



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. III NO. 27**

## THE HANSARD

Thursday, 11<sup>th</sup> April 2024

The House met at 2.30 p.m.

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

### PRAYERS

**Hon. Deputy Speaker:** First Order.

### COMMUNICATION FROM THE CHAIR

#### DELEGATION FROM THE FEDERAL REPUBLIC OF NIGERIA

**Hon. Deputy Speaker:** Hon. Members, I wish to introduce to you a delegation of officials from the Fiscal Responsibility Commission (FRC) of the Federal Republic of Nigeria, who are seated in the Public Gallery. The delegation comprises of nine officers from the Commission Secretariat, led by Mr. Muhammed Ahmed Zailani, Director, Human Resources and Administration.

The Commission is the equivalent of our Commission for Revenue Allocation (CRA). The delegation is in the country on a benchmarking visit that is facilitated by the International Monetary Fund (IMF), Africa Technical Assistance, to gain insights on a broad spectrum of technical and good public finance practices. They are also networking with key public finance institutions in Kenya, including the Parliamentary Budget Office and the relevant committees of the National Assembly.

On my own behalf and that of the House, I wish to welcome them to the National Assembly and wish them fruitful deliberations during their stay in the country.

*(Applause)*

Thank you. Next Order. We have another team of visitors.

#### DELEGATION FROM STAREHE BOYS' CENTRE

I wish to introduce to you a delegation of students from Starehe Boys' Centre School, who are seated in the Speaker's Gallery. They are in Parliament for a period of two weeks on voluntary service scheme that runs during school holidays.

On my own behalf and that of the National Assembly, I welcome the students to Parliament and wish them a positive experience in their service to the nation. Thank you.

*(Applause)*

### PAPERS

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Deputy Speaker, I beg to lay the following papers on the Table of the House:

1. Reports of the Auditor-General and financial statements for the year ended 30th June, 2023, in respect of the following:
  - (a) New Kenya Planters Co-operative Union PLC (New KPCU);
  - (b) Kenya National Bureau of Statistics;
  - (c) Kenya Industrial Estates Limited;
  - (d) Export Processing Zones Authority;
  - (e) New Partnership for Africa Development/Africa Peer Review Mechanism (NEPAD/APRM) Kenya Secretariat;
  - (f) New Kenya Co-operative Creameries Limited;
  - (g) Rongo University;
  - (h) Kisii University;
  - (i) Privatization Commission;
  - (j) Unclaimed Assets Trust Fund;
  - (k) Public Procurement Regulatory Authority Staff Loans Scheme Fund;
  - (l) Staff Mortgage and Car Loan Scheme - Kenya Deposit Insurance Corporation;
  - (m) Credit Guarantee Scheme;
  - (n) Financial Reporting Centre;
  - (o) Kenya Institute for Public Policy Research and Analysis (KIPPRA);
  - (p) Kenya Institute of Special Education;
  - (q) Special Economic Zones Authority;
  - (r) Small Enterprises Finance Company Limited;
  - (s) Local Authorities Provident Fund;
  - (t) Kenya Accountants and Secretaries National Examinations Board;
  - (u) Commission for University Education;
  - (v) The Kenya Scouts Association;
  - (w) Asumbi Teachers Training College;
  - (x) Egerton University Investment Company;
  - (y) The President's Award - Kenya; and,
  - (z) Kenya Education Management Institute.
2. Report of the Public Procurement Regulatory Authority on Performance of the Special Groups (Youth, Women and Persons with Disability) under the 30 per cent preference and reservation scheme for the July-December, 2023 reporting period, being the First-half of the 2023/2024 Financial Year.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Can we have the Chairperson of the Departmental Committee on Agriculture and Livestock? As we wait for the Chairperson of the Departmental Committee on Agriculture and Livestock, let us have the Chairperson of the Departmental Committee on Transport and Infrastructure. Where is Hon. GK? Hon. GK, do you have a paper to present? We will get to the next Order as you get ready. Hon. GK, it is alright. Let us have the Chairperson of the Departmental Committee on Education and Research.

**Hon. Jerusha Momanyi** (Nyamira County, JP): Hon. Deputy Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Education on its consideration of the Higher Education Loans Board (Amendment) Bill, (National Assembly Bill No. 58 of 2022).

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. Let us have the Vice-Chairperson of the Public Petitions Committee, Hon. Janet Sitienei, Member for Turbo.

**Hon. Janet Sitienei** (Turbo, UDA): Hon. Deputy Speaker. I beg to lay the following

papers on the Table:

1. Reports of the Public Petitions Committee on its consideration of the following Petitions:
  - (a) Public Petition No. 11 of 2022 by the Hon. Vincent Musyoka, MP, regarding the Pollution of River Athi;
  - (b) Public Petition No. 8 Of 2023 By Dr. Annette Mbogho regarding the enactment of legislation to criminalize and prescribe penalties for the crime of enforced disappearance;
  - (c) Public Petition No. 13 of 2023 by the Hon. Aramat Lemanken, MP regarding access roads for residents of Narok East Constituency;
  - (d) Public Petition No. 34 of 2023 by the Hon. Timothy Kipchumba, MP regarding the deregistration and dismissal of Mr. Joseph Kimeli Chebii by The Teachers Service Commission (TSC); and;
  - (e) Public Petition No. 44 of 2023 by the Hon. Owen Baya, MP, regarding the enhancement of house allowances for Teachers working and residing within Kilifi Municipality.

Hon. Deputy Speaker, I submit.

**Hon. Deputy Speaker:** Thank you. The Chairperson of the Departmental Committee on Finance and National Planning.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Deputy Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Finance and National Planning on its consideration of the Parliamentary Pensions (Amendment) Bill, (National Assembly Bill No.15 of 2023).

## NOTICE OF MOTION

### ADOPTION OF REPORT ON PUBLIC PETITION NO.11 OF 2022 ON POLLUTION OF ATHI RIVER

**Hon. Deputy Speaker:** It is you again, Hon. Janet Sitienei, Member for Turbo.

**Hon. Janet Sitienei** (Turbo, UDA): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Public Petitions Committee on its consideration of Public Petition No.11 of 2022 regarding the pollution of Athi River, laid on the Table of the House on Thursday, 11<sup>th</sup> April 2024.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Next Order.

## QUESTIONS AND STATEMENTS

**Hon. Deputy Speaker:** Member for Embakasi Central, Hon. Benjamin Gathiru, do you have a request for statement?

*(Hon. Mejjadonk Gathiru spoke off the record)*

Your request is being responded to by the Chairperson of the Departmental Committee on Social Protection. Hon. Alice Ng'ang'a. You are responding to the request by Hon. Benjamin Gathiru.

## STATEMENTS

## RECRUITMENT OF NYS VOLUNTEERS

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Thank you, Hon. Deputy Speaker. I have a response to the request for statement by Hon. Benjamin Gathiru before the Departmental Committee on Social Protection.

Reference is made to a letter Ref. NA/DDC/QUE&STS/2024/001 dated 29<sup>th</sup> February 2024 on the above subject. We wish to respond to the request for statement by Hon. Benjamin Gathiru as follows:

The first question was whether the Chairperson of the Departmental Committee on Social Protection could outline the steps that the Ministry of Public Service, Performance and Delivery Management is taking to ensure that the NYS recruitment is transparent, fair and conducted at the ward level, especially in Nairobi City County, to avail maximum opportunities to all interested youths.

The response is that the recruitment process by NYS volunteers is always above board. It is equitable, transparent, inclusive and participative. This ensures that every interested and qualified youth is afforded equal opportunity to join the Service. Among the measures put in place to guarantee a transparent and fair process include:

1. Publishing a notice of recruitment and having it circulated and advertised in a wide range of print, social and electronic media.
2. Working with the National Government Administrative Officers (NGAO) to publicise and support the recruitment process in their areas of jurisdiction.
3. Collaborating with the Directorate of Criminal Investigations (DCI) and officers of the Ethics and Anti-Corruption Commission (EACC) in sub-counties across the country to detect and report suspected cases of malpractice.
4. Structured spot-checks of the recruitment exercise by the management.
5. Data of successful candidates is captured electronically to minimise irregularities.
6. The number of recruitment vacancies allocated per sub-county is guided by the 2019 National Population and Housing Census, Section 7 of the National Cohesion and Integration (NCI) Act, 2008, and affirmative action.
7. Monitoring, evaluation and implementation of the resultant recommendations.
8. The Service does not hesitate to take collaborative measures whenever irregularities are detected or reported.

As is the case with all the recruitment exercises conducted by disciplined services, the NYS uses sub-counties as the focal point. Currently, the recruitment system is configured to recognise sub-county headquarters as recruitment centres. The Service is not averse to the proposal by Hon. Benjamin Gathiru to conduct recruitment at the ward level. However, the initiative would run into the following formidable challenges:

1. Recruitment at the ward level would require a policy shift.
2. Unlike administrative units, most wards may not have designated headquarters with requisite recruitment facilities including centrally placed open public grounds with health facilities.
3. The Service would need more than four times the current recruitment budget and personnel since the number of recruitment centres would increase from the current 379 sub-counties to 1,450 wards. The increased budget would go into sourcing for additional vehicles, fuel and sustaining the recruitment personnel during the exercise.

4. Use of additional resources to recruit smaller numbers at the ward level instead of the sub-county level would negate the principle of value for money and prudent and responsible use of resources.

The second question was whether the Chairpersons of the Departmental Committee on Social Protection and the Budget and Appropriations Committee could take measures to ensure that the operations of the NYS are carried out in utmost fidelity to the law, and consider withholding further funding to the NYS either through the supplementary budget or through the 2024/2025 Estimates unless proper measures are put in place to address Members' concerns.

The response is that as a public entity, the NYS is not exempt from carrying out its operations with utmost fidelity to the law. Specifically, the Service:

1. Is subjected to regular audit by the Office of the Auditor-General.
2. Submits quarterly financial reports to the National Treasury, the Controller of Budget and a copy to the Auditor-General.
3. Submits annual financial statements by 30<sup>th</sup> September to the National Treasury, the Controller of Budget and the Auditor-General.
4. Is overseen by four NYS Council Committees, namely, the Finance and Enterprise Development Committee; the Operations, Training and Programmes Committee; the Human Resource Administration Committee; and the Audit and Risk Management Committee. The Committees report to the Council which reports to the Principal Secretary.
5. Is overseen by the Departmental Committee on Social Protection and the Select Committees on Public Investments and National Cohesion and Equal Opportunity.
6. Has a strong internal audit department which reports directly to the Council through the Council Committee on Audit and Risk Management.
7. Manages its financial operations through the Enterprise Resource Planning (ERP) System which ensures transparency and accountability.
8. Is currently re-engineering its processes and operations with assistance from the University of Nairobi Enterprise and Services Limited.
9. Constantly trains its staff on supply chain, finance and accounting matters.

The proposal by Hon. Benjamin Gathiru for the Government to withhold funding will jeopardise the operations of the Service despite demonstrating a high standard of fidelity to the law as required by the Constitution of Kenya, 2010, the Public Finance Management Act, 2012 and Regulations, 2015, the Public Procurement and Asset Disposal Act, 2015, among other regulatory frameworks. However, we are open to positive constructive criticism to ensure that we prudently manage the public resources that are entrusted to us.

The third question was whether the Chairperson could elaborate on measures being taken to assure that the Ministry does not exploit the provisions of Article 223 of the Constitution to access funds for the NYS recruitment and other operations, aware that the NYS has been a conduit to siphon public funds?

*(Loud consultations)*

**Hon. Deputy Speaker:** Order, Hon. Members. Hon. Oundo, kindly speak in low tones so that we can all hear the Member for Thika Town. She is explaining something very important.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Thank you, Hon. Deputy Speaker. The response was that contrary to the proposal by Hon. Benjamin Gathiru that the Ministry responsible for the Service should not be allowed to exploit the provisions of Article 223 of the

Constitution to access funds for recruitment, the Service does not get funds for recruitment by any other means other than the normal budget allocation from the Exchequer.

The Service is alive to previous incidents of corruption allegations and that is why the NYS Act, 2018 introduced the NYS Council to play an oversight role. The Service has since strengthened internal control measures including migrating from the IFMIS to the ERP System. Unless there is evidence to the contrary, the Service has done well in terms of managing Government resources that are entrusted to it since the enactment of the NYS Act, 2018.

I submit. Thank you, Hon. Deputy Speaker.

*(Loud consultations)*

**Hon. Deputy Speaker:** Order, Hon. Members. Hon. Gathoni Wamuchomba, we cannot hear Hon. Alice Ng'ang'a.

**Hon. John Kiarie** (Dagoretti South, UDA): On point of order, Hon. Deputy Speaker.

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

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Deputy Speaker, I have a quick reaction to the Statement that has been presented by the Chairperson. I sympathise with her because the matters being handled here would have needed *Waziri* to do a bit more than what has been presented here. Hon. Benjamin Gathiru Mwangi asked questions that had everything to do with fairness, especially as concerns the constituencies in Nairobi. This response just falls short of insulting Members of Parliament from Nairobi. It is just making general statements in response to very critical questions.

The question was whether there is fairness across the board even in cities like Nairobi where recruitment takes place in one centre at Nyayo Stadium while in the rural areas, those exercises have been brought down to the sub-counties. Nairobi has very interesting dynamics. For example, anybody can carry an identity card and claim that they picked it up in Kibra, Kariokor, or elsewhere. That does not tell us which constituency they come from. We are totally disenfranchised as constituencies in Nairobi County when recruitment takes place in one centre at Nyayo Stadium.

How is the NYS treating that existing malady? They should not tell us that the process was fair while we know that it was not fair and equitable for the youth in Nairobi. We want to know how it will be for sub-counties in Nairobi and not the generalities that have been given here.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. KJ. You have made your point. Hon. Beatrice Elachi. I am giving an opportunity to two Members from Nairobi County to comment on this.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Deputy Speaker. Just to add to what the Member for Dagoretti South has said, the NYS recruitment team should ensure that each of the 17 constituencies in Nairobi has its day for recruitment. They also need to inform us how many people came from each constituency during the last recruitment. Each of the 17 constituencies should have their day of recruitment. And in that scenario, they need to inform us. In the last recruitment, how many people did each constituency recruit? That, in my opinion, was the simplest thing Nairobi was asking and we need to be told. Is it a policy that only applies to Nairobi, or how did they come to a definition that Nairobi can bulk everyone at the Nyayo Stadium for recruitment?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Member for Mathare, Hon. Anthony Oluoch. You have two minutes. Please, be brief. Give him the microphone.

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you, Hon. Deputy Speaker. This is a grave matter that is central to Members of Parliament. The crux of the matter is the question of equity, equalisation and equal opportunity.

Nairobi County comprises more than three million people. In terms of contributions to the Exchequer and money that we contribute to the Gross Domestic Product (GDP), Nairobi County requires to be at the table of everything that is being distributed. The idea of putting 17 constituencies in Nyayo Stadium is an opportunity for people to give the opportunities that are supposed to accrue to Nairobi to other people. I have heard the Chairperson speak to the question of decentralisation. This would occasion additional budgetary implication. If that should be the case, the Constitution itself has no limit to the amount of money that should be put in order to see it implemented.

Article 10 of the Constitution, and this is my final point, is one of the foundational principles under this Constitution. Nairobi demands equity and to be at the table. It is the capital city, and we represent the people who are living in 17 constituencies. We request that you give a ruling that the Cabinet Secretary comes before us to tell us how we can get our people recruited at the sub-county level as is done in the 290 constituencies. Nairobi cannot be disenfranchised.

I thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Lastly, I will give the Member for Starehe, Hon. Amos Mwago, a chance. Kindly, keep your contributions to one minute and half.

**Hon. Amos Maina** (Starehe, JP): Thank you, Hon. Deputy Speaker, for giving me this opportunity to weigh in on the debate about the recruitment by different Government agencies and institutions.

Nairobi has become disenfranchised because even when they come for recruitment, they tell the persons who are being recruited to look at the back of the identity cards. You know very well that most of the people were not born in Nairobi because a majority come from up-country. It is only us, Members of Parliament, who know our registered voters. We have the biggest number of registered voters in this country. Nairobi County accounts for 11 per cent of the registered voters in this country but, when it comes to opportunities and recruitments, we are combined in a common area. Therefore, we are saying, now that the Government has said that 80 per cent of the Kenya Defence Forces and Kenya Police recruitments will come from people who have gone through the National Youth Service, that it is only fair Nairobi is given an equal opportunity when it comes to such recruitments. Also, the recruitment should happen at the sub-county level.

In Starehe Constituency, for example, I have 189,000 registered voters. So many youths are languishing in poverty in the informal settlements. If they are not given those opportunities, they do not have a chance to make it better in life. We have the highest number of people who have not gone to school and they depend on Government jobs. It is only fair that Nairobi be considered. Given its population, Nairobi should be given more slots during the recruitments.

Thank you, Hon. Deputy Speaker. I submit.

**Hon. Deputy Speaker:** Hon. Chairperson, I will give you two minutes to respond or clarify.

**Hon. Alice Ng'anga** (Thika Town, UDA): Thank you, Hon. Deputy Speaker. As is the norm of this House, once a Question is asked on the Floor of the House, the Committee usually writes to the Ministry for the responses. We can invite the Cabinet Secretary and the Members to a meeting if they are not satisfied with the answers that I have laid on the Floor of the House. He can come and answer to them directly. I will also invite them to our Committee. That is my suggestion, Hon. Deputy Speaker.



**Hon. Deputy Speaker:** Thank you. It is noted. Next is a response by Hon. Sirma, Chairperson of the National Government, Constituencies Development Fund (NG-CDF). You are responding to the Question by the Member for Soy.

*(Loud consultations)*

**Hon. Deputy Speaker:** Hon. Members, just try and be silent. It seems like we have a problem with the sound system.

#### MANAGEMENT OF FUND MANAGERS BY THE NG-CDF

**Hon. Musa Sirma** (Eldama Ravine, UDA): Hon. Deputy Speaker, Standing Order 44(c) of the National Assembly provides for any Member to request for a statement from a committee chairperson relating to matters under the mandate of the committee. In line with that, Hon. David Kiplagat had requested for a statement from the Chairperson, National Government Constituencies Development Fund (NG-CDF) regarding the management of fund account managers by the NG-CDF Board.

Pursuant to the above, and in response to the statement requested, the NG-CDF Board responded to the request for statement by Hon. Kiplagat as follows:

That the NG-CDF Board is established under Sections 14, 15 and 16 of the NG-CDF Act, 2015 - and as amended in 2023 - as a body corporate under the Cabinet Secretary responsible for matters economic planning and development.

The Board is charged with the responsibility of receiving project proposals from various constituencies, approve for funding the proposals that are in conformity with the Act, and disburse funds to the constituencies with respect to the approved project proposals, amongst other functions.

Section 22 (1) of the Act provides that:

“The Board shall appoint such officers and other staff as are necessary for the proper management of the Fund and discharge of its functions under this Act. Upon such terms and conditions of service as it may determine.”

Further Section 12 (3) provides that:

“The fund account manager shall hold authority to incur expenditure of the funds at the constituency account.”

The approved staff establishment of the Board provides for 297 positions of field operations officers (FOO) who are either deployed to the headquarters or to the constituencies as fund account managers (FAMs).

Hon. Deputy Speaker, on the number of Constituencies that do not have substantive fund...

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

**Hon. Deputy Speaker:** A moment! Hon. Member for Soy, what is your point of order?

**Hon. David Kiplagat** (Soy, UDA): Thank you. I can barely hear the Chairperson of the NG-CDF, and neither do I have a copy of that Statement. Can they avail a copy of that Statement so that if the Chair is not audible, I can be able to follow? Otherwise, I may not know what he is presenting.

**Hon. Deputy Speaker:** Member for Soy, kindly switch off your microphone. It is futile for you to request me for a copy and yet, you can just walk to the Clerks' Table and get one. You may proceed, Hon. Sirma.

**Hon. Musa Sirma** (Eldama Ravine, UDA): Okay. I will touch on the number of constituencies that do not have substantive fund account managers and the reasons for that.

Currently, there are 31 constituencies without substantive fund account managers as summarised below:

No	Region	Constituencies
1	Coast	Kilifi North
		Lamu East
2	North Eastern	Garissa Township
		Mandera South
3	Eastern	Igembe Central.
		Kaiti
4.	North Rift	Loima
		Kiminini
		Nandi Hills
		Mosop
		Baringo South
		Kesses
5	South Rift	Bomet East
		Kuresoi South
6	Western	Mumias West
		Shinyalu
		Luanda
		Tongaren
		Teso South
7	Nyanza	Kisumu West
		Kisumu Central
		Kabondo Kasipul
		Homa Bay Town
		Ndhiwa
		Suna West
		Nyaribari Chache
8	Nairobi	Embakasi South
		Makadara
		Mathare

In the North Rift, there is Loima, Kiminini, Nandi Hills, Mosop and Baringo South. In the South Rift, there is Bomet East, Bomet Central and Kuresoi South. Then in Western, we have Mumias West, Shinyalu, Luanda, Tongaren and Teso South. In Nyanza, we have Kisumu West, Kisumu Central, Kabondo Kasipul, Homa Bay Town, Ndhiwa, Suna West, Nyaribari and Kitutu Chache. Lastly, in Nairobi, we have Embakasi South.

The reason for the constituencies not having the substantive fund account managers include resignations, retirement, deaths, desertions of duty, non-renewal of contracts and choice of some constituencies to retain acting fund account managers.

Hon. Deputy Speaker, on the measures that the Board has put in place to ensure proper operations and deployment of the constituencies that do not have substantive fund account managers, in a situation where a constituency does not have a substantive fund account manager, the Board assigns an officer serving in a nearby constituency to work as acting fund account manager. This ensures continuation of services in the constituency with a deficit pending deployment of a substantive fund account manager. Meanwhile, the Board is planning to conduct new recruitment to fill the existing vacancies.

On the criteria used by the Board in the deployment of fund account managers in the constituency, including determining the order to be followed in the deployment of fund account managers, the Board ensures that officers are not posted to their constituencies of origin based on the database that is maintained by the Board. The Board also takes into consideration the effect of deployment to the officers' families, especially for female officers. Security considerations are also a factor in the deployment of officers.

Hon. Deputy Speaker, on the plans to deploy fund account managers to the constituencies that do not have substantive fund account managers, the Board is putting in place measures to deploy them to those constituencies. Those measures include expediting the conclusion of disciplinary process for officers on interdiction and recruitment of new staff to fill the vacancies.

Hon. Deputy Speaker, on the number of fund account managers that are currently not deployed and why, there are 23 officers who are not deployed to the constituencies due to the following reasons: Five are on interdiction, one on suspension, 16 deployed to the head office or regional offices, and one on sick leave.

Thank you, Hon. Deputy Speaker.

**The Deputy Speaker:** Yes, the Member for Soy, Hon. David Kiplagat.

**Hon. David Kiplagat** (Soy, UDA): Thank you, Hon. Deputy Speaker. At least, I have now received the Statement. He was not audible. I thank the Chairperson of the Committee on NG-CDF for trying to bring this Statement to the House, despite the inadequacy in terms of addressing the real issues. The real issues, Hon. Chairperson, even looking at your Statement alone, there are about 31 constituencies that are without substantive fund account managers. Looking at the record of where they are, we have five on interdiction, one on suspension, 16 have been deployed to the head office or regional offices, while one is on sick leave. Hon. Deputy Speaker, we need to get serious.

One of the core developments that are happening in this country is through the NG-CDF. The management of NG-CDF, through the Board, needs to be above board. They need to make sure that the committees in our constituencies are working, but you can see the level of incompetence that is being shown by the Board. We know very well that the NG-CDF budget has been increasing. For the last two years alone, it has risen from Ksh35 billion and in the coming financial year, it will be around Ksh60 billion. In the Act, they are supposed to get 5 per cent to run the administrative affairs. So, you can see the budget of the Board in the last two years has doubled. But, I can tell you, Hon. Deputy Speaker, that their services are so wanting. They have not expanded nor made their services up to par.

What I want to say is that by the time you have 31 constituencies without substantive fund account managers, and you have some under suspension, others on interdiction and 16 who have been recalled to the head office because they cannot perform their duties... Yet we have a Board that we are appropriating as much as Ksh3 billion so that they are able to run our constituencies very well... I have put a proposal to amend the Act because the money has been increasing.

Now you cannot find anybody in those Board offices. You can only find them in conferences in Naivasha and Mombasa. The CEO of the Board is not picking any call from Hon. Members. So, you remain with your problems until eternity. It is time this House stepped up and made sure that we have a Board that is responsive to the needs of the constituencies and Members.

I call upon this House to re-look at the matter. Even when it comes to the management of those funds, we need to make sure that, at least, we have competent fund account managers that have been hired so that they are able to offer services to our constituencies. Otherwise, I dare say that this Report that has come is just sugar-coating issues. Our problems in the

constituencies have not been addressed and yet, we are paying a lot of money. We have also increased the budget.

**Hon. Deputy Speaker:** Thank you. Now we will go to the next Statement. Okay, I will give you a minute, Hon. Makali. We need to make progress on this.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you very much, Hon. Deputy Speaker. I have been keenly listening to the statistics that are being provided by the Chair of the Select Committee. While the statistics make a lot of sense in terms of where we are, I think there are about two fundamental questions that the Chair of that Committee needs to ask himself. In a situation where a constituency is sharing a fund account manager with another one, how effective can that manager be? That is the first question. It is very clear that NG-CDF Board members are no longer addressing what is happening on the ground. They are interested in making money available for administrative purposes.

The Chairperson of the Select Committee needs to do much more than he is doing to help Members implement projects. We are patrons, but when things do not work, at the end of the day, it is the patron who is being blamed. So, you find the fund account managers earning their salaries...

**Hon. Deputy Speaker:** The Chairperson for Committee on Agriculture, you also have a response? Hon. Mutunga?

**Hon. (Dr) James Nyikal** (Seme, ODM): On a point of order, Hon. Deputy Speaker.

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

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Deputy Speaker. As you are aware and as you have even indicated to me, I had a Motion of Adjournment and the time should actually have been...

**Hon. Deputy Speaker:** I will get to you, Hon. Nyikal. You are on my schedule. We are now at Statements. I will give you an opportunity at Statements. Hon. Nyikal, we are just completing the responses to Questions asked previously. So, we are going to have the Chairperson for the Committee on Agriculture to respond. After that, as it is indicated in the Order Paper, I will go to the statements. The first Statement is on Kenya Wildlife Services (KWS).

The second Statement will be on the Suneka Airstrip. The third one will be from Hon. Keynan. Thereafter, we will have the Member for Mwea and then Hon. Nyikal. You are on the schedule. Thank you. You may proceed, Chairperson of the Departmental Committee on Agriculture and Livestock.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Thank you, Hon. Deputy Speaker. Pursuant to Standing Order 44(2)(c), Hon. David Kiplagat requested for a statement on 7<sup>th</sup> March 2024 regarding the distribution of subsidised fertilisers to farmers. The Ministry of Agriculture and Livestock Development responded as follows to the issues raised in the request for statement.

The first issue was on the quantity of subsidised fertilisers stocked in National Cereals and Produce Board (NCPB) depots across the country *vis-a-vis* the targeted number of farmers and acreage of land. The response from the Ministry reads as follows:

The Government plans to procure 12.5 million bags of fertiliser. The quantity of subsidised fertiliser stocked in NCPB depots across the country for the long rainy season is 7.5 million bags. Currently, 4 million bags are being distributed to the farmers.

The second issue that the Member raised was on whether the Ministry could give farmers in the North Rift vouchers to purchase fertiliser from retailers at a subsidised price of Ksh2,500 per bag, in the event of shortage of the subsidised fertiliser at the NCPB depots. The Ministry stated that the e-voucher could not be used to purchase fertiliser from retailers. The Government has put in place mechanisms to ensure that there will be no shortage of fertiliser at the NCPB depots. The response goes further to say that NCPB has set up last mile redemption

selling centres close to the farmers in collaboration with the county Governments to improve access. The NCPB has sold 330,650 bags of 50 kilograms for the long rainy season in the North Rift region.

The third issue that he raised was on the mechanism the Ministry has put in place to ensure that farmers in the North Rift receive subsidised fertilisers in the next one week before the planting season begins. The NCPB has put in place a distribution plan in conjunction with all contracted suppliers to ensure that the required subsidised fertiliser reaches all the depots and last mile centres in time before the planting season begins. The fertiliser distribution schedule started on 11<sup>th</sup> March 2024. We have a table which basically shows that Uasin Gishu County was given 63,800 bags during the first week. It was given 59,600 bags during the second week. It was given 46,400 bags during the third week. It was given 46,400 bags during the fourth week. The total is 215, 200 bags.

A total number of 12,000 bags of fertiliser were distributed in Kitale Town during the first week. Another 16,000 bags were distributed during second week. Also, 12,000 bags were distributed during the third week. Then another 10,000 bags were distributed during the fourth week. The total is 50,000 bags. A total number of 8,000 bags of fertiliser were distributed in Kapenguria Town during the first week. Then 10,000 bags were distributed during the second week. Thereafter 6,000 bags were distributed during the third week. Then 6,000 bags were distributed during the fourth week. The total is 30,000 bags.

A total number of 4,200 bags of fertiliser were distributed in Elgeyo Marakwet during the first week. Then 3,000 bags were distributed the second week. Then 1,800 bags were distributed during the third week. Thereafter, 1,200 bags were distributed during the fourth week. The total is 10,200 bags. A total number of 87,000 bags of fertiliser were distributed in the entire North Rift region during the first week. Then 88,600 bags were distributed during the second week. Then 66,200 bags were distributed during the third week. Thereafter, 63,200 bags were distributed during the fourth week. The total for the four weeks is 305,400 bags.

The fourth issue was on the modalities the Ministry has put in place to enhance effectiveness of the e-voucher system in order to minimise the long queues at the depots. The Ministry has put in place the following modalities to ensure effectiveness of the e-voucher system:

1. Timely release of both planting and top dressing e-vouchers to all registered farmers for all the value chains.
2. The e-vouchers issued to farmers do not have restrictive expiry date.
3. All counties with registered farmers will be supplied with the required subsidised fertilisers.
4. Identified last mile centres to be named by NCPB and county governments at ward level to improve access to all farmers.

Thank you, Hon. Deputy Speaker. I submit.

**Hon. Deputy Speaker:** Thank you. Do you want to say something about it, Hon. DK?

**Hon. David Kiplagat** (Soy, UDA): Hon. Deputy Speaker, I have a right to respond. It is only that all my statements came at once today. I wish I had contributed on the other one. I was unable to finish my contribution.

**Hon Deputy Speaker:** You are eating into your minutes. You better proceed.

**Hon David Kiplagat** (Soy, UDA): At this point, I thank the Chairman of the Departmental Committee on Agriculture and Livestock for the comprehensive Statement on the distribution of fertiliser. When I was seeking for it, the farmers had a lot of difficulties in terms of accessing subsidised fertiliser. However, things on the ground have really improved now. Farmers are able to access it. The pressure has gone down.

Given that the periods which farmers expect to have fertilisers are known, I urge the Ministry to work on their procurement so that the farmers can access it in December and

January. When they access the planting and top-dressing subsidised fertilisers at this time, we will not witness long queues when the rains starts and it catches us off-guard.

Lastly, we know there is an issue that affects fertilisers in general. This is the fake fertiliser which the Committee is looking into now. Once that report will be brought to this House, we shall say more on behalf of the farmers of the North Rift.

I thank the Chairman for that Statement. I assure the House that, at least, the pressure has gone down. Thank you.

**Hon. Deputy Speaker:** We can now go to requests for statements. We have a request for statement by the Member for Tiaty, Hon. William Kamket.

## REQUESTS FOR STATEMENTS

### UPCOMING KWS RECRUITMENT

**Hon. Kassait Kamket** (Tiaty, KANU): Hon. Deputy Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Tourism and Wildlife regarding the forthcoming recruitment of Kenya Wildlife Service (KWS) rangers.

On 19<sup>th</sup> March 2024, KWS advertised vacancies for assistant warders and rangers to be stationed in conservation areas across the country. That recruitment initiative aims to address the pressing wildlife protection challenges that are facing our nation. As per the advert, the recruitment process shall be conducted at the county level.

While this is commendable, it is crucial to acknowledge that many applicants may currently be unemployed. Hence, they face financial challenges that can present logistical problems for numerous of them who must travel to the designated recruitment centres. It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Tourism and Wildlife on the following:

1. Could the Chairperson state the reasons for conducting the recruitment of the KWS rangers at the county level as opposed to sub-county level which will help to alleviate travel costs for the potential recruits?
2. Could the Chairperson address whether there is a possibility of relocating recruitment venues to the sub-county level?

I plead with you that this is the only route that was available to me to speak on this urgent matter. I ask that you take it within you and possibly make a ruling because of the urgency of this matter. Ask the Ministry of Tourism, Wildlife and Heritage to urgently reconsider the recruitment of Kenya Wildlife Service (KWS) rangers and wardens to be done at the sub-county level in order to address transportation and potential marginalisation of those recruits.

**Hon. Deputy Speaker:** Order, Hon. Kamket. You have moved from requesting for a statement to debating it. The Chairperson of the Departmental Committee on Tourism and Wildlife is here. Your request for statement will be referred to the Committee. You will then be able to respond at that time. At the moment, you are debating it. You can say one word.

*(Hon. Kimani Ichung'wah gestured to the Hon. Deputy Speaker)*

Leader of the Minority Party, I will give you a chance.

**Hon. Kassait Kamket** (Tiaty, KANU): Hon. Deputy Speaker, I understand.

The problem is that this is an extremely urgent matter, given that the recruitment begins next week. I am seeking a consequential ruling from you. I had to come through this route because I had no other avenue. Given the urgency of this matter, could you kindly ask that it

be postponed or pushed to the sub-county level? The recruitment begins next week. The current county level recruitment is anti-hustler, anti-people and anti-youth who are not able to travel the long distances to county levels.

That is all I am asking, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Kamket, you make a very good point. If you want a shorter route because this is an urgent matter, seek that the Chairperson of the Departmental Committee on Tourism and Wildlife, summons the Cabinet Secretary or the Principal Secretary of the Ministry of Tourism, Wildlife and Heritage and then you will deal with the issue there. That is the quickest method.

Please, give Hon. Kamket the microphone.

**Hon. Kassait Kamket** (Tiaty, KANU): Hon. Deputy Speaker, could you make a ruling that the Cabinet Secretary be summoned tomorrow because the recruitment begins next week on Monday? That is all I am pleading for.

**Hon. Deputy Speaker:** I am not the Chairperson of the Departmental Committee on Tourism and Wildlife. I do not have the powers to summon the Cabinet Secretary. However, I can direct that the Chairperson of the Committee summons the Cabinet Secretary to explain. Together with your colleagues, you can also use your lobbying skills to ensure that you do it.

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

**Hon. Deputy Speaker:** Leader of the Minority Party, what is your point of order?

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Deputy Speaker, I can see the dilemma you find yourself in concerning the matter raised by Hon. Kamket. It is indeed a very weighty matter. It calls for some unique intervention. As a House, we do not want to be seen as micro-managing the Executive. How I wish that the Leader of the Majority Party could listen to me. The matter raised by Hon. Kamket requires some unique intervention.

The recruitment is starting next week. If left the way it is, young Kenyan youths will be required to walk or travel long distances to county headquarters. I am imagining a county like Marsabit. You expect someone coming from Moyale, which borders Ethiopia, to travel to Marsabit Town to participate in the recruitment of KWS rangers. That is one sure way of disenfranchising the Kenyan youth. Something extraordinary can be done even at this late hour.

I support your position, Hon. Kamket. Unless something is done to decentralise this exercise to sub-counties or constituencies, it can be suspended. The world is not ending today or tomorrow. We can suspend it and have it done in a manner that meets the expectations of Kenyans, a majority of whom support equity.

Thank you.

**Hon. Deputy Speaker:** Thank you. Again, I will say that the quickest way is to get the Cabinet Secretary summoned before the Departmental Committee on Tourism, Wildlife and Heritage. Leader of the Majority Party, do you have a point of order?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Deputy Speaker. I rise to support the statement by Hon. Kamket.

It is indeed true that travelling long distances to county headquarters is punishing unemployed young Kenyans. We should not be doing that at this time. Just as we do with police and military recruitment, the KWS one should also be done at the sub-county level. Members of Parliament do not operate at the county level. Members of Parliament are supposed to oversee all those national Government activities, including such recruitment. It is possible that they have devised a way of recruiting at the county level to run away from proper oversight. Except for some few constituencies that have two or three sub-counties, Members of Parliament are able to ascertain whether the people being recruited are from that sub-county or constituency when you recruit at the sub-county or constituency level.

I support and request that the Chairperson of the Departmental Committee on Tourism and Wildlife, Hon. Kareke Mbiuki, cause the Cabinet Secretary to appear before the Committee

and give us an answer latest by next week. Kenyans will start being disenfranchised if we leave the recruitment to continue as it is.

I have been to Tiaty, which Hon. Kamket is fond of referring to as East Pokot County. Tiaty by itself is bigger than Kiambu County as a whole. If you are asking the people of Tiaty to travel from Tiaty to Kabarnet in this era of banditry, you will be subjecting those young men and women to bandits.

*(Hon. Jematiah Sergon spoke off the record)*

Hon. Deputy Speaker, please protect me from Hon. Jematiah. Hon. Jematiah, there is no community that are bandits. Bandits are criminals who should be seen as such. We should not subject young people to be moving across the length and breadth of their counties in search of employment. I plead with the Ministry of Tourism, Wildlife and Heritage, together with KWS, to reconsider and recruit at the sub-county level. I know the numbers may not be many at the sub-county level but, it is okay. You would rather recruit three or four people from each sub-county than 100 at the county level.

I support and request that you direct the Chairperson of the Departmental Committee on Tourism, Wildlife and Heritage to table a statement by Thursday next week.

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

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Deputy Speaker, something is creating this confusion. Previously, people never used to take employment in the KWS seriously. It is because of the current high rate of unemployment that they are now taking it seriously.

*(Loud consultations)*

**Hon. Deputy Speaker:** Hon. Members, please be quiet. I am trying to hear what Hon. Junet is saying.

**Hon. Junet Mohamed** (Suna East, ODM): Two years ago, the KWS recruitment was done in the same way. Because of the current high rate of unemployment in the country, people are now taking the exercise more seriously and getting involved.

My question is on how that recruitment will be stopped today. I hope the Leader of the Majority Party can help with this if recruitment is starting on Monday. Today is Thursday. Tomorrow is Friday, followed by Saturday and Sunday. Only the Leader of the Majority Party can sort this one out if he gets us an executive order to stop the recruitment. Otherwise, everything is set. I am sure by now people who are doing the recruitment are already in the field preparing for the recruitment. So, the Departmental Committee on Tourism and Wildlife can sit tomorrow, call the Minister and agree with him on a position. From there, they can implement that position and maybe extend the time for recruitment. As of now, it is *fait accompli*. In my view, there is nothing that can be done.

**Hon. Deputy Speaker:** Hon. KJ, you had spoken to this matter before. Let us have the Member for Embakasi South, Hon. Julius Mawathe.

*(Hon. John Kiarie spoke off the record)*

It is the same argument. I know your issue was about the recruitment that was being done in one place in Nairobi County at Nyayo National Stadium. So, it is the same county. Let me give this opportunity to another Member from Nairobi who was not there.

Proceed, Hon. Mawathe.

**Hon. Julius Mawathe** (Embakasi South, WDM): Thank you, Hon. Deputy Speaker. As Nairobi Members of Parliament, we represent approximately 2.8 million voters and over 5



million residents at night and 6 million residents during the day. This recruitment is done at sub-counties and it is supposed to be done at the constituency level. In other areas, it is done at the sub-county level. However, in Nairobi, it is only being done at Nyayo National Stadium. At Nyayo Stadium, it is not recruitment that is taking place. It is just filling in of the names of the people who come to be recruited. The recruitment should be done at the constituency level so that the residents of Embakasi South, who are approximately 580,000, can have an opportunity to be recruited. We do not want a sub-county recruitment. A sub-county recruitment in Nairobi means that Embakasi East, Embakasi Central and Embakasi South with more than 1 million residents will share one sub-county. So, we are humbly requesting the Speaker to rule that the best place for recruitment is at the representation levels which, at the national level, is the constituencies.

Thank you.

**Hon. Deputy Speaker:** Thank you. I can see Hon. Vice Chairperson of the Departmental Committee on Tourism and Wildlife, Hon. Kwanjiku, the Member for Kiambaa Constituency, is here. He is not listening.

Hon. Vice Chairperson, you have heard the sentiments of Members...

*(Hon. Njuguna Kwanjiku spoke off the record)*

No! I am just giving you instructions because your Chairperson is not here. Ensure that your Committee summons the Minister as soon as possible. The letter can go out as early as Monday so that they know that there is a crisis with the recruitment, and then summon the Cabinet Secretary because this matter is urgent. So, take those instructions on behalf of your Chair.

Hon. Members, let us go to the next request for statement by Hon. Onchoke, the Member for Bonchari.

#### STATUS OF SUNEKA AIRSTRIP

**Hon. Charles Onchoke** (Bonchari, UPA): Hon. Deputy Speaker, 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 Transport and Infrastructure regarding the status of the Suneka Airstrip.

Suneka Airstrip was established during the British colonial administration and stands as a testament to Bonchari's rich history and heritage. Over the decades, it has undergone several phases of development; notably, its expansion in 1978 and subsequent renovation efforts in the financial years 2018/2019 and 2022/2023. The airstrip received its first phase of upgrading which involved the construction of a perimeter wall, parking, an administration block and a passenger lounge. In 2022, the Government announced plans to expand the airstrip runway to accommodate bigger aeroplanes/aircrafts. However, despite those significant investments by the Government, the Suneka Airstrip is in a state of disrepair. The runway lies dilapidated, and the once-promising facility now sits largely abandoned.

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

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

Hon. Temporary Speaker, the unfortunate state of affairs not only undermines the Suneka Airstrip's historical significance, but also jeopardizes its high economic potential for the region. Urgent action is, therefore, warranted to rectify its current state of neglect and restore it to its rightful position as a vibrant hub of activity and opportunity.

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It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Transport and Infrastructure on the following:

1. What are the underlying reasons for the prolonged delay in completing the renovation and rehabilitation works, despite the allocation of substantial funds?
2. What plans has the Ministry put in place for the resumption and completion of critical infrastructure projects at the Suneka Airstrip?
3. Could the Chairperson provide strategies and mechanisms aimed at ensuring the sustainable maintenance and efficient operation of the airstrip to safeguard its future viability?

I thank you.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Is the Chairperson of the Departmental Committee on Transport and Infrastructure in the House? In the absence of the Chair, do we have the Vice-Chair?

The Leader of the Majority Party, kindly respond to that request for statement.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, I do not know where the Chairman of the Departmental Committee on Transport and Infrastructure has gone. The last time I checked, he was seated here. However, I will relay that information to him and he can advise the House on Tuesday when he can bring a good answer.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Charles Onchoke, make sure you are in the House on Tuesday. A decision on when the Statement will be brought will be made.

Hon. Members, next is Hon. Keynan, the Member for Eldas.

#### DISAPPEARANCE OF MR OMAR MAHAMED NUR

**Hon. Adan Keynan** (Eldas, JP): Thank you, Hon. Temporary Speaker. 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 Administration and Internal Security regarding the disappearance of a prominent elder from my constituency called Omar Mahamed Nur, nicknamed Omar the Fox.

Mr. Omar Mahamed Nur of ID No. 2107537 is a businessman who hails from Eldas Constituency, Wajir County and operates businesses in Marsabit and Wajir counties. He was reported missing on 23<sup>rd</sup> March, 2024 under OB No.13/30/3/24 at Marsabit Police Station. Efforts by his family to establish his whereabouts have borne no fruit. This has subjected his family to mental anguish and uncertainty regarding his well-being.

Article 29 of the Constitution provides for the right of every person to freedom and security. This includes the right not to be deprived of freedom without just cause and the right not to be detained without trial because that will be illegal. It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

1. What is the status of investigations into the disappearance of Mr. Omar Mahamed Nur alias Omar the Fox?
2. Could the Chairperson outline the measures that have been put in place by the Ministry to ensure that Mr. Omar Mahamed Nur is reunited with his family?
3. What measures have been taken by the Government to ensure the safety of businessmen operating in the country?

Hon. Temporary Speaker, I have been in touch with the security apparatus in both Marsabit and Wajir. The information that is coming out is disjointed. It does not give any direction on the whereabouts of that particular businessman. Through the Hon. Chairman of the Departmental Committee on Administration and Internal Affairs, we want to know his

whereabout as we have been promised because the era of arbitrary arrest, kidnapping and illegal detention is gone. I request the Chairperson to help us find the whereabouts of that prominent businessman as a matter of urgency because this is a matter that is very important to us.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Keynan. The Vice-Chairman of the Departmental Committee on Administration and Internal Affairs, Hon. Rasso, please proceed.

**Hon. Dido Rasso** (Saku, UDA): Thank you, Hon. Temporary Speaker. From what Hon. Keynan has raised, the issue of people disappearing is slowly coming back. For all intent and purpose, I thought we buried the idea of Kenyans disappearing with the last Government. Kenyans are disappearing when there are law courts and law enforcers. People believed to be involved in crime must have their day in court. For that reason, we request you to give us two weeks. We will speak to the Ministry and respond to the matter in two weeks' time.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Vice-Chairman. I believe two weeks is quite in order, Hon. Keynan.

**Hon. Adan Keynan** (Eldas, JP): Hon. Temporary Speaker, we are talking about arbitrary arrest and disappearance. I thought my good friend, Hon. Rasso, who is a distinguished Member of this House and our patron, will be the first person to say he will submit a report within the shortest time possible. I plead with him that two weeks is a long time because we do not know whether that person is alive or dead.

Hon. Temporary Speaker, if the issue is criminal in nature, the law requires that investigations should be conducted, and the person arrested and arraigned in court. The suspect should be subjected to the criminal justice system. Just like the Vice-Chairperson has alluded to, I thought some of those things went with the previous regimes. I plead with my patron that two weeks is a long time. Can he give us an answer by Tuesday so that we know whether that person is alive or not? Can we have an answer tomorrow or latest Tuesday?

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Members, I see several interventions but I do not want to encourage debate on this matter. I would like to give a chance to the Vice-Chairman based on the sensitivity of the matter. Before I do so, I will give a chance to Hon. Junet. You have one minute, Hon. Junet.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Temporary Speaker, I am shocked that the Vice-Chairman can ask for two weeks to deal with this matter. I want him to put himself in the shoes of the family that has lost that businessman. Their situation, as of today, is that they are suffering. They are in agony because they do not know whether their loved one is alive or dead. We were told that the era of extrajudicial killings was over. We were assured that it would never happen again. Can you produce that man dead or alive tomorrow, and not in two weeks' or three weeks' time? The family should get the body or the person tomorrow morning.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Members, a statement that has been sought obviously has timelines. I would like to go back to the Vice-Chairman based on the sensitivity of the matter as it has been elaborated by Hon. Keynan and supported by Hon. Junet. Can you, please, respond on when is the 'shortest time' within which you can give us a response on this matter?

**Hon. Dido Rasso** (Saku, UDA): Thank you very Much....

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Members, please let us give the Hon. Member for Saku, who is the Vice-Chairman, an opportunity to respond?

**Hon. Dido Rasso** (Saku, UDA): Thank you very much, Hon. Temporary Speaker. I believe that Hon. Keynan is loud and clear. Kenya is governed by the rule of law.

*(Hon. Junet Mohamed spoke off the record)*

(Laughter)

We must work within the rules of possibility. Give the Committee seven days to push the Ministry to give us a response.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Members, I think we should put this matter to rest. We will get a response within seven days. Thank you, Hon. Rasso.

The next request for statement is by the Member for Mwea. Please, proceed.

IMPROPER MAINTENANCE OF WATER CANALS AND  
ON-FARM ROADS AT MWEA IRRIGATION SCHEME

**Hon. Mary Maingi** (Mwea, UDA): Hon. Temporary Speaker, 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 Blue Economy and Irrigation regarding the irregular maintenance of the drainage systems, on-farm roads and canals that have caused flooding within Mwea Irrigation Scheme and the surrounding areas.

Hon. Temporary Speaker, following the Thursday, 4<sup>th</sup> April 2024 overnight downpour in Mwea Constituency, about 15 households were severely affected by floods water while more than 100 people were left homeless. Additionally, many homesteads and businesses were submerged in water and acres of crops destroyed. While some families sought alternative and safe areas to settle, there still exists grave risk to members of the public. Notably, the National Irrigation Authority (NIA) under the Ministry of Water, Sanitation and Irrigation has not adequately addressed the issue of proper maintenance of water canals that are used to transport water for irrigation and on-farm roads in the rice fields. De-siltation of canals has also not been undertaken for a long time leading to blockage and flooding.

It is against this background that I seek a statement from the Chairperson of the Committee on the following matters:

1. What measures has the Ministry put in place to ensure that the families that have been affected by the flooding in Mwea are assisted?
2. What regulatory framework has the Government put in place to ensure that de-siltation is undertaken regularly, and that there is regular maintenance of water canals and on-farm roads?
3. What emergency response measures has the Ministry adopted to address flood related challenges in Mwea Constituency?

I thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon (Dr) Rachael Nyamai): Thank you very much, Hon. Member for Mwea. Is the Chairman for the Departmental Committee on Blue Economy, Water and Irrigation in the House? Is the Vice-Chairman around? In the absence of the Chairman and the Vice-Chairman, I direct this matter to the Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I will relay the request to the Chairman of the Departmental Committee on Blue Economy and Irrigation, Hon. Kangogo. He was here but he left.

The day today comes immediately after the Eid ul-Fitr holiday. Therefore, most Members are still in a holiday mood. That is why our numbers are not pleasing this afternoon. However, I will make sure that the Chairman, Hon. Kangogo, brings a response to the statement request by the Member for Mwea in the course of next week.

Indeed, I agree with the Member for Mwea because I saw on television footage the suffering that the people of Mwea are going through. On engagement, I was able to gather that

the NIA is not desilting the canals that should be taking water from the dam and containing some of the flood water. That is why the water is ravaging villages where people live.

Hon. Temporary Speaker, it is sad that, as it rains, the NIA is not harnessing the water and directing it to dams like Thiba Dam that was commissioned recently by just desilting the canals and taking care of the in-farm road infrastructure within Mwea Irrigation Scheme. I will endeavour to get the Chairperson to answer.

I support the request for statement by the Member for Mwea. Indeed, the people of Mwea have suffered for a long time. We must do all we can to help them. I congratulate the Member for Mwea for being very sensitive about the plight of the people. When I saw the situation highlighted on television, I did not even know that she was going to request for a statement. That tells you that the people of Mwea never made a mistake in electing a leader who bears their burdens and is able to bring to this House issues that are of concern to them.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Leader of Majority Party, in addition to the kind words that you have spoken about the Member for Mwea, I suggest that you put it together with the request for statement that was sought from the Chairperson of the Departmental Committee on Transport and Infrastructure. This is so that both of them get a response on whether the statement requests will be responded to on Tuesday. Thank you very much.

Hon. Members, we now go to the weekly statement by the Leader of the Majority Party.

**Hon. Kuria Kimani** (Molo, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Members, before we go to the Leader of Majority Party, we will have a progress report by the Chairperson of the Departmental Committee on Finance and National Planning.

Please, proceed.

#### PROGRESS REPORT ON BUSINESS BEFORE THE FINANCE AND NATIONAL PLANNING COMMITTEE

**Hon. Kuria Kimani** (Molo, UDA): Thank you, Hon. Temporary Speaker. I rise pursuant to Standing Order 127 to give a progress report on business pending before the Departmental Committee on Finance and National Planning.

On Thursday, 21<sup>st</sup> March 2024, pursuant to the provisions of the Standing Order 44 (2) (c), Hon. Members sought responses from the Chairperson of the Departmental Committee on Finance and National Planning as follows:

1. The Hon. (CPA) Irene Mayaka, MP, sought a statement regarding financial services offered by telecommunication companies through digital applications such as M-Pesa, digital loan products, Fuliza, Mshwari, Airtel-Wallet and T-Kash.
2. The Hon. Joseph Munyoro, MP, sought a statement regarding an outcry by *boda boda* operators on alleged exploitative lending practices by asset financing entities that are operating in the country under the Buy-Now Pay-Back-Later (BNPL Model).
3. The Hon. Geoffrey Ruku, MP, sought a statement regarding incentives claimed by Special Economic Zones, developers, operators and enterprises in Kenya.

Hon. Temporary Speaker, in committal of those statements and noting the magnitude of the issues raised by the three Hon. Members, you directed that the Committee would elect and undertake an in-depth inquiry into the key matters in the statements. In line with your direction, and in order to facilitate a comprehensive inquiry, the Committee is placing an advert in the daily newspapers and other media outlets requesting views and presentations from the

public on the key issues highlighted in the statement requests. The advert is expected to run this week.

Additionally, I wish to inform the House that the Committee has already held preliminary engagements with the Governor of the Central Bank of Kenya, being among the regulatory entities in the matter in question. However, it has not been able to meet the National Treasury owing to the fact that the leadership of the National Treasury has been held up with the International Monetary Fund (IMF) Mission review sessions that have been on-going for the last two weeks, and they are scheduled to participate in the upcoming Annual World Bank-IMF meeting that is set to be held between 13<sup>th</sup> and 23<sup>rd</sup> April 2024 in Washington DC.

Hon. Temporary Speaker, it is against this background that the Departmental Committee on Finance and National Planning is seeking the indulgence of the House for more time to consider the matters raised in the statement requests.

I have taken the initiative to also consult the three Hon. Members – the Hon. (CPA) Mayaka; the Hon. Munyoro, MP and Hon. Ruku, MP, on this matter. The Committee commits to report back to the House with a comprehensive report on the statement requests within the next 30 days. The three matters sought are very key and the Committee is taking them very seriously. That is why we are seeking an extension of a further 30 days.

On a light note, these inquiries are serious and cannot be resolved by snipping, the way I saw a Hon. Senator snipping fertiliser to check its credibility. It requires serious meetings and deliberations among all the stakeholders. That is why we are asking for a further 30 days to provide a comprehensive report on the statement requests by the three Hon. Members.

I beg to submit, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Chairperson, I was waiting for you to make a request. How much more time do you need?

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Speaker, we request for 30 more days to lay comprehensive statements on the three requests.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thirty days?

**Hon. Kuria Kimani** (Molo, UDA): Yes, Hon. Temporary Speaker. The substantive Speaker requested that the matters be subjected to inquiry rather than be dealt through statements. Therefore, we have to meet the *boda boda* riders' groups and all the players in the financial sector, including commercial banks, Central Bank of Kenya and the National Treasury. The 30 days we have requested for will be sufficient.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Very well. This being and inquiry, you deserve the 30 days. You have 30 days to respond to all those issues.

Hon. Members, we will now receive a statement by the Leader of the Majority Party on the business for the coming week.

## STATEMENT

### BUSINESS FOR THE WEEK OF 15<sup>TH</sup> TO 19<sup>TH</sup> APRIL 2024

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): I am sorry, I was consulting with Hon. Junet. He is a good leader from the minority.

Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(a), I rise to give a statement on behalf of the House Business Committee, which met on Tuesday 9<sup>th</sup> April 2024 to prioritise the business for consideration by the House during the coming week. Before I give the Statement, allow me to officially welcome Members back from the short recess. I encourage them all to remain dedicated and focused as we continue to transact business in what promises to be a busy part of the current Session.

I also urge the committees with priority business that is pending before them to expedite it to enable its conclusion by the House within the next few weeks. It is important for Members to note that this Session will be quite short considering that we are already done with the first week that had a break yesterday. Also, 1<sup>st</sup> of May falls within this part of the Session. Therefore, within the remaining three weeks, we have very few sittings.

Hon. Temporary Speaker, with regard to the business for next week, the House will continue with the Second Reading debate on the following Bills, should they not be concluded today:

1. The National Land Commission (Amendment) Bill, 2023;
2. The County Licensing (Uniform Procedure) Bill (Senate Bill No.9 of 2022);
3. The Land Laws (Amendment) (No.2) Bill, 2023; and,
4. The Independent Electoral and Boundaries Commission (Amendment) Bill, 2024.

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

1. Reports of the Auditor-General on the National Government Constituencies Development Fund for five constituencies in Vihiga County;
2. Reports of the Auditor-General on the National Government Constituencies Development Fund for nine constituencies in Bungoma County;
3. Consideration of nominees for appointment to various diplomatic offices;
4. Report of the Defence, Intelligence and Foreign Relations Committee on its consideration of the African Union Convention on Cross Border Co-operation;
5. Report of the Public Petitions Committee on its consideration of the public petition on funds spent contrary to the provisions of Article 223 of the Constitution;
6. Report on the Parliamentary Broadcasting and Library on enhancing reporting of Parliamentary business on online platforms;
7. Report of the Committee on Regional Integration on its inspection of the semi-autonomous institutions of the East African Community in Uganda;
8. Report of the Committee on Implementation on the implementation status of reports on petitions and resolutions passed by the House; and,
9. Report of the Trade, Industry and Co-operatives Committee on its consideration of alleged unfair trade practices by foreign investors in Kenya.

Hon. Temporary Speaker, in accordance with the provisions of Standing Order 42A (5) and (6), I wish to convey that the Cabinet Secretary for Health is scheduled to appear before the House on the afternoon of Wednesday, 17<sup>th</sup> April 2024 to respond to the following Questions:

1. Question No.009/2024 by the Member for Westlands, Hon. Timothy Wanyonyi, regarding the delay in posting of medical interns and implementation of the Collective Bargaining Agreement (CBA) signed in 2017 between the Kenya Medical Practitioners, Pharmacists & Dentists Union and the Government of Kenya;
2. Question No.020/2024 by the Member for Ruiru, Hon. Simon King'ara, regarding the imposition of high deposits by the Kenyatta University Teaching, Referral & Research Hospital (KUTRRH) before attending to patients;
3. Question No.021/2024 by the Member for Baringo Central, Hon. Joshua Kandie, regarding details of all the Community Health Promoters in all the 290 constituencies in the country;

4. Question No.086/2024 by the Member for Nyeri Town, Hon. Duncan Mathenge, regarding the factors used to determine the amount of money a non-salaried Kenyan citizen ought to pay to the Social Health Insurance Fund;
5. Question No.087/2024 by the Member for Nairobi County, Hon. Esther Passaris, regarding the measures taken by the Government to equip hospitals to test and treat Helicobacter Pylori; and,
6. Question No.088/2024 by the Member for Nairobi County, Hon. Esther Passaris, regarding measures taken by the government to provide surgical operations and medication for patients who are suffering from fistula.

Hon. Temporary Speaker, the House Business Committee shall reconvene again on Tuesday, 16<sup>th</sup> April 2024, to schedule business for the rest of that week. I now wish to lay this Statement on the Table of the House.

Thank you, Hon. Temporary Speaker.

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

Hon. Members, seated in the Speaker's Gallery this afternoon, we have representatives of the University of Nairobi Students Association (UNSA) from Starehe Constituency, Nairobi County, and students from Wamba Christian Catholic Missionaries (CCM) Junior School, from Samburu East Constituency, Samburu County. You are welcome to the National Assembly. I give this chance to the Chairperson of the Departmental Committee on Agriculture and Livestock to lay a Paper.

**Hon. (Dr) James Nyikal** (Seme, ODM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Before we come to you, please allow me to...

## PAPER

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Hon. Temporary Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Agriculture and Livestock on its consideration of the Cotton Industry Development Bill, (Senate Bill No.5 of 2023).

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you, Chairperson. Hon. Nyikal, what is your point of order?

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Speaker. I had a Motion of Adjournment which was approved by the Deputy Speaker. When she was here, I drew her attention after the Notices of Motions and she said that she would get back to it but missed to do so. Later on, she gave me something on the Floor, which has nothing... I want to know the exact state of my intended Motion of Adjournment.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Nyikal. I have a brief that the matter you are raising is active before the Public Petitions Committee of the House. This week on Tuesday, the Vice-Chairperson gave an update on the same subject. I am sure you were listening to the Leader of the Majority Party as he gave the Statement for next week. On Wednesday, the Cabinet Secretary for Health is scheduled to appear before this House. You will get an opportunity to prosecute that matter on the Floor of the House. That is the brief I have.

*(Loud consultations)*

*(Several Hon. Members rose on points of order)*

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Obviously, I will give the first opportunity to Dr. Nyikal.

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Temporary Speaker, that is improper. First of all, it is out of order and this matter is not procedural. If there was a change, it should have been raised at the time of Notices of Motions. The worst bit is that I was informed it was approved. The Deputy Speaker told me that she had approved it, but other considerations came later. What considerations are coming after it was approved? They should have come before. You have said that this matter will be discussed on Wednesday when the Cabinet Secretary for Health will appear here. This will help to inform her what Kenyans want.

My Motion of Adjournment was to discuss the health workers' strike. What we would have said would have helped the Cabinet Secretary while answering. Why has it been found necessary to keep it after approval? You have said that it is before the Public Petitions Committee. It is still more useful because Members of that Committee would have been informed by what Members of Parliament think. That would have been part of their consideration. This is a matter of national crisis and importance. The whole country is asking: "Where is Parliament?" This would have given us an opportunity to state what they think.

We are stuck with the issue of calling interns students without thinking of a way out. The Government does not have to always pay interns. There is a way this can be done. In 2000, we only had eight hospitals taking students, and then we opened up. The Ministry of Health is not the only one that is employing medical interns. Private hospitals like the Aga Khan University Hospital (AKUH), AIC Kijabe Hospital, Tenwek Hospital and Karen Hospital are employing and paying them. Why do we not want this to be heard by the country?

I want you to allow it and let the Members say that they do not want to discuss it. I am still asking for the Motion of Adjournment. If we do not get 20 Members in support as required, I will raise my hands up because that is the procedure. I cannot be gagged. This week, as I was raising it, the Speaker literally cut me off and suggested that I should bring the matter today; which I did. Why am I being gagged?

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. (Dr) Nyikal, that matter is not on the Order Paper. I gave you an opportunity because you raised an intervention. I have said it is already active in the Public Petitions Committee. It was presented on 7<sup>th</sup> March 2024 by Hon. (Dr) Pukose, the Chairperson of the Departmental Committee on Health.

It is Public Petition No.6 of 2024 regarding delays in posting of medical interns, absorption of Universal Health Coverage (UHC) contract staff, conclusion of Collective Bargaining Agreements (CBAs) and recognition of agreement in the health sector in the country. It was done on behalf of the representatives of the health sectors unions, societies and associations.

You can see that it is exactly the same subject. As I have said, this matter is already active in the Public Petitions Committee. Hon. (Dr) Pukose...

*(Loud consultations)*

With all due respect, you can appear before the Public Petitions Committee. Also, the Statement that the Leader of the Majority Party has just tabled states that the Cabinet Secretary for Health will be here on Wednesday. Hon. (Dr) Nyikal, you will get an opportunity to prosecute this matter extensively. Thank you.

**Hon. George Murugara** (Tharaka, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Before we go on, let us also give this side an opportunity. Yes, Chairperson of the Departmental Committee on Justice and Legal Affairs.

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**Hon. George Murugara** (Tharaka, UDA): Thank you very much...

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): You may take your seat first, Chairperson. According to the order of precedence, I will give the Leader of the Minority Party a chance first.

*(Hon. George Murugara spoke off the record)*

It is okay. Please, take your seat.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Thank you, Hon. Temporary Speaker. I want us to be orderly. With all the tremendous possible respect, Standing Order 33 is so clear. I will read it for the avoidance of doubt because we are not in a hurry. It states:

“(1) Any Member may at any time rise in his or her place and seek leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent national importance.

(2) A Member who wishes to seek leave to move the adjournment of the House shall, at least, two hours before the commencement of the sitting, hand to the Speaker a written notification of the matter, but the Speaker shall refuse to allow the claim, unless the Speaker is satisfied that the matter is definite, urgent and of national importance and may properly be raised on a motion of adjournment of the House”.

I want to stop at that point. The only condition that would necessitate the Speaker refusing such a Motion of Adjournment is if the Speaker is not satisfied that the matter is definite, urgent and of national importance. It does not include factors such as the matter being before the Public Petitions Committee, any other committee or court. It only talks of the matter being urgent, definite and of national importance.

Secondly, from the account of Hon. (Dr) Nyikal, he cannot lie. He is a nobleman. Hon. Nyikal is a ranking Member and a person of serious credibility. He has confirmed that the Deputy Speaker confirmed to him, not long ago, that she had approved this Motion. This is a House of records. It is a House of norms. We cannot depart from the norms of this House. I do not want this House to be seen to be imputing improper motives on the person of the Speaker. That would be very serious. If the Deputy Speaker confirmed the Motion had been approved, then it follows that the matter should be allowed to proceed in the manner contemplated under the Standing Orders.

Thirdly, to reiterate the gravity of this matter, when I sit here, I am privy to a lot of information that comes to me from Kenyans of all walks of life. As we speak, the life of the Kenya Medical Practitioners and Dentists Union (KMPDU) Secretary General, Dr. Davji Atallah, is in danger. Dr. Davji Atallah has been threatened, not once or twice, in the last 48 hours. His life is in grave danger, and the more reason why this Motion was critical and urgent.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Leader of the Minority Party.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Temporary Speaker, this is not a laughing matter. This is a very serious matter.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Leader of the Minority Party.

**Hon. Opiyo Wandayi** (Ugunja, ODM): I am on a point of order.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): You have made your point.

**Hon. Opiyo Wandayi** (Ugunja, ODM): I am on a point of order. You cannot interrupt me. Stop that gentleman from making noise. This is a matter of urgent national importance and of serious gravity. It has to be prosecuted in a manner that is contemplated in the Standing Orders. Anything less than that will be chaos.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): You have made your point. Leader of the Majority Party now. Thank you very much, Leader of the Minority Party.

**Hon. Opiyo Wandayi** (Ugunja, ODM): It is never too late. The Speaker can always review orders and directions. I want to plead with you to review the directions that you have

given and allow this Motion to be prosecuted by Hon. (Dr) Nyikal. Anything less than that will be tantamount to reducing the stature of this House.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Leader of the Majority Party.

*(Hon. Opiyo Wandayi spoke off the record)*

You have made your point Leader of the Minority Party. Let us hear the Leader of the Majority Party now.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I rose earlier because Hon. Opiyo was treading on very dangerous grounds. When the Leader of the Minority Party avers that he has information that has come to him that any Kenyan life is in danger, the responsible thing to do first is to make sure he reports to the police. I do not see any police officer here that he is reporting to. How you report to the police is not by speaking to the gallery on the Floor of the House. I hope the Leader of the Minority Party will walk to the Directorate of Criminal Investigation (DCI) offices right outside Parliament, at Parliament Police Station, and report whatever information he has. Otherwise, we may use the Floor of the House to make all manner of statements to speak to the gallery.

Back to the more substantive issue of what Hon. Nyikal has raised, the Leader of the Minority Party also averred that Hon. Nyikal had confirmed the Deputy Speaker alluded there was an approval of the Motion. It is true what the Leader of the Minority Party says. We are a House of procedures. Procedurally, what happens when you request approval of a Motion of Adjournment from the Speaker, the Speaker will approve it and it will go back to the Clerk's Office for it to find its way to the House. The Motion is not on the Clerk's desk here. I have checked with them and there is no such Motion that is approved.

Secondly, Hon. Nyikal says it is the Deputy Speaker who mentioned that it might have been approved, but he also says that he took the Motion to the substantive Speaker. If it was never approved by the substantive Speaker, it means there was no approval. If that was before the Eid-ul-Fitr Holiday, nothing stopped Hon. Nyikal today, even in the absence of the substantive Speaker, from drafting another Motion and requesting the Deputy Speaker to approve it for tabling before the House.

*(Hon. Catherine Omanyoo spoke off the record)*

I was listening to interruptions by the Member for Busia. The other day, I told her very pleasant things. I do not want to say unpleasant things to my good friend, Hon. Catherine Omanyoo. She is my very good friend, for the record. A very good friend and in the recent past, I have said a number of very good things about her.

Hon. Nyikal is aware that, indeed, the intern doctors and other officials of KMPDU submitted a petition to this House. The Petition was brought by Hon. Pukose and committed before the Public Petitions Committee. This is a matter that is already live before the House and a Committee. I have just read today's Statement, and maybe Hon. Nyikal was not listening when I was reading it. I have already tabled it. I stated that next week on 17<sup>th</sup> April, the Cabinet Secretary for Health, Ms. Susan Nakhumicha, shall be in this House to answer nothing else other than the first Question by the Member for Westlands, who is a Member of ODM, Hon. Tim Wanyonyi. He has a Question that he has caused the Cabinet Secretary to appear next week on Wednesday to answer on the issue that Hon. Nyikal is asking us to adjourn the House to discuss. Therefore, I would beg that we proceed with business. Hon. Nyikal rose on a point of order, not on a Motion of Adjournment. This is not the way to seek for a Motion of Adjournment. I would plead that in line with what Hon. J.B. Muturi would always say, this is not business. We go to the business in the Order Paper for the day and wait for next week when

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the Cabinet Secretary will be here. Hon. Nyikal is a polished medic. He can take on the Cabinet Secretary. I want to invite you, Hon. Nyikal and Hon. Opiyo Wandayi, to come and take the Cabinet Secretary into account. Every other Member of this House is at liberty to do that next week.

I would, therefore, beg that the Temporary Speaker closes this matter because I was getting very apprehensive. We were now on the verge of discussing the person or the conduct of the Speaker from what I heard from the other side. We should never allow ourselves to get to that point. I beg that we go on with business. This is not business.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Members, indeed, the screen is full of interventions. In the interest of time, I would like to plead with you that we need to go to the business for the day.

*(Hon. (Dr) James Nyikal spoke off the record)*

Hon. Nyikal, you have made your point. I do not want us to debate on this matter. But I will give one minute to Hon. Junet and another minute to Hon. Murugara. Hon. Junet.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Temporary Speaker, this is a very sad day in Parliament. Article 95 is very clear. It says that the National Assembly deliberates on and resolves issues of concern to the people. Let me tell you something. If we cannot discuss the issue of the medical personnel on the Floor of this House, then I do not know why we should be here anymore. This is not the first time an Adjournment Motion is being moved in this House. It has been moved before. It will still be moved in the future. Hon. (Dr) Nyikal has done the right thing. He has written to the Speaker of the National Assembly and it has been approved. What is happening this afternoon in this House is to gag us from discussing the crisis that is going on in the health sector. If this matter cannot be debated in Parliament, do you want it to be discussed on the streets like what is happening now?

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you. I had given you one minute. Hon. Junet, as we speak, this matter is not in the Order Paper. Hon. Murugara, let me also give you one minute.

*(Hon. Junet Mohamed spoke off the record)*

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. I do not think the Chairperson is gagging anyone. The truth is that this is a House of rules. We must follow our rules of procedure at every moment and every step. Unfortunately, while the matter may be exactly what Hon. (Dr) Nyikal has said, we do not have the approved Motion. The reason we do not have it is provided for under Standing Order No. 33. It can only be discussed when the Speaker of the National Assembly is satisfied. The problem is that we do not have the approved one.

Secondly, we have just received rulings reiterating the position regarding this Motion. That it may not be properly raised in the...

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Your one minute is over. Hon. Members, I would like us to move to the next Motion and business for today. Nobody is gagging anyone and I will stick to the three issues.

Firstly, this matter is already active as a Petition. Secondly, on Tuesday, the Vice-Chairperson, Hon. Sitienei, presented progress on this subject. Thirdly, the Cabinet Secretary will be here and you are free to engage her on Wednesday.

Hon. Members, let us move to Order No. 8.

## BILLS

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

*(Moved by Hon. Peter Lochakapong on 21.3.2024 – Afternoon Sitting)*

*(Debate concluded on 9.4.2024)*

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Members, I would now like to put the question.

*(Question put and agreed to)*

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

Next Order.

*First Reading*THE SOCIAL ASSISTANCE (AMENDMENT) BILL  
(National Assembly Bill No. 80 of 2023)

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Members, I would like to order that we reorganise business for the House and go to Order No. 11, and then come back to Order No. 10. Order No. 11.

**MOTION**ADOPTION OF REPORT ON FINANCIAL STATEMENTS FOR  
THE NG-CDF FOR CONSTITUENCIES IN VIHIGA COUNTY

THAT, this House adopts the Report of the Decentralized Funds Accounts Committee on its consideration of the Reports 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, 14<sup>th</sup> February 2024.

*(Moved by Hon. Gideon Mulyungi on 9.4.2024)*

*(Resumption of Debate interrupted on 9.4.2024)*

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Members, no one was on the Floor on this Motion and so, it is open to debate. Those who are interested in debating Motion No. 11, please, press the intervention button.

Hon. Kajwang', are you interested?

**Hon. T.J. Kajwang'** (Ruaraka, ODM): Hon. Temporary Speaker, we are still absorbing what has just happened but, anyway, we will have another day. Every dog has its day. The question of audit on National Government Constituency Development Fund (NG-CDF) accounts is important. The other day, I raised a quorum issue because there were just a few of us here. In my opinion, it was better that Members, especially from Vihiga County, be present when we discussed this issue. I am sure the residents in Vihiga County are curious and glued to their televisions to watch how public funds that are sent to their county are used and how those monies are audited.

I rise to show how this new Constitution has given *mwananchi* an opportunity for transparency in the use of public resources. Public resources are first budgeted in this House, and they are allowed to go to the implementer, which is the Executive. It is then transmitted to the people who do the projects, and the Auditor-General has an opportunity to look at the public funds. That report comes to this House to determine whether the audit reports have been acted upon. It gives information different from what people used to know or what the destructors of the NG-CDF have peddled before. They have tried to make us believe that the NG-CDF is something that Members of this House own. However, as you can see, the money is disbursed by the national Government. The Funds then go to the Ministry of National Treasury and Economic Planning and are administered by the NG-CDF Board. The fund manager and project management committee (PMC) implement those projects. The Auditor-General then comes in to see the usage of that money. We come in last to oversee and check the Auditor-General reports because we are the ones who allocate the money in the budget. This is the essence that I wanted to bring out.

This is the same thing that happens to the other counties, not just Vihiga County. It is the same situation with Tharaka Nithi. It should also be the same situation in Nairobi County. People should not misuse the only funds from which *wananchi* gets fruits. I wonder whether the Auditor-General extensively looks at those books for the funds given to the governors and the county governments by the county assemblies. Do those reports go back to the county assemblies, as in this case? However, governors would want to use this National Government-Constituencies Development Fund (NG-CDF) and put their fingers in the honeypot just because they think that this money is not audited and is more like freebies that they can just enjoy, as they did with the money in the counties.

We want to show them today. Anyone watching this debate will now see that the county governments are opposed to the NG-CDF, are using the money opaquely, and are not accessible to the Auditor-General. If it is accessible to the Auditor-General, those reports are not brought back to the county assemblies for them to see how those wards or counties have used the monies.

That is the point I wanted to prosecute. I have seen the Report and the Committee's decisions. They are very fundamental. However, I have not seen anything beyond salvage in any of those constituencies. I want to congratulate the constituencies for being within their spending levels and giving value for money for existing projects.

If you drive around Meru, you will see a secondary school with a board showing what the Member of Parliament has done every time you pass a corner. Everything is listed there. I am still waiting to see the Igembe Early Childhood Development (ECD) Centre, which is being constructed by the county. I want to see how the Governor has implemented that school.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Gitonga Murugara, Member for Tharaka.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. I rise to support the Motion to adopt the Committee's Report on the five constituencies under discussion.

May I point out that with the recent amendments to the NG-CDF Act, Members of Parliament have no role to play in the NG-CDF anymore? That must be very clear to everybody. The Act removed our oversight role at the constituency level. Members of Parliament now have to come to this House to debate, adopt, or reject reports, similar to this one. We do not want to hear cases all over of Members of Parliament having misappropriated or mishandled the NG-CDF funds. The NG-CDF is now fully in the hands of the NG-CDF Board. We have the NG-CDF committees at the constituency level,

The NG-CDF committees are supposed to deal with the disbursed monies and prepare reports. Those reports are audited by various entities that go to the constituencies, including the NG-CDF Board, the Auditor-General, and any other auditor who is supposed to check the accounts. After that, those reports are brought here, and Members of Parliament discuss them to see how their NG-CDF funds are used.

The misnomer that the NG-CDF is under execution and implementation by this House is totally misplaced. We do not do that anymore. Therefore, nobody should go to court to challenge that the NG-CDF is in the hands of Members of Parliament because that is not true. Our work is to oversee the reports once they are brought here and leave it to the committees to receive the money, make the budgets which are approved by the Board, and execute those budgets at the end of the day.

Even where matters are pending in court, this remains the position, which should be made very clear everywhere.

With those remarks, I urge that we adopt this Report.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Kawanjiku.

**Hon. Njuguna Kawanjiku** (Kiambaa, UDA): Thank you, Hon. Temporary Speaker, for allowing me to contribute to this debate, clearly stating that we support the Report of the Auditor-General.

Our county governments should learn from what the NG-CDF is doing, especially in project implementation, and ensure that we oversee whatever the NG-CDF committees and the boards are doing. If you move around our constituencies and most of the counties, you will see projects that are done by the NG-CDF on billboards within the constituencies. You will not see anything that the county governments do.

We oversee the NG-CDF to ensure that there is proper school infrastructure so that we can participate in the implementation of the new Competency-Based Curriculum (CBC) within our constituencies. All these things are happening because the NG-CDF and Members of the National Assembly have implemented and overseen some of those projects.

I want to congratulate the President because he recently increased funding for the NG-CDF. He also insisted that the Ministry has no business constructing classes. He gave that responsibility to the NG-CDF. He also allocated an additional Ksh7 million to every constituency to construct new classrooms for pupils in Grades Six and Seven under the CBC.

In short, a lot is happening within the constituencies. We are proud of the members of the NG-CDF committees. We are also hopeful that we will receive more funds as we move forward to continue to implement some serious projects, especially on security and infrastructure. You will realise that we do not have enough classrooms due to low funds. As far as the constituencies are concerned, you may want to construct classrooms and ensure the security of the area. Therefore, we support the NG-CDF.

We are waiting for the Report of the National Dialogue Committee (NADCO) to ensure that the NG-CDF is enshrined within the Constitution and make it mandatory. We will not have to go back and forth in court on issues of the NG-CDF. This will allow us to fully implement all projects, especially the infrastructure projects by the ministries and those by the security teams within our constituencies.

Therefore, I support the Auditor-General's Report. I am sure they have done a good job. The NG-CDF is doing amazing work back in *mashinani*.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): There being no further interest in this subject, I would like to call upon the Mover to reply. Hon. Mulyungi.

*(Motion deferred)*

Next Order.

### COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

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

### IN THE COMMITTEE

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

THE NATIONAL GOVERNMENT ADMINISTRATION LAWS (AMENDMENT) BILL  
(National Assembly Bill No.73 of 2023)

### QUORUM

**Hon. Junet Mohamed** (Suna East, ODM): On a point of order, Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. David Ochieng'): Hon. Members, this is the Committee of the whole House on the National Government Administration Laws (Amendment) Bill No.73 of 2023.

*(Hon. Junet Mohamed spoke off the record)*

Hon. Junet, there is nothing out of order yet. Kindly, resume your seat. I have not given you the chance and therefore, you have to resume your seat.

What is out of order, Hon. Junet?

**Hon. Junet Mohamed** (Suna East, ODM): I wish to rise under Standing Order 35, and request the Hon. Temporary Chairman to ascertain whether there is a Quorum in the House.

**The Temporary Chairman** (Hon. David Ochieng'): Is that all?

*(Hon. Junet Mohamed spoke off the record)*

I thought there was something fundamentally wrong with the procedure. That used to be done by...

Let us ring the Quorum Bell for ten minutes.

*(The Quorum Bell was rung)*

Order!

*(Hon. Naisula Lesuuda walked towards the exit)*



Hon. Lesuada, resume your seat. No Member leaves the Chamber when the Quorum Bell is being rung. Only the Whips. Our rules are clear.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Members, after ringing the Bell for 10 minutes, the situation is still the same as it was when the Bell started ringing. I beg that we move to reporting.

*(The House resumed)*

IN THE HOUSE

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

**MOTION**

CONSIDERATION OF REPORT ON THE NATIONAL GOVERNMENT  
ADMINISTRATION LAWS BILL

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): The Chairperson.

**Hon. David Ochieng’** (Ugenya, MDG): Hon. Temporary Speaker, I beg to report that the Committee of the Whole House in its consideration of the National Government Administration Laws (Amendment) Bill, (National Assembly Bill No.73 of 2023), was interrupted due to lack of quorum.

**ADJOURNMENT**

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

Hon. Members, in view of the foregoing, and pursuant to Standing Order 35(2)(b), let us be upstanding. The time being 5.05 p.m., this House stands adjourned until Tuesday, 16<sup>th</sup> April 2024, at 2.30 p.m.

The House rose at 5.05 p.m.

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