



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. III NO. 26**

## THE HANSARD

Tuesday, 9<sup>th</sup> April 2024

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

**Hon. Speaker:** Congratulations, Hon. Members. We have started with a very handsome quorum.

*(Laughter)*

What is happening to your side, Hon. Dawood? We have a quorum to transact business.

*(Hon. Gladys Boss consulted with other Members)*

Order, Hon. Deputy Speaker and your team. Take your seats. I have a short communication to make.

### COMMUNICATION FROM THE CHAIR

#### WITHDRAWAL OF THE LAND LAWS (AMENDMENT) BILL

**Hon. Speaker:** Hon. Members, as you are aware, the Land Laws (Amendment) Bill (National Assembly Bill No. 65 of 2023) was published vide *Kenya Gazette* Supplement No. 194 of 19<sup>th</sup> October 2023 to effect various amendments to laws relating to land. Specifically, the Bill proposes to amend the Land Registration Act, 2012; the National Land Commission Act, 2012; and the Land Act, 2012.

The Bill, sponsored by the Leader of the Majority Party, Hon. Kimani Ichung'wah, was read for the First Time on 14<sup>th</sup> November 2023 and committed to the Departmental Committee on Lands for consideration. However, I have since received correspondence from the Leader of the Majority Party conveying his desire to withdraw the Bill pursuant to the provisions of Standing Order 140. For clarity, Standing Order 140 on the withdrawal of Bills provides in part that:

“(1) Either before the commencement of business or on the Order of the Day for any stage of the Bill being read, the Member in charge of a Bill may, without notice, claim to withdraw a Bill.”

In the letter dated 21<sup>st</sup> March 2024, the Leader of the Majority Party states that following extensive consultations among stakeholders, he has since sponsored the publication of the Land Laws (Amendment) (No. 2) Bill (National Assembly Bill No. 76 of 2023) vide *Kenya Gazette* Supplement No. 237 of 6<sup>th</sup> December 2023. The Bill contains more comprehensive amendments to the Land Registration Act, 2012, and the Land Act, 2012. Indeed, this new Bill was read for the First Time on 7<sup>th</sup> December 2023.

Further, Hon. Ichung'wah notes that the Deputy Leader of the Majority Party, Hon. Owen Baya, has sponsored the National Land Commission (Amendment) Bill (National Assembly Bill No. 43 of 2023), which accommodates the amendments proposed to the National Land Commission Act, 2012 as contained in the Land Laws (Amendment) Bill (National Assembly Bill No.65 of 2023).

Having considered the Leader of the Majority Party's request and noted the attendant provisions of the Standing Orders, I have acceded to the request and hereby direct that the Land Laws (Amendment) Bill (National Assembly Bill No.65 of 2023) stands withdrawn forthwith. Therefore, the Departmental Committee on Lands should cease further consideration of the Bill in light of this development.

The House is accordingly guided.

## PAPERS

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

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Speaker, I beg to lay the following papers on the Table:

1. Legal Notice No.47 of 2024 relating to the National Building Code 2024, and the Explanatory Memorandum from the Ministry of Lands, Public Works, Housing and Urban Development.
2. *Gazette* Notices Nos.15492, 15493, 15494, 15495 and 15496 relating to the revised fees and charges for services provided by the State Department for Immigration and Citizen Services.
3. Annual financial statements of the Kenya Civil Aviation Authority for the year ended 30<sup>th</sup> June 2022.
4. Annual report of the National Police Service for 2023 from the Office of the Inspector-General of the National Police Service.
5. Report of the Auditor-General and financial statements on Criminal Assets Recovery Fund (Asset Recovery Agency) for the year ended 30<sup>th</sup> June 2022.
6. Reports of the Auditor-General and financial statements for the year ended 30<sup>th</sup> June 2023 in respect of—
  - (a) Kenya Investment Authority;
  - (b) Kenya Industrial Property Institute;
  - (c) National Council for Population and Development;
  - (d) Road Maintenance Levy Fund – Kenya Wildlife Service;
  - (e) Kenya Vision 2030 Delivery Secretariat;
  - (f) Tana and Athi Rivers Development Authority (TARDA);
  - (g) Agri and Co-operative Training and Consultancy Limited;
  - (h) Pharmacy and Poisons Board;
  - (i) Tanathi Water Works Development Agency;
  - (j) Road Maintenance Levy Fund – Kenya National Highways Authority;
  - (k) Dedan Kimathi University of Technology;
  - (l) Kenya National Shipping Line Limited;
  - (m) Kenyatta National Hospital;
  - (n) Deposit Insurance Fund – Kenya Deposit Insurance Corporation;
  - (o) Alupe University;
  - (p) Sigalagala National Polytechnic;
  - (q) Rural Electrification Scheme;
  - (r) Kerio Valley Development Authority;
  - (s) Lake Victoria North Water Works Development Agency;

- (t) Criminal Assets Recovery Fund; and,  
 (u) Lake Victoria Water and Sanitation Project Grant No. CKE 1093 02 M, Credit No. CKE1093 01 L and EIB No. FI No 2011-0619 – Lake Victoria South Water Works Development Agency.

Thank you, Hon. Speaker. I beg to lay.

**Hon. Speaker:** Thank you, Hon. Owen. Chairperson, Departmental Committee on Labour, Hon. Karemba.

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

Report of the Departmental Committee on Labour on its attendance of the Global Labour Market Conference in Riyadh, Kingdom of Saudi Arabia, from 10<sup>th</sup> to 17<sup>th</sup> December 2023.

Thank you, Hon. Speaker.

**Hon. Speaker:** Chairperson, Departmental Committee on Lands.

**Hon. Joash Nyamoko** (North Mugirango, UDA): Hon. Speaker, I beg to lay the following papers on the Table:

Reports of the Departmental Committee on Lands on its consideration of—

- (1) The National Land Commission (Amendment) Bill (National Assembly Bill No.43 of 2023); and
- (2) The Land Laws (Amendment) (No. 2) Bill (National Assembly Bill No.76 of 2023).

Thank you, Hon. Speaker.

**Hon. Speaker:** Next is the Chairperson of the Departmental Committee on Health, Dr Pukose.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Hon. Speaker, I beg to lay the following paper on the Table:

Report of the Departmental Committee on Health on its consideration of the Community Health Workers Bill (National Assembly Bill No.53 of 2022)

Thank you, Hon. Speaker.

**Hon. Speaker:** Chairperson, Select Committee on National Cohesion and Equal Opportunity, Hon. Yusuf.

**Hon. Yusuf Adan** (Mandera West, UDM): Hon. Speaker, I beg to lay the following papers on the Table:

Reports of the Select Committee on National Cohesion and Equal Opportunity on—

1. A benchmarking visit to South Africa from 26<sup>th</sup> March to 2<sup>nd</sup> April 2023.
2. A learning mission to Addis Ababa, Ethiopia from 17<sup>th</sup> to 23<sup>rd</sup> September 2023.

Thank you.

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

## QUESTIONS AND STATEMENTS

**Hon. Speaker:** Chairperson, Public Petitions Committee, on the status of Petition No.6. Hon. Sitienei, are you the Vice-Chairperson?

**Hon. Janet Sitienei** (Turbo, UDA): Yes, Hon. Speaker.

**Hon. Speaker:** Go ahead.

## STATEMENT

## STATUS OF PETITION REGARDING HEALTH SECTOR

**Hon. Janet Sitienei** (Turbo, UDA): Thank you, Hon. Speaker. I rise pursuant to the provisions of Standing Orders 44(2)(d) and 208A to report to the House the status of Public Petition No. 6 of 2024 regarding delays in posting medical interns, absorption of Universal Health Coverage (UHC) contract staff, conclusion of Collective Bargaining Agreement (CBA), and recognition of agreement in the health sector in the country.

The House may recall that on Thursday, 7th March 2024, the Member for Endebess Constituency, Hon. (Dr) Robert Pukose, MP, presented the Petition on behalf of Representatives of the Health Sector Unions, Societies and Associations. Consequently, you referred the Petition to the Committee and directed that it provide a progress report on it today, Tuesday, 9th April 2024.

In line with your directive, I wish to update the House on the Committee's progress in considering the Petition. In accordance with the standard operating procedures developed by the Committee, it held its first meeting to receive a briefing and analysis to unbundle the issues raised in the Petition. Consequently, the Committee identified the relevant stakeholders as follows:

1. The Petitioner;
2. The Health Sector Unions, Societies and Associations;
3. The Cabinet Secretary, Ministry of Health;
4. The Council of Governors;
5. The Cabinet Secretary, Ministry of National Treasury & Economic Planning;
6. The Cabinet Secretary, Ministry of Labour & Social Protection;
7. The Cabinet Secretary, Ministry of Public Service, Performance & Delivery Management; and,
8. The Salaries and Remuneration Commission (SRC).

On Tuesday, 19<sup>th</sup> March 2024, the Committee met with the Petitioner, Hon. (Dr) Pukose, who made his submissions and shed more light on the Petition. Additionally, the Committee met various Health Sector Unions, Societies, and Associations, deliberated on the Petition, and listened to the submissions.

On Wednesday, 20<sup>th</sup> March 2024, the Committee met the Cabinet Secretary for the Ministry of Labour & Social Protection. The Cabinet Secretary made submissions on the Petition on the various issues raised in the Petition touching on the mandate of the Ministry. The issues included recognition of the registered healthcare workers' unions and associations, progress undertaken by the Conciliation Committee, and proposals on the long-term solutions to avert the labor-related issues that occasion perennial strikes by healthcare workers.

The Committee, vide a letter Ref: KNA/DLPS/PPETC/CORR/2024/027 dated 13<sup>th</sup> March 2024, invited the Cabinet Secretary for the Ministry of Health to appear before it on 27<sup>th</sup> March 2024. However, via a letter Ref: MOH/ADM/VOL, the Cabinet Secretary.III/65, dated 25<sup>th</sup> March 2024, requested to reschedule the meeting. The Committee has since invited the Cabinet Secretary to appear on Wednesday, 17<sup>th</sup> April 2024.

In light of the foregoing, the Committee is proceeding with stakeholder engagement. It has scheduled the pending stakeholders to appear before the week commencing Tuesday, 8<sup>th</sup> April 2024, to conclude the Petition.

In conclusion, my Committee underscores the important role healthcare practitioners play in the country. In this regard, the Committee is committed to considering the Petition to find a lasting solution to resolve the perennial and current issues in the health sector. I request the indulgence of the House to accord the Committee more time to consider the Petition to its logical conclusion.

I thank you, Hon. Speaker. I hereby submit.

**Hon. Speaker:** Dr Pukose.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Thank you, Hon. Speaker. I want to thank Hon. Janet and the Public Petitions Committee for the opportunity they accorded me and the petitioners. The cries from the gate emanate from our medical doctor interns demonstrating in the street. I want to inform the members that the Ministry of Health assured me in the morning that they already have letters posting intern doctors to various hospitals. They just need to pick their letters. Their Petition is already in the House, and it is being prosecuted. The money meant for the registrars has already been sent to the various universities. Those are the two national issues the Ministry should deal with. The other issues that pertain to the CBA's agreement and fulfillment are supposed to be dealt with by the various counties.

The Departmental Committee on Health and the Standing Committee on Health had scheduled a meeting tomorrow. Unfortunately, tomorrow is a public holiday for our Muslim brothers who were fasting. They will be breaking their fast. We have rescheduled the meeting to Tuesday next week. We need to get briefings from the Ministry of Health, National Treasury, SRC, and the Ministry of Education on the progress made in fulfilling part of the Petition. We want to encourage the Public Petitions Committee to move forward and come up with various recommendations.

When people come to picket at the Parliament's Gate, they usually want to hand over a petition, but this is not the case now. As we speak, they have already given their Petition to the Public Petitions Committee, which I prosecuted in this House. They do not have any other petitions to hand over. All the petitions are being prosecuted by the Committee led by Hon. Janet Sitienei, and we are happy with the progress.

I urge our doctors to go to the Ministry of Health to collect their posting letters and report to their various stations.

Hon. Speaker, with those few remarks, I thank you.

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

**Hon. Speaker:** Yes, Hon. Opiyo Wandayi. Are you on a point of order, or do you want to make...

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

Use a microphone.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Speaker, I was saying that a few minutes ago, I faced serious challenges and difficulties accessing Parliament. The gate facing County Hall is blockaded by multitudes of doctors clad in lab coats and other attires. I have listened to the Chairman of the Committee, my very good friend, Hon. Pukose. We have a problem at hand.

First and foremost, as Parliament, we need to address that blockade because it will likely cause problems.

Secondly, given how we treat this issue of doctors, it is not likely to go away. More than any other institution, this House has a cardinal duty to rise to the occasion where everything else fails. This House must address the issue head-on, regardless of who is on the wrong and who is on the right. We are almost in the fourth week, and there are no signs of this strike abating.

The statements that we are receiving here are not adding to anything. Something needs to be done. I heard the President saying that the Government is broke and, therefore, cannot pay and will not pay. He also advised that Kenyans, including doctors, must now start to live within their means. Fair enough. As we say so, what are we doing to ensure that these doctors

leave the streets? They have now come actually to blockade Parliament. You do not know what will happen next. I hear that other Kenyans are planning to join them. That is not an idle threat. Other Kenyans are now planning to join the doctors on the streets. Unless something happens and we persuade the doctors to leave the streets and go back to the hospitals, these statements will remain statements.

I was talking to my friend, Hon. (Dr) Nyikal, a veteran medical doctor. I am even surprised that those in charge of the Ministry of Health cannot differentiate between medical students and intern doctors. I am a layman when it comes to health issues, but

I have been advised that intern doctors are not just students. They are people who have done six years in university and have graduated.

*(Applause)*

As you know, doctors do not just graduate with one degree. They graduate with a degree in Medicine and Surgery, a twin degree they get after six hard years on campus. You cannot just treat them like other ordinary interns that we see in the job market here. I suppose that unless something is done...

**Hon. (Dr) Robert Pukose** (Endebess, UDA): On a point of order, Hon. Speaker.

**Hon. Speaker:** There is a point of order, Hon. Wandayi. Yes, Hon. Pukose.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Hon. Speaker, it is true that a medical officer intern has been in the university for six years, but architects have also been in the university for six years, engineers five years, and all of them graduate and become interns. Lawyers graduate and become interns, too. So, an internship is part of the training. When you graduate as a doctor and transition to an internship, you are under the supervision of a senior doctor. After one year of training, the doctor must approve that you are fit to treat another person. If I feel you are not fit to treat another person, I will make you retake the internship until I am satisfied that you can treat a person confidently and professionally without any supervision. This is part of the training. Whether you are doing a postgraduate or a Doctor of Philosophy (PhD), you remain a student. There is nothing different. It is all training.

I also want to correct the Leader of the Minority Party that Parliament prosecutes its activities through committees. We have already presented the Petition to the Public Petitions Committee, but as the Departmental Committee on Health of the National Assembly and the Standing Committee on Health in the Senate, we feel we can still prosecute some of the issues that might not have been addressed. We sought permission from the Speaker to sit tomorrow, unfortunately it will be a public holiday. We have again requested the Speaker to allow us to sit on Tuesday next week.

*(Loud consultations)*

Which other day do you want us to sit? Once you reschedule the meeting, you must inform those institutions, which should ideally take seven days per our Standing Orders. We have requested a special sitting to be held on Tuesday. This has to be between the two Houses: the National Assembly and the Senate.

**Hon. Speaker:** Hon. Wandayi, wind up.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Speaker, I hear the Chairman of the Committee, who is also an accomplished medical doctor. With all due respect, all that Hon. Pukose is saying is pure academics. We know for sure that even the Ksh70,000 you are offering the intern doctors is not in the CBA that was signed between the doctors and the Government in 2017. That CBA has not been waived as we speak. What is the Government doing? It should either honour it in letter and spirit or review it with the concurrence of the doctors. That is how

labour issues are raised the world over, Hon. Speaker. Therefore, what we are being treated to here is mere academics. I do not think we will go far if we continue with this kind of spirit and thinking.

Thank you, Hon. Speaker.

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

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker, for giving me the opportunity.

I want to agree with what all the contributors to the statement have said: that, indeed, our doctors are valued and that many of us depend on them. However, it should not be lost to us that just a decade ago, this country would only produce an average of 300 doctors from our two public universities that were churning out medical graduates. But today, courtesy of the huge investments that we have made as a country in our education system, we are able to churn out an average of 1,500 intern doctors annually.

Hon. Speaker, that means that the interns who would have been taken in in five years are expected to be taken in annually. I am saying that to draw the picture to Kenyans of the kind of resources required and to also put into perspective the demands by our good doctors today; they are to be interned at an average of about Ksh206,000 or Ksh207,000.

I have listened to this debate in the public domain and the media, and what our doctors are being told is that it is possible to pay Ksh206,000 to intern doctors but take up fewer interns than those who are graduating. This year alone, a total of 1,210 intern doctors are being enlisted at a cost of Ksh2.4 billion within the resource envelope already allocated by this House. Therefore, it is foolhardy for us to speak to the gallery and excite doctors at the gates of Parliament; but it is another thing when we come to budget and make sure that we have adequate resources. The said resources do not come from the moon but from taxes raised by Kenyans, which, again, the same people pontificating about how well we should treat our doctors are the same ones who were at the forefront in opposing the Finance Bill that was supposed to raise taxes to pay these doctors.

Hon. Speaker, it may not be possible to pay Ksh206,000 to the interns. I agree with the Chairperson of the Departmental Committee on Health, Hon. (Dr) Pukose, that just like interns in other professions, like engineers who are supposed to work under engineers for two years, lawyers, like many of us, including the Leader of Minority Party... I do not know if he has finished his pupillage. When he is under pupillage, he earns a mere Ksh25,000. I am informed that in some law firms, lawyers do not even earn anything. Those who are under pupillage...

**Hon. Speaker:** In law, there is no obligation to pay a pupillage student.

*(Laughter)*

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, I will take your word because you have run an accomplished law firm. As you say, there is no obligation to pay intern lawyers under pupillage. Therefore, for doctors to earn what they are earning today is a privilege. They are amongst the most privileged professionals in our country.

Hon. Speaker, beyond their internship, which is mandatory...

**Hon. Mark Mwenje** (Embakasi West, JP): On a point of order, Hon. Speaker.

**Hon. Speaker:** There is a point of order, Leader of Majority Party. Hon. Mwenje.

**Hon. Mark Mwenje** (Embakasi West, JP): Thank you, Hon. Speaker.

I rise under Standing Order 1. Is it in order for the Leader of the Majority Party to compare a pupil who is not qualified to practice, who does not even appear in court, which is the opposite of intern doctors who actually prescribe medicine? They treat people out there. Is he in order to compare those two professions? I am a lawyer, and I understand what I went through as a pupil, but that is very different from intern doctors.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Mwenje, if you listened to Dr. Pukose's very clear explanation, there is no difference.

When I was a master of Hon. Soipan, Hon. Kindiki, and many others, they were obligated to show gratitude, and that is all, but I am not saying it is applicable to doctors because I do not want to wade into that. The Leader of the Majority Party is on the Floor; I will give you a chance.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. Let me not respond because you have responded to Hon. Mwenje, who claims to be a lawyer. The lawyer I know behind me, Hon. Njeri, tells me that she would earn Ksh12,000 as a pupillage lawyer; that is why I said that this internship programme could be likened to that two-year pupillage for lawyers and the two-year post-graduate training practice for architects and engineers. All these professions do not earn the quantum that our doctors are speaking about. When these doctors qualify after working under the supervision of qualified consultants and doctors, they join the public service at a grade higher than all other professionals, and those are facts. That means that they earn more, but it must also not be lost to the country that our intern doctors are making a critical point about and speaking to the architecture of our Constitution.

Our doctors have demanded the establishment of a Health Services Commission for a long time. The reason the intern doctors feel mistreated is because they are being overworked in our county government establishments. The day we opted in 2010 to fully devolve our health services, we did a great injustice to them, not just to the medical professionals but also to the people of Kenya.

Today, whether you are in a level III, IV, or I hospital, health centre, or dispensary in your village, the person you will walk into for treatment in your local dispensary would be a clinical officer; at your Level III and IV hospitals are these intern doctors. And our governors and county governments are overworking them – a fact that we must state. Therefore, the Council of Governors must come out and take their rightful positions to ensure that hospitals in our country and their respective counties first have qualified doctors, that the intern doctors who work in those hospitals are not overworked, and that they work under the supervision of other qualified personnel. Today, facts are different: intern doctors are the ones running our county hospitals across the country without exception.

*(Applause)*

They carry out surgeries without the supervision of qualified personnel. Therefore, these issues must not be left at the altar of the national Government. The Council of Governors and county governments must also take their rightful position because this issue has been made to look like it is a question of the National Government alone to deal with it. It has become such a problem because our healthcare is decaying under the hands of the county governments.

*(Applause)*

If you read all our Auditor-General's Reports, including those from my County in Kiambu, billions of shillings are being lost and pilfered by governors who have no regard for either the medical professional or any other professional working in our county governments. But because healthcare is a matter so dear to all of us, I would beg and call upon the striking doctors, whether it is medical interns, clinical officers, or laboratory technicians, to give dialogue a chance.

I say this because having co-chaired the National Dialogue Committee (NADCO), I now have experience in matters dialogue. I can tell them that dialogue works, but not on the streets. It works from your boardrooms in the Ministry of Health, not at the gates of Parliament.

**Hon. Speaker:** Order. Wind up.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Stop blocking parliamentarians from coming to speak on your behalf. We are here to speak on your behalf. They should not block Hon. Njeri or Hon. Marianne Keitany from accessing the gates of Parliament. They should not block the Leader of the Minority Party who was coming...

*(Several Members spoke off the record)*

Did he join them and address them?

Hon. Speaker, we empathise with them. However, we appeal to the medical professionals that as we deal with the challenges in our country, they are part and parcel of our nation. Any patient that we will lose during this strike will never get their life back. Therefore, I appeal to them to get back to work. Interns whose letters are already with their respective governors should go and pick them up and get back to work.

Thank you, Hon. Speaker.

**Hon. Speaker:** Dr Nyikal. Hon. Members, this was an interim Statement on a Petition. After Dr Nyikal contributes, we will move to something else.

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Speaker, for giving me this opportunity. I feel sad that in this country...

**Hon. Speaker:** Prosecute your views quickly because you have three minutes.

**Hon. (Dr) James Nyikal** (Seme, ODM): I feel sad that we speak without feelings when the lives of ordinary people in this country are concerned.

Two days ago, a two-year old child literally died in my house having gone to hospital for two consecutive days without getting treatment. We are seeing symptoms of the problems in the health sector. We have problems with human resources. We have problems with the Kenya Medical Supplies Authority (KEMSA), which you have heard. We also have problems with financing. We are dealing with the human resources that we have.

Using the word "intern" in terms of doctors is international practice. It is not just done here in Kenya, but also all over the world. What does an intern do? Interns are qualified doctors with degrees in Bachelor of Medicine and Bachelor of Surgery (MBChB). They have also taken the Hippocratic Oath. They are doctors.

*(Loud consultations)*

It is like employing a bank manager and saying that they are under probation while they are being supervised by the same bank manager. Therefore, you cannot refer to medical interns as students and not pay them.

An intern will see a patient, examine them, conduct the required tests, treat and review them. They will only seek advice from a consultant if they encounter a problem, which is done in every profession. If you are admitted today, nobody may see you until the next day when the ward rounds are done. Medical interns will report what was done to a patient, their condition and the plans to discharge them. For example, if they had been working in the obstetrics department for a month, they will be supervised when conducting the first one or two caesarean sections. After that, they will do the caesarean sections on their own and report what they have done to their seniors.

Please, Hon. Speaker, we have time. I want to give an explanation...

*(Loud consultations)*

**Hon. Speaker:** Order. If your time is up, it is up. I will give you one minute to finish.

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Speaker, we make a mistake when we equate a medical intern to all other interns. It is not that way worldwide. Engineering and architectural interns are not the same in all countries.

**Hon. Speaker:** Thank you, Dr Nyikal. Next.

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

Order, Hon. Nyikal. Yes, Member for Starehe.

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

Order, Dr Nyikal. I know you have vast experience in the medical world.

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

Order. It is not any different from what we have heard from Dr Pukose and others. Go on, Hon. Mwago.

**Hon. Amos Maina** (Starehe, JP): Thank you, Hon. Speaker. I wanted to contribute to this issue because the picketing is happening in my constituency. I have been getting calls from all corners asking me what is going on in my constituency. It is such a shame that we have got to the point where doctors are picketing given that being a doctor is considered one of the most lucrative careers for the youth.

On the issue of interns and doctors, I sat down with the officials of the association. It is clear that some Members in this House do not understand the issues that the doctors are talking about. They have raised clear-cut issues, some which date back to 2017 when they were promised salary increments, which have not been effected to date. There is the issue of revising interns' salaries under the Collective Bargaining Agreement (CBA), where they were forced to adopt the Salaries and Remuneration Commission (SRC) system, which cut down their salaries from Ksh271,000...

**Hon. Speaker:** Hon. Mwago, your points are being prosecuted before the Committee. You would probably have taken a different direction if you had listened to Hon. Sitienei.

**Hon. Amos Maina** (Starehe, JP): I wanted to bring the issue to the fore because I do not think doctors are in the mood to picket. It is only that they have not been heard.

There is also the issue that the Leader of the Majority Party has brought out so well. He stated that there are more than 2,200 intern doctors who have graduated and will be absorbed. From the records, there were 7,893 intern doctors in 2018. We now have over 9,600 intern doctors, of whom only 1,800 will be absorbed as full-fledged doctors. Many doctors are overqualified and work as interns. I agree with the Leader of the Majority Party that interns are being overworked in the county hospitals. It is only right that they be fairly remunerated. Paying a doctor Ksh70,000 is not fair, yet they are charged with the healthcare of our people. The last time they picketed, they were confronted by the police and tear-gassed. They have made it clear that any police officer who hurls tear gas at them should not expect to be treated by the same doctors when he/she falls sick.

**Hon. Speaker:** Last on this, let us have Hon. Ruku. You have three minutes like everybody else.

**Hon. Ruku GK** (Mbeere North, DP): Thank you, Hon. Speaker. The county governments have serious functions as far as the health sector is concerned. The functions

include budgeting, financial management, and provision of medical supplies and emergency medicine. All dispensaries, and levels four and five hospitals across the nation are under the management of the county governments. However, more than 80 per cent of the county governments have seriously failed Kenyans as far as management of the health sector is concerned.

This House must call upon all the county governments to take health matters more seriously, failure to which we will institute a constitutional change which will ensure that health is not devolved, even if it takes a referendum. Kenyans are suffering in the hands of the county governments across the country. It is true that there are four or so county governments which have appropriately managed the health sector. The rest are pathetic. If you go to Kenyatta National Hospital, which is a Level 6 referral hospital, some of these challenges are not there. This means that the national Government is able to take care of the health sector and Level 6 hospitals in the most appropriate way. But we have observed many problems in our Level 4 and 5 hospitals, as well as dispensaries.

It is upon the county governments to ensure they take their responsibilities seriously, a responsibility mandated by the Constitution of the Republic of Kenya.

Hon. Speaker, I thank you.

**Hon. Speaker:** Thank you.

*(Members stood in the gangway)*

Order, Hon. Members. Members on their feet, take your seats. DK, take your seat.

Hon. Members, we will go back to Order No.2 for a Communication that was delayed.

## COMMUNICATION FROM THE CHAIR

### UPCOMING PRIORITY BUSINESS AND PHASED OCCUPATION OF THE BUNGE TOWER

Hon. Members, I wish to welcome you back to the House after the short recess, which coincided with the observance of the Easter period, for Christians and Ramadhan, for the Muslims. It is my hope that you are well renewed in your spirits and rejuvenated in your minds to resume transaction of the business of the House for the remainder of the first part of this Session.

During this period, the House is expected to consider various priority businesses including assessing the suitability of persons nominated for appointment to the positions of ambassadors and high commissioners, ratification of the Kenya-European Union Economic Partnership Agreement (EPAs), consideration of priority Bills, as well as the budget-related matters. Instructively, it is projected that the National Treasury will submit the Budget Estimates for the national Government for the Financial Year 2024/2025 on or before 30<sup>th</sup> April 2024.

Additionally, you will recall that, prior to the short recess, the House passed the Division of Revenue Bill, 2024 and referred it to the Senate for the bicameral consideration. It is therefore expected that the Senate will send the Bill back, together with the annual County Allocation of Revenue Bill for Financial Year 2024/2025, during this part of the Session. From the foregoing, it is evident that the House has a full in-tray. As a result, your dedication and commitment to the business of the House both in plenary and committees will be of paramount significance.

Hon. Members, with respect to facilitation of Members, the Parliamentary Service Commission is expediting the completion of the Bunge Tower in order to bridge the deficit in

---

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

office accommodation for Members. Consequently, PSC has established that Members' offices in the building will be ready for occupation by the end of this week.

Hon. Members, you may recall, on 1<sup>st</sup> November 2022, I directed the Clerk to allocate part of the building earmarked for the National Assembly, in readiness for occupation at the appropriate time. Further, I prescribed the criteria for allocation, consequent to which the Clerk allocated the offices, committee rooms and ancillary facilities in the Tower.

Having said that, Hon. Members, I also wish to inform the House that Kenya will host the 2024 Annual Meetings of the African Development Bank (AfDB) Group. The Annual Meetings will be held at the Kenyatta International Convention Centre (KICC) from 27<sup>th</sup> to 31<sup>st</sup> May 2024 and will bring together high-level delegates, among them being Heads of State and Governments. In this regard and in order to accord the delegates appropriate facilitation, the National Treasury has requested Parliament to release 47 offices at KICC to accommodate the dignitaries, with effect from Thursday, 11<sup>th</sup> April 2024. To this end, Hon. Members, the Parliamentary Service Commission has acceded to the request to temporarily release the offices leased by the Commission at the KICC during the AfDB Annual Meetings. Clearly, this will necessitate the relocation of 42 Members of this House who are currently accommodated at KICC.

In this regard, Hon. Members, the phased occupation of Members' offices in the Bunge Tower will be undertaken in accordance with the Schedule of Allocation prepared by the Clerk of the National Assembly. Phase one will involve moving Members from KICC to the Tower or other alternative accommodation. This will commence on Thursday, 11<sup>th</sup> April 2024.

For clarity, Hon. Members, the exercise will proceed as follows—

- (a) First, all Members currently in Harambee SACCO Plaza who were allocated offices in the Tower will immediately relocate to their new offices in the Bunge Tower. This is intended to create room to accommodate Members relocating from KICC who were unsuccessful in the balloting for offices in the Bunge Tower; and
- (b) Second, Members with offices at KICC who were allocated offices in the Bunge Tower are to be relocated to the assigned offices in the Bunge Tower.

Phase two of the relocation will entail the following—

- (a) Relocation of Members from Continental House to the Bunge Tower, for those who were allocated offices in the new Tower;
- (b) Relocation of Members from leased offices to the Bunge Tower from 1<sup>st</sup> July 2024, for the case of Members who were allocated offices in the Tower; and
- (c) Allocation of appropriate offices in other buildings within Parliament Square to Members moving from Continental House or leased premises who were not allocated offices in the Bunge Tower.

Hon. Members, the measures stated above are for the convenience of all Members and in preparation for the official opening of the Bunge Tower by the Head of State later this month. I, therefore, urge you to cooperate with the office of the Clerk in order to ensure seamless execution of this important exercise.

Finally, Hon. Members, may I take this opportunity to wish the Muslim community, in Parliament and in the entire nation, *Eid Mubarak*.

The House is accordingly guided.

And Members, *msisumbue* Clerk. If you are allocated an office, and you are in KICC, you have to move by Thursday, which is the day after tomorrow, because the Treasury is taking those offices to prepare for the AfDB meeting that I have just mentioned. Please cooperate with the office of the Clerk and in a very short time to come, Bunge Tower will be opened officially and we hope to move as many of Members from both Houses to that Tower.

Thank you.

**BILLS***First Readings*

THE KENYA NATIONAL COUNCIL FOR POPULATION AND  
DEVELOPMENT BILL  
(National Assembly Bill No.72 of 2023)

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL  
(National Assembly Bill No.2 of 2024)

THE TECHNOLIS BILL  
(National Assembly Bill No.6 of 2024)

THE COOPERATIVES BILL  
(National Assembly Bill No. 7 of 2024)

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

*(Loud consultations)*

**Hon. Speaker:** Hold there. Order, Hon. Members. Order, Hon. Musa Sirma.

*(Loud consultations)*

*(Hon. Musa Sirma consulted loudly)*

*(Several Members stood in their places)*

**Hon. Speaker:** Hold on, Clerk-at-the-Table. Order, Hon. Members. Order, Hon. Musa Sirma. What you are doing is out of order. Hon. Members, take your seats. I know it is the first day after the short recess, but the levels of excitement far outweigh the two weeks we have been away.

**Hon. Naisula Lesuuda** (Samburu West, KANU): On a point of order, Hon. Speaker.

**Hon. Speaker:** Hon. Naisula, what is your point of order? Give her the microphone.

**Hon. Naisula Lesuuda** (Samburu West, KANU): Thank you, Hon. Speaker. I listened to Hon. Sitienei, Member for Turbo, and the weighty matter that she presented on the Petition. She requested for more time for them to complete its consideration. It is important for you to give direction on how much more time they can have, looking at the gravity of the matter.

**Hon. Speaker:** Thank you, Hon. Naisula. I should have given you an opportunity at that time, but there were a lot of loud consultations. Hon. Sitienei, are you in the House? Hon (Dr) Pukose said I had permitted them to meet tomorrow which has turned out to be a public holiday. For them to invite outsiders to Parliament, our Standing Orders require seven days. They have requested to expedite the invitations to meet on Tuesday.

I hope that by the end of next week or the week after, we will mention Hon. Sitienei's matter. They will have concluded what they are doing and then they bring a report to the House. I know that Committee has a lot of backlog. However, I was briefed today that they have

---

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

improved and increased their speed in processing petitions in a manner that is unprecedented. They are churning out reports that will be brought to the House.

There are Members who have presented petitions on behalf of other Kenyans. When those reports will be brought to the House, you are not obligated to debate them. You need to go through them. If there are any issues you wish to raise, bring them to the attention of Hon. Speaker and I will accommodate you. Thank you.

Before we call out the next Order, Hon. Members, allow me to acknowledge the following people in the Public Gallery: East Africa Pentecostal Churches (EAPC) pastors from Runyenjes in Embu County and Koiwa Central Secondary School from Konoin in Bomet County. Hon. Karemba has requested to welcome his constituents from Embu County. I will give him two minutes.

**Hon. Muchangi Karemba** (Runyenjes, UDA): Thank you, Hon. Speaker, for giving me the opportunity to welcome the clergy from the EAPC in Kenya. I am very delighted to have them here led by one, Right Rev. Bishop John Njeru, who was once my Sunday school teacher. He has now become the general overseer of the Church. They have come when we have doctors' strike. Their entry into Parliament was obstructed. So, it took them a little longer to get to this place. However, I am sure things will never be the same again because they have come here.

I know them. I know how much they pray. They will pray on this issue. I am sure we will soon have a solution to the ongoing doctors' strike. Hon. Speaker, I wish to thank you for giving me the opportunity to welcome them. They are very important in the service to humanity. We have partnered with them long enough to offer services to our people. We meet often to ensure our people are properly taken care of both spiritually and politically.

Thank you, Hon. Speaker.

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

### *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)*

*(Resumption of debate interrupted on 21.3.2024 – Afternoon Sitting)*

**Hon. Speaker:** Hon. Members, is Hon. Andrew Okuome in the House? My record shows that he had nine minutes to go. Is he in the House? His position is forfeited. Hon. Members, I can see the screen is full with Hon. Oundo at the top. Do you want to debate this Bill or you want something else? Give him the microphone.

**Hon (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Speaker, I welcome you back from the short recess. I had already made my contribution on this Bill. I leave the opportunity to somebody else.

**Hon. Speaker:** Just hold on, Hon. Oundo. Hon. Members, you have been wiped out of the screen which is very good. If you want to speak to this Bill, you can log in now. Hon. Oundo, proceed.

**Hon (Dr) Ojiambo Oundo** (Funyula, ODM): I had already made my contribution to this Bill. That is why I am logging out, Hon. Speaker.

**Hon. Speaker:** Had you contributed?

**Hon (Dr) Ojiambo Oundo** (Funyula, ODM): Yes.

**Hon. Speaker:** Why were you top on the list on my screen?

**Hon (Dr) Ojiambo Oundo** (Funyula, ODM): Probably, they just like me. It is not my mistake.

(Laughter)

**Hon. Speaker:** Hon. Geoffrey Ruku.

**Hon. Ruku GK** (Mbeere North, DP): Thank you, Hon. Speaker. I rise to support the National Disaster Risk Management Bill. This country has witnessed a number of disasters. One of the problems we always face when we have a national disaster is mobilisation of resources to mitigate deadly outcomes.

Mostly, we have a disaster such as drought. At the moment, we are witnessing floods as well as terror attacks. This Bill seeks to ensure we hasten mobilisation of resources, so that in case of drought, many families' lives are not lost. In case of floods, we will ensure there is immediate mobilisation of resources to take care of them. We have also seen terror attacks in this country. However, we are fortunate enough at the moment because we have stayed for a number of years without them. We thank our security agencies for the good work they are doing. In case of a terror attack, we need proper roles in place to ensure there is quick mobilisation of resources to ensure it is well taken care of.

There is also formalisation of ensuring there is proper Public Private Partnership (PPP), in case of a disaster. When we have a disaster, there are always consequences which need to be mitigated in future, so that their impacts do not stay with us for ages. Therefore, this is a situation where we may want to have a PPP. This Bill will bring in such kind of a model which can be adopted to ensure there is proper formulation of PPP. We know that there is loss of lives and properties in disasters. This Bill will ensure that there will be a reduction of loss of lives and properties occasioned by disasters such as floods, drought and terror attacks.

This is a good Bill because it concerns the posterity of our nation and that is why I support it. Thank you, Hon. Speaker.

**Hon. Speaker:** Next is Hon. Beatrice Elachi. Hon. Oundo, you said that you had already spoken on this Bill yet you have logged in again.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Speaker. I rise to support this Bill.

I want to talk about the perennial disasters we normally find ourselves in, especially here in Nairobi. A good example is the floods we are experiencing now. When you look at the Memorandum of Objects, the Bill establishes the Intergovernmental Council on Disaster Risk Management and the National Risk Management Authority. It is to ensure there is coordination of disaster risk management at national and county levels. One of the clauses in the Bill states, "The President may..." I am wondering why the use of the word 'may' yet we are talking about a disaster. The phrase should read, "The President shall..." We need the national Government to come in when we talk about disasters. When you look at how county governments are structured today, especially when a disaster like the recent flash rains of Sunday night... It was a disaster! Counties take more than ten hours to respond to such simple things. We will then have serious challenges in this country if you tell me that the national Government should not come in when disasters happen.

We saw what happened in Mandera during floods. We saw buildings coming down. We should ask ourselves questions. As much as the Bill looks at shared functions between county and national governments, we must ensure that response to disasters is more of a national Government function. What counties can do is to provide manpower. Resources must come from the national Government. In the USA, when there is a national disaster, the federal governments come in to stand with the people. Kenyans do not know about county governments or the national Government when there is disaster. Why can we not state in the

Bill that the national Government should take up responsibility when there is a serious disaster? Part I of the Bill contains preliminary provisions. It talks of an Intergovernmental Council, but we already have a disaster management team at the national level. Should we not get people with expertise on how to deal with disasters? Thailand had an earthquake recently. The whole world was shocked the way they managed that disaster. They managed, quickly enough, to remove people who had got stuck in the rubble.

As a country, I think, we are never ready to tackle disasters. We are never ready. We wake up only to realise we are in one. We must begin to do things correctly. For instance, We know why we have floods in Nairobi. It is because the drainages are blocked. Who is responsible of ensuring that we have unblocked drainages? The county government has to look at it. Yes, the Bill comes in at the right time. However, we need to look at it and really ask ourselves some questions. I can see, in the Bill, many functions have been given to counties yet we are saying that counties do not have capacity for now.

As we support this Bill, there is need to tidy up many of the things in it. One of the things I can point out is the one on the office of a member of a county committee becoming vacant. How do we ensure the county committee we are putting in place is empowered, that is, if we already have it? We must ask ourselves what the role of the national Government is. I can see county committees. The functions are skewed more towards counties than the national Government. We know very well that counties do not have money to deal with these disasters. The things that counties deal with during a disaster is, say, looking for *unga* for hungry people and sometimes *mabati*. God forbid, should a disaster happen that will bring down buildings... We have to be very careful when we give the functions to county governments. When we get to the Committee of the whole House, I propose that we tighten up things and ensure that the national Government takes control of disaster management in the country.

With those few remarks, I beg to support.

**Hon. Speaker:** Hon. Timothy Toroitich, Member for Marakwet West.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Thank you for giving me an opportunity to contribute to this important Bill on national disaster risk management. Under the Constitution, disaster management is a function of county governments. However, the Fourth Schedule suggests that it is a shared function. It is prudent that we set up a proper legal and institutional framework to manage disasters in this country. The national Government allocates money to county governments whenever there is disaster in this country. However, this money has never been utilised to meet its intended purpose. The formation of the Intergovernmental Council to oversee the funds channeled to the county governments is for me a fundamental way of solving disaster issues in this country.

Disaster cannot be said to belong to either national or county governments. When a disaster strikes, the people affected do not belong to national or county governments. These are residents of our country Kenya. They are the occupants of Kenya. Therefore, the national and county governments must sit and resolve the challenges faced by our people without selecting people along the national Government and/or a county government.

As we speak, disasters in this country is purely the purpose of a county government. When it comes to reviewing our Constitution, which must ultimately come in the near future, my opinion is that this function should and must be fully transferred to the national Government. Under Article 91 of the Constitution, county governments are charged with making laws in certain devolved functions. However, there is a problem with cross-border legislations. Since this matter is devolved, you will find that the 47 county governments have made various legislations that sometimes are conflicting. We must have a cross-border legislation. The only way to have cross-county legislation is by establishing a national legal framework, which we are doing today. That is so that we provide a uniformed legislation that guides the 47 county governments.

We have a challenge in this country in terms of conflict of legislations that are channelled by county assemblies and Parliament. The reason is that certain functions that are devolved are shared by the two levels of government. We must ensure, as a country, that if a function is shared between the national Government and the county governments there is uniform law that clearly states that a function is shared. That way, we will not have conflict of legislations that will bring about issues.

I had a chance to work in the County Assembly of Elgeyo Marakwet. I was one of the drafters of the Elgeyo Marakwet County Assembly legislation on disaster management. As we were drafting that legislation, I realised that there was a problem. I was the legal counsel for the County Assembly of Elgeyo Marakwet at that time. I realised that the neighbouring County of Uasin Gishu had a similar legislation on disaster management. If, for example, at that time one county did not have enough facilities, the neighbouring county had to assist that county in terms of facilities. If we do not have uniform legislation, an authority that governs both the county governments and the national Government, and a council that is intergovernmental, then one county may suffer at the expense of another county. I support this legislation and pray that this authority that has been proposed will serve its intended purpose as provided for in the Constitution.

I have read the functions of the Intergovernmental Council as it has been provided for in Clause 6 of the Bill. One of its functions is to advise and make recommendations to the Cabinet and the Summit. Whenever there is an emergency or a disaster, the Cabinet must be notified by this council so that county governments do not make decisions without involving the national Government. That will be a plus for me.

The council shall provide policy direction and approve plans on all activities related to disaster risk management. As I said, disaster does not belong to certain counties. When disaster strikes, it affects all Kenyans. Therefore, there must be a specific policy direction that is approved by the Intergovernmental Council.

The Intergovernmental Council receives, considers, and makes decisions based on the reports and recommendations of the Authority. This House has to make a policy recommendation that there must be a council that approves the recommendations of the Authority. I have read the Bill. The Intergovernmental Council must serve both levels of government and be entitled to make ... The Intergovernmental Council reports to the Cabinet and the Summit on the coordination of disaster risk management among the spheres of Government. In terms of policy directives, all policies that affect Government must be approved at the Cabinet level. Therefore, the council will ensure that the policies relating to disaster management are approved by the cabinet.

I commend the direction we have taken as a House that when a matter is shared between the national Government and the county governments, as a House, we must sit down and scrutinise the Fourth Schedule of the Constitution so that we do not have conflict of legislations emanating from our county assemblies. We must have a uniform set of laws that govern the 47 counties in this country to avoid conflict of legislation and representation in various cadres. I support this, Bill. At the Committee of the whole House, I will propose the necessary amendments so that we can strengthen the provisions of this proposed legislation.

**Hon. Speaker:** Thank you, Hon. Timothy.

Order, Hon. Members. Before I give the next speaker the Floor, allow me to recognise in the Speaker's Gallery and the Public Gallery, students and teachers from Ogande Girls High School in Homa Bay Town, Homa Bay County. I have been requested by Hon. TJ Kajwang' to welcome the students.

Hon. TJ, I will give you one minute because this is in the middle of a debate.

**Hon. TJ Kajwang'** (Ruaraka, ODM): Hon. Speaker, I thank you for asking me to welcome a huge delegation of 300 girls visiting us from Ogande Girls Secondary School.

*(Applause)*

We have had delegations of students visiting us but we have not heard 300 students coming in one delegation. These are brilliant and bright students of History. They are in Form Four. On behalf of their Member of Parliament, Hon. George Opondo Kaluma, I want to welcome them to this House. They have an opportunity to see the Speaker himself and the House as assembled.

*(Applause)*

That should give them inspiration. In the coming few months, they will sit their final exams and go on to be doctors that you were talking about this morning. Very few should be lawyers and none should be a politician. Most of them should be engineers.

Thank you for that opportunity.

**Hon. Speaker:** Thank you.

Hon. Gideon Mulyungi, Member for Mwingi Central.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM): Thank you, Hon. Speaker for giving me this opportunity to contribute to this very important Bill, the National Disaster Risk Management Bill. There is a problem in Kenya. Whenever we are faced with a disaster, the coordination of the response to it is disjointed. In most cases, we are reactive and not proactive. Therefore, I support that we establish the Intergovernmental Council on Risk Management and the National Disaster Risk Management Authority at both the national level of Government and the county level of government. In most cases, county governments do not know what the national Government is doing and the national Government does not know what the county governments are doing.

In the past, many disasters have been witnessed in Kenya. Some of them happen and nothing is done in terms of response. For example, when we were attacked by terrorists at the West Gate Mall, the coordination was not well done and there was a lot of hue and cry. If we will have a standing Committee that is prepared to deal with disaster on a daily basis, in my view, the country will be moving in the right direction.

As we gather in this House, the gate of Parliament is closed by medics because of a problem. I consider that a disaster because many Kenyans are dying in hospitals because of lack of doctors. An Authority like this one that has been proposed in the Bill prepares for such kind of cases. In fact, it will come in handy to deal with cases of disasters. What is happening in our hospitals now is a disaster.

Hon. Speaker, the other day we witnessed *El Niño* rains all over Kenya which led to destruction of many roads. There has been no interventions in repairing them. Some of them are trunk roads while others are feeder roads. In a similar situation, when we have this kind of Authority and apex coordination committee, it will deal with disconnected roads all over the country whenever such kind of emergencies happen. We are also witnessing an increased level of road carnage. Such a situation can be addressed by such an Authority that deals with emergencies of road carnage.

In the past, we have also witnessed a high-cost of living and famine in the northern frontier and counties in Ukambani, where relief food is being distributed. Such an Authority will prepare itself to deal with those emergencies.

Therefore, Hon. Speaker, I support this Bill on behalf of the people of Mwingi, where I come from. We should establish this Disaster Risk Management Committee and Authority to deal with disasters in Kenya.

**Hon. Speaker:** Hon. Robert Basil.

**Hon. Robert Basil** (Yatta, WDM): Thank you, Hon. Speaker. I rise to support the National Disaster Risk Management Bill for many reasons. We need to acknowledge that disasters such as floods, famine, fire, and diseases disrupt functioning of communities more so by increasing vulnerabilities.

Hon. Speaker, one of the key reasons why I support this Bill is because disaster strikes without any particular warning. It is, therefore, important to cushion our people from loss of life and properties. We need to equip our people with the right skills and training. Having a fund to support training and capacity building is very essential and it is one of the reasons why I support this particular Bill. We also need to ensure that people recover better. This can only be facilitated when we have a fund that supports such initiatives. A proper response to disaster issues or the destruction caused by disasters is important. This particular fund will support response to disasters. That is why I add my voice to support the Bill.

We need to understand that although disaster management is a shared responsibility between the county governments and the national Government, the issue of capacity of county governments to manage disaster, more so the Fund for disaster response, is questionable. That is why, as a House, when we make amendments to this Bill, we need to agree on where to place this Fund. It has to sit in an Authority or a government with the right capacity. There is no doubt that it is the national Government that will be able to manage the Fund and ensure that it is properly utilised.

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

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

I can now see the Deputy Speaker in the Chair. With due consideration, and having looked at the important function that this Fund is going to play, I fully support the Bill. I also applaud the mover of the Bill, the Leader of the Majority Party, Hon. Ichungw'ah, for bringing the Bill to the House. It is very timely considering we are in the rainy season and we are likely to witness floods which may cause destruction. Whenever you hear floods, you cannot exonerate water-borne diseases like Cholera which are likely to emerge. Therefore, having a fund is important.

I support the Bill. Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Member for Teso South, Hon. Mary Emaase.

**Hon. Mary Emaase** (Teso South, UDA): Thank you, Hon. Deputy Speaker for giving me the opportunity to contribute to the National Disaster Risk Management Bill.

Hon. Deputy Speaker, this is a very good Bill. At the outset, I support it because it brings together and creates a link between national Government and county government on issues of disaster management. In the past, we have seen flooding, accidents, and other disasters in many areas of this country. There is no coordination and response is delayed. Because it is a devolved function, sometimes there are issues of accountability in respect to the management of these resources when these monies are sent to the county governments to deal with disasters.

I am pleased to see that there will be a disaster committee in every county that on boards all important stake holders within the county. They include, the Red Cross, Saint Johns's Ambulance, county commissioners, county commanders, and governors. This particular Council will just be focusing, dedicating, and putting all its efforts towards management of disaster. Hon. Deputy Speaker, I foresee a situation where we are going to have proper management and quick responses in addressing or mitigating issues to do with disaster.

I support this Bill. Thank you.

**Hon. Deputy Speaker:** Hon. Irene Mayaka.

**Hon. Irene Mayaka** (Nominated, ODM): Thank you, Hon. Deputy Speaker. I also stand to support the National Disaster Risk Management Bill.

Hon. Deputy Speaker, I believe that this Bill has come to the House at the right time. I think it is very progressive because in the past we have been dealing with disasters in this country with a knee jerk reaction. We wait until a disaster occurs then we quickly look for a solution that only solves the problem at that particular time. In some instances, it does not even solve it.

Hon. Deputy Speaker, when I say this, I am just reflecting back to the last two weeks when we had a situation where the Nairobi Expressway was flooded and we could not be able to access it. If we had such an Authority within the County of Nairobi, they would have analysed situations based on historical data that we have to know whether something is going to happen or pre-empt issues that are going to happen. We have so many climate change issues that vary in different counties. For example, when I speak about my county of Nyamira, the disasters and risk management issues that are in that county will probably be very different from another county like Mombasa. Having these particular authorities customised to the specific counties is very progressive.

I also want to believe that once this is established, the people who will be part of the authorities will be able to go back to the history of the different types of disasters and risks associated with the areas that they govern so that they can be able to customise them according to their areas. Of particular interest to me is Part Three of the Bill, where it talks about classification of disaster plans and electronic information system. I like this because with time, and the fact that we are very much in the technological space, we need to customise our Bills to bring in an aspect of Information Technology (IT). Without data, you will not have a clear view of what you are dealing with. You need data to be able to make a comprehensive report and speak to other people whom you want to assist.

I also like the fact that in Part III on the Electronic Information System, there is mention that this data will be accessible to the public. Not only that, but they will also ensure that Data Protection Act 2019 is taken into consideration. In as much as we want our people to access data, we must also safeguard them. Having said that, we cannot safeguard ourselves too much to an extent of stifling innovation.

I would like to throw a spanner in the works in reference to this Bill. I have gone through it and I have not seen any aspect of Artificial Intelligence (AI). What I am talking about, for example, is the current issue we have with our fertiliser. If only we had a drone-based system in this country, it would quickly analyse the fertiliser we are receiving, analyse the PH of the soil, and determine what to put in different soils. We would not be having these kinds of problems. I just want to urge all of us, when coming up with very progressive Bills like this one, we should always include an aspect of AI. It is very important. We cannot ignore it anymore in this country. It also helps make our work easy.

I just want to encourage the person who sponsored this Bill. When the time for amendments come, we will bring in amendments that are related to information systems. Please, allow us to bring in progressive ideas.

Hon. Deputy Speaker, with those very short remarks, I do support.

**Hon. Deputy Speaker:** The Hon. Member for Kwanza, Hon. Ferdinand Wanyonyi.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Thank you, Hon. Deputy Speaker. I rise to support this Bill. It is important that we establish units or departments that can respond to whatever happens in the county.

Currently, when a disaster happens in the county there is no back-up either from the national Government or the county government. We need to set up a departmental unit to deal with whatever disaster that might happen, like floods. If victims come to you as a Member of Parliament, you do not have that kind of money for emergency. When you involve the county

government, they equally say they do not have that kind of provision. However, if you have a disaster management unit in place, you can assist. When, say, a bridge breaks down because of floods, you find yourself in a very awkward situation. As a leader, you do not know who to refer the case to. I had a case of floods covering almost two wards in my constituency. I did not know how to deal with it. When I called my Governor, he questioned where he would get the money from. I equally did not have it.

Hon. Deputy Speaker, this is quite appropriate. We need to have this National Disaster Risk Management Bill passed as soon as possible so that we can allocate funds needed. We should also give guidelines on how to use the money in the fund. We cannot just put it there as an emergency fund. We need representation of the national Government by the involvement of Member of Parliament or Women Representative and the county government. This is so that either can be a signatory to the expenditure of such a fund.

The Bill is very important. I request this House to pass it as soon as yesterday, so that it deals with the disasters that occur without a warning. As Members, we are affected most of the time by some small things like bridges or roads. People always come to us. If we had this kind of fund, we could look at how much each side can spend.

I support this Bill. Thank you.

**Hon. Deputy Speaker:** The Hon. Member for Sigor, Hon. Lochakapong.

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

**Hon. Deputy Speaker:** I am told you are the Mover, but you have your card in. Pull it out. Thank you.

Hon. Edith Nyenze Member of Kitui West.

**Hon. Edith Nyenze** (Kitui West, WDM): Hon. Deputy Speaker, I would like to contribute to the next one. Thank you.

**Hon. Deputy Speaker:** The Hon. Member of Kisumu East, Hon. Shakeel Shabbir.

**Hon. Shakeel Shabbir** (Kisumu East, Independent): Hon. Deputy Speaker, I am actually beaten. I was just trying to log in. Let me be excused, please. I do not have something to contribute at this moment.

**Hon. Deputy Speaker:** The Hon. Member for Vihiga County, Hon. Beatrice Adagala.

**Hon. Adagala Beatrice** (Vihiga County, ANC): Thank you, Hon. Deputy Speaker for giving me this opportunity to also contribute on this Bill.

At the outset, I support this Bill because it has come at the right time. We have several emergencies that take place in the country and especially in the counties. In my county, if there is a disaster, say, a school burns down or a gold mine collapses, people rush to the county Women Representative to look for money to settle them. In our Women Representative kitty, there is no money to go towards such disasters. There was a case in one of the wards whereby the rains caused havoc and many houses were blown away. People look at you as the County Women Representative to settle those kinds of calamities and yet we cannot afford to bear them. This can be put into consideration by the county and national Government. We could put our efforts together and have a kitty for this kind of disaster.

Currently, there are floods all over and houses are being swept away. We are having it very rough as Members of Parliament, especially the Women Representatives. When houses are swept away, people are told the Women Representative can support. The county governments keep mum over the matter. It means we are not prepared as a country for this kind of disaster. This Bill may cure what is needed. I will support this with my all. We want to see something put in place, not like what we have been hearing of money being set aside for El Nino, then all you get are blame games. Measures should be put in place that once this fund has been set aside, it can be handled by a committee. If that is done, it will really assist in

situations such as schools getting burnt, floods that come all the time, and the wind that blows away houses. I am much affected because when this happens, they always come to the County Women Representative to take care of such incidences and yet we do not have funds for that purpose.

Hon. Deputy Speaker, I support this Bill.

**Hon. Deputy Speaker:** Hon. Naomi Waqo, Member for Marsabit County.

**Hon. Naomi Waqo** (Marsabit County): Thank you, Hon. Deputy Speaker, for allowing me to add my voice to this very important Bill.

From time to time, we should all support anything to do with disaster management when it comes to us. Establishment of the Intergovernmental Council on Disaster Risk Management is very important. This is because we get into problems especially when it rains. Right now, in some areas people have been displaced because of floods especially, where I come from. Sometimes, even winds blow off roofs of schools and houses. Most times, we are unprepared for disasters. So, the National Disaster Risk Management Bill will guide and help both at the national and county levels.

We mostly lose people to various disasters like fires. They lose their homes, properties and lives. The best thing is to have this Bill in place so as to manage disasters. I support it because of the composition of the board which will be made up of qualified and well experienced people holding office. The Bill is addressing different issues like vacation of office, functions of the board and powers of the board, committees of the board and delegation by the board. This is to ensure that citizens are taken good care of all the way to the grassroots level.

Hon. Deputy Speaker, I support the Bill and pray that many people will support it. So, if it is implemented, it will help Kenyans when they face disasters.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Before we continue, I am very proud to welcome students from Little Lambs Primary School from Ainabkoi Constituency, Uasin Gishu County. You can applaud them. That is my constituency and the former school of my nephew, Brian Boss. On behalf of myself and the rest of Parliament, I welcome you to observe the proceedings. Member for Bondo, Hon. Gideon Ochanda.

**Hon. Gideon Ochanda** (Bondo, ODM): Thank you, Hon. Deputy Speaker. As I rise to support the Bill, there are three things we need to look at very keenly and they are disasters, emergencies and crises. We have to define or place them exactly where they belong so that we are prepared. This is because the debate we are having right now, is indicating a disaster as a crisis. Although, there are times we look at a disaster as an emergency especially, when the level of preparedness in the country is almost zero. An emergency or disaster does not follow bureaucracy. Some of the proposals we are talking about are creating bureaucratic arrangements. We are talking about a council and how to address issues of emergencies or disasters.

In my view, as a nation we have to rethink of how we look at disasters. There are situations in which bureaucracy and levels of approvals needed to respond to a disaster are very unnecessary. I remember a situation that arose when some people were stuck in the lake because of hyacinth. We needed a chopper to airlift two or three people. Imagine, we were told to write to some disaster committee in Eldoret or somebody in-charge of the police for purposes of this emergency. How long does it take to write a letter to an office and have a council sit down to approve what is actually a disaster that requires a response?

Generally, we have to think of this and look at the proper definition of these terms. Sometimes, we plan for emergencies yet, we do not plan for a crisis we are forewarned about like the flooding we are experiencing. We were forewarned about it so this cannot be a disaster anymore. Also, many times we are forewarned about drought and signals are sent.

Therefore, we do not need to look at this as a disaster but in terms of how well we are prepared because signals were sent. In my view, this is not a disaster but a crisis in waiting. We have been told that floods are likely to happen because it will rain until June. What is the level of preparedness; why do we want bureaucracy to address a crisis? We have been forewarned, so we need to take care of a crisis and not a disaster.

When we look at a disaster in the direction of an emergency, some of these bureaucracies are unnecessary. We need spot on reporting systems that can respond to emergencies. Some Members are taking disasters to be crises which we need to prepare for and others as emergencies. If we look at them as emergencies as a nation, we are less prepared. Emergencies do not need bureaucracy but spot on responses. Structures must be put in place for a crisis we are forewarned about and indicators clearly show it will take place. This requires a plan in terms of disaster management.

Sometimes, issues of disasters require immediate low-level response. We constantly talk about the need to have a national council. How do you respond to a disaster in a village through a national council? How do you respond to small and little disasters that happen in a school or community through a national office, agency or bureaucracy?

We immediately need to separate the issues of crisis from disasters and emergencies. This way, we shall establish proper infrastructure for responding to them.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Daniel Karitho, Member for Igembe Central Constituency.

**Hon. Daniel Karitho** (Igembe Central, JP): Thank you, Hon. Deputy Speaker, for this opportunity to add my voice to this very important Bill.

The National Disaster Risk Management Authority will be very crucial and important in this country. Disasters which have been befalling this country have caused us a lot of damages and losses. The main essence of this agency is prevention. This country is of age and it is very embarrassing for us to be caught pants down by disasters, without preparedness. For example, when it comes to floods, this country should be prepared, have structures in place to know when the rains will be in excess. This will enable us to harvest the rainwater for useful purposes in future.

The country cannot afford to be losing year in and year out through floods. We have cases of arson in schools and property is lost. In most cases, electricity is connected faultily. We should be prepared properly to avoid such unnecessary damages and losses. If we plan effectively before these disasters come, we can save a lot of property that end up being destroyed. Cattle rustling should be considered a disaster in this country. You find a family that has used all its resources to put up a farm and animals, and then rustlers come and steal them. That should be considered a disaster and the organisation should also take care of that to know how to compensate those who lose their livestock.

In short, I support this Bill and we should be prepared early enough to counter these disasters beforehand. It will be very embarrassing for a country like Kenya, which has gone miles in technological advancements, not to be in a position to detect disasters on time before they strike. Flooding and arson in some institutions should be detected early enough. Authorities from the county level are very vital. Some counties do not even have fire extinguishers or firefighting machines. Therefore, this agency will have the equipment in place to fight disasters on time before more destruction is done.

We also need post-disaster rehabilitation. Some communities have had all their property lost in disasters. We need counselling centres where those affected can be counselled to continue with their lives after disasters. Some end up losing everything including their lives. Post-disaster rehabilitation should be handled properly by having counselling centres for the affected members of the community. The Authority will manage resources. It will be very

important that whoever is given the repo to run this Authority practises openness and accountability. That will go very far in ensuring that the real targets and areas affected are taken care of thoroughly and the affected are served.

Thank you, Hon. Deputy Speaker. I support.

**Hon. Deputy Speaker:** Member for Lungalunga, Hon. Mangale.

**Hon. Chiforomodo Mangale** (Lungalunga, UDM): Thank you, Hon. Deputy Speaker, for giving me this chance to contribute to this very crucial Bill. At the outset, I support the Bill because it touches on a very crucial matter which, of course, has been mishandled by the fact that we are always saying that disaster management is devolved. When anything happens in the counties and all over the country, it becomes a blame game. What makes me very curious about this Bill is that there is a special team which will be at the national level. I wish to suggest that, as much as we would wish to have the team, whether an authority or whatever name it will be given, let it be cascaded down to the counties and even to the wards. This will make response to be quick to ensure the affected people around the counties or wherever they will be get response very quickly and be salvaged.

Sometimes farmers are affected in one way or the other by wild animals, like in my area. Elephants come into their farms, destroy their produce and in one night the whole village or sub-county is affected by wild animals. This should also be classified as a disaster. To emphasise, response coordination of commonly known disasters like floods and many others should be from the grassroots as earlier said. The committee which will be formed should emanate from the village level coming up. Coordination should consider Members of Parliament, Women Representatives, Members of the County Assembly and any other important leader in charge of the affected area. We do not want a situation where a disaster takes place then phone calls are made and whoever is called does not know where to start and how to respond. There should be a communication strategy where everybody will be brought on board and be responsible. As we speak, it is either the county commissioner or the governor who is supposed to take responsibility. Members of Parliament and Women Representatives are always blamed for all disasters which take place. As we form the authority or whatever organ to address this issue, I propose that either a representative of the Member of Parliament and the Woman Representative be on those committees.

I wish to submit and support.

**Hon. Deputy Speaker:** Member for Kanduyi, Hon. John Makali.

**Hon. John Makali** (Kanduyi, FORD-K): Thank you, Hon. Deputy Speaker, for the opportunity to also weigh in on this Bill. At the outset, I support it wholeheartedly. The Fourth Schedule to the Constitution grants the power to manage and control disasters to county governments. Equally, the Fifth Schedule gives the national government powers to control issues related to disasters.

This Bill comes in at a very handy stage to provide a legal framework for the management of disasters, risks and emergencies. In the past, we have had floods. We have droughts, animals die and many risks in our respective constituencies and counties. Ultimately, however, we have not had a legal framework that provides for the coordination and management of risks and disasters as and when they occur. This Bill, whose object is to provide a legal framework for the coordination of disaster and risk management activities both at the county and national levels, is appropriate and is welcome at this stage. Of critical concern and importance in this Bill is the creation of an authority to coordinate all activities related to drought and disasters that happen in constituencies, counties and the country at large. The Authority will harness information and coordinate all activities so that we do not approach the issue of disasters in a non-coordinated manner like we have been doing in the past because there has been no legal framework. This Bill comes in to fill a lacuna that has been existing in our laws, the absence of a legal framework. We keep on saying information is power. Chapter

Three of this Bill sets up an electronic management system that has to provide information to apprehend disasters that are to come as well look at past events. Therefore, this Bill is well intentioned.

In the recent past, we have experienced disasters that we have not been able to manage very well. Funds were allocated to them but they have not been properly managed. They have become cash cows for some individuals; they have taken disasters as an avenue to misappropriate funds. This Bill has ample provisions that criminalise misappropriation of funds that have been set apart for management of disasters in our respective constituencies, wards and counties.

Hon. Deputy Speaker, of critical importance is Article 6 of our Constitution which says that the county and national governments shall consult and cooperate in the delivery of services to the citizenry. This particular Bill sets provisions for coordination between the national government and county governments in the management of disasters. In the Committee of the whole House, we will be making some proposals to amend several provisions regarding the composition of these county committees and the national committee that will deal with issues relating to disasters and risks to include other provisions that would make this Act fulfil its objectives.

Hon. Deputy Speaker, I entirely support this Bill and urge that we pass it. Thank you.

**Hon. Deputy Speaker:** Thank you. Hon. Edith Nyenze, Member for Kitui West.

**Hon. Edith Nyenze** (Kitui West, WDM): Thank you, Hon. Deputy Speaker, for giving me this opportunity to support this Bill which seeks to establish the Risk Management Authority. It also seeks to establish a Risk Management Fund which will provide funds for risks and disasters to ensure that the country is prepared with a mitigation response in risk management matters. This Bill has been brought here at the right time to address some of the issues that have affected the country and caused many deaths.

The Bill also seeks to establish an authority that will ensure that we have a central place where disasters and emergencies can be reported. It is even better because there is a Risk Management Committee in the counties where the governor is the chairperson. With such representation in the counties, it would be very easy to report disasters. Such committees will establish whether a risk is for the county or the national Government to handle.

In the past, coordination has been blamed for slow response to crisis. With the establishment of such an authority and presence in the counties, the response will be very fast and this will save lives. The Bill has come at the right time. In the long run, some of the disasters that occur every time will no longer be labelled as disasters. For instance, for a disaster like flooding of a river, we should come up with a solution because we already know the problem. A solution like building a bridge. We know drought affects mostly the Arid and Semi-Arid Land (ASAL) areas. When there is plenty of harvest, food can be stored to be provided to these areas during the drought season. With the Risk Management Fund and an authority in place, some of these risks will stop being disasters with time. The funds can also be used to buy fire equipment in case of fire disasters. This will aid in preparedness in terms of responding immediately whenever a disaster occurs thereby saving lives.

I know of River Enziu which is in Hon. Mulyungi's constituency. It killed very many people sometime back. If we had this authority in place and enlisted this river as a disaster, the tragedy would have probably been avoided through some mitigation measures. A bridge is currently being constructed there, but it is yet to be completed. I also have an accident-prone area in my constituency; after every few days, people are killed. The road between Nkubu, Kabati and Gatutu has claimed so many lives due to road accidents. This authority should look into such incidents; establish the reason for the accidents and come up with mitigation measures.

With those remarks, Hon. Deputy Speaker, I support the Bill. When it becomes an Act, we will save lives. Thank you.

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

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Deputy Speaker. I rise to support this Bill. Allow me to take this opportunity to thank Hon. Lochakapong for not just moving the Bill on my behalf, but also leading his committee in consideration of this Bill.

Going through the Committee's Report, I agree with a number of their proposals. It is also important to note that I did this Bill in the last Parliament; it is among the Bills that lapsed and we sought to revive them in the 13<sup>th</sup> Parliament. The need emanated from the desire to have a proper legal framework that would coordinate disaster risk management in the country because we lacked that up until now. I recall that I came up with this Bill after the Garissa University terrorist attack. It was sad because at that time, which I believe is still the case even today, there was absence of a coordinated way to manage our disasters and risks which contribute to more disasters.

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

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

At that time, when the terrorists hit Garissa University, so many students were shot, some killed while some were injured. Parents were filled with anguish. It was around summer time in Garissa, if there is summer time in Kenya. Temperatures were soaring to highs of 40 degrees celsius. I had an engagement with a medical officer who was serving in the region at that time and coordinating that disaster from Garissa. The bodies of those who unfortunately lost their lives were being taken to the morgue at the Garissa District Hospital. However, due to the high number of bodies, the morgue could not handle. By that evening, bodies had started decomposing.

By the time the Government mobilised resources from Nairobi to fly to Garissa and get fingerprints from the bodies that were already decomposing, it was not possible. I was told by those in the medical profession that when bodies stay under such temperatures, they get disfigured. Fingerprints were disfigured and it took a long time for families who had already been notified that they had lost their loved young ones at the university, to identify the bodies. You can imagine the anguish the parents had. Some were accommodated at the Chiromo Campus, University of Nairobi. There were harrowing stories of parents being subjected to walking from Chiromo, all the way to Nyayo Stadium every morning to wait for buses at the Nyayo Stadium to see if they would be able to identify those who were arriving in buses from Garissa and get information about the loss of their loved ones.

I engaged a parent who had travelled all the way from West Pokot and had sold his three goats to get fare to come to Nairobi. He exhausted that money by trying to get accommodation in Nairobi and when they were eventually hosted by the University of Nairobi in Chiromo, he had to walk daily for almost a week-and-a-half before he could finally identify his deceased child from Garissa University. That motivated me to ask: what is it that we can do if such a disaster strikes again? There is a coordinated way to handle such a disaster or others. From the Members' contributions, you could feel the anguish they go through now and then. For instance, with simple disasters like the blowing off of roofs of primary schools by strong winds or floods, when floods ravage our constituencies, be it in Budalang'i or the Eastern Region of Kenya, Kenyans are left suffering, because there is no coordinated way through which the Government at the national and county levels coordinates to handle disasters. We sought to have this Bill address some of the said challenges, and ensure that we not only provide the legal framework for disaster risk management but also, enhance the

effectiveness and coordinated disaster preparedness. How do we prevent, respond, mitigate and recover from disasters instead of waiting for disasters to happen?

For many years, Budalang'i Constituency has been ravaged by floods. When River Nyando and River Nzoia break their banks, people suffer. For instance, the famous lady of 'serikali saidia' during the late President Mwai Kibaki's regime brought to the fore the sufferings of the people of Budalang'i from floods. The Government at that time, was moved by those calls to establish dykes and other mitigation measures. However, we do not have to wait for Kenyans to cry out. We should be proactive to see to it that we not only prevent disasters but also ensure that Kenyans recover quickly post-disasters.

This Bill also seeks to reduce disaster risks and vulnerabilities at the national and county levels of governments. Members are aware that every county and the national Government have funds set aside for unforeseen emergencies. These contingency funds are never utilised for the right purposes. When disasters hit counties, the governors have no resources yet in their budgets, they had budgeted for contingency funds for such eventualities. By the time disaster hits them, they are ill-prepared and always calling upon the national Government to come to their rescue.

We want to have a coordinated process to ensure each county budgets and provides funds for disaster mitigation and management. As Members of Parliament in charge of budget making, how do we ensure that the contingency monies set aside to deal with disaster management are appropriated for that purpose? We should coordinate so that when it is a county-level disaster restricted within a particular county, they can first utilise their resources before they go out to look for help.

We have measures to know through a disaster management authority how to coordinate the mobilisation of resources. During the COVID-19 pandemic, as a country we had to look for people in the private sector and corporate world, set up an ad hoc committee and mobilise resources. That was done to look for gloves or masks that were required to prevent loss of lives and further spread of COVID-19. All these things have served to remind us as a country that we are always ill-prepared, and are caught flatfooted when disaster strikes. It is high time we prepare in a way to enhance our resilience to the impacts of disasters and other risks.

We are now in the discussions of climate change and how to mitigate issues to do with climate change. With the change in climate, floods and hurricanes have become common. If we do not take deliberate measures for re-afforestation, soil erosion and landslides would be common. We should have a system where somebody keeps check of what we are doing, both at the national and county levels. As we deal with climate change mitigation measures, we should also look at the effects of the changes in our climate such as floods and soil erosion which washes away all the good soil and nutrients that our crops need. This is exposing us to other disasters such as hunger, drought and landslides in landslide-prone areas like Murang'a and Elgeyo Marakwet.

In West Pokot, a disaster struck about two or three years ago. There was a small unit that was meant to deal with disasters then, and was hosted by the then Ministry of Interior and Coordination of National Government. The former Cabinet Secretary, Mr. Fred Matiangi told the country unashamedly, that he could not access the disaster area because of the weather at that time, while flying a military helicopter. The then Deputy President however, with a small civilian helicopter, was able to access the place. That speaks to the disdain and contempt that some of our public officers had with the Kenyan people, not relating to the suffering of the people when disaster strikes. It took the then Deputy President who is now serving as our President, to fly in a private chopper and mobilise resources from Kenyans to help the people of West Pokot then.

I was hoping that the Member of Parliament from that area was here. You do not know when other such disasters will strike. We do not want to find ourselves in a situation where our

current Cabinet Secretary for Interior and National Administration claims that because of weather, while he has choppers and navigation equipment, he cannot access a certain place. We want to find ourselves well-prepared. I agree with the Committee's Report that in hindsight, there are certain changes that we can make to this Bill. I agree with them on the deletion of some clauses like 5, 6 and 7 that touch on the establishment of an intergovernmental council that will comprise ten members.

I thank the Committee and the Chairperson, Hon. Lochakapong. I agree with them. We will support their proposed amendments during the Committee of the whole House. I support the Bill. I also thank the many Members who have spoken in support of it.

Finally, the establishment of authorities and Semi-Autonomous Government Agencies (SAGAs) in the government is at the fore of our national conversation today, courtesy of the huge burden that we have bestowed on the Exchequer on account of the management and running of state-owned enterprises. During the Committee of the whole House, we must ensure that the National Disaster Management Authority (NDMA) is very lean and has more of a coordinating role, but not one that creates more bureaucracies to get money from the Exchequer. It should be a very lean body that ensures that most of the money that will be appropriated towards disaster management goes to disaster mitigation, management and post-disaster recovery, but not into the bureaucracies of running state-owned enterprises or SAGAs.

With those many remarks, I beg to support the Bill.

**The Temporary Speaker** (Hon. Peter Kaluma): Leader of the Majority Party, this is a very important Bill. You are always very educative. I am happy that the Bill has come from you. However, before you sit, I want to pick your mind for purposes of general debate. I know you will have an opportunity to reply. I do not know whether you have the Bill.

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

**The Temporary Speaker** (Hon. Peter Kaluma): With your approval, look at Clause 33. The Leader of the Majority Party should answer so that Members are informed as we debate the Bill in terms of the areas we could tighten.

Clause 33 states that the Authority has to, first, classify a disaster as either a county disaster or a disaster falling within the remit of the national Government before any action or intervention can take place. Assume that it was a terrorist attack like the one that occurred at the Embassy of the United States of America and this classification is not timed, how will this provision work? That Clause states that until a disaster is classified by the Authority, it shall be deemed to be a county disaster.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): It is true that whenever a disaster occurs or threatens to occur – I do not know how it will threaten to occur – the Authority shall determine whether the event is a disaster under this Act, and if so, immediately assess the magnitude and severity, or potential magnitude and severity of the disaster, then classify the disaster as a county disaster or national disaster. In hindsight, these are some of the issues that we will look at possibly amending together with the Committee so that it is clear that the Authority will determine under whose jurisdiction the disaster falls.

When a disaster occurs or threatens to occur, for instance, when it is raining and trees are falling off the hilly parts of Murang'a or Elgeyo Marakwet or West Pokot, and there is a threat of a landslide; we cannot wait for the Authority to determine whether that disaster will be localized, or whether the national Government should intervene because it is quite clear that a disaster is likely to occur, or one has already occurred. They should move with speed and determine the magnitude of the disaster.

We will clean up this Clause to make it clear so that we are not bogged down by bureaucracies that we create in law, as I said earlier.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you very much. The Committee should also look at the definition of the word "disaster" because it is too broad. The Bill

describes it as anything that causes death, injury or disease, damages property, infrastructure or the environment, or causes significant disruption of the lives of members a community. We may end up in a situation where everything is a disaster and we wait for the national government to intervene. As we do that, let us also look at the Fourth Schedule in terms of the kinds of disasters that the counties should deal with so that we delineate them.

Hon. (Dr) James Nyikal, Member for Seme.

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

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

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Speaker for giving me this opportunity. Based on what you have said, I just wanted to inform the Leader of the Majority Party that if he looks at the definition of the word “disaster”, there is also the word “localized”. The Committee must also remove the word “localized” as they consider that amendment.

They also need to look at the Clause in tandem with the Victim Protection Act that looks at victimization in terms of criminalization, including terrorism.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Millie Odhiambo, do you want to contribute?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): I could.

**The Temporary Speaker** (Hon. Peter Kaluma): The Speaker has powers under Standing Order 1 to reverse his decision so that you speak before Hon. (Dr) Nyikal. I have been with you long enough in Parliament to know when you want to contribute and when you want to wait. Do you want to contribute?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): I do not mind waiting. It is just that you raised that issue. I do not mind waiting because Hon. Nyikal is my senior.

**The Temporary Speaker** (Hon. Peter Kaluma): Wait and make those presentations. Proceed, Hon. (Dr) Nyikal.

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Speaker, for giving me the opportunity to contribute. This is a very important Bill and I rise to support it.

The objective of this Bill is to get a legal framework for coordination. Most disasters normally have an emergency element. If there is an emergency element, there is need for preparedness, which has to be done beforehand. We need working government structures.

I support this Bill because we need to plan in advance for emergency responses and work through government structures that are sometimes obstructive. We also need a legal framework for coordination. It is not often just one department of government that is involved during a disaster or an emergency. Disasters and emergencies involve many departments such as security, transport and health. These various departments will be doing various things, but they have to come together to deliver during a disaster. This Bill tries to address that.

It is even more important for us since we are in a devolved system of government where apart from just having departments, we also have two levels of government. Therefore, we have to make it clear who will manage a disaster. Sometimes there is no time for that decision to be made because of the nature of emergencies. Therefore, putting structures in place is important. I support this Bill because it gives us those structures.

We should not only take action, but also look at prevention when dealing with risk. After every disaster, we must find out why it happened, whether it is likely to happen again, and put in place preventive measures. This Bill talks about classification of risks.

Hon. Temporary Speaker, you had raised the issue of Clause 33. We should look at it more as classifying the risk rather than waiting to classify the disaster because it would be extremely late by that time. We are talking of risk management. Therefore, we must classify the risk.

The Bill also talks about information. With information and risk management, we are aware that areas like Budalang'i and Nyando are likely to experience flooding when the rainy season approaches. What risk and classification do you put in place? When you have a classification, you can then use algorithms. You cannot wait until it happens to determine what needs to be done. You manage emergencies by using algorithms and putting up Standard Operating Procedures (SOPs) on how to respond. Having structures will also tell you who should do it. I therefore support the Intergovernmental Council of Disaster Risk Management. We must look into the word "risk" more than disaster. If we start thinking when the disaster occurs, we miss the point. We have had a problem in our devolved systems.

Hon. Temporary Speaker, as a lawyer, you know about a body called the Intergovernmental Relations Technical Committee and the Secretariat of the Council of Governors. One is illegal while the other one is not working. Even if we form intergovernmental structures, we must be willing to actually get them to work. Otherwise, there will be points of argument.

We then create an authority. What I like about it is that when you have assessed a risk, it must come in at the preplanning stage, and must have a budget. The worst thing is when you wait to have a disaster to start looking for funds. As the Leader of the Majority Party said, sometimes the government is not prepared and therefore philanthropists take advantage to seek credit for it. Philanthropists are good but they should work within a laid down structure. In fact, during disasters, they should be controlled because quite often they can derail issues. In 2007, when we had Internally Displaced Persons (IDPs), we had to go in and control the philanthropists who interfered with established structures guiding the workers and distribution of donated food and medicines. Otherwise, they seem to take over. I like the council and authority that have been put in place for preplanning and budgeting to create a framework. This also applies to sponsors. At times it is better for them to give funds and work through a structure rather than have different people coming in with lots of food or medicines that may have expired. People run around helter-skelter. The authorities will address such issues.

We also have the County Disaster Risk Management Committees. If we do not have SOPs within these committees and risks that have been identified, these committees will not work. We should look at this Bill, especially on risk, rather than wait for disasters to occur and then try to classify and manage them. We should be prepared.

With those remarks, I support.

**The Temporary Speaker** (Hon. Peter Kaluma): Next is the Member for Ndhiwa, Hon. Martin Owino. Hon. Millie indicated that she is not in a hurry.

*(Laughter)*

Hon. Millie, you will speak after Hon. Martin Owino.

**Hon. Martin Owino** (Ndhiwa, ODM): I heard her clearly. Thank you, Hon. Temporary Speaker. Much has been said about this Bill and I just want to add my voice to it.

Disaster Management is a process. It starts with prevention. I emphasise that we need to focus more on prevention to avoid getting caught unawares. We are aware that disasters like floods and fires are time bombs. Prevention, which has not been elaborated here, should include an elaborate research system to determine the kind of disasters that occur in our country and when they strike. For example, in the health realm, you will find the seasonal flu which should be well contained through flu shots before it becomes an epidemic.

There is also the element of preparedness. As a people, or as the system we are trying to put in place, what do we do when it strikes? Preparedness is one way to solve a problem. For instance, when our counties are not prepared, most of the time you will find that the National Government Constituency Development Fund (NG-CDF) is called upon to intervene.

The NG-CDF hardly cope with a school fire or a broken bridge but if we have a structure where the national government or the county government provides support to the systems on the ground, we can easily manage disasters.

There is an element of response. When disasters happen, sometimes rapid response is required. You mentioned something that caught my attention. When a disaster is classified as county yet it is beyond county boundaries, what do you do? It causes a delay in response which leads to loss of lives and even cause disabilities. I support Hon. Nyikal, that we would rather classify risks than the disasters because there is no time for classification when disaster strikes anyway.

Another element that needs to be magnified is management. After response, unfortunately there will be loss of lives and disabilities. How do you then manage the aftermath? That is always left out. For instance, if properties are destroyed, people may be displaced. Are there shelters where they can go? That should be factored in and considered by the committees. The nature, extent, severity and occurrences, all these packed together in a research portfolio, should forecast disasters and inform the country on how to proactively respond.

I thank the authors of this good Bill. I do not want to say much because Hon. Millie is almost on her feet. I have made my point and therefore yield my time to her if that is in order.

**The Temporary Speaker** (Hon. Peter Kaluma): You have also taken over the role of the Speaker. Give the microphone to the Member for Suba North, Hon. Millie Grace Odhiambo, to make her contribution.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Speaker. I wish to support this Bill and thank the Committee and the Leader of the Majority Party for bringing it.

At the outset, I want to indicate that having a legislative framework on Disaster Risk Management is a good thing. I am glad that he has clarified because I clearly remember that we had this Bill in the last Parliament but it lapsed. Because most Members have spoken on the issue of disaster risk management, I want to speak on some thorny issues in the Bill. I had intervened on the issue of the definition of ‘disaster’ because I did not think I would have time to speak. The word ‘local’ is limiting because a disaster can happen beyond local boundaries. It limits the response given during disasters. Based on experience and the example provided by the Leader of the Majority Party, would you classify COVID-19 as a local or national issue?

Another issue of concern to me is the definition of ‘disaster risk management.’ Even though I have already proposed amendments, I encourage the Committee to amend the Bill to include a permanent structure for disaster risk management at the county governments and national government levels. They should identify and map disaster-prone or vulnerable areas, situations or people as part of management. For instance, we already know the areas that are prone to flooding in this country. However, when it happens, we are always shocked.

We should also issue an early warning of imminent disaster. The British Broadcasting Corporation (BBC) and other institutions issue alerts all the time. I saw in the media today that the United States of America (USA) has already given an alert on a possible terrorist attack in Somalia. I am not sure whether it was in the *Daily Nation*. That is an example of disaster preparation. We should have such technology. We should also use it to relocate populations in case of imminent disasters.

I visited Indonesia with the Budget and Appropriations Committee. I woke up at night. I was asleep. I thought I had overslept and forgotten to switch off my television. After a while, I discovered that it was an automated system coming through the television, warning us that there had just been an earthquake of a certain magnitude, and we should go out and do certain things at our focal point. By the time I was walking down—I think God gave me an amazing ability to sleep—I met people walking up. I had slept through the earthquake. When I reached

there, people were already in centralised places. If we have an earthquake in Kenya, how we will react will be shocking because we do not have those centralised places. In Indonesia, everybody knows that there is an earthquake. Every hotel has a centralised area. We should also have automated systems even in our hotels, not only for earthquakes but also for other things. For instance, my county, Homa Bay, is an earthquake-prone area. However, do we have such things? I know Hon. Gladys Wanga will do something about it. She has just served her first year. However, we need to put in place such things in law.

The other issue that is of concern to me is the definition of ‘emergency preparedness.’ I encourage the Committee to add—as part of emergency preparedness—that we should have a policy and monitoring system in place for both the national government and county governments. We need an early warning system, continuous public education and awareness by the public on disaster risk response, including emergency telephone numbers and call centres. There should also be facilities and equipment for effective and quick response in case of disasters, including fire trucks. We should have land, water and air ambulatory services. If a disaster occurs in Mfangano Island right now, we will have a challenge because we do not have a boat ambulatory system. We raised this matter with our governor and she said she would bring it. I am not saying this in relation to Homa Bay County only, but also in relation to other areas covered with water. If there is an emergency or a disaster, how do you respond quickly? The response systems that we have are mainly private. It is hard for us to mobilise them. You might even find the ferry is in Kisumu or in another place. It is also slow. When you are dealing with disasters, you need quick responses. These are some of the issues that should be addressed.

In Clause 4 of the Bill, one of the guiding principles should be protecting vulnerable groups including women, children, persons with disabilities and the elderly in cases of disasters. We have not mentioned them specifically. Disaster affects different groups differently. When there are women and children, in cases of disasters, women will be prone to sexual abuse and all other kind of issues. How do we respond women’s concerns in such circumstances, where they no longer have any habitation? What about menstrual hygiene when you have disasters? I suggest that we include the Cabinet Secretary for Gender, Culture, the Arts and Heritage in the National Disaster Risk Management Authority because of such issues. I know we are also trying to make it smaller. However, we need to have the Cabinet Secretary who, in most cases, also doubles up as the one in charge of young persons. I know that it is not the same now, but it will be important.

On the issue of governance, there is an issue that I have been speaking to a lot in this House. However, I will re-emphasise it. There is a tendency where you find one Kenyan in two boards or serving in a government office and also in a board. There are many Kenyans who do not have anything. We should give them a chance to serve in these boards. Do we have one person who has exceptional intellectual capacities? We must also address those things. In governance, we must also look at the way we phrase the powers that we give to the Chairperson of the Board. One of them should not be to dismiss somebody for absenting himself or herself without justification.

We also need to ensure that we take a zebra approach when we appoint the boards or office holders of any of the bodies. If you have a male Chair, you should have a female Vice-chair and vice-versa. I have written a few of the issues. I will not mention all of them. I just want to complete by saying one of the things that I have told you before. I sponsored the Victim Protection Act. One of the sections in the Act is the mass victimisation arising from a crime. For instance, there is the issue of terrorism. When we have terrorist attacks, how do we respond as a country? Every single person walks in there to respond, but not the officers. Secondly, in their response, we do not preserve the evidence and look at the victim. We do not preserve the dress that the person is wearing for purposes of identification or any other identifying features, like what we see in many of the programmes in the USA or other areas.

I went to Kenyatta National Hospital (KNH) one time and I was very shocked. I recently saw that they wanted to dispose of bodies. They told people to go and do it. I asked them whether they keep any evidence such that when somebody wants to identify a person who is lost, they can do so. They said they do not do so. I was shocked. For instance, we cannot trace Mr Matunga, who used to be an Orange Democratic Movement (ODM) member who disappeared from Gwassi to date. There is no Deoxyribonucleic Acid (DNA) evidence. This applies to mass victimisation as well.

I have proposed several amendments to this Bill even though it is good and timely. I encourage the Leader of the Majority Party to be more futuristic and stop looking backwards. He should stop blaming other people, including Dr Matiang'i. The country has moved on.

With those few remarks, I support the Bill.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Millie Odhiambo. You are always very informative.

Next is Hon. (Dr) Suzanne Kiamba, Member for Makueni.

**Hon. Suzanne Kiamba** (Makueni, WDM): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to this Bill.

While I think it is in order to have the National Disaster Risk Management Authority, I wish to raise a few concerns. One of them is the fact that we work very hard in this country to create many structures. We have many of them that end up having no budget or money to do what we wish them to do. For example, on issues of water, you will find Tanathi Water Works Development Agency, Athi Water Works Development Agency, Water Resources Management Authority (WRMA) and around three others. However, the budget against the programmes is quite wanting.

For example, disaster risk management is under a particular ministry. The institutional capacity within the ministry is also very weak. Why should we continue creating more structures while we have institutionalised structures that do not have capacity? The moment we create a structure, it will attract a budget. We are living at times in this country when money is very scarce. I see a new budget coming up when I sit and listen to debate about this Bill. I am wondering when we will have money for the outcomes we want to deliver in this country if we continue making many budgets overheads.

I also find it very interesting because disaster happens occasionally, and not every day. You must have a budget to be taken care of every month the moment you create an authority. Disaster should be mainstreamed because we have health, water, food and security related disasters. In my view, an authority is so much an overhead. We need a department to mainstream risk and disaster management. That way, we will reduce the cost of managing these disasters right from the national level to the county level. Otherwise, we will have so many structures with no money to enable them deliver the outcome we want for our people.

You can see I do not agree with this Motion of having more structures. As a Kenyan representative, I am interested in delivering outcomes to our people. Look at our leadership structure. We have a Kenyan at the grassroot level represented by the President, the Deputy President, Senator, Woman Representative, Governor, Member of Parliament, and Member of County Assembly. I have not mentioned the Chief and the Assistant Chief. What reaches that voter at the ground after all these processes? When it comes to service delivery, we go through the same line-up. Let me not call it a mess. It is the same kind of thinking. We will create so many structures. When it comes to service delivery, we will spend most of the income without bringing the change we want.

I am opposing this Motion. In my view, risk management does not happen every day. We should not have somebody sitting in an office 365 days in a year waiting for a disaster to happen. People in every sector and ministry should strengthen their disaster preparedness components. By doing so, we can deliver seamless outcome to our people when disaster

emerges. Otherwise, I oppose the creation of that structure. I wish it could be integrated in already existing structures and we will deliver service.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. (Dr) Suzanne Kiamba is saying that if Parliament is struck now, we should not have some authority sitting somewhere deciding whether there should be a response. We should have in-built disaster response systems. According to her, there is no need for an authority. That is what she is saying. Hon. Martin Owino says that we should classify disasters along those that the counties and the national governments respond to instead of waiting for a disaster to strike and then sit down and plan on how to respond. Everybody will be dead by then.

*(Laughter)*

The Mover should now reply. Hon. (Dr) Oundo, I see you. I remember giving you an opportunity to address the nation on this Bill.

Proceed, Mover.

**Hon. Peter Lochakapong** (Sigor, UDA): Thank you, Hon. Temporary Speaker. On behalf of the Leader of the Majority Party, Hon. Kimani Ichung'wah, the Member for Kikuyu Constituency, I take this opportunity to reply.

First, I thank all the Members who got opportunity to contribute. We have taken their concerns and contributions. In the next stage, we are going to critically look at their contribution and see how to incorporate the issues they have raised while debating this Bill. I also take this opportunity to thank Members of the Committee on Regional Development for doing a good job. Of course, wherever they are, they have also seen the concerns of Members. They have also made proposals, having gone through the Report and the Bill.

I think I have seen Members talk about definitions that we need to recheck. From you, I have also heard that we need to relook at Clause 33 and the many other proposals Members have given. As a Committee, we also proposed amendments to this Bill. We will bring them during the next stage together with what Hon. Members have proposed. We will look at it again then come back here and agree as a House, on how we are going to move forward. However, it is evident that a majority of the Members have supported this Bill. From their contributions, this Bill would not have come at a better time than now. I sincerely commend and thank them for their support. Of course, we need to address the issues they have raised. I think it is welcomed.

Disasters have been managed from various quarters in this country. An example is the landslide in West Pokot the other time. It struck Sigor Constituency, parts of Pokot South and other regions of this country. The Kenya Defence Forces (KDF) mainly did the response. In some other instances, it was very difficult for agencies and well-wishers to access areas with landslides. It was very difficult.

Hon. Temporary Speaker, coming up with this Bill, which seems to provide a legal framework for co-ordination of disaster risk management, is a good thing. As it is now, the KDF does it. There is also a disaster operation centre at the Ministry of Interior and National Administration. We have an agency like the Kenya Red Cross and others. It is important that we have a legal framework so that all the actors involved in disaster risk management get coordinated and take stock of even the actors in disaster risk management. We have even proposed in this Bill that we are going to have a register of all the actors and players who do something about disaster.

The Fourth Schedule to the Constitution provides that disaster management is a shared function between the two levels of government. That is, the national government and the county governments. That is why we have proposed a National Disaster Risk Management Authority.

---

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

We will have the County Disaster Committees at the county level to be headed by somebody who will be competitively recruited. That way, we will have a situation where the two levels of government coordinate and work together to address cases of disaster.

The people who are in the counties are Kenyans. We do not have people of the national Government and people of the county governments. Whenever a disaster occurs, it affects Kenyans. This Bill is good because it is going to help in terms of reaction time between the time a disaster occurs and the time it is addressed.

Hon. Temporary Speaker, I know the various issues that have been put forward will be taken into consideration. The enactment of this Bill will lead to efficient and effective management of disasters across the country. Contributions made by Members here have suggested that it may be too bureaucratic between the time a disaster occurs and the time it is classified. However, the reaction time between when a disaster occurs and when it is addressed will be short time because we have also classified it into a county and national disaster. In one that affects more than one county, we have called it national, but when it affects one county, it remains a county disaster. In instances where it affects one county and the county is unable to manage it, we call it a national disaster.

We have also said that the President can declare a state of disaster. The President comes in if the magnitude of a disaster gets to a certain level to declare a state of national disaster.

With all the input by the Members and what we have proposed as a Committee for amendments, this Bill will go a long way in ensuring that whenever disasters strike or whenever we have instances or cases of disasters, there will be a coordinated way of responding to them and in a timely manner.

With those few remarks, I sincerely thank the Members who have contributed. I beg to reply. Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you very much, Mover. For the convenience of the House, the Question on Second Reading of this Bill will be put the next time it will be scheduled for consideration by the House Business Committee.

*(Putting of the Question deferred)*

Next Order.

## MOTION

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

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

**Hon. Gideon Mulyungi** (Mwingi Central, WDM): Hon. Temporary Speaker. I beg to move the following Motion:

THAT, this House adopts the Report of the Decentralized Funds Accounts Committee on its examination of audited 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.

The Decentralised Funds Accounts Committee is a Select Committee established pursuant to the National Assembly Standing Order 205(b) and is responsible for the examination of the reports of Auditor-General on the accounts of, among others, the National Government-Constituencies Development Fund (NG-CDF) and the National Government Affirmative Action Fund (NGAAF).

---

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

The NG-CDF has had significant impacts on our communities and on individual lives since its establishment in 2003. Hon. Members can attest that the Fund has helped transform our communities through the development and maintenance of infrastructure projects, especially in schools and other educational facilities, as well as provision of bursaries to needy students. These NG-CDF funded projects have stimulated economic activities in the constituencies by providing employment opportunities during construction and enhancing local infrastructure that supports businesses leading to increased economic growth and prosperity. Improved access to education, on the other hand, has translated to communities to be more empowered leading to better lives. It is indeed an economic stimulus programme which should be cascaded to other development projects.

One important aspect of the NG-CDF projects has been the participatory nature of the projects it funds. The NG-CDF often involves community participation in project selection, implementation and monitoring. This has empowered communities to take charge of their development priorities and foster a sense of ownership over the projects leading to sustainable development outcomes unlike other development projects.

Oversight over national revenue and expenditure is amongst the roles of the National Assembly as stipulated under Article 95(4)(c) of the Constitution of Kenya. Further, Article 226 of the Constitution provides that an Act of Parliament shall provide for the designation of an accounting officer in every public entity at the national level, who is accountable to the National Assembly for its financial management. In addition, Article 229(8) of the Constitution mandates this House to debate and take appropriate action on audit reports from the Auditor-General. Further, Section 68(1) of the Public Finance Management Act 2012 provides, *inter alia*, that an accounting officer of the national Government entity, Parliamentary Service Commission and the Judiciary shall be accountable to the National Assembly to ensure that the resources of the respective entity for which he or she is accounting officer are used in a way that is lawful, authorised, effective, efficient, economical and transparent.

In addition, Section 12(3) of the National Government-Constituencies Development Fund Act No. 30 of 2015 provides that the Fund Account Manager shall hold the authority to incur expenditure of the funds at the constituency. The Fund Account Managers were, therefore, invited to respond to concerns raised by the Committee in their capacity as Authority to Incur Expenditure (AIE) holders. It is in line with this constitutional and legal provisions that the Committee invited the Fund Account Managers, both current and former, as accounting officers of the NG-CDF to respond to audit queries raised by the Auditor-General during their tenure. The Committee also invited the board of the NG-CDF to respond to policy issues which were also subjected to audit queries. Information received formed the basis for the various recommendations outlined in this Report which are geared towards effective management of the Fund.

While examining the audited accounts for Vihiga, Sabatia, Hamisi, Emuhaya and Luanda constituencies in Vihiga County, the Committee observed that in the Financial Year 2013/2014, all the constituencies examined at audit issues raised following the High Court of Kenya ruling on Petition No.71 of 2013 which held that establishing the National Government-Constituencies Development Fund 2013, since enactment of the Constitution of Kenya 2010, was unconstitutional. The Committee further observed that the issue was overtaken by events as it was addressed and raised through the passing of the NG-CDF Act 2015 and its regulations in 2016, which aligned the Fund functions to national Government functions. The functions were further aligned by the enactment of the NG-CDF Act, 2023, recently passed by this honourable House.

The Committee also observed in all the constituencies the Auditor-General had raised issues on under expenditure or non-implementation of projects due to late receipt of funds in the constituencies. The Committee observed that this was beyond the capacity of the fund

account managers and recommended that the National Treasury should ensure timely and adequate disbursement of funds to the NG-CDF Board for immediate release to the constituencies.

Hon. Temporary Speaker, the Committee also observed that in all the constituencies examined, documents were availed late for verification during the audit period. It recommended that the accounting officer should ensure that the Fund Account Managers comply with the provisions of Section 62(1) (b) and (c) of the Public Audit Act No.34 of 2015, which provides that a person shall not - without justification - fail to provide information required under this Act, and without justification, fail to provide information within reasonable time that is required under this Act.

The Committee also made some general observations and commendations on issues that cut across five constituencies in Vihiga County as follows:

Firstly, in regard to reallocation and use of emergency funds, it observed that some of the projects funded using the funds did not meet the threshold of Section 6(2) and 8 of the National Government Constituencies Development Fund (NG-CDF) Act, 2015. The Committee recommended that the NG-CDF Board should ensure that the Fund Account Managers comply with the provisions of Section 6(2) and 8 of the NG-CDF Act 2015, which provides that once funds are allocated for a particular project, they shall remain allocated for that project and may only be re-allocated for any other purpose during the financial year with the approval of the Board, and in Section 8(1), a portion of the Fund, equivalent to five per centum (hereinafter referred to as the "Emergency Reserve") shall remain unallocated and shall be available for emergencies that may occur within the Constituency. In Section 8(2), it provides that the constituency committee shall determine the allocation of the emergency reserve in accordance with the Act, and in Section 8(3), it provides that emergency shall be construed to mean an urgent, unforeseen need for expenditure for which it is in the opinion of the committee that it cannot be delayed until the next financial year without harming the public interest of the constituents.

Secondly, in respect to pending ongoing projects, the Committee observed that the critical cause of them being common in their constituencies was partial allocation of funds for projects. It, therefore, recommends that the NG-CDF Board should, with immediate effect discourage the partial allocation of funds and ensure that the projects are completed at most within two financial years. Further, the NG-CDF Committee should ensure proper costing of the projects is done through consultation with the relevant Government and departments to ensure realistic cost estimates. The NG-CDF Board should also come up with a realistic policy framework of costing projects for each constituency by the end of the first quarter of the Financial Year 2023/2024 which is informed by the cost of materials and transportation, taxes, inflation index and the typography of each constituency.

Thirdly, the Committee observed that there was poor coordination between the Office of the Auditor-General and the Fund Account Managers, particularly regarding the timely response to audit queries. The Committee further observed that there is a need for the NG-CDF Board to inform Fund Account Managers across the country to respond to audit queries promptly. The Committee recommended the NG-CDF Board to issue an administrative circular directing Fund Account Managers to comply with the provisions of the Constitution, 2010, the Public Audit Act No.34 of 2015, the Public Finance Management Act No.18 of 2012 and the Public Procurement and Asset Disposal Act No.33 of 2015. The Board ensures the Fund Account Managers maintain the original project management files at the NG-CDF office, or the duplicates are maintained at the project committees at the project sites to ensure that documents are available at the time of audit; and ensures that constituencies' committees employ qualified accountants for the constituencies' offices beginning the Financial Year

2023/2024 within a 6 per cent as administrative allocation to the Board. This will strengthen the maintenance of books of accounts and preparation of financial statements.

Lastly, on the accuracy of financial statements, the Committee observed that Fund Account Managers experienced challenges in adopting to the International Public Sector Accounting Standards' (IPSAS) reporting framework in preparation of financial statements. The standards were introduced in the Financial Year 2013/2014 in the public sector and failure to comply with them in subsequent years occasioned qualification or financial statements. The Committee also established that public sector accounting standards board reviews the IPSAS Standards periodically to take into account emerging issues and conform to best accounting practices. Some Fund Account Managers experienced challenges in the application of these standards while preparing financial statements as envisaged in the audit queries. The Committee recommends that the Fund Account Managers comply with the IPSAS framework in preparation of financial statements. The Board in consultation with the IPSAS Board conducts continuous capacity building on financial reporting standards for constituencies' staff; and the Board in consultation with the Public Procurement Regulatory Authority (PPRA) should conduct continuous capacity building to all Fund Account Managers on procurement laws and regulations within three months of the Tabling of this report.

As I conclude, allow me to mention that while examining these reports, the Committee did not find anything adverse or alarming. The observations and recommendations of the Committee show that there is nothing to worry about in the implementation of the NG-CDF projects. I therefore sincerely congratulate the respective Members of Parliament in these constituencies for the good work they are doing in their constituencies and thank both current and former Fund Account Managers for their cooperation when they were called upon to appear to give evidence to the Committee on the audited accounts. I wish to acknowledge the Chief Executive Officer (CEO) of the Board for the technical support they gave the Committee during the examination and guidance provided to the constituencies on the policy matters, which have streamlined the reporting of the constituencies' accounts. I take this opportunity to appreciate my fellow Committee members for their commitment to the work before us and for sitting for long hours to examine the reports before the Committee to come up with this Report. I thank the Office of the Speaker and the Clerk for the support given to the Committee. I also extend the Committee's appreciation to the Office of the Auditor-General, the National Treasury and the Committee Secretariat for the good work they put in in facilitating the Committee and providing the technical support that enabled the Committee to finalise the Report.

Hon. Temporary Speaker, I beg to move. Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Who is seconding the Motion?

**Hon. Gideon Mulyungi** (Mwingi Central, WDM): May I request Hon. Muthoni Ikiara to second.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Muthoni Ikiara should have the microphone to second.

**Hon. Dorothy Muthoni** (Nominated, UDA): Thank you, Hon. Temporary Speaker. I beg to second the Motion on the Report of the Decentralised Funds Accounts Committee on its consideration of the financial statements for the NG-CDF for five constituencies in Vihiga County for financial years 2013/2014, 2014/2015 and 2015/2016. I wish to appreciate that the NG-CDF is one of the funds that are felt on the ground. It is important to note that the issues that are normally raised when we go for audit cut across all constituencies. During the examination of these financial statements, we do realise that in all the constituencies, the issues that we come across normally are the same. We have taken time, more often than not, to scrutinise all the reports brought by the Fund Account Managers. For instance, on the issue of unimplemented projects, the Committee observed there was massive delay in implementation of projects in these constituencies in Vihiga. The reason given was that the National Treasury

delayed disbursement of funds. The Committee recommended that the National Treasury ensures timely and adequate disbursement of funds to the NG-CDF Board for immediate release to the constituencies to avert these massive delays.

I also wish to reiterate that the Committee observed there was poor coordination between the office of the Auditor-General and the Fund Account Managers particularly regarding the timely response to audit queries. The Committee further observed that there is a need for the NG-CDF Board to inform Fund Account Managers across the county to respond to audit queries promptly.

The Committee recommends that the NG-CDF Board should ensure constituency committees employ qualified accountants in the constituency offices. We also observed that sometimes Fund Account Managers do not get proper induction and they do not know what to bring for audit. This makes the Committee to keep inviting them to avail documents. We want to urge the NG-CDF Board to ensure that they properly induct all Fund Account Managers to avert wastage of public resources and the Committee Members' time because we normally sit for long hours to come up with credible reports.

I wish to join my Chairman in saying that in all constituencies, money was prudently used. Members of Parliament should be applauded because of doing their oversight role well. It is important to note that only the NG-CDF funds are properly utilised and accounted for. People see development in their constituencies. I am saying this because counties also have funds but the buildings we see, wherever we go, are NG-CDF projects. This Fund is properly utilised, except for the few issues we have raised because of massive delay in disbursement of funds.

On that note, as a Committee, we wish to urge the NG-CDF Committee of this House to urge the National Treasury to release funds on time to avoid massive delay in implementation of projects.

I wish to second this very important Report and say that the NG-CDF is the way to go. Thank you, Hon. Temporary Speaker.

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

*(Question proposed)*

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. (Dr) Wilberforce Oundo, Member for Funyula.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker. Allow me to commend the Decentralized Funds Accounts Committee for the wonderful job they have been doing and to also sympathise with them as well. I hope they are listening so they can receive my sincere sympathy. Trying to audit books of account from 2014 and 2015 and debts is a herculean task. So, they must have Solomonic wisdom to have unravelled this matter.

This is also interesting and commendable because naturally, the standard practice is that after seven years, accounting documents are destroyed or declared redundant. How did they manage to review the financial books of accounts for 2013? Indeed, I must commend them because an architect can always redraw a destroyed house. I know the Chairperson is an architect and having been a Principal Secretary probably, he learnt the art of exorcising old ghosts.

I must also admit that a number of Fund Account Managers who attended this meeting to discuss the audited accounts had not joined the Board when these funds were expended. Indeed, they grappled in the dark, but it is good to see their calibre. They were able to answer all the questions adequately based on the records available.

Articles 95 and 96 of the Constitution bestows upon the National Assembly the mandate to oversight Government funds. Indeed, this is what Members of Parliament do in the National Assembly and also in *Mashinani* in respect to the NG-CDF. Firstly, I want to reiterate very clearly for avoidance of doubt, that Members of Parliament are not Members of the NG-CDF committees, at the constituency level.

Secondly, with the change of the law, even when Members of Parliament by any accident used to sit in the oversight committee, that has long been reversed. So, essentially the NG-CDF is a completely independent Fund run by its own structures. The Members of Parliament only oversight, just like we oversight national Government projects. We can attend the launch of any national Government project by the President, cabinet secretary or principal secretary. So, our attendance in a launch or handover is part of our representation and oversight role.

We simply oversight by seeking to find out what has been done. We are not directly involved in the management of this Fund. Reports are brought here, but we just oversight like anybody else can do anywhere. So, I want members of the press and everybody to desist from associating a Member of Parliament with any misappropriation, corruption or unethical management of funds at any given time.

The Authority to Incur Expenditure holder, as the Chairperson clearly explained, is the Fund Accounts Manager at the constituency level while it is the Chief Executive Officer at the board level. So, if there is an issue, the people to answer questions are the AIE holders or the Fund Accounts Managers who also work within the local context. So, it is important for the office of the Auditor-General and all those involved in any form of oversight or audit to put in mind that there is a local environment or circumstances.

During the procurement process, you can go to some remote constituencies and not get contractors with the required documentation at any given time. You impose certain types of plants and machineries, and expect some kind of personnel who will never be found.

If we were to strictly follow the Public Procurement and Asset Disposal Act, most of the tenders for small projects by the National Government Constituencies Development Fund would be non-responsive. Therefore, the funds would not be spent and there would be no value for money. That is why we always urge the auditors to consider what the law says, but the law is progressive. It is not stuck in one point or another. Even the provisions about interpretation of the Constitution state that it is a living document which must be interpreted as such and not as a dead horse, which you flog and does not respond.

It is not only this particular Fund. Other funds like the Equalisation Fund work in very remote places. The Office of the Auditor-General should be realistic, reasonable, and alive to the fact that there are local circumstances that dictate different approaches to a strict procurement process that could be undertaken here in Nairobi or elsewhere.

It is similar when it comes to building by-laws. There are adaptive building by-laws depending on the local circumstances. Some of the building materials that we use in Nairobi are not applicable in some places because of the adverse environmental and weather conditions. These are the kinds of debates that we need to put in place so that we do not just operate in a straitjacket as if we are robots who are unable to think beyond a reasonable level.

Since the NG-CDF came into operation - and I stand to be corrected - if we conducted an opinion poll, every Kenyan would flag out the NG-CDF as the most impactful, devolved Fund in this country. Go anywhere in this country and you will see its impact.

Last week on Friday, I had the privilege to drive all the way from Suna West to Ndhiwa, through Karachuonyo to Kisumu City. The only thing we saw were signboards for the NG-CDF projects everywhere we went. Around Katito Town, I stopped and asked the locals whether there was no county government in that part of the world, which looked like the western part where I come from. The only county government signboards we could see were

the barriers along the road to collect cess and illegal levies. They told us that they only see county government officials hovering around with sirens and carrying special chairs to sit on during funerals. Once they are done, they carry those chairs, load them onto pickups and zoom to the next function.

The impact of county government funds, equitable funds, and even their own source revenue is nowhere to be seen. That is why I call upon Kenyans of goodwill wherever they are to fight tooth and nail with their blood and water to ensure the NG-CDF is never touched at any given time. When your child has no school fees, who comes to the rescue 99 per cent of the time? It is bursaries from the NG-CDF. Any time the wind blows off a roof of a classroom, where do you run to as the first point of call? You run to the NG-CDF to assist you. When dealing with very mundane issues like when public health officers condemn toilets, where do you run to? You run to the NG-CDF. It is incumbent upon all Kenyans wherever they are to always train their eyes on how the NG-CDF funds are used at any given time.

The money does not belong to the Members of Parliament. It is the people's money. If you find anybody speaking ill of the NG-CDF, and even contemplating or imagining that they can abolish it, they are completely abolishing you and your entire lineage.

I wish there could be a bit of collaboration between the NG-CDF and the county governments. We could have done much more than what we are doing. Whatever too small administrative clerical mistakes they are, we urge Kenyans and the office of the Auditor-General to just treat them as they are. They are of no material impact.

Therefore, I ask the Fund Managers to consistently ensure that we comply with the law at any given time.

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

The Temporary Speaker is still busy. So that at any given time, we can get value for money.

Hon. Temporary Speaker, the financial year is coming to an end. As we stand here today, we have so many CBC classrooms that are stuck. They are not moving because the disbursement has not come. We urge the NG-CDF Board to hasten the disbursement of the funds so that we can put in place rapid response measures to ensure that the classrooms are completed so that our boys and girls do not have to sit outside as they learn.

Remember, in 2026, the current Grade 8 will transit to secondary school after Grade 9. And the pathways will require massive investment in terms of art studios, performing studios, science laboratories and the rest. We must start planning in advance to ensure that we are ready. The only responsive Fund that can plan is the NG-CDF. We urge all those who have got any infrastructure funds for schools or whichever, to channel them through the NG-CDF. It will offer better services than giving to technocrats who do not understand the local circumstances.

With those very many remarks, Hon. Temporary Speaker...

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

**The Temporary Speaker** (Hon. Peter Kaluma): Just a minute, Hon. Oundo. What is out of order, Hon. T.J. Kajwang'?

**Hon. Dr Ojiambo Oundo** (Funyula, ODM): How can I be out of order?

**Hon. TJ Kajwang'** (Ruaraka, ODM): You know, Hon. Temporary Speaker, this good professor will never be out of order, but sometimes he forgets that he is speaking to the nation. I did not want to interrupt my friend, although I saw that he has fairly prosecuted this matter. But looking at the House, I would have really wanted Members from Vihiga to be here. Although we are discussing public expenditure and how it should be audited by the House, it is important to remember that these funds are being used by the people of Vihiga.

My friend comes from Busia, but he is a neighbour to Vihiga. How I wish that Vihiga people were here to debate this more robustly, so that the people of Vihiga, as a people, can feel that their money is utilised properly and are audited properly.

And even the Auditor-General who is not in this House... You see, there should be annexures so that people understand that this is money from the national Government audited by an independent Auditor-General within the law, and brought to this House, inspected by this House, and resolutions taken by this House to oversee those audit queries.

So, Hon. Temporary Speaker, in that light, would I be in order, in the circumstances that we face, to state that this House is not quorate to discuss this matter exhaustively, and therefore, the Speaker should order that the Bell be rung?

**The Temporary Speaker** (Hon. Peter Kaluma): Do you have the numbers?

*(The Clerk-at-the-Table conducted a headcount of Members present)*

It is confirmed to me that we are operating below the requisite quorum. I order that the Bell be rung for 10 minutes.

*(The Quorum Bell was rung)*

### ADJOURNMENT

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Members, the time being 6.30 p.m., this House stands adjourned until Thursday, 11<sup>th</sup> April 2024, at 2.30 p.m.

The House rose at 6.30 p.m.

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