered the most among all commodities in this country. The reason is simple. During political campaigns, sugar becomes a low-hanging fruit in mopping up funds to carry out political campaigns in this country. Successive regimes have abused this. Therefore, without any input to give credence to this Bill, that behaviour will continue forever. Therefore, this Bill is timely. I sit in the Departmental Committee on Agriculture and Livestock, which is superintended by my brother, Hon. Mutunga, and the Vice Chairperson, Hon. Yegon, and with my colleagues who together burnt the midnight oil, looking at this Bill Clause by Clause, putting in necessary flesh to this Bill so that sugar matters can be handled once and for all.

We hope this House will rally behind this Bill so that farmers who have been languishing for the longest will find recourse. Millions of families depend on sugarcane and sugar. The value chain, from the farm to the end user, has millions of people who directly and indirectly depend on this product.

When we talk about catchment areas for sugarcane, it does not limit itself to western Kenya, which means Nyanza together with the Western Region. Rift Valley, for instance, has the best soil to support sugarcane growth. However, because there have been myriad frustrations in the value chain, people have chosen to cut back on their investments in sugarcane. We have seen instances where families uproot sugarcane because there is nothing to write home about it. This Bill will inevitably go a long way to address all the gaps that have consistently existed within the sugar value chain.

Western Kenya, for instance, has thousands and thousands of lands lying idle, with no sugarcane on it, yet it is a sugar-growing region. As a Committee, we had a very good opportunity to visit all the sugar companies in this country. We met farmers, owners of sugar companies, and staff members, and they presented their various plights on areas we need to improve. All those were captured in the sugar report that ultimately made it to the Sugar Bill we are discussing today. I suppose the Government will pay a lot of attention to these areas capable of growing sugarcane, give farmers necessary input, and provide information through extension officers that have also been proposed in the Bill. That way, this country will be able to export sugar and not import, which is the current status.

When we talk about sugar importers, it is a tiny sector, a tiny populace with briefcase companies but masquerades in town as sugar importers. They do not have employees in their custody. So, people are given permits to import sugar but only address the plight of only ten people. Yet, companies' concerns can be properly addressed, and millions of people under their jurisdiction can have a livelihood. We only hope, therefore, that going forward - and we have put this into the Bill - we must understand that we have a shortage and that sometimes our country produces much less than what the country needs. During that period when there is a shortage, we have given a provision upon which licenses can be issued superintended by a competent authority so that we do not have a glut of sugar in the country by sugar barons who only benefit to the detriment of our suffering farmers.

I hope that people from Western Kenya, Rift Valley, and Coastal regions - because we also visited Kwale, and they are doing a splendid job there - will realise the benefits of sugarcane. My Chair has ably stated about the research institute proposed in the Bill. Hon. Temporary Speaker, we are still relying on the older Ken variety that takes between 18 to 24 months to mature, and yet through inventions and innovations, we have had sugarcane that can take up to ten months to one year to mature. That is the direction that we need to go.

How do we have our people growing the right seeds to address these problems? People have chosen to substitute their farms with maize instead of sugarcane because maize takes three months, and sugarcane takes forever. How do we then respond to the needs of our farmers in a way that they will generate their income within the shortest possible time, just like with any other commodity? This is the direction that we are taking.

I thank Members of the Departmental Committee of Agriculture and Livestock. I can see some Members here, like Hon. Salasya, Hon. PK, and Hon. Double N. I see my brother and immediate neighbour, Hon. Kemei, and my able Vice-Chairperson, Hon. Yegon. That is so that whatever we have put our hands on will not go in vain. That this House will be rallied behind to support this so that, for once, we have something to stand on. This is not a new Bill to us. It has been here before. It was frustrated at the Senate. How do we then marshal the Senate behind us so that we do not lag and throw the bath water with the baby?

Finally, I appeal to Members of this House to know that we, by extension, ship our jobs abroad when we do many imports. It is better to produce locally and have our investments worked upon in this country.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Members, there is a lot of interest in this Bill. So, I will give an opportunity to Hon. John Kiarie, Member for Dagoretti South. Yes, I can see, and as I said, there is a lot of interest. I just decided to stick to the screen. That is why I called Hon. John Kiarie.

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Temporary Speaker, I indicated my interest to speak on an earlier matter. Because Dagoretti South is a consumer of sugar and a constituency of sugar traders, I want to donate this time to people who belong to the sugar belt and have real concerns about sugar issues.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much for being considerate, Hon. John Kiarie. Hon. Members, I would like those interested in speaking on this to press the intervention. Hon. Beatrice Elachi, you appear as the first Member on my screen. Is it your intention to speak to this?

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Yes. Thank you, Hon. Temporary Speaker.

I also rise to support this Bill. I want to thank Hon. Wangwe. My father and I are Sugarcane farmers. I started it when I was in the Senate. We face many challenges today. This Bill came in the last Parliament, and for the first time, we can finalise it. And as many of our colleagues have spoken, we hope the Senate will not sit on it again. We need to finalise the challenges many Sugarcane farmers face in this country.

When I look at this Bill and, more importantly, the Tribunal under Article 43 shall have the powers of the High Court... We have faced too many challenges, especially for us who are farmers. I am also headed to western to speak about it and awaken the people there. They need to realise that we cannot have the private ginneries functioning very well while the factories that the Government runs are the ones that keep on collapsing. This, in turn, goes down with the money meant for farmers. The Government has, however, come up with a fantastic proposal to waive all the debts so that we start on a clean slate.

Sugar is one of the commodities that is very emotive. It has serious business people who would wish to kill all factories for them to import more sugar to this country. Even as we bring in this Bill, we ask the Government to support this. The President is supporting this. We must ensure that we start making our factories like Nzoia and Mumias, which are spoken about daily in functions... We want to see some mitigation measures put in place. This will ensure that even if one imports sugar, they should do so when there is no Sugar in our local factories. If we say, "Buy Kenya, build Kenya," it is important for us as a country to appreciate that it will not be business as usual the way we have been joking with our country and factories.

Most farmers in the upper and lower western regions' catchment areas have decided to do other types of farming. Sugarcane farmers are demoralized and have become poor. Towns in these regions have also gone down. As we speak, it is only fair we ensure that this Bill passes. We want to see transformation back in the agricultural sector, mainly the Sugarcane sector. With this, we shall see farmers get incentives like the other crops. This will encourage the farmer to do sugarcane farming once again.

The other thing is how farmers have been frustrated. While we waive the money, we must also go back to farmers and do serious public participation to encourage sugarcane farmers to appreciate and start farming again. I have a few minutes left so that other Members will also have a chance to contribute. However, I encourage every farmer in the western region to go and register so that they can tap in from every incentive that the Government offers, be it sugarcane or maize farming. That is why I support this Bill. Ultimately, we will ensure the amendments brought do not give sugar importers in this country more power than Kenyan farmers.

Thank you, Hon. Temporary Speaker. I beg to support.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Beatrice Elachi. Hon. Mwangi Kiunjuri, Member for Laikipia East.

**Hon. Mwangi Kiunjuri** (Laikipia East, TPS): Thank you, Hon Temporary Speaker; I want to say a few things in not more than three minutes. On the issue of sugar in this country, I am a consumer and I believe consumers are more affected than producers. I was a Cabinet Secretary for Agriculture, and we held several meetings with leaders from western Kenya and the Nyanza region.

As Hon. Ichung'wah, the Leader of the Majority Party, said, the issue is leadership - the people supposed to be on the frontline fighting for sugarcane farmers and issues affecting their region. It is not just the producers who are affected but all Kenyans across the board. Today, looking at the price of sugar, you will ask yourself if we intervened and the sector was working, would we be buying sugar at the prices?

Look at our neighbours' production *vis-à-vis* ours, and you will get an answer. Hon. Wangwe, we sat down and brought the leadership of that region together. We agreed on a raft of reforms that ought to have been taken. Today, even as we do this, I think it is piecemeal. We should bring comprehensive amendments that can sort this issue out.

We are suffering because all directorates, whether sugar, tea, or coffee are dead. The CEOs and workers are being paid, but they are producing nothing. Research, development, and innovation are dead, and no new crop varieties exist. People are just earning salaries as we continue to import. Look at the coffee and tea we produce; the prices are miserable. It is high

time we started thinking about the reforms carried out by this House 15 years ago when Koome was the Principal Secretary for Agriculture. We should look back and empower the farmer because production without a farmer is dead.

If you go to western Kenya, you will find that there are many factories, but what are they doing? They are the ones controlling the agriculture sector and are also importers. So, they can easily import sugar, package, and sell rather than grow it. That is why they are constantly interfering with farmers and leaders. Also, co-operatives in western Kenya are dead. That is why a factory like Mumias Sugar Company with all the land and investments is dead while another factory owned by an individual can run and make profits. Then, we wonder why factories are dying.

So, let us write off their debts because they will never pay in the first place. We are only putting good money to bad use. The issues are political, and not unless the leadership of western Kenya sits down and agrees... Even if we carry these amendments, we will not go far without their goodwill because this is not about the law. It is about whether...

**Hon. James K'oyoo** (Muhoroni, ODM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): What is out of order, Hon. K'oyoo? Member for Muhoroni.

**Hon. James K'oyoo** (Muhoroni, UDA): I do not intend to disrupt my good friend, the former Cabinet Secretary for Agriculture. We tried to bring changes together, but now he is attempting to canvass this issue as if it is a western Kenya affair. Sugarcane is grown in Rift Valley, the Coast, and several other areas. I want him to be serious. There are very good issues that he should have canvassed at the Committee level if he was serious.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. K'oyoo, this is a House of debate, and Hon Mwangi Kiunjuri was arguing his point.

**Hon. Mwangi Kiunjuri** (Laikipia East, TSP): Hon. Temporary Speaker, I argue my point. But it is also good to speak out your heart. I say that consumers are affected more than producers. I thank the Mover. Let us get more reforms in the sugar sector.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Mwangi Kiunjuri and Hon. K'oyoo.

Hon. Members, this Bill has a balance of 1 hour and 53 minutes. Hon. Mwangi Kiunjuri, you will have 4 minutes. Hon. Members will have another chance to debate it.

## ADJOURNMENT

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Members, the time being 9.00 p.m., the House stands adjourned until Thursday, 24<sup>th</sup> August 2023 at 2.30 p.m.

The House rose at 9.00 p.m.

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