



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Wednesday, 20th March 2024

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Speaker: Serjeant-at-Arms, you may continue ringing the Quorum Bell.

(The Quorum Bell was rung)

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

Hon. Members, we now have quorum to transact business. Clerks-at-the-Table.

Hon. Wandayi, I will deliver a communication on your objection probably, in the next 30 minutes, just before we go to Questions.

PAPERS

Hon. Speaker: Leader of the Majority Party.

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

Reports of the Auditor-General for the Year ended 2023 and the certificates therein in respect of the following:

- (a) University of Embu;
- (b) The Commission of University Education - Staff Car Loan and Mortgage Scheme Fund;
- (c) Petroleum Development Levy Fund, State Department for Petroleum;
- (d) The National Communications Secretariat;
- (e) Kenyatta University Teaching and Referral and Research Hospital;
- (f) Kenya Trade Remedies Agency; and,
- (g) The Anti-Counterfeit Authority.

Thank you.

Hon. Speaker: Thank you, Leader of the Majority Party. Chairperson, Departmental Committee on Defence, Intelligence and Foreign Relations, Hon. Nelson Koech or any Member of that Committee. Yes, Hon. Kandie. Give him the microphone.

Hon. Joshua Kandie (Baringo Central, UDA): Thank you, Hon. Speaker. Our Chairperson is just about to enter the House. We were with him just a few minutes ago.

(Loud consultations)

(Hon. Nelson Koech walked into the Chamber)

Hon. Speaker: Is he the one strolling in?

Hon. Joshua Kandie (Baringo Central, UDA): Yes.

(Laughter)

Hon. Speaker: Hon. Koech.

Hon. Nelson Koech (Belgut, UDA): My sincere apologies, Hon. Speaker.

Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its participation in the Diaspora Mobile Consular Service (MCS) Exercise in Japan from 20th to 27th November 2023.

NOTICE OF MOTION

Hon. Speaker: Hon. Gathoni Wamuchomba. She seems not to be in. The Chairperson, Departmental Committee on Defence, Intelligence and Foreign Relations.

ADOPTION OF THE DIASPORA MOBILE CONSULAR SERVICE EXERCISE REPORT

Hon. Nelson Koech (Belgut, UDA): Hon. Speaker, I beg to give notice of the following Motion:

That, this House adopts the Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its participation in the Diaspora Mobile Consular Service (MCS) exercise in Japan, laid on the Table of the House on Wednesday, 20th March 2024.

Hon. Speaker: Thank you, Hon. Koech. For the second time, Hon. Gathoni Wamuchomba. She seems not to be in.

(The notice of Motion by Hon. Wamuchomba deferred)

QUESTIONS AND STATEMENTS

Hon. Speaker: Vice-Chairperson, Select Committee on the National Government Constituencies Development Fund (NG-CDF), Hon. Tandaza.

STATEMENT

STATEMENT ON ALLOCATION OF FUNDS TOWARDS THE INFRASTRUCTURE DEVELOPMENT IN JUNIOR SECONDARY SCHOOLS

Hon. Kassim Tandaza (Matuga, ANC): Thank you, Hon. Speaker. Yesterday there was a directive that we should get a Statement from the Board, and I therefore, present it.

Our attention has been drawn to the Debate in the National Assembly on 19th March 2024 on the above subject and on the Hon. Speaker's direction that the Chairperson of the Select Committee on the National Government Constituencies Development Fund (NG-CDF) submits a Report on the concerns raised by the Hon. Members as per the attached *Hansard* recording.

As the agency responsible for receiving and approving project proposals submitted by the various constituencies, we wish to provide the following information for the attention of National Assembly Select Committee on NG-CDF.

The National Government Constituencies Development Fund was allocated a total of Ksh53,531,500,000 in the original Budget for the Financial Year 2023/2024. A further Ksh3.4 billion was allocated to the Fund under the Supplementary Estimate I as a conditional grant towards the implementation of infrastructure projects in Junior Secondary Schools (JSS).

Additionally, another Ksh1 billion was allocated towards schools' infrastructure in Nairobi County. This brought the total allocation to the Fund in the Financial Year 2023/2024 to Ksh57,931,500,000. In the communication to the Board on the Ksh3.4 billion allocation through a letter referenced Ministry of Education Headquarters, 3727 (110) dated 3rd October 2023, the State Department for Basic Education provided a breakdown of varying amounts allocated to each constituency based on the Grade 7 enrolment and each constituency was required to match the Ministry's allocation, a shilling for a shilling.

The constituency committees were also required to incorporate Sub-County Directors of Education and Deputy County Commissioners in the dedication of beneficiary schools and implementation of projects. As per the guidelines that were agreed upon with the National Assembly Departmental Committee on Education and Research, the allocation under this programme was for the construction of classrooms and integrated learning centres.

The Board is strictly guided by the guidelines issued by the Ministry of Education in approving projects under funds set aside for infrastructure development in JSS targeting construction of classrooms and integrated learning centres. However, constituencies are at liberty to finance construction of other infrastructural facilities in schools, including toilets and perimeter walls, using National Government Constituencies Development Fund (NG-CDF) allocations provided that the project proposals meet the threshold prescribed in the NG-CDF Amendment Act, 2023.

That is the end of the Statement from the Board. However, I want to tell Members that on the main issue of construction of toilets that was deliberated upon yesterday, the Board is very clear that no Member can be denied a project as long as it follows the laid down guidelines, especially when it comes to the JSS funds which were given as conditional grant. The guidelines are clear and the Fund managers are aware that they were to do construction of classrooms, laboratories and libraries targeting JSS infrastructure. Out of that, you were to match those funds. It is very clear that you cannot use the conditional grant to construct a toilet or a perimeter wall. But as the Statement states, you can still do that if you use your normal NG-CDF allocation. The Board cannot refuse to approve such a project as long as it is within your location.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Tandaza. Where is Jared Okello? He is the one who raised this. I believe you have satisfied the House. Hon. Wandayi, do you have any brief for Jared Okello? He is the one who raised this.

(Hon. Opiyo Wandayi spoke off the record)

Okay. Hon. Tandaza, that rests the matter. I will go back to Order No.6.

NOTICE OF MOTION

Hon. Speaker: I invite Hon. Wamuchomba.

ESTABLISHMENT OF A NATIONAL POLICY TO COMBAT DISRESPECTFUL CHILDBIRTH PRACTICES

Hon. Gathoni Wamuchomba (Githunguri, UDA): Thank you, Hon. Speaker. My sincere apologies. I was held up in the constituency with farmers.

Hon. Speaker, I beg to give notice of the following Motion:

THAT, aware that, Article 43(1)(a) of the Constitution provides for the right of every person to access the highest attainable standard of health; further aware that, poor quality of health services especially maternal care has been a recurring concern among women in the country; noting that, there is increased pre- and post-partum mistreatment and dehumanised care of women by healthcare providers, also known as obstetric violence (OBV); further noting that, obstetric violence includes, but is not limited to, disrespectful and abusive behaviour, physical and verbal abuse, neglect, forced medical procedures, humiliation and assault in healthcare settings; concerned that, sustained class-based disparities shape different maternal and infant health outcomes with women of low socio-economic status experiencing greater levels of obstetric violence; further concerned that, this not only affects women's physical and mental health, but also impacts on the overall health outcomes of mothers and their newborns, significantly contributing to high maternal mortality rates; cognisant of the fact that, there exists no national policy or framework to address and prevent obstetric violence; now therefore, this House resolves that, the National Government, through the Ministry of Health, develops a policy on prevention of obstetric violence in healthcare facilities in the country and provides a framework for regular monitoring and reporting of cases to curb incidences of pre and post-partum mistreatment of women seeking health services.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Wamuchomba. We will go back to Order No.7.

QUESTIONS AND STATEMENTS

Hon. Speaker: Hon Mwafrika, Member for Roysambu.

MEMBERS' GENERAL STATEMENT

KENYATTA UNIVERSITY TRAGIC ACCIDENT

Hon. Kamande Mwafrika (Roysambu, UDA): Thank you, Hon. Speaker. I rise to make a Statement. It is a sad moment for the people of Roysambu because of an accident that occurred at Maungu. That accident killed seven students of Kenyatta University. They were on an education tour to the Department of Health Management and Informatics. We have several students who are injured. 42 of them have been admitted at the Moi Referral Hospital in Voi. Seven were airlifted to Avenue Hospital in Nairobi.

Allow me to take this opportunity to convey my heartfelt condolences to the bereaved families of these students. Allow me to also assure the fraternity of Kenyatta University that this House joins them in the three days of mourning that they have declared.

I would like to ask the Ministry of Health to ensure that the students who are admitted in different hospitals are accorded specialised treatment so that they recover soon. I also want to make a call to the Government to foot the bills of these students who are hospitalised.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Mwafrika. Give Hon. Muthoni the microphone.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Speaker. I also wish to join the Member for Roysambu in mourning the death of the students of Kenyatta University.

It is very sad that we continue losing young and brainy minds on our roads. As I convey my sincere condolences to the Kenyatta University fraternity and the parents who were very expectant that their children would go through school and go back to be of value and use in their communities, I wish to implore upon the Government to take measures. We have had school buses being involved in accidents every other day. Prior to the Kenyatta University accident, Kapsabet Boys School bus was involved in an accident where they lost a teacher and a student. It is high time that the Government puts measures that can mitigate this so that we stop the loss of lives of young people on our roads.

I join the family of Kenyatta University in mourning their loved ones. I wish those who were injured a speedy recovery.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Muthoni. Yes, Hon. Member, not Rindikiri. The Member for Igembe North, Hon. Julius.

Hon. Julius M'anaiba (Igembe North, UDA): Thank you, Hon. Speaker, for the opportunity. I also join my colleague Mwafrika in condoling the bereaved families. I also extend my sincere sympathies to those who are recuperating in various hospitals. It is sad to lose very young souls and illustrious future leaders of this country through tragic road accidents that have happened recently. I appeal to the Ministry of Health to foot the hospital bills. These families should not suffer such grievous losses that were not intended on their own.

I rest my case, Hon. Speaker.

Hon. Speaker: Hon. Rindikiri.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Speaker. It is a sad day for Kenyatta University students, parents and the nation at large. For the last couple of days, the country has witnessed many accidents on our roads. This is happening when we thought the Ministry of Transport would have taken serious initiatives to address the many causes of accidents in this country. In almost all corners of this Republic like Kisii, Busia, Meru and Mombasa, fatal accidents are happening. And it seems there is lack of a serious response from the concerned ministry.

It is time that the Ministry of Roads and Transport and the Government revisits the management of passenger and cargo transport. These accidents are happening as a result of carelessness, poor road designs and lack of proper mechanical standards of vehicles, particularly the passenger vehicles, in this country.

Hon. Speaker, we used to have road control checkpoints. They seem to have disappeared. The Government had put in measures to strictly prohibit trucks from travelling at night. We also had speed limit checkpoints and roadblocks. Carelessness is evident in our long-distance drivers. These are matters that the Ministry of Roads and Transport has failed to address in conjunction with all the stakeholders. The casualties are school children.

All the buses in this country do not meet the international passenger vehicle standards by all means. We need to ask the Ministry of Roads and Transport to be conscious of this and take this matter very seriously.

We express our condolences to the family of the deceased. May God rest the souls of those who passed away in eternal peace.

Hon. Speaker: Hon. Maungu.

Hon. Dick Oyugi (Luanda, DAP-K): Thank you very much, Hon. Speaker, for giving me the opportunity to stand with our students from Kenyatta University. Indeed, it is very sad for this country when we lose our youths who are our future leaders.

In the last one week, we have had two school buses being involved in accidents; Kapsabet Boys and a few days later, the Kenyatta University bus. It was even more painful to see pictures of the victims caught up in the wreck being shared on social media even before the parents were informed of the tragedy. It is high time that we relook at the safety of school

transport, be it in secondary schools, colleges or universities. It is high time that we went even further and looked at the public transport sector. Drivers need to be extra careful, especially when carrying young souls and ferrying them from one end to the other. I convey our condolences on behalf of myself and the people of Luanda to the affected families. I call upon the government to support these families by meeting the medical costs of all those currently in hospitals as well as the last expense expenditure for those whose lives were lost, Hon. Speaker.

Hon. Speaker: Thank you. Hon. Dawood.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Speaker. First, I send my condolences to the 11 families who lost their loved ones in the bus accident. I also wish a quick recovery to the ones in hospital. As my colleague Hon. Rindikiri has said, the construction of buses in Kenya is done on the wrong chassis. Two weeks ago, the National Transport and Safety Authority (NTSA) said that buses made in this country do not follow the right guidelines. They are made on lorry chassis and that should not be the case. There is no envelope to protect passengers on those buses. This is a wake-up call to the Ministry of Roads and Transport to step up their authority and reduce road accidents.

Last week we had intercountry school games in Meru and one bus from Kitui nearly went over the Nithi Bridge. Luckily, the driver managed to cross and hit a hill. He did not end up under the bridge. We need to be more vigilant of how buses and trucks are driven. NTSA has to come in.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you and we will end there. May the good Lord rest their souls in eternal peace. The Leader of the Majority Party should try and impress on the Ministry of Education to have buses transporting our children to be properly serviced and be driven carefully.

Allow me to acknowledge, in the Speaker's Gallery, students and teachers from:

1. Naromoru Girls' Secondary School from Kieni, Nyeri County.
2. Mugumo Girls' Secondary School from Gichugu, Kirinyaga County.
3. Gathiriga Junior Secondary School from Kipipiri, Nyandarua County.

On behalf of myself and the House, we welcome all the students and their teachers to the House of Parliament.

(Applause)

Hon. Opiyo Wandayi (Ugunja, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Yes, Hon. Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): Thank you, Hon. Speaker. I rise on a point of order under Standing Order 142. This concerns the concurrence of both Houses in terms of processing Bills.

Hon. Speaker: Can you do that once we finish with statements? We still have some statements. Hon. Joshua Kandie, Member for Baringo Central

REQUESTS FOR STATEMENTS

DELAYED SALARIES AND UNDERSTAFFING OF NON-TEACHING PERSONNEL IN SPECIAL NEEDS SCHOOLS

Hon. Joshua Kandie (Baringo Central, UDA): Hon. Speaker, pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Education regarding delayed salaries and understaffing of non-teaching personnel in special needs schools. Special needs schools play an indispensable role in our

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society, catering for the unique requirements of students with diverse learning abilities and disabilities. Additionally, it is evident that non-teaching, often referred to as support staff, play a vital role in fostering a conducive teaching and learning environment within schools. Support staff encompasses a wide range of roles, including administrative personnel, transcribers, physiotherapists, teachers' aides, cooks, cleaners and drivers. They play a crucial role, often extending beyond the confines of traditional teaching responsibilities. However, schools continue to face challenges such as delayed payment of support staff salaries and inadequate staffing levels, which have adversely impacted the smooth operation of the schools.

It is against this backdrop that I seek a Statement from the Chairperson of the Departmental Committee on Education on the following:

1. What measures has the Ministry of Education put in place to ensure increased budget allocations to meet the needs of special needs schools and timely payment of support staff, particularly in Kabarnet School for Deafblind Children in Baringo Central Constituency?
2. What initiatives have been rolled out to support staff in schools catering for students with disabilities?
3. When does the Ministry intend to support staff in affected special schools given the crucial role of support staff in fostering effective learning environments for students with disabilities?

Thank you, Hon. Speaker

Hon. Speaker: Chairperson of the Departmental Committee on Education. Hon. Melly is not here. Any Member?

(Hon. Julius Melly spoke off the record)

Yes, Hon. Julius, bring an answer to the request for Statement in two weeks.

Hon. Julius Melly (Tinderet, UDA): Yes, we will.

Hon. Speaker: Next is Hon. Owen Baya, Member for Kilifi North.

WITHHOLDING OF ACADEMIC CERTIFICATES BY SCHOOL HEADS

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Speaker. In my capacity as the Member for Kilifi North, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Education regarding withholding of academic certificates by principals in both public primary and secondary schools in the country. Most primary and secondary schools have withheld release examination certificates because of students' failure to pay school fees and other dues, thus transforming the legal character of the certificates from documentary evidence of an individual's academic performance to a debt instrument.

Article 53(1)(b) of the Constitution entitles every child to the right to free and compulsory basic education while Article 55(a) of the Constitution obligates the State to take measures, including affirmative action programmes, to ensure access to relevant education and training by the youth. To this end, the Kenya National Examinations Council (KNEC) was established to conduct examinations and award certificates to learners upon completion of every level, particularly primary and secondary education.

Additionally, Section 10(1)(b) of the Kenya National Examinations Council Act, 2012 prohibits any institutions or persons from withholding KNEC certificates or diplomas from any candidates. Further, the Ministry of Education issued directives and guidelines requiring schools to promptly release academic certificates to students irrespective of any fees arrears.

Most students who are indebted to schools are from poor and disadvantaged backgrounds because their parents are unable to raise school fees. Withholding their examination certificates is equivalent to killing their future career prospects and dreams. It is sad that implementation of the law, directives and guidelines has been wanting over the years, depriving learners of rightful access to their academic certificates, thereby impeding their path to academic advancement. That withholding of examination certificates by school heads amounts to an abuse of power and lack of integrity. It goes without saying that education is the greatest equaliser in today's society. Therefore, examination certificates should be released to examinees so as to allow them to join TVETs, colleges and universities to enable them to pursue higher learning and better their lives.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Education on the following:

1. Could the Chairperson conduct an inquiry into the withholding of academic certificates by various school heads in the country contrary to Section 10(1)(b) of the Kenya National Examinations Council Act, 2012 and provide a report to the House, including recommendations for direct access to academic certificates by the students?
2. Could the Chairperson provide a report on the number of examination certificates being withheld in various schools in the country since 2012 and the reasons for their withholding?
3. Could the Kenya National Examinations Council consider leveraging on ICT by developing an alternative platform for examination registration and direct access to examination results and certificates by examinees?
4. Could the Chairperson recommend that the Kenya National Examinations Council recall all the examination certificates held by school heads in Kenya?
5. Could the Chairperson recommend that the Kenya National Examinations Council ensure that school heads act purely as agents of the Council and not abrogate their responsibilities by holding examinees to ransom?
6. Could the Chairperson recommend that the Kenya National Examinations Council open examination centres in every sub-county in Kenya and post examination officers to coordinate examinations, receive all results from KNEC once they are released and have all the examinees pick their examination certificates from the centres?

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Owen. Hon. Julius, bring the response to the request for Statement on the same day in two weeks.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Speaker. Considering that we are breaking for a recess, I seek your indulgence for a one-week extension. That is a weighty matter that requires sourcing information from various Government agencies such as KNEC and other offices.

Hon. Speaker: I will not accede to that. This is a very short recess and committees are busy working. They are not going on any recess. Get to the Ministry and bring the responses in two weeks.

Hon. Speaker: Hon. Joseph Lekuton, Member for Laisamis.

STATUS OF GOVERNMENT PREPAREDNESS IN
CURBING THE IMPACT OF CLIMATE CHANGE

Hon. Joseph Lekuton (Laisamis, UDM): Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson

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of the Departmental Committee on Environment, Forestry and Mining regarding the status of preparedness of Northern Kenya pastoralists to cope with the impacts of climate change.

Climate change poses significant challenges to Northern Kenya's pastoralists, especially with livestock losses and diminishing crop production in semi-arid areas. It is regrettable that the Government has yet to put elaborate strategies and initiatives to promote resilient livelihoods among pastoral communities in the face of these environmental adversities. As the region suffers an alarming livestock depletion of nearly 70 per cent and the increasing impossibility of crop production in counties in Northern Kenya, there seem to be no sustainable development practices and alternative livelihood opportunities to enhance the adaptive capacity and economic stability of pastoralists in the northern region and ensure long-term resilience following the impacts of climate change.

Additionally, climate change has induced shocks such as limited pasture availability and increased water scarcity, which calls for comprehensive policy measures, capacity-building programmes and investment strategies that will help empower pastoral communities, protect their livelihoods and ensure their sustainable socio-economic development in the foreseeable future.

Hon. Speaker, it is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Environment, Forestry and Mining to provide a report on the status of Government preparedness and programmes put in place to assist pastoralists in the Northern Kenya region and other arid parts of Kenya to curb or cope with the effects of climate change.

I thank you Hon. Speaker.

Hon. Speaker: Thank you Hon. Lekuton. Who is the Chairperson of the relevant committee dealing with environment? Yes, Hon. Member for Nakuru East. You bring a response in two weeks.

Hon. David Gikaria (Nakuru East, UDA): Most obliged Hon. Speaker.

Hon. Speaker: Okay. Hon. Gikaria. Hon. Members, I now invite the Member for Emuhaya Constituency.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker. I seek your indulgence on a matter that I raised in this Houses two weeks ago on a Statement to the Cabinet Secretary, National Treasury and Economic Planning, regarding the Public Service Superannuation Scheme which the Cabinet Secretary has not nominated the board members since December 2023, and now, we are going on recess.

Hon. Speaker, no answer has been forthcoming despite the fact that I raised it officially in the House. Therefore, the board is not working and that makes the workers, teachers and any other public workers not get the services they should be getting from that Public Service Superannuation Scheme. My indulgence is that you ask that the Cabinet Secretary be pushed or made to bring the answer to the Statement.

I thank you Hon. Speaker.

Hon. Speaker: Chairman, Finance. Where is Hon. Kimani? Hon. Leader of Majority Party, you will advise the Member for Molo, Chairperson, Departmental Committee on Finance and National Planning to bring a response when we resume.

Order Hon. Members, take your seats, so that I give this short Communication.

(Several Members were standing)

We go back to Order No.2. Hon. Wandayi you want me to hear you first. I give you two minutes. Okay, make it two minutes.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, actually I rose on a point of order under Standing Order 142, together with Article 110, Sub-Article 4 of the Constitution.

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This is basically concerning concurrence of both Houses on Bills that concern counties. Hon. Speaker both the Standing Orders and the Constitution are silent on how long a Bill can take in one particular House; a Bill that requires concurrence of both Houses once referred to the other House. I am specifically referring to the Sugar Bill which we processed in this House late last year. It is a Bill that was sponsored by Hon. Emmanuel Wangwe that also attracted a lot of public interest especially in the Western Kenya region. This is now March, and April is approaching, and we have not seen any indication that the Bill has been brought back, either with or without amendments from the Senate. So, I am not sure how you will guide this but I would really like to plead with you to perhaps use your good office to impress upon the other House to fast-track the Bill.

This is because, I was in the village last weekend and the issue of sugar is very emotive. Everywhere we go we are asked: “Where is the Sugar Bill?” On the same note as I conclude in one minute, Hon. Speaker, I know a lot of processes are underway in terms of leasing out the sugar farms, the public sugar mills. Hon. Speaker, you and I know that Miwani Sugar Company was exempted from this process, but as we speak the sugar company is idle and the community around it is suffering. How I wish you would use your good office to perhaps impress upon the President in the same manner he acted on the Mumias case that the court cases around Miwani Sugar Company be withdrawn and an out-of-court settlement be arrived at so that the community can benefit from the Miwani Sugar facility.

Hon. Speaker: Thank you. You have made your point. Hon. Owen Baya, is it on the same issue?

Hon. Owen Baya (Kilifi North, UDA): Yes.

Hon. Speaker: Go ahead.

Hon. Owen Baya (Kilifi North, UDA): Hon. Speaker, the Hon. Leader of Minority Party raises a very fundamental question on how long a Bill should take between the two Houses, and especially at the Senate. Good record, as National Assembly we have been fast-tracking Senate Bills; and we have many Senate Bills in our Order Paper. However, it suffices to say here, in the 12th Parliament that the people of the Coast waited for the Crop (Amendment) Bill which we processed here with Hon. Tandaza to put cashew nuts and bixa as scheduled crops something that the Coast region had for a long time yearned for. We succeeded in this House, it was taken to the Senate, it went on until we went *sine die* and that has frustrated the farmers because scheduling a crop, putting it as a scheduled crop means a lot. It means budget; it means extension officers; and it means productivity. The economy at the Coast has continued to stagnate because the Senate kept the Bill. Even when we were looking for it nobody at the Senate knew where it was.

Hon. Speaker, under your leadership we would like this to change so that when we finish with a Bill here in this House, we are able to take it to the Senate, we have a time frame and that it can come back whether for mediation or whatever. But Bills from National Assembly going to the Senate, staying indefinitely without them being passed is not good. It is a sad story and I hope this Bicameral Bill we passed here yesterday and which will go to the Committee of the whole House will normalise this situation so that the National Assembly does not suffer in the hands of the Senate.

Hon. Speaker: Hon. Leader of Majority Party.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Thank you, Hon. Speaker and let me thank the Hon. Leader of the Minority Party for raising that issue. Yesterday I saw an engagement in the Senate as I was driving here in the afternoon. I was watching online, where they were complaining that we are also taking inordinately long to process their Bills but Hon. Speaker, you are aware in the House Business Committee, we purposed to consider all Bills that are coming from the Senate, and in good faith we have done that. However, they were also

complaining that the House rejected two Bills, one proposed by Senator Cherargei and the other one by Senator Mungatana, which the House defeated in Second Reading.

I listened to the argument that we should have allowed the Bills to progress to the Committee of the whole House before we get into mediation. I thought it is a defeatist argument because the end will be the same, ending up with mediation. If the House felt that substantively the Bill did not meet a particular threshold as was advised by the Chairperson of the Departmental Committee on Environment, Forestry and Mining and the other Committee that considered the other Bill by Sen. Cherargei, then we need not go to Third Reading.

Hon. Speaker, you know, we, in this House, have restrained ourselves after you came here from the other House, in anyway referring to the House as a Junior House or a Lower House but I saw them unfortunately refer to this House as the Lower House and we leave it at that. I engaged with the Hon. Leader of Minority in the Senate when I saw that particular debate. I raised the particular issue of the Sugar Bill and others that have come from this House and are pending there including the Fisheries Bill, that the Ministry and the Departmental Committee on Agriculture and Irrigation have been following up. He indicated that the Committee on the other side is finalising work on the Sugar Bill and by the end of next week they should be completing that Bill. I hope that they will keep their word on that, together with processing of the Fisheries Management Bill that I mentioned to him.

Thank you, Hon. Speaker. I, therefore, beg that we give them until the end of next week and see if they will complete it as they promised.

Hon. Speaker: Thank you Hon. Wandayi, for raising the issue and the Hon. Leader of Majority Party and your Deputy. What I would like the Hon. Leader of Majority Party and your team to do... I am told the Sugar Bill is on the Floor of the Senate this week or next week. One of the impediments in fast-tracking Bills as you know under the Constitution, every Bill from the Senate must come to this House and not all Bills from this House go to the Senate. You have the Chepkonga Bill on bicameral relations and there is another Bill that has been brought by you. You must address the issue of public participation. If a Bill originates from this House and has gone through extensive public participation, is it necessary for it to go through the same mill when it gets to the Senate and vice versa? Public participation is public participation and it is the same public and the same House. When you pass a Bill, it becomes an Act of Parliament. It is not an Act of the Senate. It is not an Act of the National Assembly. You need to address the issues of public participation so that we do not have duplex processes on the same process of legislation. That will expedite the process of Bills.

As I have told you, there are those Bills around Articles 109 and 110 of the Constitution that can deal with that issue. The Committee that is dealing with that matter can address those issues to help the processing of Bills in a very special way. I have discussed the same with Hon. Murugara. He looks tired. He is yawning.

Is that Hon. Farah? Is it on the same issue?

Hon. Farah Maalim (Dadaab, WDM): Yes. That is something very exquisite and we are happy. But Hon. Speaker, we do not have a public participation Act in this country. We do not have a law.

Hon. Speaker: There was a proposed law that was brought for enactment in the last Parliament but was rejected by the House.

Hon. Farah Maalim (Dadaab, WDM): Yes. Hon. Speaker, is it not time you directed that we should have a law that defines what public participation is so that we all know?

Hon. Speaker: That issue is safely in the hands of the Leader of the Majority Party. Once you have that law, then you will cure all these issues.

Order, Hon. Members! I will go back to Order No.2.

(Hon. Joseph Makilap, Hon. Farah Maalim and

Hon. Getrude Mwanyanje walked along the aisle)

Hon. Makilap, take your seat. Hon. Farah and Hon. Mbeyu, take your seats or walk out if you are walking out.

COMMUNICATION FROM THE CHAIR

CONSTITUTIONALITY OF THE NATIONAL GOVERNMENT ADMINISTRATION LAWS (AMENDMENT) BILL

Hon. Speaker: Hon. Members, you will recall that during the afternoon Sitting of Tuesday, 19th March 2024, during the Second Reading of the National Government Administration Laws (Amendment) Bill (National Assembly Bill No.73 of 2023), the Leader of the Minority Party, Hon. Opiyo Wandayi, rose on a point of order under Standing Order 47(3)(b). The Hon. Leader of the Minority Party sought the Speaker's ruling on the constitutionality of some specific aspects of the Bill. In his submission, the Leader of the Minority Party claimed that there were grave constitutional issues that touched on the substratum of the said Bill, hence requiring determination by the Speaker before debate on the Bill could resume.

The Leader of the Minority Party singled out the proposed amendments to the provisions relating to the National Government Coordination Act, 2013, whose import is to create the Office of the Chief Administrative Secretary (CAS) and that of the Head of Public Service. He argued that the amendments, if passed in the manner contained in the Bill, would be unconstitutional. The matter elicited interest from several other Members, including Hon. Caroli Omondi, Hon. Jared Okello, Hon. (Dr) James Nyikal, Hon. Samwel Chepkonga, Hon. (Dr) Ojiambo Oundo, Hon. Gitonga Murugara and Hon. Owen Baya.

Having listened to the concerns raised by the Leader of the Minority Party as well as the arguments and counter arguments by several other Members, I have distilled the following five questions as requiring my determination. These are –

1. Whether a state office may be created through national legislation;
2. Whether the offices of the Chief Administrative Secretary and the Head of Public Service as proposed in the Bill are public or state offices;
3. Whether the establishment of the offices of Chief Administrative Secretary and the Head of Public Service in the form proposed in the Bill is unconstitutional;
4. What is the value of a report of a Committee on a Bill to the House during debate at Second Reading of the Bill and at Committee of the whole House?
5. Whether the amendments proposed by the Departmental Committee on Justice and Legal Affairs would cure any offensive provisions in the Bill.

Hon. Members, the first issue is whether a state office may be established through national legislation. On this question, the Leader of the Minority Party opined that the two offices were unconstitutional to the extent that they were not contemplated under the definition of “state office” under Article 260 of the Constitution. The Hon. Members who expressed divergent views from those of the Leader of the Minority Party relied on the fact that the Departmental Committee on Justice and Legal Affairs has, in its Report on the Bill, recommended certain proposed amendments intended to address the concerns raised by the Leader of the Minority Party. They also argued that the Constitution grants latitude to the House to exercise its legislative power to create offices in the public service through national legislation.

Article 260 of the Constitution defines a public office as “an office in the national Government, county government or the public service, if the remuneration and benefits of the

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office are payable directly from the Consolidated Fund or directly out of money provided by Parliament.” The same Article also defines the term “state office” to include the various offices therein enumerated at Paragraphs (a) to (q). Most relevant to this matter is Paragraph (q), which provides that a state office could also be an office established and designated as such by national legislation. It is, in fact, instructive to note that Article 260 of the Constitution is not couched in an exhaustive manner. Paragraph (q) of the said Article donates power to Parliament to further legislate on the subject by providing that ‘a state office also includes an office established and designated as such by national legislation.’

Hon. Members, the courts have also interpreted the question of whether state offices may be created by national legislation. In the case of *Matindi & 3 others versus the National Assembly of Kenya & others* [2023] KEHC 19534 (KLR), the High Court was satisfied that a state office can be created by national legislation. The court held as follows—

‘Whereas His Excellency the President can establish a state office within the ranks of the public service, it requires approval by the National Assembly. Such approval may be achieved by enactment of a statute, which provides for the same and further provide an appropriate framework for a cap on the number of CASs, if necessary.’

The High Court was satisfied that a state office may be created by statute. This settles the first issue on establishment of a public or state office by national legislation.

The second issue for determination is whether the offices of the Chief Administrative Secretary and the Head of Public Service as proposed in the Bill are public or state offices. You will recall that the Office of the Chief Administrative Secretary has been subject of myriad litigation before the High Court. In the case of *Okoti & another versus Public Service Commission and others* [2021] the Kenya High Court (KEHC) 464 Kenya Law Reforms (KLR), the court held that there were no processes laid down in legislation for establishing the office of Chief Administrative Secretary hence the finding of unconstitutionality.

The findings in this case were reaffirmed in the latter case of *Matindi and three others versus the National Assembly of Kenya & others* [2023] KEHC 19534 (KLR), in which the Court affirmed that the offices of Chief Administrative Secretaries were State offices which could only be lawfully established and designated as state offices by national legislation. In summary, the Court in both instances emphasised on the need for legislation in order to constitutionalise the establishment of those offices. Differently put, the Court in both instances would probably have arrived at a different finding had the establishment of those offices been done by national legislation. In this context, it appears, therefore, that the Bill being contested by the Leader of the Minority Party in actual fact intends to fill the lacunae in law as identified by the courts in the aforesaid cases.

Whereas the Bill as published does not expressly designate the two offices as either public or state offices, it follows without question that the remuneration and benefits of the offices established are payable directly out of monies to be provided by Parliament. To that extent, the offices established are public offices within the meaning of Article 260 of the Constitution. This disposition settles the second issue. It also settles the third issue on whether the establishment of the two offices in the form proposed in the Bill is constitutional.

Hon. Members, permit me now to address the fourth issue concerning the value of a report of a Committee on a Bill to the House during debate at Second Reading of the Bill and at Committee of the whole House.

You may recall that while speaking to the matter, the Member for Funyula, Hon. Ojiambo Oundo argued that whenever a Bill is listed in the Order Paper for Second Reading, the said Bill is exclusively what should be before the House for debate and not the Report of the relevant Committee on the Bill. According to Hon. Oundo, a report of a Committee of this

House on a Bill is inconsequential to the legislative processes to the extent that what is ordinarily debated is the Bill and not the report.

I take it that Hon. Oundo advanced the said argument oblivious of the fact that committees interface the House with the public, hence actualising the provisions of Article 118 of the Constitution on public participation. It is not possible for this House to engage in participation. We do it through committees. It is for that purpose that Standing Order 127 is couched in mandatory terms, as follows:

‘127(3) The Departmental Committee to which a Bill is committed shall facilitate public participation on the Bill through an appropriate mechanism, including—

- (a) inviting submission of memoranda;
- (b) holding public hearings;
- (c) consulting relevant stakeholders in a sector; and,
- (d) consulting experts on technical subjects.

(3A) The Departmental Committee shall take into account the views and recommendations of the public under paragraph (3) in its report to the House.’

In compliance with Standing Order 227, the Departmental Committee on Justice and Legal Affairs undertook public participation on the Bill and tabled a report thereof. Further, the Committee tabled an Addendum to the Report that addresses emergent issues relating to certain provisions of the Bill. For greater certainty, the initial Report and the Addendum should be read together.

(Several Members walked into the Chamber)

Members at the back, take the seats nearest to you.

Indeed, Hon. Members, in the 12th Parliament, on 7th July 2021, when addressing the fate of individual Members’ Bills that were pending before various committees of the House, my immediate predecessor observed as follows—

“...the importance of having Committee reports on Bills before commencement of Second Reading needs not be over-emphasised. For the information of Members, Committee reports on Bills not only inform and enrich debate on the Bill but also, most importantly, espouse the views and recommendations of the public, which legitimises the legislative process and cushions the House from judicial review for failing to comply with the provisions under Article 118 of the Constitution on Public Access and Participation.”

From the foregoing, and in the face of the express dictates of Standing Order 127, it is generally part of our practice that committee reports on Bills are integral and imperative to the legislative process and the contents therein cannot be wished away as suggested by the Member for Funyula.

Hon. Members, this determination leads me to the fifth question, which is whether the amendments proposed by the Departmental Committee on Justice and Legal Affairs would cure any offensive provisions of the Bill. You will note that, based on the views of the public and stakeholders, the Committee has recommended a raft of amendments in its Report. I have already approved those amendments to be brought to the Floor of this House.

I have perused the Report and I am satisfied that the Committee’s proposed amendments, if passed by the House, will remedy the inadequacies, if any, contained in the Bill. I, therefore, urge the House to consider the amendments proposed by the Departmental Committee on Justice and Legal Affairs.

The purpose of Standing Order 47(3)(b) cited by the Leader of the Minority Party is to avoid an absurd situation where the House debates, votes on and possibly passes an

unconstitutional motion. The House may, therefore, cure any issues of unconstitutionality, if any, during the Committee of the whole House.

Hon. Members, the ruling by my predecessor on the question of unconstitutionality claims on the Finance Bill, 2019 delivered on 19th September 2019 has been extensively referenced by Hon. Opiyo Wandayi. In my view, that question may be distinguished from the present one. This is because the impugned clauses of the Finance Bill, 2019 were procedurally defective as they sought to limit the right to privacy without any additional provision stating the intention to limit that right, the nature and extent of the limitation as provided in the Constitution.

It is, therefore, my view that the application of Standing Order 47(3)(b) is reserved for matters that are outrightly unconstitutional, whether procedurally or substantively. It is my considered view that the issues raised by Hon. Opiyo Wandayi do not fall within that category and may, therefore, be canvassed by the House, noting that the report of the Justice and Legal Affairs Committee and the addendum thereof proposes amendments to the Bill.

I am inclined to the view that the plea by the Leader of Minority Party for the Speaker to find specific provisions of the Bill unconstitutional is premature. Doing so, being aware that the House can still cure any offensive provisions in the Bill through amendments in the Committee of the whole House is akin to throwing the baby out with the bathwater.

In this regard, Honourable Members, having settled the claim of unconstitutionality in relation to the Bill, and bearing in mind that there are amendments proposed by the Departmental Committee on Justice and Legal Affairs and other Members, my finding and guidance is as follows:

1. THAT, the National Government Administration Laws (Amendment) Bill, 2023 is properly before the House.

2. THAT, since debate for Second Reading was concluded yesterday, and the Mover did reply, I will hereafter proceed to put the Question for Second Reading.

3. THAT, the Bill may thereafter proceed to the Committee of the whole House and Third Reading as scheduled by the House Business Committee.

The Leader of the Minority Party is at liberty to advance any amendments on the Bill at that stage.

The House is accordingly guided.

Thank you.

(Applause)

BILLS

Second Readings

THE NATIONAL GOVERNMENT ADMINISTRATION
LAWS (AMENDMENT) BILL
(National Assembly Bill No.73 of 2024)

(Moved by Hon. Kimani Ichung'wah on 14.3.2024)

(Debate concluded on 19.3.2024)

Order, Hon. Members.

(Hon. Gathoni Wamuchomba stood in the walkway)

Order, Hon. Wamuchomba. Please, take your seat. Taking your seat excludes running out of the Chamber.

(Laughter)

(Question put and agreed to)

(The Bill was read a Second Time and Committed to Committee of the whole House)

Hon. Members, we will go back to Order No.7. Today is Wednesday and we have Questions for the Cabinet Secretary.

(The leading Clerk-at-the-Table consulted the Hon. Speaker)

Hon. Speaker: Hon. Members, I am sorry. On our Supplementary Order Paper, I have put the Question on Order No.9. We also have to put the Question on the Statutory Instruments (Amendment) Bill (National Assembly Bill No.3 of 2024). Go ahead and call it out.

THE STATUTORY INSTRUMENTS (AMENDMENT) BILL
(National Assembly Bill No.3 of 2024)

*(Moved by Hon. Samwel Chepkonga on
20.3.2024 – Morning Sitting)*

(Debate concluded on 20.3.2024 – Morning Sitting)

Hon. Speaker: Hon. Members, for the record, I was using the Order Paper published earlier and not the Supplementary one. So, the Question that I put earlier was on Order No.9 on the National Government Administration Laws (Amendment) Bill.

I now proceed to put the Question on the Statutory Instruments (Amendment) Bill (National Assembly Bill No.3 of 2023)

(Question put and agreed to)

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

Excellent! Before we call in the Cabinet Secretary, can we dispose of Orders 10 and 11, which are First Readings?

Call them out, Clerk.

First Readings

THE NATIONAL COHESION AND INTEGRATION BILL
(National Assembly Bill No.74 of 2023)

THE TREATY MAKING AND RATIFICATION (AMENDMENT) (NO.2) BILL
(National Assembly Bill No.9 of 2024)

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(The Bills were read a First Time and referred to the relevant Committees)

QUESTIONS AND STATEMENTS

STATEMENT

STATUS OF CONSIDERATION OF THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (Senate Bill No.9 of 2022)

Hon. Speaker: Have you called out Order No.11 as well? Yes, Hon. Kitany.

Hon. Marianne Kitany (Aldai, UDA): Thank you, Hon. Speaker. This is on Order No.13. Pursuant to Standing Order 44(2)(d), I wish to make a Statement on the status of the consideration of the County Licensing (Uniform Procedure) Bill (Senate Bill No.9 of 2022) by the Committee.

The County Licensing (Uniform Procedure) Bill (Senate Bill No.9 of 2022) is a Bill sponsored by Senator Omar Mariam Sheikh, MP. The Bill seeks to provide for a national legislative framework for uniform procedures for the licensing of various activities by the county governments.

Hon. Speaker, Standing Order 127(4) requires that the Chairperson of the Committee report to the House within 30 days on its consideration of a Bill committed to it. The Bill was read for the First Time in the National Assembly on 28th February 2024 and committed to the Departmental Committee on Trade, Industry and Cooperatives. The 30 allotted days for consideration of the Bill are due to lapse on 30th March 2024, which will be during the recess period.

I wish to report that pursuant to Standing Order 127(5), the Committee has already conducted public participation in accordance with Article 118 (1)(b) of the Constitution as read together with Standing Order 127(3)(a) of the National Assembly. However, a number of sector institutions have not yet presented their views.

Additionally, serious issues of concern were raised on the Bill during the stakeholder engagements, hence requiring further deliberations. Therefore, the Committee resolved to have the Bill undergo extensive public participation through public hearings.

Hon. Speaker, I seek your indulgence for the House Business Committee to stand down the business from the Order Paper to allow the Committee to conclude conducting public hearings and table its Report.

Hon. Speaker: Thank you, Hon. Kitany. It is so ordered. I will step down Order No.13 to either tomorrow or a later date. You can go to the Table Office and confirm your readiness. We have a sitting tomorrow morning and afternoon. So, whichever timing you will be ready, we will accommodate you.

(Order No.13 deferred)

ORDINARY QUESTIONS

Hon. Speaker: Hon. Members, we will now go to Questions. Cabinet Secretary for Youth Affairs, Creative Economy and Sports, welcome to the House. We have four Questions, listed for you to answer this afternoon.

Leader of the Majority Party, I have been requested by Hon. Dawood that I allow him to ask the third Question so that he can proceed with his religious obligations, this being the month of Ramadan. I have acceded to that request.

Hon. Dawood, go ahead and ask Question 054/2024.

Question 054/2024

TIMELINE FOR RELEASE OF FUNDS BY SPORTS KENYA FOR PARTIAL
CONSTRUCTION OF MERU DIVISIONAL COUNTY OFFICES

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Speaker for indulging me. Could the Cabinet Secretary for Youth Affairs, Creative Economy and Sports

- (a) provide the timeline for release of Ksh42 million committed by Sports Kenya on 13th December 2017 for the partial construction of Meru Divisional County Offices which included the Assistant County Commissioner's Municipality office block, Ntima Chief's Office, three Administration Police Officer's houses, canteen and a public toilet adjacent to Kinoru Stadium?
- (b) clarify whether the amount committed by Sports Kenya, on behalf of the Ministry, for Construction of the mentioned facilities can be re-directed to NG-CDF (North Imenti Constituency) for the construction of the same?
- (c) consider reallocating the current space occupied by NG-CDF Youth Centre to NG-CDF North Imenti Constituency or to the Ministry of Interior so as to enable the public to make use of the space with a separate gate and boundary wall to distinguish the area from Kinoru Stadium?

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Dawood. Cabinet Secretary.

The Cabinet Secretary for Youth Affairs, Creative Economy and Sports (Hon. Ababu Namwamba): Thank you, Hon. Speaker, for according me this opportunity to come and interact with Hon. Members on issues of relevance. Without wasting any time, let me go straight to Question 054/2024 and respond as follows.

It is true in 2017 Sports Kenya made a commitment to assist in the partial construction of the Meru Divisional County Offices, planned to be situated near Kinoru Stadium. However, this commitment was made without confirmation of funding as is the requirement of the law, which states that resources should be available before you commit to any project. In this case, there was no confirmation. Up to date, Sports Kenya has not received any financing from the Ministry of National Treasury and Economic Planning. This will be amplified while responding to other Questions in this session.

Hon. Speaker, when the Kenya Kwanza administration came into office, we inherited a huge pile-up of stalled projects all over the country. One way of dealing with them was putting in place a masterplan to better manage the infrastructure for sports and creatives. I want to assure the Hon. Member and the House that moving forward, we have sealed that loophole of committing to do projects without the requisite provision for financing. That is the position. That commitment is on record but there is no financing to match that commitment.

In response to the second segment of that Question, there is no allocation in the budget. Sports Kenya does not have money for this project. In fact, the Ministry is currently exceedingly stretched with commitments to host the African Nations Championships, commonly known as CHAN in September this year; and the African Cup of Nations (AFCON) in 2027. Therefore, it is very difficult. If these resources were to be availed by the National Treasury, as it had been requested by Sports Kenya, this project could be concluded.

In response to the third segment of the Question, this is a matter that we would leave to the local leadership to build consensus on how to use the space. If it is with regard to the youth empowerment centres, the Ministry is already rolling out a programme to transform all of them into innovation hubs. The Hon. Member may want to reflect a bit more on whether this would be the best use of this space, or if we should proceed with the plans to utilise the youth empowerment centres as innovation centres. However, if the Hon. Member considers the particular use of this space to be a priority, consensus can be built locally and the Ministry would certainly consider that.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Dawood.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Speaker. I am not satisfied with the answer that the Cabinet Secretary has given because I talked to him earlier on, on the same issue. I brought up this issue in the last Parliament. It is as if the Ministry of Youth Affairs, Creative Economy and Sports wants to avoid the issue by saying that there was no commitment yet there was a written commitment by Sports Kenya. Sports Kenya is the entity that was constructing Kinoru Stadium. While constructing it, they demolished a few offices and they promised that in the process of constructing the stadium, they would build Kinoru Police Post, which is gazetted and has been in existence for long.

There was a meeting in July 2021 with the then Governor Kiraitu Murungi, and the then Cabinet Secretary, Amb. Amina Mohamed, together with the Principal Secretary, where they agreed that the county government would provide land and the Ministry would provide the funds.

Hon. Speaker, I am not asking for funds. If they cannot allocate the funds to the NG-CDF, I urge them to construct the infrastructure which they had promised. We already have land from Kinoru Primary School because the land which was being offered by the county government was on a sewage plant for the Ministry of Agriculture and Livestock Development. Therefore, it is not conducive. While the Cabinet Secretary is constructing the stadium, I want him to include the police post as part of the works of the Kinoru Stadium. They have still not handed over the stadium although some places in the stadium are now worn out. The running track is in a pathetic state at the moment but that is not my concern for now.

Secondly, I want to convert the youth centre into an Information Communication Technology (ICT) centre. I do not have an issue with it. When they were constructing the stadium, they specifically wanted to demolish the youth centre but I opposed the idea. I told them that we could not waste Government money. I am not asking for relocation of the youth centre. I have asked for the land where the youth centre is standing to be excised from the stadium land and given to the County Commissioner so that I can construct a gate through the NG-CDF and construct the ICT hub. After talking to other Members, I do not think it will help me. The Cabinet Secretary should agree that the land is not part of the stadium so that I can follow up the process of having the land registered in the name of the Ministry of Interior and National Administration.

Hon. Speaker, I do not think the Cabinet Secretary can escape the commitment that had been made in writing. We need the offices of the Assistant County Commissioner (ACC), the chief, the police post and the agreed accommodation units for the police officers. The Cabinet Secretary can invest that money in the stadium because those offices are part of the stadium.

Hon. Speaker: Cabinet Secretary, you have heard the discourse from the Member.

The Cabinet Secretary for Youth Affairs, Creative Economy and Sports (Hon. Ababu Namwamba): Hon. Speaker, I have not made any attempt whatsoever to run away from the commitment. In fact, I confirmed that, indeed, there is a commitment to my credit. I just made a clarification that when this commitment was made in 2017, about seven years ago, it was made without a matching resource allocation. We acknowledge that this is an important

project. In fact, let me confirm to the House that it is the policy of the Ministry that any space with a sports facility of the scale of Kinoru Stadium should be serviced by a police post. It should have the capacity to house security apparatus within the ecosystem of the stadium. There is a commitment. I can assure the Member that efforts will be made to get the resources.

There is also the challenge of land. The county government had allocated some land for this purpose. The Hon. Member should reach a consensus with the county government in terms of the actual land location for this project. Because Government is an ongoing concern, as soon as resources become available, the stadium will be constructed. Even though this is a commitment by a previous administration, the current administration inherits those commitments. They are commitments that should be carried forward.

With regard to the youth empowerment centre, again, let me make it clear that this is a different administration with different priorities. This administration would certainly not support the earlier attempt to pull down this centre. The approach we have taken for this kind of infrastructure is integration and composite development where we can have a stadium and other facilities for creatives where young people can engage in music, film, ICT and innovation.

Therefore, there is absolutely nothing wrong to have a stadium, recording studios and an innovation centre. We can have that whole ecosystem integrated.

If I have heard the Hon. Member right, he said that the land on which this centre stands should be excised and delineated from the land of the stadium. That is possible. The land actually belongs to the county government. That is a process which the Ministry would certainly support. We would not be averse to that, Hon. Speaker.

The Speaker: Thank you. We leave it there, Hon. Dawood.

We will go to Question 231 of 2023 by Hon. Duncan Mathenge, Member for Nyeri Town.

Question 231/2023

PROGRESS OF THE MINISTRY'S POLICY TO STOP CONSTRUCTION OF NEW STADIA ACROSS THE COUNTRY

Hon. Duncan Mathenge (Nyeri Town, UDA): Hon. Speaker, pursuant to the provisions of Standing Order No.(6)(b), could the Cabinet Secretary for Youth Affairs, Creative Economy and Sports —

- (a) explain the scope of the Ministry's Policy stopping the construction of new stadia across the country and whether such policy meant suspension of completion of stadia whose construction had started?
- (b) provide the status of the construction, including the expected date of completion of Ruring'u Stadium in Nyeri County, Nyeri Town Constituency, the cost of the project and amount of money already spent thereof?
- (c) state the reasons for the delay in completion of Ruring'u Stadium considering its upgrade was launched six years ago, and state the loss suffered by the local community as a result of the delay?
- (d) outline measures that the government shall take into account so that in future, stadia are completed as scheduled and the funds allocated thereof are utilized prudently?

Thank you, Hon. Speaker.

The Speaker: Thank you, Hon. Mathenge. Proceed, Cabinet Secretary.

The Cabinet Secretary for Youth Affairs, Creative Economy and Sports (Hon. Ababu Namwamba): Hon. Speaker, it is true that Ruring'u Stadium in Nyeri is one of those projects that have taken inordinately long to be completed. In fact, this stadium is among 13

facilities scattered across the country, from Ruring'u to Kamariny in Elgeyo Marakwet County, to Wote in Makueni and many other places. These are projects which have gobbled approximately Ksh10 billion in actual expenditure, but which have not been completed to be put to public use.

Hon. Speaker, the situation of Ruring'u and the other stadia that I mentioned in different parts of the country is among the huge challenges that we inherited when we came into office about 16 months ago. We realised right away that this country had a serious problem. There were very many projects all over the place and colossal sums of money had been pumped into them, but on assessment, those projects had taken too long to be completed. That is the case because of several factors, one of them being failure to match the project with availability of resources, just like the previous question I answered, where a commitment was made to do a project without confirming availability of resources. Sometimes it was a case of incapacity of the contractor, where one who was given work lacked capacity to do it. It also extends to our own institutional limitations, both as a ministry and our agencies, like Sports Kenya and Kenya Academy of Sports.

I want to admit here that we have limitations, and that is why we have made effort to be supported in order to recruit extra staff to enhance our capacity. One of the things I will keep on reminding the House is support for the Ministry and our institutions to be able to build our capacities in terms of hiring more technical officers.

Hon. Speaker, with regard to this issue, in order to address this challenge, we made a policy decision to freeze construction of these projects, do a thorough assessment and plan for them. I am very proud to report to this House that for the first time in the 60-year history of this country, we were able to develop a masterplan on infrastructure for sports and the creatives. I have actually attached a copy of the masterplan as Annex 'A' to this response.

The masterplan answers questions such as what we need to do, where we need to do it, how we need to do it, when we need to do it, and at what cost. It lays down a very clear plan. It also provides some metrics to determine the choice of a site. For instance, the other day, when deciding where to build the Talanta Stadium, which is going to be the centre for hosting AFCON in 2027, we considered different venues — Mombasa, Nakuru and other places. Because of the criteria we have set out in the master plan, we were able to pick a site that ticks the necessary boxes on cost, accessibility and viability of the project. Therefore, Ruring'u Stadium and many of these stadia are victims of poor planning and poor execution or implementation.

I can confirm to the Hon. Member that the policy to stop construction of new stadia was adopted to merely allow the Ministry to conduct a thorough assessment to determine the state of infrastructure across the country. We have since concluded that exercise and we now have the masterplan. That also allowed us time to invite the Auditor-General to look at some of these troubled spaces to help us determine what the problem was. I am pleased again to notify this House that I personally delivered that request to the Auditor-General who has since completed that process and has delivered a report to this House for consideration. We are also looking at it from our end. It is now going on in various spaces where we had stopped because we have finished that assessment and audit, and we have determined how we should move forward. So, work is already going on at some of those places.

Hon. Speaker, the second limb of the Question is with regard to the status of Ruring'u Stadium. In 2017, the project was initiated at a contract sum of Ksh365,000,735.30. That is the contract sum that was awarded in 2017, seven years ago. It was supposed to have a 4,000-seater main pavilion, a FIFA standard football field, a borehole and associated water storage facilities, electrical and mechanical works and eight-lane track done to international standard because we envisaged that it should be a stadium that can host some of the events that Kenya hosts. It was supposed to have a VIP lift. That scope was priced at Ksh365,000,000. To date, the records

indicate that Ksh307,000,000 has already been paid to the contractor, leaving a sum of Ksh58,190,740.13 to completion.

The status is that the project is still in the first phase because it was planned that it would be phased. The first phase of the project included the elements that I have indicated, and then it was to be further developed upon conclusion of that phase. However, we are still at the first phase. It commenced on 5th January 2017. The initial target was to complete it by 30th June 2024. Even in our master plan, we had envisaged to complete this project by June 2024. That is the current status, Hon. Speaker.

There are reasons for the delay in completion of Ruring'u Stadium, considering the period of time it has taken. I admit to this House that when we were elected into office, we stopped any further work in this space and took time to develop the first master plan in the history of this country. The Kenya Kwanza Administration developed the first ever master plan for sports and creative infrastructure for this country. We did that to correct the challenges that brought us where we are. There are challenges of Ruring'u, Wote, Kamariny and many other projects which were started, but never saw light of day in terms of completion.

As I have admitted, there are challenges of resources and not matching commitment with resources. So, we have a project going on and then we run into headwinds of having resources to complete the project. There are also challenges with tendering where a contractor is entrusted with a project which he does not have capacity to undertake. Obviously, you engage him and then you see he cannot do the project. Because of all these factors, Ruring'u Stadium has suffered the fate of delays.

We have taken time to consider what to do with this project. We have looked at the option of terminating the contract. I visited the stadium and we considered the option of terminating the contract. We made a costing for termination. It was determined that terminating and re-tendering this contract at the current market value of services and goods would cost taxpayers an extra Ksh235 million. We are also considering to terminate the contract and handover this project to the National Youth Service (NYS). We will have an intra-government arrangement to hand it to NYS to complete the project. These are the options we are looking at. However, there is a firm commitment to conclude this historic stadium because it certainly has taken too long to be completed.

Let me conclude. The final limb of this Question is to outline measures the Government shall take into account so that, in future, stadia are completed as scheduled and funds allocated are utilised prudently. That is what I have said five times. We have a master plan now. We have instituted an arrangement where a project cannot take off without matching it with availability of funds. We, as a new administration, have entered a new era, style of doing things and policy frame. We have a new sheriff in town, with a new style of administration. We have also made sure that before we entrust any contractor with a project of this kind, we do proper assessment so that we determine his or her capacity to deliver. Ruring'u Stadium has suffered because of the capacity of the contractor.

I submit, Hon. Speaker.

Hon. Speaker: Hold on, Hon. Ruku. Hon. Mathenge has a supplementary question.

Hon. Duncan Mathenge (Nyeri Town, UDA): Thank you, Hon. Speaker. I confirm that the Cabinet Secretary visited Ruring'u Stadium on 29th August 2023. However, its status today is such that everything, except the small part of the pavilion and the borehole will have to be redone. The artificial turf is already peeling off. It cannot be used for athletics. The grass at the football pitch is completely overgrown with the kikuyu grass. The contractor that the Ministry claims has no capacity is still their favoured one. He is still in possession of the site. About Ksh235 million will still have to be spent, if Ruring'u Stadium will be constructed to the expected standard.

The Ministry has a peculiar cosy relationship with this contractor. The Ministry blames the contractor, but they have enjoyed the same relationship that he had with the previous dispensation for the last one-and-half years. Sports Kenya which was in charge of overseeing the project is still intact. There are no changes. How can we keep doing things the same way and expect different results?

In terms of prudence, the Ministry went ahead and retained...

Hon. Speaker: Ask questions, Hon. Mathenge.

Hon. Duncan Mathenge (Nyeri Town, UDA): When will the private consultant who was retained in Ruring'u Stadium be removed from office? The Ministry of Roads, Transport and Public Works has the capacity to supervise this stadium. I want the Cabinet Secretary to look at the people of Central Kenya region in the face on television today and tell them when this stadium will be completed. It is a regional stadium. Nyeri is the regional headquarters. Alternatively, we can be told that the master plan has decided to disenfranchise the sporting fraternity in the Mt. Kenya region. Why is the region's stadium not being given preference as other regions have completed theirs?

Hon. Speaker: Cabinet Secretary, Hon. Mathenge is unhappy with you maintaining the private consultant and failed contractor. That is the question he has raised.

The Cabinet Secretary for Youth Affairs, Creative Economy and Sports (Hon. Ababu Namwamba): Hon. Speaker, I confirm to this House that there are no favoured contractors. I have no personal knowledge of this contractor. When he was hired in January 2017, I was an Hon. Member of this House. I used to sit in this House at that time. I was not on the scene when he was being engaged. The current Director-General of Sports Kenya, the mother agency responsible, was not even hired then. The contractor was picked by a different Cabinet Secretary and Director-General. There is absolutely no relationship between this contractor and any of us in the leadership of this Ministry.

I want to borrow the flowery language of the Member for Nyeri Town. I confirm to this House that there is no peculiar cosy relationship between us and this contractor or any relationship at all other than that of someone who owes Kenyans an obligation to complete this project well. Let me also look the people of Mt. Kenya region and Kenyans straight in the eye and tell them that Ruring'u Stadium shall be completed. It is an important facility. The people of Nyeri County and Mt. Kenya region, like Kenyans in other parts of this country, deserve to have this project completed. It certainly has been a disservice.

Indeed, I can dare add that we owe an apology to the people of Nyeri, the Mt. Kenya region, and all Kenyans as a whole. All of them have a right to use this facility. We did not effectively carry out work on this project, alongside others that I have mentioned like the Wote Stadium and Kamariny Stadium. We owe Kenyans an apology. I say "we" because the Government inherits everything, the good and the bad. We inherited this 'bad' as an administration, and we have a responsibility to correct it. I can confirm to the Member and the people of Nyeri that we will fix this 'bad' that we inherited.

I commit that some of the issues that the Member has raised here have a lot of truth. I have admitted that there is an issue of incapacity in some of our institutions. I have also admitted that our institution like Sports Kenya, for example, could do with resident architects, engineers and technical people. That is why I will still insist that resources should be made available for institutions like Sports Kenya to build their capacity by bringing in the requisite technical competencies. It will help to forestall challenges like these.

I also agree that it is not necessary to have consultants. I can give my confirmation to this House that we will revisit this matter so that we have a framework that can better serve the interests of the people. The bottom line is that we must complete Ruring'u Stadium. I commit to the Hon. Member and the House that I am going to be hands-on on this. Since we came into office, we have taken on some projects like the Moi Stadium in Embu. We did it in five weeks,

and Kericho Green Stadium, in three months. We are refurbishing the Moi International Sports Centre Kasarani within 12 months and the Talanta Ke. Sports City Stadium, which will host the Africa Cup of Nations in 2027, will be done in a record 24 months.

You can now see a difference in the Kenya Kwanza performance side by side with the mess we inherited as an administration. I submit.

Hon. Ruku GK (Mbeere North, DP): I rise to ask a supplementary question. After listening to the Cabinet Secretary, some questions have come to my mind regarding the One Rally Championship that was in Naivasha.

Can the Cabinet Secretary confirm that all the claims and dues have been paid as far as the One Rally Championship is concerned? Can the Cabinet Secretary confirm that all the dues have been paid? If not, when will it happen? This is because it may risk Kenya not participating or hosting such an event that was very good in marketing our country as one of the premium tourist destinations in the world.

Thank you.

Hon. Speaker: Hon. *Mandazi*, Member for Chepalungu Constituency.

Hon. Victor Koech (Chepalungu, CCM): Thank you so much, Hon. Speaker.

There was a directive by the Head of State that the Ministry takes up and completes the stadium that was done and abandoned by the County Government of Bomet between 2012 and 2017. I am aware that the Cabinet Secretary visited the site. I would like to ask him about the findings and whether the same project can continue to completion and be realised anytime soon.

If not, I would like to hear something else from the Cabinet Secretary.

Hon. Speaker: Hon. Victor Koech, you are a joyrider. Ask one question.

Hon. Victor Koech (Chepalungu, CCM): Okay, Hon. Speaker.

Hon. Speaker: Hon. Jayne Kihara. Joyriders, just ask one question. Give Hon. Kihara the microphone.

Hon. Jayne Kihara (Naivasha UDA): Thank you, Hon. Speaker. Mine is not a question. It is just to appreciate the Cabinet Secretary. I ran at the Ruring'u Stadium and I remember it.

Hon. Speaker: You are out of order. This is Question Time. You can go and appreciate the Cabinet Secretary in his office. Hon. Ferdinand Wanyonyi.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): We are going to have the Africa Cup of Nations in 2027. We are also going to have the general elections in the same year. Do you not think that there is going to be a conflict in arrangements? I am a bit uneasy about the whole thing. Tell us what you are going to do, given that these two events are very important to this country.

Hon. Speaker: What did you say, Hon. Ferdinand? I did not hear you.

Hon. Ferdinand Wanyonyi (Kwanza, FORD – K): I said we will have the Africa Cup of Nations and the general elections in 2027. Do you not think there is going to be a conflict? How prepared are we as a country?

Hon. Speaker: Leader of the Majority Party. Cabinet Secretary, take note of the series of small questions and answer them later.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. I appreciate the response by the Cabinet Secretary on Ruring'u Stadium. I am certain that he has seen the recent report by the Auditor-General, Ms. Nancy Gathung on the inflated costs of all these stadiums, including Wang'uru Stadium and Kirigiti International Stadium in Kiambu. Upon completion, the Ruring'u Stadium is likely a candidate of escalated cost. Particularly, I want to hear what the ministry and Sports Kenya are doing to ensure that there would be no inflation of costs. What the Cabinet Secretary has stated is true and I was with him in the 11th Parliament when

that contract was awarded. In fact, I participated in the ground-breaking ceremony by our former President, Uhuru Kenyatta in Ruring'u in the run-up to the 2017 elections.

It is almost 10 years after the award of that contract. What guarantees is the Cabinet Secretary giving that under his watch, there will be no inflation of costs beyond what was envisaged then and beyond what would be the normal escalation costs of steel and cement? I do not think the cost of the Kikuyu grass that the Member for Nyeri Town is talking about has changed. There is the normal escalation cost of steel and cement. Will that also see the Ministry justifying a very huge escalation in cost?

Therefore, we want to hear what the Ministry is doing to ensure that one Ruring'u Stadium and all the other stadiums are completed within reasonable timelines and costs. When projects like these take 10 to 15 years, we will hear a stadium that was to cost Ksh600 million costing Ksh2 billion. I want to hear what the Cabinet Secretary and the Ministry are doing to ensure that we check that we do not end up with such a report. The Auditor-General has reported on the ones that are completed or partially completed, like the Kirigiti International Stadium, Wang'uru Stadium, and others. When the Auditor-General reviews the Ruring'u Stadium, are we going to hear that it has also escalated its cost twice or triple what was envisaged?

Hon. Speaker: Hon. Dido Raso.

Hon. Ali Raso (Saku UDA): Thank you very much, Hon. Speaker. I would like to ask the Cabinet Secretary a specific question on Marsabit. The Marsabit Stadium was built by both the county government and Sports Kenya. One side of the Stadium is complete while the other is still lagging. Who takes responsibility for such unfinished projects? You have closed spaces for youngsters and the community of Marsabit Town. How long are such projects likely to take?

Hon. Speaker: Hon. Oyula.

Hon. Maero Oyula (Butula, ODM): Thank you, Hon. Speaker. Is the Cabinet Secretary aware that Busia County has no stadium at all? What arrangements does he have in place?

Hon. Speaker: Has no stadium or a good one?

Hon. Maero Oyula (Butula, ODM): Has no stadium; not even a bad one. What arrangements does he have to ensure that Busia also get a stadium?

Hon. Speaker: Member for Kericho.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Speaker.

Hon. Speaker: Cabinet Secretary, all these are deviations from the original Question but are small questions which you can answer.

Go on, Hon. Kemei.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Speaker, for allowing me to be what you normally call the "Joyriders".

First, is to remind the Cabinet Secretary that when he came to Kericho, he renamed the Stadium as Kiprugut Chuma Stadium; it is no longer Kericho Stadium.

He has mentioned that the Stadium was done in three months. It is true, but some issues have not been sorted, the gates have not been conclusively done, beautification outside has not been done and lanes are not well done. What plans does he have to make sure that the Stadium is done to the international standards?

Hon. Speaker: Hon. Adagala?

Hon. Adagala Beatrice (Vihiga County, ANC): Thank you, Hon. Speaker for putting me in line with the "Joyriders" too. However, my question should be taken with the seriousness it deserves.

What measures has he taken in Vihiga County where we have something similar to Hamisi Sports Ground, Kidundu Sports Ground and Mumboha Sports Stadium? Vihiga being home of rugby champions, basketball players and football, what arrangements is he making to

ensure that those Stadia can function so that the people of Vihiga can feel they are part of this Kenya Kwanza Government?

Hon. Speaker: Hon. Basil.

Hon. Robert Basil (Yatta, WDM): Thank you, Hon. Speaker and the Cabinet Secretary.

As a Member of the Departmental Committee on Sports and Culture, we budgeted for sports academies but I do not know where we are with that because nothing has started yet.

Hon. Speaker: Lastly, Member for Emuhaya, then the Cabinet Secretary can answer those short questions.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker. It is believed that the Cabinet Secretary is putting round eggs in square holes.

In 2027, when we shall be hosting the CAF, he is not preparing Bukhungu Stadium which is the home of footballers but a different stadium known for athletics. I want him to tell this House and Kenyans what he is doing to make sure that the home of football is prepared for 2027.

Hon. Speaker: The Cabinet Secretary.

The Cabinet Secretary for Youth Affairs, Creative Economy and Sports (Hon. Ababu Namwamba): Thank you. I will take it one by one pretty fast, starting from the first one on the WRC Safari Rally. The WRC Safari Rally indeed had a pile-up of debts. I am very proud to report to this House that this is one of the spaces we have been able to streamline. When this rally was hosted in 2022, for instance, before we came into office, it cost the taxpayers about Ksh2.8 billion. Last year, we were able to half that and do it at half the budget. This year, even with the economic realities, we have lowered it further. We have done well to get a grip on a space which we believe was not managed well. I assure this House that there is no chance of Kenya losing the WRC Safari Rally. We are in a very good space with the promoter, Fédération Internationale de l'Automobile (FIA), the International Motor Sports Federation and also in streamlining the whole operation of the rally.

The debts which we inherited, we have referred them to a special verification. The verification process is going on and as soon as it is complete and we know which ones are genuine and should be paid, certainly, they will be settled. We will plead for some more indulgence for the verification to be concluded.

I have visited Bomet County Stadium, it is one of those that were not very well conceived. If I may refer the Member to Page 16 of the master plan which I have referred to quite a lot, Bomet Stadium is listed under completion of ongoing regional stadia. Even though this was a project of the county government, we have taken it up and it is part of our plans to finish it. There are serious integrity issues there and we have done some initial tests. We believe that some of the processes that were done by the county government may need to be pulled down as part of the completion of this project.

The other question from Hon. Ferdinand Wanyonyi was about the Africa Cup of Nations (AFCON) and the general elections. We believe they should not be overly concerned. The general elections and the football fever complete pretty good. I believe Kenyans will immensely enjoy the Africa Cup of Nations even as we gear towards the general elections, and we do not anticipate any problems at all. Unless the Member knows something that we do not, we would be happy to listen to it.

Hon. Speaker: The fear of the unknown.

Just go on.

The Cabinet Secretary for Youth Affairs, Creative Economy and Sports (Hon. Ababu Namwamba): Hon. Speaker, we all occasionally suffer from the fear of the unknown.

Hon. Adagala has also mentioned Hamisi Stadium, Kidundu Stadium and Mumboha Stadium. I assure the Member for Vihiga that Kidundu Stadium is also in the master plan. On

Page 16, under support for new regional stadia, Kidundu is listed as a project. That is already considered but we have also been in talks with the leadership of Vihiga, including the Governor to determine the best place in Vihiga County for a regional stadium.

On the question regarding Kiprugut Chuma Stadium, it is true that we have formally, and in an official ceremony, renamed that stadium in honour of Kenya's fastest-ever Olympic Medal Winner, the Late Kiprugut arap Chuma. That is the new name and we are aware there are a few elements that need to be completed, something that Sports Kenya is seized of for completion.

Hon. Oyula mentioned Busia County Stadium. I am pleased to inform the Speaker that this particular county has no stadium as the Member has indicated. The remnants of the stadium that was there were victims of the public protests, which went away with the remnants of Busia Stadium, and therefore, Busia no longer has a stadium. However, we have advertised this project and expression of interest is ongoing for construction of a new stadium in Busia County. The process of expression of interest is nearing the tail end.

There is a later Question here on the sports academy which we had provided some information on academies.

Hon. Speaker: You can skip that one for now.

The Cabinet Secretary for Youth Affairs, Creative Economy and Sports (Hon. Ababu Namwamba): I can skip it for now. I will answer it at that point. We have provided details on the Question on academies.

Hon. Dido Raso has mentioned Marsabit. It is in our master plan. He has correctly noted that one bit of the project is completed. That is the bit that was done by the Ministry through Sports Kenya. I visited Marsabit to confirm that. The bit the County Government did is incomplete. We had serious concerns about the integrity of that structure. I am pleased to report to this House that we have done integrity tests and we have a report. We commissioned the structure to determine whether it can withstand completion. The test results are being analysed and as soon as that will be completed, we will proceed to complete the project as indicated in the master plan.

There was a question from the Member for Emuhaya, Hon. Omboko on Bukhungu Stadium. I could not agree more with the Member that this region, the *mulembe* land, is a hotbed of talents. Bukhungu Stadium is like a shrine of football and it certainly deserves to be given attention. I am pleased, again, to report to this honourable House that I was personally at Bukhungu Stadium a month ago to do groundbreaking for the completion of Bukhungu Stadium. We have entered into a partnership with the county government to complete the bit that is remaining. So, work is ongoing at Bukhungu Stadium and we have every determination to complete it. While that is going on, we have also done groundbreaking of Masinde Muliro Stadium Kanduyi, Bungoma County. It is also on track. In fact, that will be the host of this year's Madaraka Day celebrations and we are racing against time to complete it in time, not only to host Madaraka Day, but to also be available to support the sporting ecosystem of Bungoma County and the rest of that region.

Finally, on the question by the Leader of the Majority Party, he asked a very fundamental question on escalation of project costs. I am happy to report to this honourable House that the audit report that the Leader of the Majority Party referred to is actually a result of our own request. I wrote to the Auditor-General to invite his office to look at these projects during the process of developing our master plan to help us avoid pitfalls that have afflicted this sector for many years. We are very keen. This is our audit as it were, if I may call it that way. It is our audit because we asked for it. So, its results are very important to us. We are very keen to deal with this hydra-headed monster of overpricing projects because it is real. If you look at a lot of these projects, you do not see value for money. So, we are keen to deal with that issue.

One of the measures that we have taken is to do prototypes. For instance, if we want to develop a regional stadium, we will do a prototype and cost it. So, for every actual project, we measure it against our prototype. On the academies, for instance, someone had given a cost of about Ksh400 million per academy. We did our own prototype that indicated you can do these academies for not more than Ksh50 million which is many times less than what was projected. I can assure this House and the Leader of the Majority Party that we are on top of this to keep budgets in check and deliver value for money to the tax payers. I submit.

Hon. Speaker: The Member for Ndhiwa, Hon. Martin Owino, Question 053/2024.

Question No.053/2024

MEASURES TO PROMOTE SPORTS DEVELOPMENT AND NURTURE TALENTS

Hon. Martin Owino (Ndhiwa, ODM): Hon. Speaker, I appreciate for the opportunity. I rise to ask the Cabinet Secretary for Youth Affairs, Creative Economy and Sports the following Question:

- (a) Could the Cabinet Secretary outline the measures taken by the Ministry in promoting sports development and nurturing talents in communities, particularly in rural areas where there is an abundance of talent?
- (b) Could the Cabinet Secretary consider establishing a sport centre or academies in Ndhiwa Constituency with the aim of empowering and fostering economic growth among the youth?
- (c) Could the Cabinet Secretary clarify whether there are plans to monetise sports nationwide using other means apart from the recently launched “Talanta Hela” which is predominantly in the urban areas?
- (d) Could the Cabinet Secretary explain how the Ministry intends to roll out the Talanta Hela initiative, and can the Cabinet Secretary provide assurance that the initiative will not lead to unsustainable economic burdens on the beneficiaries once concluded?

Hon. Speaker: Minister.

The Cabinet Secretary for Youth Affairs, Creative Economy and Sports (Hon. Ababu Namwamba): Thank you, Hon. Speaker. Let me bring to the attention of the Member for Ndhiwa and the House generally that I have made some annexures to my responses. So, information for some of the issues that have been raised here is provided in the annexures. I particularly refer to Annexure (b) that talks to the work that we are doing in the space of innovation because that is part of our Talanta Hela initiative and part of promoting youth creativity and entrepreneurship. I also have Annex (c) which provides youth training camps nationally. We are rolling out 45 athletic training centres in different parts of the country and that is provided in Annex (c) in addition to Annex (a) which is the master plan.

Back to the Question, we are very proud of the measures we have taken as a Ministry and Government to raise the profile of identifying, nurturing and monetising talent in this country. We came to office at a time when this space had no form. The whole sporting arena was troubled all over the place. There was no notable structure and initiative on how to deal with the question of developing the talents of young people in this country and turning them into livelihoods or “*pesa mfukoni*” as we call it. Things like football were in shambles.

Football had been suspended when we came to office. Doping had run amok and Kenya was on the verge of being banned by the World Athletics. Sports infrastructure as we have demonstrated here was in shambles all over the place. It was even unthinkable that Kenya could host the Africa Cup of Nation. It is amazing that today we are talking about hosting AFCON. At the time the Kenya Kwanza administration came to office, Kenya did not even have a

stadium to host an international friendly game. Today we are talking about hosting international events.

We are very happy that we have put in place the Talanta Hela initiative that has provided a framework of how to identify talents countrywide, nurture and monetise those talents. The football programme that ran last year was a nationwide programme that resulted in finals that His Excellency the President graced at the Nyayo National Stadium. The winning teams received significant prize money for that process. The girls had Busia as winners, Kisumu was in position two and Homa Bay took position three with winners receiving Ksh5 million, Ksh3 million for runners-up, and Ksh2 million for number three. Uasin Gishu, which was Number Four, received Ksh1 million. That was the same thing for boys. We also rewarded regional winners. Everybody who participated in this and emerged a winner in their respective regions, was duly rewarded. I am happy to note that under the Kenya Academy of Sports, we have been able to develop a national talent pool. Today, if you want an under 15, 17, 18, 19, 20 team, we have them and are available any time.

We saw the performance of our under 18 in the Council for East and Central Africa Football Associations (CECAFA). A lot of those young people were from this talent pool. This evening, our national under 20 team will be departing for Malawi to participate in the Four Nations Tournament. A lot of those young stars are from this pool. On Friday, our under 19 team, both boys and girls, will be going for a special training camp in Spain. Those are again products of this pool.

This year, for the first time, Kenya is entering all World Cup Qualifiers for youth teams, and it is because of this pool that we have been able to create under this talent progression. I believe we are in a good space. As I have said, we are rolling out 45 athletics centres countrywide. We will also be rolling out academies, and I will come to that. All this is intended to provide an eco-system for identifying, nurturing and monetising these talents in a very deliberate manner.

We are also funnelling them outside the country. If you go to the Nastic Soccer Academy in Spain, you will meet boys like Aldrin Kibet, Amos Wanjala, and Alvin Kasavuli. Those are products of this ecosystem and they have ended up in an elite football ecosystem in Spain. Luis Ingavi at Montverde Sports Academy in Orlando Florida is a product of this pipeline. We are happy that we have a pipeline that is producing.

The second part of the Question was about establishing a sports centre or academy in Ndhiwa. I am pleased to report here that we have developed a framework for developing academies. The ultimate aim of this framework is to provide academies countrywide so that every constituency gets an academy.

On Page 12 of my responses, we have provided a list of the initial constituencies. We did a survey countrywide and on Pages 12 to 13, you will find a list of constituencies that are going to be the ignition. That will be the first wave. We will be doing this in waves purely because of resources. So, on the question on academies, I wish to report that we have already done the framework and we are preparing to start rolling them out. We took a bit of time to do the prototype and we were able to reduce the cost of these academies from the initial projected cost of about Ksh400 million to Ksh50 million per academy. We wanted to make sure that we live within our budgetary limits and undertake projects that deliver value for money. We are rolling out that project, and Ndhiwa will ultimately be covered in that framework of the constituencies' academies.

Hon. Speaker: Move a little faster Cabinet Secretary.

The Cabinet Secretary for Youth Affairs, Creative Economy and Sports (Hon. Ababu Namwamba): Yes.

In clarifying whether there are plans to monetise sports talents, I want to state that besides the Talanta Hela Initiative, we are getting into some solid partnerships to widen the

opportunities available. We have signed a deal with the National Basketball Association (NBA). I was in New York with His Excellency the President last year to sign a deal with NBA to develop basketball, right from the school ecosystem. That is an opportunity for our young people.

We have signed a deal with the Invention Studios of Hollywood to promote the film industry. We have also signed with the Grammys to promote music. We have expanded that space. We have brought in the corporate sector. And for the first time, we have put in incentives framework to encourage corporates to put money in this space. We now have a system with Treasury for tax rebates; for every shilling you put in, you get a certain tax break under that framework to expand that space. I believe that is a matter that is very much on track.

Hon. Speaker, on the question of how the Ministry intends to roll out the Talanta Hela Initiative, I want to state the Initiative is already up and running. We launched it last year, but it was already rolling. This year, the Initiative is going to be much broader and the plan is to involve other sporting disciplines and bring in creatives like music, film theatre and other segments of the Initiative. The initial one was very successful because it brought together thousands of young people into talent camps. It was what resulted in the talent pool that I am so proud to mention here. It is a programme that is running and I assure the House that it can only get better.

Other partnerships that we have entered into include the most recent one is with Amazon Web Services to fully exploit the digital space. This is going to include upgrading the Talanta Hela Digital Hub into Talanta TV for purposes of promoting content from the sporting arena and the creatives. It is going to find a vibrant space that is also Intellectual Property (IP) protected within that ecosystem of the Talanta Hela Digital Hub, which is up and running.

I want to request the Members to take time and visit the Talanta Digital Hub at the Kenya Academy of Sports at Kasarani.

Thank you, Hon. Speaker.

Hon. Speaker: Yes, Hon. Martin. Are you satisfied?

Hon. Martin Owino (Ndiwa, ODM): Hon. Speaker, just a quick supplementary. The CS has talked about a master plan and I was hoping that he could pinpoint when we will have the beneficiaries. He has just said within the framework and that is a bit discouraging. We also do not have the privilege of having those annexures that he is talking about. We do not even know the constituencies that are in the first wave of 45, and those that are not.

Lastly, Cabinet Secretary, the last time you were here, you mentioned that Talanta Hela is on procurement. At what stage are you today?

Hon. Speaker: Hon. Sunkuli. Joyriders, ask only one question.

Hon. Julius Sunkuli (Kilgoris, JP): Hon. Speaker, the Cabinet Secretary has painted a rosy picture about his efforts in promoting community talent. Could I be in order to ask the Cabinet Secretary why Narok, particularly Kilgoris, has been given a blackout yet we have been producing the highest number of talents in the region? We have the two Rudishas, Ole Marai and many others.

Hon. Speaker, allow me to ask another question because mine are brief. Cabinet Secretary, if you are nurturing talents, is it possible for the Government to consider athletics as one of the possible qualifications to be recruited in the Army notwithstanding the fact the athletes may not have gone up to Form Four? Many of our athletes are talented in running but when they go for interviews for police or army jobs, they do not get them because they lack Form Four certificates. Can you use the whole Government approach to persuade your colleagues that a talent is enough competency to take one to the armed forces?

Hon. Speaker: Hon. Kirwa, one question.

Hon. Abraham Kirwa (Mosop, UDA): Thank you, Hon. Speaker. I would like to ask a question about Athletics Kenya. There has been a huge complaint from athletes towards the

organisation. A few weeks ago, the court ordered fresh elections at Athletics Kenya. I would like to hear from the Cabinet Secretary what the Ministry is doing about it and why the organisation had the same officials for eight consecutive years in office. What have they done about it?

Hon. Speaker: Hon. Bensuda.

Hon. Atieno Bensuda (Homa Bay County, ODM): Thank you, Hon. Speaker.

Hon. Speaker: The reason the Clerks-at-the-Table have difficulty locating you, Members, is that many of you come in without your cards. It makes it difficult to pinpoint where Members are. Please try and come with your cards.

Hon. Atieno Bensuda (Homa Bay County, ODM): Thank you, Hon. Speaker. That is well noted. This side, however, has always been a problem, though it is my sitting position in this House. The ICT Department should move in with speed because this is my permanent sitting place.

Thank you, Cabinet Secretary, for your mastery of what you are responding to. My first question to which I will add another one very fast...

Hon. Speaker: Only one.

Hon. Atieno Bensuda (Homa Bay County, ODM): Thank you, Hon. Speaker. In regard to health within the sports sector and mentoring youths, I have observed a gap. I am talking about the recent sports that I conducted as the County Member of Parliament for Homa Bay. I would like you to tell this House the plans you have in place to ensure that the health status of players, whether under 17, 18, 19 or 20 are taken care of in terms of facilitating, providing and equipping mobile health clinics or first-aid kits. I noticed that once players are injured, sub-county hospitals do not have adequate capacity to rush in and bring first-aid kits or mobile clinics to take care of them. That is a gap that you need to plan for. I know by the time I finish this question, because you are very sharp, you will have already visualised the plan you have in place so that we do not have players running around, mobilising for funds. Some of them do not even have the National Health Insurance Fund (NHIF) cards.

Hon. Speaker: You are making a speech. Ask a question.

Hon. Atieno Bensuda (Homa Bay County, ODM): The question, Hon. Speaker, is: What plans does the Ministry have in place to take care of health issues regarding mobile clinics and first-aid kits?

Hon. Speaker: Well done. Hon. Richard Yegon.

Hon. Richard Yegon (Bomet East, UDA): Thank you very much, Hon. Speaker. Being a Member of the Departmental Committee on Sports and Culture, I would like to ask the Cabinet Secretary about Bomet Stadium. When you visited Bomet, I understand the stadium...

Hon. Speaker: That one was already asked and answered.

Hon. Richard Yegon (Bomet East, UDA): No. It is a different thing, Hon. Speaker.

Hon. Speaker: Yes.

Hon. Richard Yegon (Bomet East, UDA): That stadium was condemned and I understand there was a directive that another stadium would be built instead of demolishing the one that is there and constructing a new one. Could you kindly give us the direction on that, Cabinet Secretary?

Hon. Speaker: Deputy Speaker.

Hon. Gladys Boss (Uasin Gishu County, UDA): Thank you, Hon. Speaker. I would like to ask the Cabinet Secretary what is going to be done given the fact that there is a very big conflict of interest in Athletics Kenya. The Vice-President of Athletics Kenya (AK), Jinaro Kibe, is also the senior partner at TripleOKlaw Advocates, the lawyers for Athletics Kenya. The Chairman of the Sports Tribunal is a partner at the same TripleOKlaw Advocates. We also have a situation where Barnaba Korir, who is a member of Athletics Kenya, is also the owner of the continental championships which he controls and runs as a personal business. When this

information gets out, chances of Kenya being banned from World Athletics are extremely high. The conflict is known to the Cabinet Secretary. Could you please tell us what you will do about it to save Kenya from being banned?

Hon. Speaker: Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Speaker. Recognising that talent starts in primary and secondary schools, I wish the Cabinet Secretary could highlight what efforts the Ministry is making to improve sporting facilities in both primary and secondary schools in the entire Republic of Kenya, especially in the western part, which is the citadel of football and is also emerging as a force in athletics.

Hon. Speaker: Hon. Haika.

Hon. Haika Mizighi (Taita Taveta County, UDA): Thank you, Hon. Speaker. Is the Cabinet Secretary aware that in Taita Taveta there is no stadium of international standards? The Dawson Mwanyumba Stadium is in a dilapidated state and the Moi Voi Stadium is in a mess. What plans does the Ministry have for a sports stadium in Taita Taveta?

Hon. Speaker: Hon. Paul Biego.

Hon. Paul Biego (Chesumei, UDA): Thank you, Hon. Speaker, for this opportunity. I come from Nandi, the source of champions. We do not have a modern stadium there. We feel the Cabinet Secretary is not visible in Nandi County. I do not know the plans he has for Nandi, considering that that is the place from where many people who have put the Kenyan flag high come from. I am the Member representing where Kipchoge comes from, but there is nothing much to be proud of. If those who have given us medals come and see where the likes of Kipchoge come from, it is going to be an embarrassment. I would like to know the plans the Cabinet Secretary has for Nandi County, with special reference to sports academies.

Hon. Speaker: Hon. Koimburi.

Hon. George Koimburi (Juja, UDA): Thank you, Hon. Speaker, for giving me this opportunity to ask the Cabinet Secretary my question on behalf of Kiambu County. In Gatundu South, there is Karatu Stadium, whose construction started seven years ago. The contractors have not been paid for more than seven years.

Hon. Speaker: Is that Hon. Timothy Kipchumba? Or you are not called Timothy?

Hon. Timothy Kipchumba (Marakwet West, Independent): That is my first name.

Hon. Speaker: Okay.

Hon. Timothy Kipchumba (Marakwet West, Independent): Cabinet Secretary, could you respond to the issue that Elgeyo Marakwet County, despite being referred to as the county of champions and having produced world record holders like Kelvin Kiptum, may his soul rest in peace, does not have a Government-funded high altitude training centre? All training centres are owned by private individuals. What plans does the Government have in establishing high-altitude training centres in Elgeyo Marakwet County to tap the talent in the county?

Hon. Speaker: Member for Kwale.

Hon. Fatuma Masito (Kwale County, ODM): Thank you, Hon. Speaker. I would like to ask the Cabinet Secretary about the plans the Ministry has to revive sports tourism in Kenya and mostly Diani. We have golf, skydiving and other sports, which can be very instrumental for the country's and county's economy if the right investment is made. Does the Ministry have any plans in collaboration with the Ministry of Tourism and Wildlife in partnership with the coastal counties?

Hon. Speaker: Hon. Kombe, I can see you keep raising up your hand. He will be the last person on this Question. If your neighbour has asked a question, you can wait for the answer. You are from the same neighbourhood.

Hon. Harrison Kombe (Magarini, ODM): Thank you, Hon. Speaker. Now that the NG-CDF does not fund sports anymore, what plans does the Ministry have to make sure that

we conduct tournaments in our respective constituencies to tap into the talents of the young people?

Hon. Speaker: Cabinet Secretary, if you can answer those in under 10 minutes, I will be very happy.

The Cabinet Secretary for Youth Affairs, Creative Economy and Sports (Hon. Ababu Namwamba): I will try, Hon. Speaker. I will just go on one by one. There was a question on the procurement in Talanta Hela. When I first appeared before this House, I indicated that what had delayed the take-off of that programme was the procurement of certain services, like the provision of the software and the construction of the physical infrastructure. That has been done, and the programme is up and running. I welcome Hon. Members to the Kenya Academy of Sports to look at the hub. It is a beautiful place.

The second question was about Kilgoris. I confirm to the Hon. Member that Munge Primary School in Kilgoris is already on our list for the special centres that we are establishing. The Hon. Member can confirm that. It is definitely within our scope.

On the question of using athletics or talent as a basis for recruitment. It is a policy that our armed and disciplined forces already apply. In fact, most of our elite athletes operate within the ecosystem of our disciplined forces. This is something that we encourage. I also want to confirm here that it is our policy to encourage academics to go hand in hand with the development of talent, especially completing the basic level of education. It serves our sportsmen and women.

The third question is about the elections in Athletics Kenya. This is a matter that has attracted a lot of court action. In fact, it is one of the reasons why the management of elections in Athletics Kenya has been problematic, as is the case with several other federations. This matter is active in court. There was a court order, and the other side ran to court again and got an injunction. It is a bit of a messed space. We are reviewing the Sports Act, and we will be bringing the reviewed Sports Act to this august House. One of the things we are grappling with is how to deal with the litigation and how litigation undermines or interferes with the administration of some of these federations. Some of the leaders and the incumbents actually sponsor litigation so that they can stay in office *ad infinitum*.

Hon. Speaker: Disqualify them if you have evidence.

The Cabinet Secretary for Youth Affairs, Creative Economy and Sports (Hon. Ababu Namwamba): If I have the authority of the Hon. Speaker, then I am going to leave this House very emboldened today.

On the question of health for players, this is absolutely critical. We have seen unfortunate cases of even losing athletes in the course of training. We are preparing to lay to rest one of our athletes whom we lost in Cameroon while on the track racing, doing the mountain run. The provision of health services, such as first aid services and mobile clinics, is critical. If this House facilitates the Ministry, the Kenya Academy of Sports and Sports Kenya, to provide these services in our academies and our stadia, we would be more than happy to provide that. There is a cabinet memo we are preparing for Cabinet consideration. One of the issues we are addressing very substantively is the issue of health and healthcare for our athletes.

Hon. Speaker: In fact, Cabinet Secretary, there is an athlete who collapsed and died after a marathon, right?

The Cabinet Secretary for Youth Affairs, Creative Economy and Sports (Hon. Ababu Namwamba): I have just mentioned that in Cameroon to amplify the fact that it is a real threat. It is not something to treat lightly. There is a question from Hon. Yegon on the stadium in Bomet. When we visited that Stadium, we found that it was initially the choice of the leadership of Bomet. We were notified that there were discussions on the possibility of picking a different venue. We have asked the leadership of Bomet County to resolve that conversation. We are ready to proceed with this project once the leadership of the county indicates the

preferred site to us. Hon. Yegon and the leadership of Bomet, you showed us the site, and we will proceed with the project.

The Hon. Deputy Speaker has raised the big issue of conflict of interest in Athletics Kenya. Certainly, it is a big issue. If you look at the laws and operations of many of these federations, you will find that they act with impunity because of the so-called cover of parent international federations. You are always threatened with the excuse of third-party interference. It has happened to this country previously, especially with football. These are issues that certainly have to be dealt with.

What I can assure this House is that we have given very firm notice to the Football Kenya Federation, Athletics Kenya, and all the federations in this country that obeying the law is not a choice. Obeying the law is an imperative. We have noted the issue that the Hon. Deputy Speaker has raised. I want to give the assurance that we certainly will be picking them up for action.

On the question of sporting facilities in schools from the Hon. Member for Funyula, it is critical the natural domicile of talents in this country is schools. That is where 99 per cent of our talents are domiciled. It is imperative that we target schools as the primary source of the talent development pipeline. If you look at our Talanta Hela initiative, you will find that the pipeline is anchored in schools. That is why the funding for school ballgames, drama, film, and music festivals, as well as all the talent processes going on in schools, was taken over by the Ministry of Youth Affairs, Creative Economy and Sports. We support those activities and provide the pipeline for the development of those talents through the Kenya Academy of Sports, the Kenya Film Commission, the National Theatre, and the Kenya Film School. We have been able to join those dots, something that did not exist before.

On the question of improving facilities in schools, we have already started. The 45 centres I have mentioned here are all school-based. They will provide the ignition—the beginning points of improving facilities in our schools to support this ecosystem of talent in our schools.

In Taita-Taveta, we are in conversation with the Hon. Governor. We were on the phone two days ago discussing the situation of Taita-Taveta. He indicated to me on the phone that the land is available to do a facility in Taita Taveta, and it is something we will be progressing with.

Hon. Koimhuri, Karatu stadium in Gatundu, Kiambu County, was one of the troubled stadia. It is the stadia that I mentioned at the beginning that we subjected to audit and assessment, but the construction is now back. We have made it clear to the contractor that Karatu has taken too long and that the construction has to be accelerated. We want it to be completed. There are also some adjustments we are planning to make to Kirigiti. We want to open Kirigiti Stadium to the public pretty soon. So Kirigiti and Karatu should, in the meantime, serve the people and the sportsmen and women of Kiambu County.

In Nandi County, I am glad to report that we have already advertised the construction of Kipchoge Keino Stadium. We advertised, and I believe the conclusion of the procurement should be at a very advanced stage for constructing the Kipchoge Keino Stadium. As academies go, Koitalel Samoei Academy is one of the priority academies in the master plan in appreciation of the immense contribution that Nandi County continues to make to the sporting ecosystem of our country.

The other question is from Hon. Timothy of Elgeyo-Marakwet. Again, I am very happy to report that we have finally advertised the construction of Kamarin Stadium. In our plan, it is more than just a stadium. It is both a stadium and an elite high-altitude training centre. The air around Kamarin is just in its own league. The suitability of training in Elgeyo Marakwet is on another scale. That is a priority project. Alongside this project, we will also be improving the Iten and Chepkorio grounds, as well as another space called Chepkorio Secondary School and

Kiptulus Primary School in Keiyo South. All this is part of improving the ecosystem in that space and to honour the great contribution of Elgeyo Marakwet. It gave us Kelvin Kiptum, the young man we sadly lost the other day. Today, we had a special ceremony to induct him officially into the Talanta Hall of Fame in honour of his contribution.

I confirm that a lot is going on, but resources are limited. At this rate, this House should really consider providing this Ministry with a special allocation just for infrastructure for sports and the creatives. As you can see, the need is immense. We are delighted as a Ministry that there is a lot of enthusiasm and excitement across the country about sports and the creatives. If we turn this into a mega industry, we are guaranteed employment opportunities and support for the livelihoods of our young people and a great portion of our population.

I Submit, Hon. Speaker.

Hon. Speaker: We will go to the last question. Hon. Irene Mayaka.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Speaker, for the

(Hon. Harrison Kombe spoke off the record)

Hon. Speaker: Order, Hon. Irene. *Mhe.* Kombe, ni swali gani?

The Cabinet Secretary for Youth Affairs, Creative Economy and Sports (Hon. Ababu Namwamba): Hon. Speaker, I realise that I skipped two questions if you would allow me.

Hon. Speaker: The Member for Kwale has left the House. You can leave out that.

The Cabinet Secretary for Youth Affairs, Creative Economy and Sports (Hon. Ababu Namwamba): There was a question on the NG-CDF.

Hon. Speaker: You said NG-CDF is not allowed?

The Cabinet Secretary for Youth Affairs, Creative Economy and Sports (Hon. Ababu Namwamba): Yes. I am just making sure that we now support constituencies. Through the model we have put in place - the Talanta Hela Model of Talent Growth- from the grassroots, initially, our target has been the school ecosystems to work through schools and colleges. It is possible for us to sit down with Hon. Members and see how that can be integrated into the programmes that Members of Parliament run at the constituency level so that as we do constituency academies and athletic development centres, we can also see how sporting activities can be integrated into our broader Talanta Hela Programme.

On sports tourism, we are doing very well. We work very closely with the Ministry of Tourism and Wildlife. We are already doing programmes like the Vipingo Ladies Open at the Coast Region. By any stretch of the imagination, the Vipingo Ladies European Tour (LET) is a sports tourism package. As we prepare for the World Sports Championship (WSC) Safari Rally next week, we are working together with the Ministries of Tourism and Wildlife and Investments, Trade and Industries. When the elite drivers arrive this weekend, their first destination is going to be the Maasai Mara ecosystem, where they will use their presence to market the country to the world. Therefore, sports tourism is a product that we are pushing and deploying to expand Kenya's attraction to the rest of the world.

I thank you, Hon. Speaker.

Hon. Speaker: Hon. Irene Mayaka, your question has been scratched on several times in the answers given by the Cabinet Secretary. Ask your Question. Cabinet Secretary, you will take five minutes to answer Question 055/2024 by the nominated Member of Parliament, Hon. Irene Mayaka.

Question 055/2024

POLICY FRAMEWORK FOR PROVISION OF MEDICAL

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COVER FOR SPORTSPERSONS IN THE COUNTRY

Hon. Irene Mayaka (Nominated, ODM): Hon. Speaker, I rise to ask the Cabinet Secretary for Youth Affairs, Creative Economy and Sports the following questions:

Could the Cabinet Secretary-

- (a) elaborate on the policy framework guiding the provision of Medical Cover for Sportsperson in the Country and measures in place to ensure that athletes are provided with medical coverage?
- (b) state if the Football Kenya Federation (FKF) and the Kenya Premier League (KPL) have considered the provision of medical coverage to football players including to advocate for the rights of the athletes to healthcare?

I thank you.

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Youth Affairs, Creative Economy and Sports (Hon. Ababu Namwamba): Hon. Speaker, let me admit that other than the normal processes we go through to provide insurance when our teams are travelling out of the country, for example, right now we are taking our Under 19 Junior teams (boys and girls) to Spain at the end of this week, we have had to secure medical insurance for them. Other than those provisions and requirements that the FKF would be under the Confederation of African Football (CAF) club licensing regulations if you look at the CAF club licensing regulations, there are requirements for medical insurance and National Hospital Insurance Fund (NHIF) for players.

Other than that, we have really not had any robust, deliberate, intentional and structured plan to provide health insurance to our sportsmen and women. But I am glad to report that we are working on a composite Cabinet Memo for the welfare of sportsmen and women. It covers a wide range of issues: pension, endowment, health assurance, and travel (how our sportsmen and women travel. We are looking at the possibility of diplomatic passports in certain limited circumstances, how to take care of these athletes in retirement, and how to provide respectable housing, especially under the affordable housing framework to our sportsmen and women.

The Cabinet Memo is going to provide us with an official policy framework to finally fix some of the challenges our sportsmen and women face that have never been fixed for 60 years of our Independence. I believe this is also going to be provided to this House because once the policy framework is ready, we have every intention of subjecting it to Hon. Members here for their input. When it comes, please give it your input.

Hon. Speaker: You will bring it as a sessional paper.

The Cabinet Secretary for Youth Affairs, Creative Economy and Sports (Hon. Ababu Namwamba): Yes. We are preparing it in the form of a white paper that could progress all the way to the House.

I thank you, Hon. Speaker.

Hon. Speaker: Hon. Irene, are you satisfied? I will allow you to ask a supplementary question.

Hon. Irene Mayaka (Nominated, ODM): Yes, Hon. Speaker. Thank you for that. I just have a very quick supplementary question on what the Cabinet Secretary has been able to tell us about the policy paper, which I hope will be fast-tracked because we have already had situations of losing athletes, and we do not know the succession or the life insurance plans for them. I hope that is included.

On the matter relating to the medical cover for the FKF, I am really curious to know if the Ministry checks on the status of compliance of particular football teams. The reason I ask that, and I know the Cabinet Secretary must be aware, is that we have instances of legendary footballers who had injuries in their line of duty, and currently, citizens are donating money

for them to be taken care of. My concern is the continuity plan and its status. Are you able to have a status report on the compliance of this club with the federation regulations?

Thank you.

Hon. Speaker: Cabinet Secretary. There will be no joyriders here. We have come to the end.

The Cabinet Secretary for Youth Affairs, Creative Economy and Sports (Hon. Ababu Namwamba): We have to admit that the scenario affecting our sportsmen and women has previously been really bad. Previously, we had never had a reward framework until this administration put in place a new rewards framework. Today, if you break a world record, we give you Ksh5 million. You win a gold medal, you know you have earned yourself Ksh3 million. Now, there is certainty. You know what you are competing for and what is available to you.

We are now naming our facilities using the names of our sporting greats, and inducting them into a hall of fame. We have come a long way in providing a framework for sending a strong message that Kenyan sportsmen and women are a special breed of our population. They brand this country in a manner that we cannot quantify financially. Those two or three minutes someone takes to win an 800m Olympic gold medal, that moment when the Kenyan flag is rising in a foreign arena or that moment when the whole world is focused on this country, is invaluable in monetary terms.

Previously, this country did not treat our sportsmen and women well. This administration is changing that in a deliberate, intentional, and structured fashion. One of the issues being reflected is the attention we are paying to issues like pensions. What happens to them after they retire? Also, issues like housing and healthcare. As we discuss the new framework for health insurance, we are initiating discussions with the Ministry of Health to have a special product for our sportsmen and women. We do not have the capabilities in all our health facilities to provide specialised attention to some life-changing injuries. The tools of the trade for our sportsmen and women are their body parts; their feet and arms. When they get an injury to their body, they are put out of life because that is their life.

I assure this House that through the policy framework we are developing, we will fix the enforcement that Hon. Mayaka has mentioned. We will ensure that those who take responsibility, including federations and other sporting organisations, meet those responsibilities. We will enforce those obligations. I will go back to that framework because we believe we have done well. By having a good solid framework, we will solidify the interventions we are already making.

Hon. Speaker, I submit.

Hon. Speaker: Thank you, Cabinet Secretary. As you leave, I would like to encourage you. You have just said what I was about to say, that our National Anthem is not often played in many international capitals, as it is done because of our athletes. When I was the Cabinet Secretary for Foreign Affairs, I anchored the role of our athletes in our foreign policy. This is cross-cutting and it is done by the Ministry of Foreign and Diaspora Affairs.

You can also engage them to ensure that all our world beaters and emerging athletes are provided with protocol services when they go out there. When our athletes break a world record or win a gold medal, every international media house draws interest in interviewing them. Some of them have either limited education or exposure. You should provide them with protocol and media services that can help them so that they can market the country more.

(Applause)

As a Cabinet Secretary, this is something you should consider and a wonderful thing to do. We do not have any greater brand marketing Kenya than our athletes.

The Cabinet Secretary for Youth Affairs, Creative Economy and Sports (Mr. Ababu Namwamba): I could not agree more. My heart is dancing with joy, listening to your acknowledge something that has become a gospel for me. We should keep reminding ourselves and the world that our sportsmen and women are the goose that lays the golden egg and brand Kenya. Nothing brands this country more or better than these great Kenyans.

Hon. Speaker, indeed, I can confirm to you that the process has already started. Today, we are talking about the preparation of Kenya House in Paris for the Olympics in the summer. We have already put together a multi-agency team from the Ministry of Youth Affairs, Creative Affairs and Sports, Ministry of Tourism, Wildlife and Heritage, Ministry of Trade, Investment and Industry, and Ministry of Foreign and Diaspora Affairs to see how to curate that special Kenyan space. Where the world will come and interact with the very best of Kenya. We have already lined up Ferdinand Omanyala and Faith Kipyegon to make special appearances at Kenya House and interact with the world as part of branding our country.

Protocol services are important. So, I thank our ambassadors who have come on board through the Ministry of Foreign and Diaspora Affairs. Let me make a special mention of Ambassador Matwang'a in Rome, who was hands-on last weekend when Kenya swept and painted Rome. It almost became Kenya because Kenyans in both men and women categories emerged as winners, and he stood by those great sportsmen and women. That is what we are encouraging our ambassadors and heads of missions across the world to do.

I have also been telling our athletes, and I can repeat that here. That, when a foreign journalist thrusts a microphone on your face, and you are still panting from that race, speak the language you are most comfortable with. *Watajipanga* with an interpreter. You can speak Swahili, Luhya or Kalenjin. Ordinarily, they will sort themselves out with interpretation because you express yourself best in the language of the first instruction. If you are comfortable with these languages, nothing will stop you from learning them.

Hon. Speaker, I agree that having protocol services and officers to support them in these moments is indispensable. We shall follow that through. Thank you.

Hon. Speaker: Thank you, Cabinet Secretary. You are released to go back to your other duties. Hon. Members, allow me to acknowledge a visiting delegation from the Johns Hopkins School of Advanced International Studies. The delegation is in the Speaker's Gallery and led by Prof. Siniša Vuković.

(Applause)

You may stand to be acknowledged. There he is. The delegation is visiting the Parliament of Kenya courtesy of Hon. George Peter Kaluma, a Member of Homa Bay Town Constituency and a Member of the Speaker's Panel. He is about to take the Chair. On my behalf and that of the House, I welcome the delegation to the National Assembly of Kenya to observe the proceedings of the House this afternoon. Thank you.

Next Order. Hon. Members, you may be upstanding, including those in the Gallery.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Temporary Chairman (Hon. Omboko Milemba) in the Chair]

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO. 2) BILL
(National Assembly Bill No.68 of 2023)

The Temporary Chairman (Hon. Omboko Milemba): Very well. Hon. Members, you may take your seats. We are in the Committee of the whole House about to make a law. This time we are dealing with the Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No.68 of 2023).

Order, Hon. Members. I hope the Chairpersons and Leader of the Majority Party are in the House, because they will be playing a very significant role. Very well. The Leader of the Majority Party is in the House. We can take that again.

THE OATHS AND STATUTORY DECLARATIONS ACT (CAP. 15)

The Temporary Chairman (Hon. Omboko Milemba): There are no amendments to these particular provisions.

(Sections 3 and 12 agreed to)

*(Provisions relating to the Oaths and Statutory Declarations Act
(Cap.15) agreed to)*

THE ADVOCATES ACT (CAP. 16)

The Temporary Chairman (Hon. Omboko Milemba): Hon. Members, there are no amendments to this.

(Sections 2 and 81(1) agreed to)

*(Provisions relating to the Advocates Act
(Cap.16) agreed to)*

THE NOTARIES PUBLIC ACT (CAP. 17)

The Temporary Chairman (Hon. Omboko Milemba): Hon. Members, again, there are no amendments to these particular provisions.

(Sections 4(1), 4(2) and 5(3) agreed to)

*(Provisions relating to the Notaries Public Act
(Cap.17) agreed to)*

THE CIVIL PROCEDURE ACT (CAP. 21)

Section 81(1)(a)

The Temporary Chairman (Hon. Omboko Milemba): Mover.

Hon. George Murugara (Tharaka, UDA): Hon Temporary Chairman, I beg to move:
THAT, the Schedule to the Bill be amended by—

- (a) deleting the proposed amendments to the Civil Procedure Act (Cap. 21).

The justification is that the reduction of the number of advocates representing the Law Society of Kenya in the Rules Committee would negatively affect the interests of the legal practitioners because this is their Act.

(Question of the amendment proposed)

Let us see if there is any interest in this.

(Hon. George Murugara spoke off the record)

Civil Procedure Rules. There being no interest, I will proceed to put the Question.

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

(Section 81 (1)(a) as amended agreed to)

(Provisions relating to the Civil Procedure Act (Cap.21) as amended agreed to)

THE PUBLIC HOLIDAYS ACT (CAP. 110)

Schedule

The Temporary Chairman (Hon. Omboko Milemba): Mover.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended –

- (a) by deleting the proposed amendment to the Public Holidays Act (Cap. 110), and substituting therefor the following new amendment

–

The Public Holidays Act (CAP. 110) Schedule Delete the expression “Utamaduni Day” and substitute therefor the expression “Mazingira Day.”

For the benefit of Members, there was a provision to delete Utamaduni Day from the schedule of public holidays. Instead of the deletion, and in recognition of the crusade to save our environment through climate-change mitigation measures, it was the view of the committees that instead of doing away with the public holiday, we rename it to Mazingira Day. Therefore, we are removing the expression "Utamaduni Day" and replacing it with the expression "Mazingira Day." This public holiday is now themed around the protection of our environment and climate-change issues.

Late last year, we had a day that was designated as a public holiday for tree planting. This will now be such a day. Every year, Kenyans will have the opportunity to plant trees and create awareness around issues of *mazingira* or the environment.

(Question of the amendment proposed)

(Hon. (Dr) Ojiambo Oundo spoke off the record)

The Temporary Chairman (Hon. Omboko Milemba): I can hear the voice of Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairman, the Mover is just being extremely unfair. Traditionally, that was Moi Day. It changed from Moi Day to no holiday, and then it was reinstated. It then changed to Utamaduni Day and is now being changed to Mazingira Day. I am sure he will probably change it next year to Kabete Day.

Can we just not be magnanimous enough and not attempt to erase history? Just go back to Moi Day. President Moi used to love the environment, *maporomoko*, trenches, gabions, tree planting, and all those kinds of things. Let us theme it "Moi Mazingira Day." It looks neater, and we will never lose Moi in our minds. Can you agree that we change it to Moi Mazingira Day?

The Temporary Chairman (Hon. Omboko Milemba): We have heard you. Hon. Sunkuli.

Hon. Julius Sunkuli (Kilgoris, JP): Hon. Temporary Chairman, I agree that it should be called Mazingira Day. However, Hon. Oundo has taken away my comments. It is more fitting than calling it Utamaduni Day. The late President Moi was good at preserving the environment.

We are still too close to Moi's leadership to appreciate him, but I know that in the future, the word "Moi" will be added back to Mazingira Day. For now, we can tolerate it and let it be Mazingira Day. The great efforts by Moi to preserve the environment in this country will be remembered.

However, let us all know that it is actually Moi Day.

The Temporary Chairman (Hon. Omboko Milemba): Very well. Let us hear from the Hon. Member. This is the last comment. Proceed. You now have the microphone.

Hon. Cynthia Muge (Nandi County, UDA): Thank you, Hon. Temporary Chairman. I support this amendment.

I remember when we were previously speaking about this amendment, we were doing away with Utamaduni Day. I noted that it was a little bit confusing, and we did not know what exactly it was about. I am glad that it is coming out as Mazingira Day. I agree with Hon. Oundo, and I also agreed with him on that day. Mzee Moi, the second President of the Republic of Kenya did many things that we remember him for. Where I come from, if you go to the Moi Teaching and Referral Hospital, it is like you are seeing Mzee Moi. When you go to the Moi International Airport or the beautiful girls' and boys' schools, including but not limited to Kapsabet Boys High School, you see Moi. Mazingira Day is an important day that we need to cultivate and add to our culture so that we can practise environmental conservation and planting of trees, which is an objective of this Government. I agree that we should call it Mazingira Day, but at the back of our minds, you can never delete what Moi did and what that day represented for very many years, even when we used to sing.

I support.

The Temporary Chairman (Hon. Omboko Milemba): Very well. I think I should put the question now.

*(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)*

*(The Temporary Chairman (Hon. Omboko Milemba
consulted with the Clerks-at-the-Table)*

Is the Chairperson, Committee on Administration and Internal Affairs in the House? He shared the same amendment with the Leader of the Majority Party. Since the one by the Leader of the Majority Party has taken precedence, his falls.

(Schedule as amended agreed to)

*(Provisions relating to the Public Holidays Act
(Cap.110) as amended agreed to)*

TRUSTEES (PERPETUAL SUCCESSION) ACT (CAP. 164)

The Temporary Chairman (Hon. Omboko Milemba): Hon. Members, there are no amendments to this.

*(Sections 2, 3(1), 3(2), 3(2) (a), 3(2) (b), 3(j) (8), 5(1),
6 (1), 6 (2), 6 (3), 8 (1), 9(1), 9 (2), 11, 13 (1),
15, 16 (1), 16 (2) and 17 agreed to)*

(Schedule agreed to)

*(Provisions Relating to the Trustees (Perpetual Succession)
Act (Cap. 164) agreed to)*

THE INDUSTRIAL TRAINING ACT (CAP. 237)

The Temporary Chairman (Hon. Omboko Milemba): Hon. Members, there are no amendments to this.

(Section 5(b)(3) agreed to)

*(Provisions Relating to the Industrial
Training Act (Cap. 237) agreed to)*

THE TRAFFIC ACT (CAP. 403)

(Section 117(3) agreed to)

Section 117(8)

The Temporary Chairman (Hon. Omboko Milemba): Mover.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you. Hon. Temporary Chairman. I beg to move:

THAT, the Schedule to the Bill be amended –

(b) by deleting the proposed amendment to the Traffic Act (Cap. 403), and substituting therefor the following new amendment:

s. 117(8)

Delete the expression “to a fine not exceeding two hundred shillings or to imprisonment for a term not exceeding one

month” and substitute therefor the expression “on first conviction, to a fine of an amount equivalent to ten times the maximum statutory penalty of the offence to which the notification relates, and an amount equivalent to twenty times of the penalty for a second or subsequent conviction:

Provided that where a notification relates to two or more offences, the fine under this subsection shall be based on the offence with the highest penalty under the notification”.

If you listened during the Second Reading, this relates to the instant fines on traffic offences. There is a proposal to increase the penalty from Ksh200 to Ksh200,000. The Committee felt that...

The Temporary Chairman (Hon. Omboko Milemba): Order, Leader of the Majority Party. Just move Section 117(8) because we still have 117(9) and 117 (10).

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you. Hon. Temporary Chairman. As I said, this is to delete the expression "to a fine not exceeding two hundred shillings or to imprisonment for a term not exceeding one month" and substitute therefor the expression "on first conviction, to a fine of an amount equivalent to ten times the maximum statutory penalty of the offence to which the notification relates, and an amount equivalent to twenty times of the penalty for a second or subsequent conviction."

The Bill provides for an increment in the penalties from Ksh200 to Ksh200,000. We are amending that to create a fine ten times the initial fine of what you are being charged with and sign the notification pleading guilty to pay the fine. This relates to instant fines. For instance, when I double park in the city, the policeman gives a notification of the Traffic Act I have violated. If I am liable for a fine of Ksh1000, all I need to do is sign that notification and pay the fine through electronic means or whichever way. That matter then ends there, or one appears in court to defend themselves. Should you fail to do so, you will be liable to pay ten times what you would have paid in fines. This will act as a deterrent for people who fail to pay fines. There is also the introduction of electronic modes of payments of such fines.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Omboko Milemba): Very well.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Omboko Milemba): Is there any interest in this amendment? I think there should be no much interest. During the Second Reading of the Bill, everybody supported it.

(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 117(8) as amended agreed to)

The Temporary Chairman (Hon. Omboko Milemba): This means that the amendment by Hon. Clive Gisairo, Member for Kitutu Masaba, falls.

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Section 117(9)(a)

The Temporary Chairman (Hon. Omboko Milemba): Mover.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Chairman. I beg to move: THAT, the Schedule to the Bill be amended—

(b) by deleting the proposed amendment to the Traffic Act (Cap. 403), and substituting therefor the following new amendment—

s. 117(9)(a) Delete the expression “on first conviction to a fine not exceeding two hundred shillings, and on each subsequent conviction to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months” and substitute therefor the expression “on first conviction to a fine of an amount equivalent to ten times the maximum statutory penalty of the offence to which the notification relates, and an amount equivalent to twenty times of the penalty for a second or subsequent conviction:

Provided that where a notification relates to two or more offences, the fine under this paragraph shall be based on the offence with the highest penalty under the notification”.

This relates to provisions of fines for minor traffic offences. They will be increased from Ksh500 to Ksh500,000. The amendment provides for payment of at least 20 times more for people who are not first-time offenders. They will be required to pay 20 times the maximum penalty payable for the offence which it was provided for.

The proviso provides that where the notification relates to two or more offences, the fine under this paragraph shall be based on the offence with the highest penalty under the notifications. I will use the same example of double-parking. If I am charged with double-parking and obstructing traffic, and the penalty for obstructing traffic is Ksh2,000 and the one for double-parking is Ksh1,000, I will be required to pay Ksh2,000. If I do not pay the fines by signing the notification and returning to court or appear in court, then the police will track and charge me. I will be required to pay 20 times the higher of the two penalties. That will be 20 times of Ksh2,000, amounting to a sum of Ksh40,000. This is a deterrent so that we ensure that even the minor traffic offenders pay for their offences. It will also instil traffic discipline.

You have seen what happens in cities and most of our roads. People overlap and create four to six lanes on a road that has one to two lanes. This creates a lot of inconveniences and costs many other Kenyans dearly, including ambulances getting stuck on roads. We must bring sanity back in the traffic management of our country.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Omboko Milemba): Very well.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Omboko Milemba): Yes, Hon. Rindikiri.

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Temporary Chairman, this is a nice amendment. We are currently witnessing serious accidents and traffic offences almost everywhere either by boda boda riders, and private and even official Government vehicles. To control this and restore order and sanity in our roads, I support the amendment. It is even a very lenient fine. It should have been more punitive. It has reached a point where we have to tell Kenyans to do certain things by force. I support this amendment. It needs to be implemented very fast by being signed into law.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Omboko Milemba): Yes, let us hear from Hon. Wamacukuru. Give him the microphone.

(Technical Hitch)

You can use any microphone near you. Use the one for Hon. Rindikiri. Thank you, Hon. Rindikiri.

Hon. Githua Wamacukuru (Kabete, UDA): Hon. Temporary Chairman, I rise to support this amendment. It will cure congestion in our law courts. If a fine can be paid at the inception where the offence has been committed, then there is no need to congest the courts. There is also prompt payment of fines. The money will be paid immediately and the charge will be done in real time. That is the way to go. Let us do this in real time because we have technology now. Let us make use of it.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Omboko Milemba): Very well. Finally, let us hear from Hon. Ruku.

Hon. Ruku GK (Mbeere North, DP): Thank you, Hon. Temporary Chairman. I rise to support this amendment. There is need of total overhaul of all the traffic laws in the Republic of Kenya. We need proper traffic management laws which incorporate even the use of satellite to monitor traffic. We must have a dedicated satellite for purposes of traffic management. Once you commit an offence, you are billed there and then—regardless of where you are, whether in Turkana, Lamu, Kikuyu or Nairobi. There is need for a serious overhaul of the traffic laws, so that we can have proper traffic management laws. This will go a long way in increasing the revenues of the Government.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Omboko Milemba): I had said that you would be the last one, but Hon. Haika wants to speak on this amendment. Proceed.

Hon. Haika Mizighi (Taita Taveta County, UDA): Asante, Mhe. Mwenyekiti wa Muda, kwa kunipatia hii fursa ili nichangie mabadiliko ya kurekebisha sheria za barabarani.

Kabla sijaunga mkono—kwa sababu tunazungumzia mambo ya barabarani—ninatoa pole zangu kwa waliohusika katika ajali ya barabarani na basi la Chuo Kikuu cha Kenyatta kule Maungu, Voi, Kaunti ya Taita Taveta. Pia, ninatoa rambirambi zangu kwa familia zilizopatwa na msiba huo. Kama Mama wa Kaunti ya Taita Taveta, ninasema pole sana. Wakati sasa umefika wa kubadilisha hizi sheria za barabarani, ili kuwe na ufasaha. Ajali zimekuwa nyingi. Jumamosi, nitazika mwanafunzi aliyefariki baada ya kuhusika katika ajali ya barabarani kule Kapsabet. Misiba imekuwa mingi. Watu wanapoteza maisha kupitia ajali za barabarani. Ninaunga mkono mabadiliko haya. Ni wakati wa kuyafanyia kazi.

Asante sana, Mhe. Mwenyekiti wa Muda.

The Temporary Chairman (Hon. Omboko Milemba): Very well.

*(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 117(9)(a) as amended agreed to)

(Section 117(10) agreed to)

*(Provisions relating to the Traffic Act
(Cap.403) as amended agreed to)*

THE SEXUAL OFFENCES ACT (NO.3 OF 2006) (CAP. 403)

The Temporary Chairman (Hon. Omboko Milemba): I will take the Sexual Offences Act No.3 of 2006 again. There are some corrections.

(Section 39(13) agreed to)

*(Provisions relating to the Sexual Offences Act
No.3 of 2006 agreed to)*

THE EMPLOYMENT ACT NO.11 OF 2007

(Section 3(2) agreed to)

*(Provisions relating to the Employment
Act 2007 No.11 of 2007 agreed to)*

THE VETERINARY SURGEONS AND VETERINARY PARA-PROFESSIONALS ACT NO.29 OF 2011

Section 2

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

THAT, the Schedule to the Bill be amended in the proposed amendments to the Veterinary Surgeons and Veterinary Professionals Act, 2011 (No.29 of 2011)-

(a) in the proposed amendment to Section 2-

(i) by deleting the proposed amendment to the definition of the word “annual premises license”;

(ii) by deleting the proposed amendment to the definition of the word “private practice”.

We propose that we do not adopt the definition of “annual premises license” because the proposed amendment amends the phrase “annual license” to “annual premises license”. It does not amend the actual definition. Section 26 of the Act provides for registration of veterinary surgeons, not premises. Therefore, veterinary surgeons act as they are. They are the ones who are licensed, not the premises. If we adopt the definition of a premise, it means we are licensing a facility yet these surgeons are in different categories. We have the veterinary surgeons themselves and the certificate of registration of the veterinary surgeons.

The Act provides for the registration of certain items. One of them is the surgeons themselves. Second is the certificate of registration of surgeons. Then, there is an application for registration as a veterinary surgeon or a paraprofessional. There are certificate holders as veterinary paraprofessionals. These are different categories. We also have the notification of particulars in the register and the licences to practise as a veterinary surgeon. There is another licence for a paraprofessional to practice under a veterinary surgeon. We have veterinarians themselves registered and paraprofessionals who are not surgeons. We cannot talk about “a premise”.

The Temporary Chairman (Hon. Omboko Milemba): Very well.

(Question of the amendment proposed)

I do not know whether this one will attract some debate. I will put the question if there is no debate.

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

(Section 2 as amended agreed to)

Section 16(5)

The Temporary Chairman (Hon. Omboko Milemba): Hon. Members, there are amendments to this before I propose the question. Mover, the Chairperson of the Departmental Committee on Agriculture and Livestock.

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

THAT, the Schedule to the Bill be amended in the proposed amendments to the Veterinary Surgeons and Veterinary Professionals Act, 2011 (No.29 of 2011)-
(b) by deleting the proposed amendment to Section 16(5).

We are proposing that we do not take the amendments for the following reasons.

The amendment presupposes that the registrar is subjected to the directive of the board. The Act provides for the board to direct the registrar to effect legislation and issue a certificate of temporary registration. The Act further emphasises the provision of Section 26 on registration. The amendments seek to do away with the directive of the board to the registrar. It omits the emphasis on the requirements of Section 26.

If we adopt the amendment, we shall do away with the directive of the board and the emphasis that Section 26 puts on this Act. Section 26 emphasises the provisions on registration.

The Temporary Chairman (Hon. Omboko Milemba): Very well.

(Question of the amendment proposed)

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

(Section 16(5) as amended agreed to)

(Sections 2(1), 6(2)(a) and 6(2)(n) agreed to)

*(Provisions relating to the Veterinary Surgeons and
Veterinary Para-professionals Act No.29 of 2011 agreed to)*

THE PUBLIC FINANCE MANAGEMENT ACT 2012 NO.18 OF 2012

The Temporary Chairman (Hon. Omboko Milemba): This one has no amendments.

(Sections 43 and 44 agreed to)

*(Provisions relating to the Public Finance
Management Act 2012 No.18 of 2012 agreed to)*

UNIVERSITIES ACT, 2012

New Section 24(3)

THAT, the Schedule to the Bill be amended –

(c) in the proposed amendments to the Universities Act, 2012 by inserting the following new amendment immediately before the proposed amendment to section 25–

The Universities Act, s.24 (3) Delete the words “a specialized degree awarding institution” appearing immediately after the word 2012 (No.42 of 2012) “establish” and substitute therefor the words “specialised degree awarding institutions”.

(The new section was read a First Time)

The Temporary Chairman (Hon. Omboko Milemba): Mover.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Temporary Chairman, I beg to move that the new section 24 (3) be now read a Second Time.

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

Hon. (Dr) Makali Mulu (Kitui Central, WDM): On a point of order, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Omboko Milemba): At this particular level, there should be some debate. But let me hear the point of order from Hon. Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you, Hon. Temporary Chairman. The Leader of the Majority Party is very much aware that this being a new clause, it needs to be explained. He cannot just move it without an explanation on the import. This being a new clause, it is supposed to generate some debate. So, he needs to move and explain the importance of what it is doing to the Bill which he has not done. That is why I rose on a point of order.

(Hon. Kimani Ichung’wah spoke off the record)

The Temporary Chairman (Hon. Omboko Milemba): Very well. I wanted to, first, propose the question. You are ahead of our business but the Mover can now explain.

(Hon. Kimani Ichung’wah consulted with Hon. Julius Melly)

Mover, just explain so that the House may understand. I think Hon. Makali is in order. Proceed.

Hon. Kimani Ichung’wah (Kikuyu, UDA): I was consulting with the Chairman of the relevant Departmental Committee, Hon. Melly. The proposed amendment for New Section 24(3), is to delete the words ‘a specialized degree awarding institution’ appearing immediately after the word ‘establish’, and substitute thereof with the words ‘specialised degree awarding institutions’.

The logic being that, as you will remember, in the last Parliament, we made this proviso in the Universities Act, to establish specialised degree awarding institutions for the benefit of specialised courses. Especially, those in the security sector. Following that amendment, the National Defence University in Lanet, was awarded a charter. The National Intelligence Service had also sought to have their own specialised courses on security and intelligence

services. Therefore, we are only adding the letter 's' so that we can also establish other institutions, other than just that one institution.

I believe Hon. Makali Mulu being a very diligent member of the Departmental Committee on Administration and Internal Affairs now fully subscribes to that particular provision.

The Temporary Chairman (Hon. Omboko Milemba): Very well. Hon. Makali Mulu I am sure you want to speak on this.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Yes. Thank you, Hon. Temporary Chairman. I thank the Leader of the Majority Party for that explanation, which is now clear. I hope for purposes of standardisation; these specialised universities will still be under the oversight of the... Is it higher education something? There is a university body which checks universities in terms of standardisation.

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

Yes, the Commission for University Education (CUE). I hope they will be under them for standardisation.

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

Hon. (Dr) Makali Mulu (Kitui Central, WDM): I support, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Omboko Milemba): The Chairperson for the Departmental Committee on Education.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Temporary Chairman. The proposed amendments by the Mover are quite in order in the sense that, these two institutions and many others forthcoming in future are specialised; like the National Intelligence Service, the National Defence University and other specialised universities which may come in future. The amendment is, therefore, properly placed.

The Temporary Chairman (Hon. Omboko Milemba): Very well.

*(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)*

Section 25

The Temporary Chairman (Hon. Omboko Milemba): Mover. The Chairman of the Departmental Committee on Education. On Section 25, you are proposing a deletion.

(Hon. Julius Melly consulted with Hon. Kimani Ichung'wah)

Maybe as earlier guided by a Member, you will explain explicitly what it all concerns. Who is moving it? Proceed.

Hon. Julius Melly (Tinderet, UDA): It is on page 291.

Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Universities Act, 2012 (No.42 of 2012) by deleting the proposed amendment to section 25.

If you read that section, it was bringing in the fact that the Bill intended to promote even local technical institutions to the level of national polytechnics and then turn them into

universities. It was mischievous in the sense that, the only institutions we could recognise and that had the capacity to be turned into universities, were national polytechnics. But this Bill was saying that every institution including technical institutions, can turn themselves into a national university. This would lower standards and bring private institutions through the backdoor, and they become national universities.

Therefore, the Committee saw it wise to delete this section. Thank you.

(Question of the amendment proposed)

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): On a point of order, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Omboko Milemba): I hear you, Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairman, there seems to be a bit of uncertainty. This is because Section 25 of the Act reads, ‘where a declaration under this section is made with respect to a public institution...’

(Hon. Julius Melly consulted with Hon. Kimani Ichung’wah)

I hope the Chairperson is listening. The reference is to a public institution and not a private one through the backdoor, as he alleges. Hon. Temporary Chairman, allow me to proceed once he is listening. We need an immediate response. We shall not go back to the *Hansard*.

The Temporary Chairman (Hon. Omboko Milemba): Proceed, Hon. Oundo. The House is listening, some with their third ears. Proceed.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): I think the Chairperson of the Committee seems to be a bit unclear on exactly what he wants to do. The amendment as proposed in the Bill was to buttress or give clarity to Section 25 which states that where declaration of this section is made concerning with respect to a public institution. The catch word here “public institution” shall only apply where such institution is a national polytechnic within the meaning of the Technical and Vocational Education Training Act. It is the President who declares a technical institution to be a national polytechnic. The purpose of that particular Clause or Section was to put in place a progression system where an institution can start as a Technical Vocational and Educational Training (TVET), become a national polytechnic, and then by the declaration, it can become a national or a specialised university. If we look at the published Bill on Page 1843, it says that a declaration under this section shall only apply to a public institution. So again, he misled the House and the nation to the effect that a private institution could find its way through. Previously it was a national polytechnic within the meaning clearly indicated and has the requisite physical facilities and human source capacity that are appropriate for a technical university.

On that score and I want to persuade the committee. Probably the Chairperson might have not been very clear on what he is talking about. I ask him to withdraw that amendment and let the amendment that is in the Bill stand.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Omboko Milemba): Leader of the Majority Party.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Temporary Chairman, Hon. (Dr) Oundo is right. We have consulted the Hon. Chairman and I believe he will be withdrawing that particular amendment because the Bill as it is perfectly in order, as Hon. (Dr) Oundo says. It specifically refers to a public institution, and the law also defines national polytechnics. Sub-section 2 that was coming in was to further qualify what is already provided for under Sub-

section 2. Therefore, I ask the Hon. Chairman to withdraw his amendment and leave it as it is in the Bill.

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chairman.

Hon. Julius Melly (Tinderet, UDA): Hon. Temporary Chairman, I agree with Hon. (Dr) Oundo. I misread some statement.

It is proper I withdraw the amendment. Thank you.

The Temporary Chairman (Hon. Omboko Milemba): Finally, Hon. Makali.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much Hon. Temporary Chairman. Even as I agree with that withdrawal, it is important we go on record on this matter. One of the problems we have been facing as a country is a situation where we converted all our middle level institutions into universities and we lost the middle-level cadre in terms of skills. So even as we do this, I wish that it is done in a very cautious way to avoid going back to where we have come from, where we converted our middle level institutions to universities. We can see where we are in terms of middle level skills.

I submit, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Omboko Milemba): There is an agreement on that.

*(Proposed amendment by
Hon. Julius Melly withdrawn)*

(Section 25 agreed to)

*(Provisions relating to Universities Act,
2012 (No.42 of 2012) as amended agreed to)*

THE OFFICE OF THE ATTORNEY GENERAL ACT, 2012 (NO.49 OF 2012)

Section 13

The Temporary Chairman (Hon. Omboko Milemba): Mover, move your amendment.

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

THAT, the Schedule to the Bill be amended by—

(b) deleting the proposed amendments to the Office of the Attorney-General Act, 2012 (No. 49 of 2012) and substituting therefor the following new proposed amendments in the proper chronological sequence—

s. 13 Delete the words “the Public Service Commission” and substitute therefor the words “Advisory Board”

We have a raft of amendments to the Office of the Attorney-General Act. The aim is to grant independence in the recruitment, promotion, and discipline of staff in his office based on the recommendations of a newly established advisory board. This proposal arose from public participation in the Bill. The Law Society of Kenya was candid about the need for the Office of the Attorney-General to retain qualified and technical staff, particularly State counsels.

Having looked at the law as it is and the Constitution, we saw it was necessary to establish an advisory board which would advise him on various aspects as set out in the proposed amendments. This includes recruitment, promotion and retention of staff. This is important because as we speak today, the Office of the Attorney-General is a shell of what it used to be. We know well that the first African judges to be recruited were officers from the Office of the State Counsel. Today, we hardly see anyone from that office becoming a judge

because they are all poached by other services because of deplorable terms of service. Therefore, this proposed amendment seeks to strengthen that office. I beg to move.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Omboko Milemba): This should attract some attention and interest.

Hon. Ruku GK (Mbeere North, DP): I rise to support this amendment. The Office of the Attorney-General is critical because all the agreements made by the Government and other governments must go through it. This office has shortage of staff. The Rt. Hon. Justin Muturi is a highly experienced individual who has served this country with dedication and commitment, not only as the Attorney-General but also as the Speaker of this House. He is a stickler of law and always strives for positive results. He can only achieve the desired outcomes if his office is properly staffed and given the necessary autonomy.

I support this amendment. Our country should abide by the rule of law whether local or international.

The Temporary Chairman (Hon. Omboko Milemba): Hon. Sunkuli.

Hon. Julius Sunkuli (Kilgoris, JP): Hon. Temporary Chairman, I support this. However, I am uncertain that this is the correct prescription for the problems in the Office of the Attorney-General. Many of the employees are leaving because they were never qualified for their positions in the first place. The Office of the Attorney-General has a history of appointing people based on their connections, rather than their qualifications. When these individuals find greener pastures, they move on.

This counsel will be critical in...

The Temporary Chairman (Hon. Omboko Milemba): There is a point of order from the Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Chairman, we should not use this Floor to disparage other people. Hon. Sunkuli avers that people are employed in the Office of the Attorney-General on the basis of who they know and are not necessarily qualified. Maybe just for information to Hon. Sunkuli, most of our best drafters in this House have been poached from the Office of the Attorney-General. Some of the best advocates also in ministries and parastatals have been poached from the Office of the Attorney-General.

Therefore, it is not fair to disparage those very diligent officers working in the office of the Attorney-General, that they are not qualified or that they found their way there on account of who they know. Many of them are young Kenyans, who know nobody. They just applied for jobs and got. I believe even some of these technical officers sitting on the bench here came from the Office of the Attorney-General. So, we should be cautious not to disparage people on the basis of where they worked before or where they are working today.

The Temporary Chairman (Hon. Omboko Milemba): Hon. Sunkuli, Order. I think you are making a very good communication. You can step down that statement because after all, you may not be able to substantiate and proceed with your contribution.

Hon. Julius Sunkuli (Kilgoris, JP): I will stop it Hon. Chairman. However, I just want to correct one thing. The Leader of the Majority Party knows that I am not referring to the time under his watch and I am not even referring to the time under the watch of Hon. Muturi. But I am a lawyer, Hon. Chairman and I do know a bit of the history. I am talking about the past.

Now, people who are appointed to the Office of the Attorney-General should be placed under contracts where they are committed to stay there, not as a stepping stone for going to look for greener pastures. The Office of the Attorney-General is larger than draftsmen. There

are also prosecutors out there. I know how it goes. However, for the comfort of the Hon. Leader of the Majority Party I am saying that I support.

The Temporary Chairman (Hon. Omboko Milemba): Very well. Yes, Chair, Agriculture.

Hon. (Dr) John Mutunga (Tigania West, UDA): Thank you, Hon. Temporary Chairman. This amendment is key because it emphasises on the autonomy of the Office of the Attorney-General. Consultations in most cases waste a lot of time and that is why I think it is important to specifically adopt this amendment.

The Temporary Chairman (Hon. Omboko Milemba): Finally, let me hear from the Vice-Chair.

Hon. Mwengi Muthuse (Kibwezi West, MCCC): Thank you, Hon. Temporary Chairman. I think as a way of background, it is important to understand where we are coming from. The Office of the Attorney-General before the new Constitution, in the old Constitution, was the office that was dealing with both civil and criminal matters. After the new Constitution came in 2010, the office was divided so that it deals with civil matters and advisory services to Government. On the criminal aspects, we created another office called the Office of the Director of Public Prosecution.

As Members debate, one of the justifications for creating the Advisory Board so that the Office of the Attorney-General gets autonomy in terms of management of its staff, is also benchmarked on the practice at the Office of the Director of Public Prosecutions and under the ODPP Act. The DPP, which is a baby of the State Law Office, where the Attorney-General is the head, has an Advisory Board that advises on matters recruitment and staff.

Two, through public participation as a Committee, we were also able to know that the Office of the Attorney-General has an approved establishment of about 1500 members of staff. However, because the recruitment is done elsewhere at the Public Service Commission, they have only been able to fill a third.

Therefore, as Members would ascertain, while we have a prosecutor, basically in every court in this country, there are over 30 counties that do not have a representative of the State Law Office. Therefore, at the county level, Government functionaries have not been able to get advice and the Government has not been represented in civil matters.

The Temporary Chairman (Hon. Omboko Milemba): Very well.

Hon. Mwengi Muthuse (Kibwezi West, MCCC): Therefore, the justification for the creation of the Advisory Board, so that the peculiarity of the Office of the Attorney-General in terms of management of its staff is justified.

The Temporary Chairman (Hon. Omboko Milemba): Short comment. No, we have had enough of this but because of... Hon. (Dr) Makali Mulu what is this clarification?

Hon. (Dr) Makali Mulu (Kitui Central, WDM): It is very important, Hon. Temporary Chairman. I agree with all the explanations. However, we are saying "delete Public Service Commission", and we are not saying "delete and replace with the Advisory Board". Where is this Board captured in this law?

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chairman.

Hon. George Murugara (Tharaka, UDA): Hon. Temporary Chairman, I think I need to retake this. We are proposing to delete all the proposed amendments under the Office of the Attorney-General Act and substitute them with the proposed new amendments in the proper chronological order as shown in the Order Paper. We will amend Sections 2, 9(2), 9(5)(d), and 13. We will have to insert new Sections 20A, 20B, 20C 20D, 28A and 33A. The justification is exactly what I had given and what we have debated on. These proposed amendments seek to strengthen the Office of the Attorney-General so that it is able to recruit, promote, and retain its staff. The arguments are exactly what I have advised.

The Temporary Chairman (Hon. Omboko Milemba): Hon. Makali is satisfied. Please, refer to the Order Paper. Are you okay, Hon. Makali?

(Hon. Makali Muli spoke off the record)

I can then proceed and put the Question. Hon. Oundo will also refer to the Order Paper.

*(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 13 as amended agreed to)

(Sections 2, 9(2), and 9(5)(d) agreed to)

(New Sections 20A, 20B, 20C 20D, 28A and 33A agreed to)

*(Provisions relating to the Attorney-General Act, 2012
(No.49 of 2012) as amended agreed to)*

THE CIVIL AVIATION ACT, 2013 (NOO21 OF 2013)

The Temporary Chairman (Hon. Omboko Milemba): There are no amendments to this provision.

(Section 2(1) agreed to)

Section 34

The Temporary Chairman (Hon. Omboko Milemba): This one has an amendment. Therefore, I call upon the Mover. Is the Mover in the House? Hon. Clive Gisairo is not in the House. The proposed amendment was by the Member for Kitutu Masaba. Hon. Clive Gisairo is not in the House. Therefore, the amendment is dropped.

(Proposed amendment by Hon. Clive Gisairo dropped)

(Section 34 agreed to)

*(Provisions relating to the Civil Aviation Act, 2013
(No.21 of 2013) agreed to)*

THE VALUE ADDED TAX ACT, 2013 (NO.35 OF 2013)

New Amendment to Section A of Part 1 of the First Schedule

THAT, the Schedule to the Bill be amended –
(a) in the proposed amendments to the Value Added Tax Act, 2013 by –

- (i) inserting the following new proposed amendment immediately before the existing amendment to section A of Part 1 of the First Schedule to No. 35 of 2013

Section A of Part 1 of the First Schedule to No. 35 of 2013. Delete paragraph 138.

(New Amendment to Section A of Part 1 of the First Schedule read the First Time)

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Temporary Chairman, this relates to deleting Paragraph 138 and also deleting the proposed amendment to Part A of the Second Schedule. The proposed amendment to delete Paragraph 138 is on the supply of denatured ethanol. It is important to mention that denatured ethanol has nothing to do with the manufacture of alcohol. It is actually denatured to make sure that...

The Temporary Chairman (Hon. Omboko Milemba): Order, Leader of the Majority Party. You need to move that the proposed Section A be read a Second Time because it is a new one.

Hon. Kimani Ichungwa’h (Kikuyu, UDA): Sorry, I moved on without moving the Second Reading. Hon. Temporary Chairman, I beg to move:

THAT, New Section A of Part 1 of the First Schedule be now read a Second Time.

Hon. Temporary Chairman, I was speaking about denatured ethanol and making a clarification because I heard many Members during the Second Reading get worried that this has something to do with the manufacture of alcohol. Indeed, denatured ethanol is the one that has been denatured so that it is not fit for human consumption. Most of it is usually used in the manufacturing industry either for cleaning, lighting, or cooking.

In the Finance Act of 2023, we introduced exemptions from IDF and the Railway Development Levy on imported denatured ethanol. Therefore, it has become very easy for people to import denatured ethanol from our neighbouring countries, largely disadvantaging our local sugar industry which, through the use of molasses, are producers of ethanol. We effectively removed the economic safety net and competitive advantage that the local manufacturers of denatured ethanol were enjoying. As I have mentioned, these are mostly sugar factories and millers who are now struggling to compete with cheap imports of denatured ethanol.

Therefore, to protect them, we propose to delete Paragraph 138 of Section A of Part 1 of the First Schedule of the VAT Act to ensure that locally manufactured denatured ethanol, not just ethanol I must emphasize, is able to compete with imported denatured ethanol as both will be compelled to pay VAT on the product. This will also enhance our collection of VAT.

I beg to move.

(Question, that the New Amendment to Section A of Part 1 of the First Schedule be read a Second Time, proposed)

Is there any interest in this? Chairperson of the Committee on Education.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Temporary Chairman. I want to support the Mover in the sense that as we speak now, local factories, both public and private, have large tonnes of ethanol. If this Bill is passed, it will also assist in bringing in revenue and at the same time, it will also allow our farmers to have some much-needed revenue from farming sector.

The Temporary Chairman (Hon. Omboko Milemba): Very well.

(Question, that the New Amendment to Section A of Part 1 of the First Schedule be read a Second Time, put and agreed to)

(Question, that the New Amendment to Section A of Part 1 of the First Schedule be added to the Bill, put and agreed to)

The Temporary Chairman (Hon. Omboko Milemba): Do we have the Chairman of the Departmental Committee on Finance and National Planning in the House?

Hon. Joseph Makilap (Baringo North, UDA): Yes.

The Temporary Chairman (Hon. Omboko Milemba): You have amendments on Section A of Part 1 of the First Schedule to No.35 of 2013.

Hon. Joseph Makilap (Baringo North, UDA): Hon. Temporary Chairman, I have communication from Hon. Chairman to withdraw that amendment.

*(Proposed amendment by
Hon. Kuria Kimani withdrawn)*

The Temporary Chairman (Hon. Omboko Milemba): In fact, it has already fallen because the earlier one has already taken precedence. Thank you.

PART A OF THE SECOND SCHEDULE

The Temporary Chairman (Hon. Omboko Milemba): Mover. We are considering Part A of the Second Schedule. Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Chairman, this is not a new amendment. We do not need to read it a Second Time. The first amendment was a new one.

Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended –

(d) in the proposed amendments to the Value Added Tax, Act, 2013 by—

(ii) by deleting the proposed amendment to Part A of the Second Schedule.

In light of the deletion of Paragraph 138, I propose to delete the proposed amendment to Part A of the Second Schedule of the Value Added Tax Act which seeks to zero-rate the supply of denatured ethanol. As I said earlier, this will promote the sugar industry in line with the Government's policy on revitalising our local sugar industry by creating a cooperative leverage for the local manufacturers vis-à-vis the imports that come from our neighbouring countries. We seem to be encouraging more imports, contrary to the imports substitution policy of the Government to promote our local industries and reduce imports. You can see what it has done to our exchange rate. Today, the dollar is trading against the shilling at an average of Ksh133 to 134 down from a high of Ksh160. This will further augment that because we will not need to import. We will leverage our local manufacturers to produce locally.

Thank you, Hon. Temporary Chairman.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Omboko Milemba): Hon. Makali.

Hon (Dr) Makali Mulu (Kitui Central, WDM): Hon. Chairman, Leader of the Majority Party has used a very strong statement. I do not know whether imports substitution is a Government's policy and the official position.

There is the issue of zero-rating the supply of denatured ethanol. Will we generate more revenue? We are moving it from tax-exempt to zero-rating. Is that the position? If we do so, are we likely to generate more revenue, as the Chairman of the Departmental Committee on Education has said? There is lack of clarity on these two issues. Is the reason encouraging our local producers or manufacturers to produce more? This needs to come out clearly as we debate this amendment.

The Temporary Chairman (Hon. Omboko Milemba): Very well. I have heard you. Let me see if there is any interest, before I bring back the Leader of the Majority Party. Leader of the Majority Party, just give us a clarification as asked by Hon. Makali Mulu.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Chairman. It is, indeed, true that we are zero-rating; moving it from exempt. I said this is for the particular reason of trying to revitalise our local sugar industry. They will now be able to claim their input Value Added Tax (VAT) and therefore be at an advantage over those other manufacturers from outside our country. It is true that we essentially will be supporting those of our neighbours if we do not support our local sugar industry. You have in the recent past and in the last few years seen what has happened in this country. We were importing sugar, let alone denatured ethanol. This denatured ethanol is a by-product of the sugar milling industry. We would, therefore, be encouraging those in the Common Market for Eastern and Southern Africa (COMESA) region to produce ethanol from their molasses in sugar milling factories rather than bring denatured ethanol into the country, hence disadvantaging our local manufacturers.

You could lose the VAT element of the denatured ethanol but gain much more in Income Tax, the Pay As You Earn (PAYE), and the jobs you secure for our farmers and those working in our sugar industries. I believe those who come from Western Kenya and the sugar belt area like Hon. (Prof) Oundo will bear witness that the death of the sugar industry in this country dealt a heavy economic blow to the people of Western Kenya and other regions like Kwale County in the Coast. People there largely depended on these sugar-milling factories.

Whatever it takes to revitalise this sugar industry is, indeed, the Government's policy. It is about supporting not just our farmers but also our economy.

The Temporary Chairman (Hon. Omboko Milemba): Hon. Makali Mulu is satisfied but Hon. Oundo is itching. What is it, Hon. Oundo? Finally, the Chairman of the Departmental Committee on Agriculture and Livestock.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Hon. Temporary Chairman, we can talk of import substitution because we are importing denatured ethanol right now. The farthest stage you can go in processing is making use of the by-product. Most of the sugar milling companies are moving in that direction. Besides producing electricity, they are also going towards the production of ethanol. Most of them are establishing ethanol plants.

Besides creating jobs, that substitutes the amount of ethanol we probably buy from outside. Therefore, it is not wrong to say that.

(Question of the amendment proposed)

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

(Part A of the Second Schedule as amended agreed to)

(Provisions relating to the Value Added Tax)

Act No. 35 of 2013 as amended agreed to)

THE PRIVATISATION ACT NO.11 OF 2023

(Section 9 agreed to)

*(Provisions relating to the Privatisation
Act No.11 of 2023 agreed to)*

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Chairman, I wish to drop the Amendment to the National Employment Act, the New 17(2)(d), because of a change in circumstances. There was a court matter that kind of determined this issue and, therefore, we leave it for another time. I wish to withdraw this particular Amendment.

*(Proposed amendment by
Hon. Kimani Ichung'wah withdrawn)*

(Clause 2 agreed to)

(Title agreed to)

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): On a point of order, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Omboko Milemba): Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairman, I might have switched off a little bit, and need guidance. In the Office of the Attorney-General Act No.49 of 2012, there were new Sections under Part 11 (a). At what point shall we prosecute and deal with the matter? At the initial stage, the Temporary Chairman only dealt with Sections 2, 9(2), 9(5)(d) and 13. We have not prosecuted new clause under Part(a). I do not know at what point we shall prosecute them. I have had a bit of emergencies from the constituency. I need to know so that if asked out there, I should not claim innocence yet I was here.

The Temporary Chairman (Hon. Omboko Milemba): Very well, Hon. Oundo. Let us go back to the Hon. Chairperson.

Hon. George Murugara (Tharaka, UDA): Just a clarification so that Hon. Oundo gets it well. I moved that we delete the proposed Amendments which was Section 13 and substitute therefore the following new proposed Amendments in the proper chronological order. I moved all of them from Sections 9(2), 9(5)(d), 13, New Section 20(a), 20(b), 20(c), 20(d), 28(a) and 33(a). I supported the arguments to all these sections with what we had debated and it was adopted as we support the justification for a proposed amendment. The questions were put in that order, and it was approved.

The Temporary Chairman (Hon. Omboko Milemba): Hon. Oundo, we did that and it was very heavy. That is why I gave Members enough time to deal with it. The replacements were taken, and we overcame.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Understood, but I thought we had moved the standard amendments. The new clauses are moved the way we typically do. They are seconded, we debate, and pass them. However, if it has met the threshold of the procedure I have no problem, but if there is a procedural issue, we might have to re-think because we cannot move in the same manner as if it is a new clause.

The Temporary Chairman (Hon. Omboko Milemba): Thank you, Hon. Oundo for your hawk eye. Before the Chairperson, let us hear from Hon. Makali.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Hon. Temporary Chairman, while the justification was very clear after Hon. Mutuse explained it to us, the new clauses should have been subjected to Second Reading before we approve them. Maybe that is beyond us now. In future, that should be the practise procedurally for new clauses. We are supposed to do the Second Reading then the other procedures follow. For the things that have happened now I do not know what will happen. The justification was very clear. The Chair explained it very well and we were in agreement with that proposal.

The Temporary Chairman (Hon. Omboko Milemba): So, you are satisfied. Thank you. Go ahead, Hon. Chair.

Hon. George Murugara (Tharaka, UDA): Thank you, Hon. Temporary Chairman. The position is that I actually moved the clauses and you proposed the Questions. If you may notice, the Statute Law (Miscellaneous Amendments) Bill is slightly different from other Bills. Each proposed statute is taken separately, independently, and conclusively. That is where the difference is. Every statute amendment we took, we voted on every clause and after that we voted on the clauses as a block. If they carried the day, the statute was amended.

That is different from dealing with one Bill where you have to move step by step. The new clauses come in after all the other clauses that are to be amended have been read.

The Temporary Chairman (Hon. Omboko Milemba): Very well. They are within our House procedures. They were well taken. Therefore, let us move on.

Clause 1

The Temporary Chairman (Hon. Omboko Milemba): The Leader of the Majority Party, you have an amendment on this.

Hon. George Murugara (Tharaka, UDA): I also have an amendment on it.

The Temporary Chairman (Hon. Omboko Milemba): So, who takes the first bite?

Hon. George Murugara (Tharaka, UDA): If mine carries the day, then that of the Leader of the Majority Party will also pass because they are one and the same thing.

The Temporary Chairman (Hon. Omboko Milemba): Order! I believe there is an agreement that you go first. If yours is carried, the one of the Leader of the Majority Party falls. Proceed, Chair.

Hon. George Murugara (Tharaka, UDA): Actually, they are the same thing with exact wordings.

The Temporary Chairman (Hon. Omboko Milemba): Order, Hon. Chair! The amendment on the Order Paper is for the Leader of the Majority Party. So, allow the Leader of the Majority Party to move it.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Chairman. I beg to move:

THAT, Clause 1 of the Bill be amended by inserting the words "and shall come into force upon publication in the Gazette" immediately after the expression "2023".

(Question of the amendment proposed)

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chair, you wanted to speak on this. We can hear you.

Hon. George Murugara (Tharaka, UDA): Thank you, Hon. Temporary Chairman. The Committee had a similar proposed amendment. Now that the amendment by the Leader of the Majority Party has been proposed, if it carries the day, ours will fall by the wayside.

Therefore, the position is that the Statute Law (Miscellaneous Amendments) Act will come into force upon publication in the Gazette. So, I support it.

The Temporary Chairman (Hon. Omboko Milemba): Hon. Oundo, proceed.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairperson, I completely support the amendment. However, I am just wondering aloud. Are there any timelines for gazetting? You know, the Gazette can take 10 years or two years. For example, the Parliamentary Act concerning Non-Governmental Organisations (NGOs) has never been gazetted up to now. Do we envisage a situation where there could be timelines?

Some of these amendments are far reaching like the one on the office of the Attorney-General. It will be important that by the time we pass the Appropriations Bill, the Statute Law (Miscellaneous Amendments) Bill will have been gazetted and come into effect so that the Office of the Attorney-General is staffed adequately and we do not keep on doing things the way we have been doing them. Can that be explained and clarified?

The Temporary Chairman (Hon. Omboko Milemba): Leader of the Majority Party, one minute for the benefit of Hon. Oundo.

Hon. Kimani Ichung'wah (Kikuyu UDA): Thank you, Hon. Temporary Chairman. Hon. (Prof) Oundo knows that the particular Bill he is talking about was not under the Kenya Kwanza regime. President William Ruto assents to Bills as soon as they are presented to him by the Speaker, and are gazetted soon after. Therefore, I assure him that it will be expedited. I agree with him on the provisions relating to the Attorney-General's Office; that as we appropriate money, we allocate resources to the Office of the Attorney-General knowing that they are likely to be recruiting more staff.

The Temporary Chairman (Hon. Omboko Milemba): Very well.

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

(Clause 1 as amended agreed to)

Hon. Kimani Ichung'wah (Kikuyu UDA): Hon. Temporary Chairman, before I move to report, I want to inform you that I had requested for consent for the withdrawal of the provisions of Sections 56(1)(a) of the Universities Act of 2012 as was contained in this Bill. Therefore, as we consider this Bill, the Speaker did assent, through his communication, that we are now considering this Bill without consideration to Section 56 (1)(a) of the Universities Act of 2012.

Therefore, Hon. Temporary Chairman, I beg to move that the House reports its consideration of the Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2023, and its approval thereof with amendments.

The Temporary Chairman (Hon. Omboko Milemba): Very well. Leader of the Majority Party, just as you indicated, I want to confirm that the proposed amendments or provisions relating to Section 56(1)(a) of the Universities Act, 2012 were withdrawn.

(Question proposed)

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

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

MOTION

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THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (No.2) BILL
(National Assembly Bill No.68 of 2023)

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

Hon. Omboko Milemba (Emuhaya, ANC): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No.68 of 2023) and approved the same with amendments.

The Temporary Speaker (Hon. Peter Kaluma): 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. Naomi Waqo to second the Motion for agreement with the report of the Committee of the whole House.

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Temporary Speaker, I second.

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

(Question proposed)

For the convenience of the House, I will defer putting of the Question to the next appropriate time when it will be scheduled by the House Business Committee.

(Putting of the Question deferred)

The Temporary Speaker (Hon. Peter Kaluma): Next Order.

BILL

Second Reading

THE NATIONAL DISASTER RISK MANAGEMENT BILL
(National Assembly Bill No. 24 of 2023)

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I beg your indulgence. This is a very important Bill dealing with matters to do with risk management of disasters in the country. This Bill was considered by the Departmental Committee on Regional Development and the Chairman, Hon. Lochakapong, was to second me. He had sought permission to join one of our Members in the Budget and Appropriations Committee, the Member for Embakasi West, who is bereaved and is not in the House.

Therefore, I am constrained to move this Bill without a seconder. I seek your indulgence to defer this Order to another time.

The Temporary Speaker (Hon. Peter Kaluma): Leader of the Majority Party, being the Mover of this Bill, your request is acceded to. This Order is stepped down to the next time it will be scheduled.

(Bill deferred)

MOTIONS

ADOPTION OF REPORT ON FINANCIAL STATEMENT FOR THE
NG-CDF FOR CONSTITUENCIES IN VIHIGA COUNTY

THAT, this House adopts the Report of the Decentralised Funds Accounts Committee on its consideration of the report of the Auditor-General on the Financial Statements for the National Government Constituencies Development Fund for five constituencies in Vihiga County for Financial Years 2013/2014, 2014/2015, and 2015/2016, laid on the Table of the House on Wednesday, 14th February 2024.

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

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, again, as I indicated, because of the bereavement of one of our colleagues, the Chairman of the Decentralised Funds Accounts Committee is not in the House. The Chairman being unavailable, I request your indulgence that Order No.15 be deferred.

Equally, the Chairman of the Departmental Committee on Agriculture and Livestock is in the House, but as you can see, he is packing to join our colleague. Therefore, I seek your indulgence that we defer Orders 16 and Order 17 which are by the Chairman of the Decentralised Funds Accounts Committee.

The Temporary Speaker (Hon. Peter Kaluma): Leader of the Majority Party, we can only speak to Order No.15. Based on your request thereon, Order No.15 will be stepped down to be transacted in the future when it will again be scheduled by the House Business Committee.

(Motion deferred)

Next Order.

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

THAT, this House adopts the Second Report of the Departmental Committee on Agriculture and Livestock on the inquiry into the maize flour subsidy programme for the Financial Year 2022/2023, laid on the Table of the House on Tuesday, 27th February 2024.

The Temporary Speaker (Hon. Peter Kaluma): The Mover of this Motion is the Chairman of the Departmental Committee on Agriculture and Livestock. Proceed.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Thank you, Hon. Temporary Speaker. I would also like to request your indulgence that you step down this Order to the next time the House convenes. The honourable Member who was supposed to second is not in the House. I might just move and then it is not seconded.

The Temporary Speaker (Hon. Peter Kaluma): For the reasons given by the Mover and elaborated upon by the Leader of the Majority Party before, Order No.16 is stepped down to the future.

(Motion deferred)

Next Order.

ADOPTION OF REPORT ON FINANCIAL STATEMENTS FOR NG-CDF
FOR CONSTITUENCIES IN BUNGOMA COUNTY

THAT, this House adopts the Report of the Decentralised Funds Accounts Committee on its consideration of the report of the Auditor-General on the financial statements for the National Government Constituencies Development Fund for nine constituencies in Bungoma County for Financial Years 2013/2014, 2014/2015 and 2015/2016, laid on the Table of the House on Thursday, 7th March 2024.

The Temporary Speaker (Hon. Peter Kaluma): The Mover of this Motion is the Chairman of the Decentralised Funds Account Committee. Are we ready to proceed with this?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, as I had indicated, for the same reasons I gave for Order No.15, the Chairman of the Committee is not in the House. I, therefore, seek your indulgence to defer this to a later time.

The Temporary Speaker (Hon. Peter Kaluma): This Order will, on account of those reasons placed before the House by the Leader of the Majority Party, stand deferred to a future date when it will be scheduled by the House Business Committee for consideration.

(Motion deferred)

Let me thank the House, on behalf of the substantive Speaker, for the dedication you have shown in the Committee of the whole House proceedings this afternoon. Actually, not just this afternoon but the whole day since morning. I know the House is engaged in other business and that is why it cannot proceed beyond this time.

ADJOURNMENT

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, the time being 7:30 p.m. This House stands adjourned until Thursday, 21st March 2024, at 9.30 a.m.

The House rose at 7:30 p.m.

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