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THE HANSARD

Tuesday, 12th November 2024

The House met at 2.30 p.m.

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

PRAYERS

The Temporary Speaker (Hon. David Ochieng'): Hon. Members, I confirm that we have quorum. We can proceed. Call out the Orders.

COMMUNICATION FROM THE CHAIR

PRESENCE OF DELEGATION FROM PARLIAMENT OF UGANDA IN SPEAKER'S ROW

The Temporary Speaker (Hon. David Ochieng'): Take your seats. Hon. Members, I wish to make a Communication with regard to the recognition of a Delegation from the Republic of Uganda, who are seated in the Speaker's Row. The Delegation comprises five Members of Parliament drawn from the Parliamentary Committee on Health. The Members include:

1. Hon. (Dr) Ruyonga Joseph - Committee Chairperson/Leader of the Delegation.
2. Hon. Isaac Otimgiw - Member.
3. Hon. (Dr) Batuwa Timothy - Member.
4. Hon. Nebanda Andiru Florence - Member.
5. Hon. Ayebare Margaret - Member.

The Delegation, which is accompanied by two parliamentary staff is in the country to exchange experiences and learn best practices through engagements with the National Assembly's Departmental Committee on Health, chaired by the Hon. Pukose, who is in the House this afternoon, the Kenya Pharmacy and Poisons Board (PPB) and the Kenya Medical Supplies Authority (KEMSA).

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

Thank you.

(Applause)

(A Member spoke off the record)

There cannot be anything out of order from the Chair's Communication. Let us have Hon. Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Speaker.

I want to join you in welcoming the delegation from the Parliament of Uganda, led by Hon. (Dr) Joseph Ruyonga, who are here on a benchmarking visit.

In the morning, we had a very fruitful discussion between the National Assembly Health Committee Members and the Delegation from Uganda. As you have indicated, they are here to learn from us. We have also learnt some things from them.

Ugandans are our neighbours. They are our brothers and sisters. They will also be here during the East African Legislative Assemblies (EALA) Games, which we will be hosting in Mombasa. Our team leader, Hon. Engineer Kawaya, who is seated behind me, is telling me that the Kenyan team is prepared in all aspects. We will be engaging all our brothers and sisters from the East African region. We want them to enjoy the City of Nairobi – the City in the sun. It is a very beautiful city with the hospitality of the Kenyan people. I want to ask them to enjoy the warm welcome by Kenyans.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Next Order.

(Loud consultations)

Leader of the Majority Party. Order Members. We shall listen to the Leader of the Majority Party in silence.

PAPERS

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

1. The National Assembly Annual Report 2023/2024.
2. Report of the Auditor-General of the Green Climate Fund Readiness Project (Grant No. KEN-RS-004) for the Year ended 30th June 2022 and the certificate therein – National Treasury.
3. Reports of the Auditor-General and Financial Statements for the years ended 30th June 2021, 30th June 2022, 30th June 2023 and the certificates therein in respect of:
 - (a) Sawagongo High School;
 - (b) St. Francis Rang’ala Girls High School;
 - (c) Flamingo Secondary School;
 - (d) Ng’iya Girls High School. Hon. Temporary Speaker, I know where that school is; and,
 - (e) Hillcrest Secondary School.

Temporary Speaker (Hon. David Ochieng’): Hon. Member, it is “Rang’ala”.

Hon. Kimani Ichung’wah (Kikuyu, UDA): St. Francis Rang’ala High School.

The Temporary Speaker (Hon. David Ochieng’): Correct.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Temporary Speaker, you seem to know where the school is. Thank you. I have been to Ng’iya Girls High School.

The Temporary Speaker (Hon. David Ochieng’): I have also been to Rusinga Girls High School. Chairlady of Constitution Implementation Oversight Committee, Hon. Wamuchomba, Member for Githunguri, you have business in the House this afternoon. I hope you are aware. I assume that you are the Chairlady of the Constitution Implementation Oversight Committee. Is that the position?

Hon. Gathoni Wamuchomba (Githunguri, UDA): Hon. Temporary Speaker, I am ready for the business.

The Temporary Speaker (Hon. David Ochieng’): Proceed.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Hon. Temporary Speaker, I beg to lay the following Papers on the Table:

Reports of the Constitution Implementation Oversight Committee on:

1. Participation in the collaboration and partnership meetings in the United Kingdom (UK) from 21st May to 28th May 2024.

2. First Report on the Status of Implementation of the Constitution by the following Independent Commissions:

- (a) Kenya National Commission on Human Rights (KNCHR);
- (b) The National Land Commission (NLC); and
- (c) The National Gender and Equality Commission (NGEC).

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Thank you. You can lay the Papers.

(Hon. Gathoni Wamuchomba laid the Papers on the Table)

Next is the Chairperson of the Departmental Committee on Agriculture and Livestock.

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

Report of the Departmental Committee on Agriculture and Livestock on its consideration of the Agricultural Professionals Registration and Licensing Bill (National Assembly Bill No.19 of 2024).

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Proceed to lay.

(Hon. (Dr) John K. Mutunga laid the Paper on the Table)

Next is the Chairperson of the Departmental Committee on Trade, Industry and Cooperatives, Hon. Gakuya. He seems not to be in. Hon. Marianne, are you the one standing in for him? Go ahead

Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Speaker, I beg to lay the following Paper on the Table:

Report on the Departmental Committee on Trade, Industry and Cooperatives in its consideration of the Cooperatives Bill (National Assembly Bill No.7 of 2024)

Thank you.

The Temporary Speaker (Hon. David Ochieng’): Proceed to lay.

(Hon. Marianne Kitany laid the Paper on the Table)

Finally, let us have Hon. Murugara, the Chairperson of the Departmental Committee on Justice and Legal Affairs.

Hon. George Murugara (Tharaka, UDA): Thank you, Hon. Temporary Speaker. I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Justice and Legal Affairs on its consideration of the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No.50 of 2023).

The Temporary Speaker (Hon. David Ochieng’): Next Order.

NOTICE OF ADJOURNMENT ON A MATTER OF URGENT NATIONAL IMPORTANCE

IMPLEMENTATION OF THE SOCIAL HEALTH INSURANCE FUND

The Temporary Speaker (Hon. David Ochieng’): Member for Rangwe, move your notice of Motion.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Thank you, Hon. Temporary Speaker. Pursuant to Standing Order 33(1), I rise to seek leave for adjournment of the House in order to discuss a definite matter of urgent national importance regarding the implementation of the Social Health Insurance Fund, otherwise called (SHIF), which officially began on 1st October 2024.

The Social Health Insurance Fund is designed to promote universal health coverage by ensuring that all individuals and communities have access to essential quality health services from health promotion and prevention to treatment, rehabilitation and palliative care without facing financial hardship. While the objectives of SHIF are commendable, as it aims to bridge critical gaps in health access, the rollout has encountered significant challenges that undermine its effectiveness. In the past one month, many patients requiring urgent essential treatment such as cancer and renal care have experienced severe delays in treatment despite being prior contributors to the defunct National Health Insurance Fund (NHIF).

In addition, health facilities have raised concerns on the inadequate funding and delayed disbursements by the Social Health Authority (SHA), resulting in financial constraints that hinder their ability to provide critical services. Sadly, due to the technical issues encountered on the SHIF portal, many patients are being forced to pay out of their pockets, imposing further financial strain on those who cannot afford such expenses and endangering their lives by delaying life-saving treatment.

It is against this background that I seek leave of the House to discuss this matter of national importance with a view to exploring possible and lasting solutions to this problem.

(Loud consultations)

The Temporary Speaker (Hon. David Ochieng’): Order, Hon. Members! Kindly consult in low tones.

Hon. Members, this notice of Motion is to discuss the status of SHIF. I confirm that the Member has the requisite support and, therefore, I direct that the debate on this matter begins at six o'clock this evening.

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

The Temporary Speaker (Hon. David Ochieng’): What is out of order, Hon. Junet?

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, this is a very important issue of national significance as it directly touches on the lives of Kenyans. The government is implementing this new programme through the three laws passed by this House. Six O’clock is the happy hour and you know where Members go then. Serious business cannot effectively be discussed at that hour as Members will have retreated. Let us give this matter adequate time. I propose that we schedule the discussion from 4:30 p.m. to 7:00 p.m. In the worst-case scenario, we can start at 5:00 p.m. Members are even suggesting that we discuss it right now.

(Laughter)

Hon. Temporary Speaker, I seek your indulgence on this because if we do not engage in this discussion, Kenyans will remain unaware of whether we are guiding them against what they are going through. We need adequate time to discuss and dissect this matter. The Chairperson of the Departmental Committee on Health, Hon. (Dr) Pukose, must also be present to update us on the progress regarding this issue and how it is being implemented. We want to understand how Kenyans are benefiting from it and whether they are receiving good value for their money. We want to know everything about SHIF, SHA and “SHU.”

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(Laughter)

The Temporary Speaker (Hon. David Ochieng’): Well said, but there is nothing like “SHU.”

Hon. Wamuchomba, what is out of order? If it is about the timing, then the point has been ably made by Hon. Junet. We need to hold our horses.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Hon. Temporary Speaker, I seek your indulgence on this matter because five babies are born every hour in this country. If we do not prioritise such issues, by the time we discuss this matter at six o’clock, how many more babies will have been born the wrong way? I ask that we debate this matter immediately. This is an important national issue and it affects the outcome of medical services provided in this country. We want to address it now.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Hon. Kangogo.

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Temporary Speaker. I also thank Hon. (Dr) Lilian Gogo for raising this very important issue. I join my colleagues in stating that this matter is a serious issue of national importance. It affects the lives of Kenyans. We need to suspend any other business and prioritise it. We must discuss the health of our citizens because there is nothing more critical than the well-being of our people. Let us discuss it now.

The Temporary Speaker (Hon. David Ochieng’): I will make a ruling on this. Hon. Members, looking at the Order Paper, I direct that the notice given by Hon. (Dr) Lilian Gogo, the Member for Rangwe, will be considered at five o’clock or upon the conclusion of Order No.11, whichever comes first. Therefore, if we finish Order No.11 at 4:30 p.m., we will proceed with it.

It is so directed.

Next Order.

QUESTIONS AND STATEMENTS

The Temporary Speaker (Hon. David Ochieng’): I would like to remind everyone to keep their statements as brief as possible. In view of what I have just directed, I will not allow any comments on the request for statements.

The first request for a statement is by Member for Garsen.

REQUESTS FOR STATEMENTS

ABDUCTION OF PERSONS IN GARSEN CONSTITUENCY

Hon. Yakub Adow (Bura, UPIA): Hon. Temporary Speaker, I wish to state that I am requesting for this Statement on behalf of Hon. Ali Wario, the Member for Garsen.

Pursuant to the provisions of Standing Order (44)(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the abduction and disappearance of persons from Garsen Constituency.

On 5th October 2024, Mr Abdullahi Ahmed of ID No.42848612 was reportedly abducted by unknown gunman using a Toyota Hilux double cabin vehicle with registration number KCU 567U in front of Garsen Police Station. The incident allegedly occurred in the presence of police officers, including the Officer Commanding Station (OCS), as Mr Ahmed attempted to report the early abduction of his brother-in-law, Mr Ibrahim Ahmed. The disturbing trend of abductions, which has been on the rise in our country, is causing profound

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distress among affected families, who face agonising uncertainty about the fate of their loved ones.

It is against this backdrop that I request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

1. The reasons behind the abduction of Mr Abdullahi Ahmed and Mr Ibrahim Ahmed, including the identity of the abductors, if available, particularly given that the registration number of the vehicle involved is known;
2. The whereabouts of the missing persons, the status of any investigations conducted thus far, and any explanation regarding their continued detention incommunicado; and,
3. Measures the Government has put in place to ensure that counter-terrorism efforts are conducted in strict adherence to legal protocols and international human rights standards.

I thank you.

The Temporary Speaker (Hon. David Ochieng’): Thank you. I saw the Chairperson of the concerned Committee here. This request is directed to the Departmental Committee on Administration and Internal Security. Yes, Hon. Tongoyo.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Temporary Speaker, we will respond to the request in two weeks’ time.

The Temporary Speaker (Hon. David Ochieng’): Two weeks?

Hon. Gabriel Tongoyo (Narok West, UDA): Yes, in two weeks. Having said that, I wish to be on record that on Thursday last week, the Committee had a nearly three-hour engagement with the Inspector-General and the Deputy Inspector-General regarding the issue of missing persons and disappearances. This is now a case of hijacking. We will respond to this, along with other concerns.

The Temporary Speaker (Hon. David Ochieng’): Why is it in two weeks’ time and not in a week’s time?

Hon. Gabriel Tongoyo (Narok West, UDA): Security issues are complex and dynamic. Sometimes investigations can take longer than expected. As I mentioned, last Thursday, we discussed this matter with the Inspector-General for almost three hours. I require a comprehensive response.

The Temporary Speaker (Hon. David Ochieng’): The two-week timeframe has become a cliché. Every Chairperson claims they will respond in two weeks, yet we often do not receive the responses after that period.

Hon. Gabriel Tongoyo (Narok West, UDA): Then give us a maximum of 10 days.

The Temporary Speaker (Hon. David Ochieng’): Next is the Member for Nyaribari Masaba.

INSECURITY IN NYARIBARI MASABA

Hon. Daniel Manduku (Nyaribari Masaba, ODM): Hon. Temporary Speaker, pursuant to the provisions of Standing Order (44)(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding insecurity in Ikorongo Village, Nyaribari Masaba Constituency.

There has been a rise in insecurity in Nyaribari, Masaba Constituency, which has led to livestock theft. For instance, on 29th September 2024, two cows and a donkey were stolen from the farm of Mr Charles Okemwa Miraba in Ikorongo Village. The matter was reported at Ikorongo Police Station under OB No.03/29/9/2024.

Additionally, on 27th April 2024, two cows were stolen from the farm of Mr Douglas Matoke Isaboke. The incident was reported to Ikorongo Police Station under OB.

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NO.03/28/04/2024. Despite tracking the trail of the stolen animals of Mr Douglas Isaboke to Njipship Location in Trans Mara East Sub-County, efforts to recover them were unsuccessful.

It is against this background that I request a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the following:

1. Provision of a report on the status of investigations into incidents of cattle theft reported to Ikorongo Police Station.
2. The actions being taken to ensure that the perpetrators of the crimes are arrested and prosecuted without delay, and the stolen livestock returned to their owners.
3. Immediate steps the Government is taking to address insecurity in the area, including the underlying tension within the region bordering the county.
4. The long-term strategies being put in place to curb insecurity within the area.

I thank you, Hon. Speaker.

The Temporary Speaker (Hon. David Ochieng’): Hon. Tongoyo.

Hon. Gabriel Tongoyo (Narok West, UDA): I will have the Statement on Thursday next week. It is also good to notify the Member that the Committee will be visiting Angata Barikoi areas of Kilgoris next week on Friday. We will be in Kisii to look into issues of insecurity in border areas of the two counties. We will have an opportunity to interrogate security managers concerning the same.

The Temporary Speaker (Hon. David Ochieng’): Thursday, next week makes a lot of sense. Not two weeks. Thank you. Hon. Manduku, it is Thursday, next week.

(Hon. Julius Sunkuli spoke off the record)

There is nothing out of order on that issue Hon. Sunkuli. What is out of order?

Hon. Julius Sunkuli (Kilgoris, JP): I just want a clarification on when the Statement will be issued. Although the Hon. Member told me that the matter is not between Kilgoris and Kisii but between Emurua Dikirr and Kisii, stock theft might affect Kilgoris. However, stealing of donkeys does not affect Kilgoris.

(Laughter)

It should be strictly a matter between Trans Mara East and Kisii.

The Temporary Speaker (Hon. David Ochieng’): Hon. Tongoyo, you have heard. Hon. Sunkuli say that they have nothing to do with donkeys. Do not involve them on issues of donkeys. That is well said.

Hon. Manduku, take it up with the Chairperson. He says he will bring a Statement on Thursday, next week, and that a mission will be touring the same region on Friday the following week. Please, take it up with him. Get the dates and participate in getting answers.

Next is the Member for Kiambu, Hon. Machua Waithaka.

DETENTION OF MR JAMES KARIUKI IN UAE

Hon. John Waithaka (Kiambu, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I request a Statement from the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations regarding the arrest and prolonged detention of a Mr James Kariuki in Dubai, United Arab Emirates (UAE).

Several documents, including an Emirati identification card belonging to Mr James Kariuki of Passport Number AK0550628 then based in Dubai were stolen in a dubious recruitment process on 13th March 2020. He thereafter reported the incident to Naif Police Station in Deira City in Dubai to no avail. While at the airport waiting to board a flight to

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Kenya on 4th August 2020, officials who accused him of fraud arrested and accused him of obtaining money under false pretence as his documents had been used to defraud several victims in Dubai. His detention has persisted since then as the authorities require him to pay two million Dirham to secure his release. While still in detention, a fraud incident occurred where his documents were used but this was not enough evidence to secure his release.

It is against this backdrop that I request a Statement from the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations on:

1. The current status and condition of Mr James Kariuki, who is still detained, and whether any assistance has been granted to him.
2. A report on the investigation into the loss of identification documents belonging to Mr James Kariuki reported at Naif Police Station, including unauthorised use by criminals while he was in custody.
3. Steps taken to provide consular support and ensure communication between the detained individual and his family in Kenya.
4. Diplomatic measures being taken by Government to engage with UAE authorities to resolve this matter and ensure his repatriation to re-join his family.

Thank you.

The Temporary Speaker (Hon. David Ochieng’): Thank you.

Chairperson of Departmental Committee on Defence, Intelligence and Foreign Relations. Is the Vice-Chairperson of the Committee or the Leader of the Majority Party present? This is a very urgent matter that requires immediate action. We cannot see the Chairperson or the Vice-Chairperson here. The Whip of the Majority Party will have to take up this matter. You do not just have to take it up. You will have to give us the timeline within which you will take it up with the relevant Committee.

Hon. Naomi Waqo (Marsabit County, UDA): Yes, I will. I will discuss with the Chairperson. I believe the Committee should be ready within the next two weeks.

The Temporary Speaker (Hon. David Ochieng’): Hon. Member from Kiambu, take it up with the Whip of the Majority Party so that the relevant Committee is informed accordingly.

Hon. John Waithaka (Kiambu, UDA): Thank you.

The Temporary Speaker (Hon. David Ochieng’): Next is the Member for Kitui Central, Dr Makali Mulu.

STATUS OF COMPENSATION TO MASTER SIMON MUEMA FOR SEVERE INJURIES SUSTAINED FROM ELECTROCUTION

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I request for a Statement from the Chairperson of the Departmental Committee on Energy regarding the status of compensation to Master Simon Muema due to severe injuries suffered following electrocution from electricity power lines at Kyethani Primary School in Kitui County.

A tragic incident occurred where a live and hanging power line struck a minor, Master Simon Muema, on 16th December 2017 at around 6.30 p.m. He was playing around Kyethani Primary School. He received treatment at Mwingi Level 4 Hospital and later transferred to Kenyatta National Hospital, where he remained under care until 29th May 2018. His situation deteriorated significantly, ultimately requiring the amputation of his upper limb.

The incident was reported at Mwingi Police Station vide OB. No.23/17/2/2017 and the Kenya Power and Lighting Company (KPLC) offices in Mwingi, where officials assured the family that thorough investigation would be undertaken. However, despite several follow-up visits by the family seeking assistance, KPLC has taken no substantive action. The unfortunate

incident caused permanent physical disability to the minor. It has resulted in psychological trauma and financial hardship to the family.

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

1. Status of investigations and actions that KPLC has taken, if any, to address the matter.
2. The steps taken to compensate the family of the minor, including reimbursement for medical expenses, provision of a prosthetic limb, and compensation for the psychological effects of the resultant amputation.
3. Timelines as to when the family should expect to receive the said compensation.
4. Specific actions taken to prevent similar incidents, including regular inspection of electrical infrastructure, and safety measures to protect the public from hazardous electrical installations.

Thank you.

The Temporary Speaker (Hon. David Ochieng’): Thank you.

This request is directed to the Chairperson of the Departmental Committee on Energy. Is the Chairperson present? I can see Hon. Kawayia, or is it Hon. Vincent Musau, in the House. Go ahead.

Hon. Vincent Musau (Mwala, UDA): Thank you. I just had a conversation with the CEO of KPLC. He says that Kenya Power has an insurance in place for cases like electrocution. Every case is submitted to insurance. However, I will give a full response within the next one week.

The Temporary Speaker (Hon. David Ochieng’): The next one week is great. Hon. Makali, I think that is fair.

Next is the Member for Kipipiri. The Questions appearing on the Order Paper of today as No.5 and No.6 are deferred to a later date.

(Questions deferred)

Go ahead.

POINT OF ORDER

PENDING RESPONSE TO A REQUEST FOR STATEMENT

Hon. Wanjiku Muhia (Kipipiri, UDA): Hon. Temporary Speaker, recognising that we are constrained of time and that you have guided that we do not discuss any Statement, I wish to put it on record that Hon. TJ Kajwang’ confirmed something to me last week. It is that he would give a response to my Request for Statement dated 15th October 2024, which had been committed to the Departmental Committee on Transport and Infrastructure. I have not heard of it to date. If you could, guide the Chairpersons to work towards commitment to the statements we seek.

REQUEST FOR STATEMENT

HUMAN-WILDLIFE CONFLICT IN KIPIPIRI

Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Tourism and Wildlife regarding human-wildlife conflict in Kipipiri Constituency.

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Human-wildlife conflict in both protected and unprotected areas has remained a significant concern across the country for several decades. Recently, residents of Kipipiri Constituency have faced a surge in wildlife invasion and attacks, leading to loss of lives, livestock, destruction of crops, and damage to property. These incidents are primarily caused by marauding elephants, buffaloes, hyenas, monkeys and other wildlife, which have wreaked havoc in various parts of my constituency.

On 21st September 2024, a stray buffalo fatally gored a 42-year-old man called Mr Samuel Kahiga Kamau. Another individual sustained serious injury after the attack in Mwangaza village. Just a few days later, on 29th September 2024, another attack in Kiburuti area resulted in the loss of several livestock. An elephant killed a cow at Jiret area on 31st October. Most recently, on 5th November 2024, the residents of Demi lost four livestock in yet another wildlife attack. These increasing invasions have instilled a deep sense of fear among residents.

The losses incurred due to these incidents are profound as the value of human life is immeasurable. The damage to crops and loss of livestock caused by these recurrent wildlife attacks have plunged the residents into economic distress, given their heavy reliance on crop farming and animal husbandry for their livelihood. Human-wildlife conflicts not only disrupt local subsistence and industrial economics but also accelerate decline of wildlife population.

Hon. Temporary Speaker, it is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Tourism and Wildlife on the action being taken by the Ministry to:

1. Mitigate the human-wildlife conflict in Kipipiri Constituency and assure residents of their safety and security of their property.
2. Compensate for the loss of lives, injuries and property damages resulting from wildlife attacks.
3. Deploy Kenya Wildlife Service officers to the affected areas to help reduce the frequency and impact of the attacks.

I thank you.

Hon. Temporary Speaker, the residents of Kipipiri Constituency are living in fear of wildlife, and their Member of Parliament is also being threatened by the leadership of this House.

The Temporary Speaker (Hon. David Ochieng’): It is very serious.

(Loud consultations)

Order, Hon. Members.

I would like to hear from the Chairperson of the Departmental Committee on Tourism and Wildlife. Is the Chairperson in the House? What about the Vice-Chairperson? Hon. Members, we have advised chairpersons to be in the House. The Deputy Whip of the Majority Party.

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Temporary Speaker, it is unfortunate that the Chairperson and the Vice-Chairperson are not in. We need to be serious and committed to our task. Members of Parliament are today calling for a reshuffle so that we can get rid of all the chairpersons and the vice-chairpersons who are not committed. We can clearly see that they are not in the House. They are also not giving us the responses on time which is affecting the progress of our work. It is time we took action. This is a matter of interest to many Kenyans and it needs serious attention. I promise that within two weeks, the Chairperson will give us the response.

The Temporary Speaker (Hon. David Ochieng’): Thank you very much. That is a fair comment on the matter.

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

The Temporary Speaker (Hon. David Ochieng'): Hon. TJ Kajwang', what is out of order?

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Temporary Speaker, am I audible?

The Temporary Speaker (Hon. David Ochieng'): Use the microphone next to you.

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Temporary Speaker, you heard the Member for Kipipiri mention my name. May I confirm to her that I keep my promises and I am up to the task. I also keep my professional undertaking. I made a commitment and a professional undertaking that the Departmental Committee on Transport and Infrastructure will respond to her Question in the shortest period of time. I confirm to her that on Thursday afternoon, she will have an adequate response to her Question.

The Temporary Speaker (Hon. David Ochieng'): Thank you. We are not going to debate Questions or Statements this afternoon.

The next request for a Statement is by the nominated Member, Hon. Irene Mayaka.

DECLARATION OF CERTAIN AREAS IN NYAMIRA COUNTY AS PROTECTED AREAS AND NATIONAL MONUMENTS

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Speaker, I rise to request for a Statement regarding the declaration of protected areas in Nyamira County.

Pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Tourism and Wildlife regarding the declaration of certain areas in Nyamira County as protected areas and national monuments.

Tourism is a key driver of our economy and a significant contributor to economic activities. Nyamira County is fortunate to host numerous sites rich in cultural heritage that are essential for tourism, development and economic growth. These sites include the Manga Hills, Emanga Ridge, Engoro ya Manga, Keera Waterfall, Nkora Hills, and the Kiabonyoru Hills.

On Wednesday, 16th August 2023 during Question time, I posed a supplementary question to the Cabinet Secretary for Tourism, Wildlife and Heritage regarding the declaration of these historical sites, especially Manga Hills, as protected areas and national monuments.

The Cabinet Secretary acknowledged the significance of these sites and confirmed that a proposal was being developed in collaboration with the State Department for Culture and Heritage and the County Government of Nyamira to achieve this objective.

It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Tourism and Wildlife on the following:

1. A comprehensive report on the progress made by the Ministry of Tourism and Wildlife in implementing the undertaking by the Cabinet Secretary on Wednesday, 16th August 2023, including specific timelines for the completion of the said process.
2. A report on the number of heritage sites in Nyamira County that are currently receiving support from the Tourism Fund.

I thank you.

The Temporary Speaker (Hon. David Ochieng'): The Chairperson of the Departmental Committee on Tourism and Wildlife.

Hon. Njuguna Kwanjiku (Kiambaa, UDA): Thank you, Hon. Temporary Speaker. I am the Vice-Chairperson of the Committee and I confirm that I have heard the two Questions that have been asked. I confirm that we are doing our best to deal with the issue of human-wildlife conflict. We have had a discussion with the Ministry on its interventions on this. We promise that in the next two weeks, we will bring a response to this House in regard to the two Statements and the Question by the Member for Kipipiri, *Mheshimiwa Wanjiku Muhia*.

Thank you.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Hon. Kwanjiku, as you walked in, I am sure you heard the displeasure of the membership and leadership about the attendance of the chairpersons and vice-chairpersons of committees in the House. I hope you heard the displeasure and you will deal with it.

Hon. Njuguna Kwanjiku (Kiambaa, UDA): I am the Vice-Chairperson of the Committee, and I believe I am one of the most visible vice-chairpersons who attend plenary sittings. I think my attendance is also very high. I confirm that we will continue attending the Chamber sittings. My Chairman is out of the country for other duties, but I know he is a committed Member of this 13th Parliament. We will continue being available to serve our people and this Parliament.

Thank you.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Before I go to responses, there is a...

(The Temporary Speaker consulted with the Clerks-at-the-Table)

There are responses to requests for Statements to be issued by the Departmental Committee on Transport and Infrastructure. The first response would be to a Statement requested by the Member for Matuga Constituency, Hon. Tandaza Sawa. I will give this chance to the Chairperson of the Departmental Committee on Transport and Infrastructure. Hon. Zaheer Jhanda, I am told you are in charge of this. Are you?

Hon. Zaheer Jhanda (Nyaribari Chache, UDA): Thank you, Hon. Temporary Speaker. I would like to make a response to a Statement on behalf of the Chairman of the Departmental Committee on Transport and Infrastructure.

The Temporary Speaker (Hon. David Ochieng’): Order! I am informed that Hon. Tandaza is not in the House and I do not know whether he assigned that to any other Member. If not, you can table the response and he will look at it when he comes to the House.

Hon. Zaheer Jhanda (Nyaribari Chache, UDA): Hon. Temporary Speaker, I also have a Statement...

The Temporary Speaker (Hon. David Ochieng’): You are going to do that next. Is the Member for Saboti in the House? Hon. Amisi? These responses will be tabled accordingly and Members thereof lose any right to come and demand them on the Floor of the House.

The responses to those two questions have been tabled by the Chairperson of the Departmental Committee on Transport and Infrastructure and dealt with accordingly. Thank you.

Hon. Members, there is a Statement to be raised under Standing Order 43 by the Member for Bomet County. Hon. Linet Toto, this is your opportunity.

MEMBER’S GENERAL STATEMENT

STATUS OF HEALTHCARE SERVICES IN BOMET COUNTY.

Hon. Linet Chepkorir (Bomet County, UDA): Thank you Hon. Temporary Speaker for giving me this opportunity to make a General Statement regarding status of healthcare services at Longisa Referral Hospital in Bomet County.

Hon. Temporary Speaker, pursuant to the provisions of Standing Order 43, I rise to make a General Statement regarding the tragic death of a young girl, Diana Chepkemoui, from Tendwet Village, Bomet East Constituency, due to medical negligence at Longisa County Referral Hospital.

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It is with profound sadness that I bring to the attention of this House the untimely demise of a young girl named Diana who succumbed to bee venom complications due to medical negligence. On 10th November 2024, a distressing incident occurred where Diana was stung by bees and rushed to Longisa County Referral Hospital for emergency treatment. On arrival, she was left unattended for more than five hours at the hospital with reports of demands for payment during a life-threatening emergency. Sadly, she lost her life while being transferred to Tenwek Hospital for specialised treatment. This incident represents a violation of the constitutional right to the highest standard of health as enshrined in Article 43(1)(a) of the Constitution.

This tragic incident has also exposed deeper systemic issues within our healthcare system. The Medical Practitioners and Dentists Act, alongside other health regulations, place a duty on healthcare professionals to provide urgent care. The tragic loss of the young girl at Longisa County Referral Hospital is heart breaking and ought not to happen again. As we seek justice for Diana's family and accountability for this tragic loss, I urge this House to consider immediate interventions to address these systemic failures.

The people of Bomet County, and indeed, all Kenyans, deserve access to quality healthcare services delivered by professionals in well-equipped facilities. We must ensure that such preventable loss of life does not recur in our healthcare institutions.

Thank you, Hon. Temporary Speaker. I wish to donate my minutes to Hon. Richard Yegon.

The Temporary Speaker (Hon. David Ochieng'): You do not have any minutes to donate to anybody. Hon. Members, you have heard what Hon. Toto has said happened at Longisa. All of us watched the news in horror. We will not debate this, but I will give a chance to the Member for Bomet East to say something.

Hon. Richard Yegon (Bomet East, UDA): Thank you Hon. Temporary Speaker for giving me this opportunity to talk about the incident which happened in my constituency.

May I take this opportunity to sincerely convey my heartfelt condolences to the family of the young innocent child. This tragic incident underscores the troubling silence from the county government of Bomet which is yet to release any statement on this matter despite the fact that the incidence occurred at the Longisa County Referral Hospital. In times of such sorrow and for justice, the public rightfully expect accountability and transparency from their leaders. The absence of a response from the county government adds to the pain of this loss and raises concerns over the oversight and responsibility within our healthcare facilities.

In Diana's memory, it is crucial that authorities conduct a full investigation, identify those responsible and enact reforms to ensure such a tragedy does not happen again. Upholding the Constitution's right to healthcare as stipulated in Article 43(1)(a) means addressing the systemic issues head on and committing to equitable and responsive healthcare system for all citizens.

To add on, where is the Member of the County Executive Committee (CEC)? Where is the CEO? Where is the county referral hospital superintendent? Where is the governor? They are calling radio stations to complain to the Members of Parliament who are here in Nairobi. We are raising a lot of concerns with issues that are happening in the county referral hospital. This should be taken as crime scene.

Longisa County Referral Hospital, as in many cases, has shown it has a lot of problems that nobody is trying to address. We want county officials led by the governor himself, the Member of CEC and the CEO in charge of health for Bomet to be taken to account for this loss.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): Thank you, Hon. Members. That marks the end of Questions and Statements. I have been moved by the Chairman of the National

Government Constituencies Development Committee that he has an announcement to make. He will have three minutes or less to do so before we move to the next Order.

Hon. Musa Sirma (Eldama Ravine, UDA): Thank you Hon. Temporary Speaker for giving me this opportunity. I want to announce that today the National Treasury has finally released Ksh5.7 billion balance of the National Government Constituencies Development Fund (NG-CDF) money that was due. We are expecting to get the next balances for the start of the Financial Year 2024/2025 from December 2024.

I want to ask Members that as they go to their constituencies, let them ask their committees to audit to ensure that there is no money due for development remaining in the board. The more they stay there, the more constituents lose. We are required to finish Grade 9 classroom. Let us make sure that as Grade 9 report to school in the new year, they do not learn under trees, but learn in classes done by the NG-CDF.

May each Hon. Member do a good job and submit proposals as soon as possible for the Financial Year 2024/2025. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): Thank you.

(Hon. Kenneth Tungule raised his hand)

Does the Hon. Member raising his hand not have a card?

(Hon. Kenneth Tungule spoke off the record)

I cannot see you on the screen since you do not have a card. Go ahead.

Hon. Kenneth Tungule (Ganze, PAA): Thank you Hon. Temporary Speaker for giving me this opportunity. I am sorry because I want to take you back to request for Statements that was made by my colleagues regarding human-wildlife conflicts.

In September, around 18th or thereabout...

(Hon. Njuguna Kawanjiku stood in his place)

The Temporary Speaker (Hon. David Ochieng'): Hon. Kawanjiku, the Member for Kiambaa, the Statement being raised by the Member on his feet is for you.

Hon. Kenneth Tungule (Ganze, PAA): Thank you, Hon. Temporary Speaker. On 18th September or thereabout, I asked for a Statement on the floor of the House regarding human-wildlife conflict in Bamba and Ganze Constituency. I had stated that we are suffering from invasion of elephants from the Tsavo East National Park. They have invaded areas where people live. The Chairperson of the Committee promised that he would give a Statement in two weeks' time. It is almost two months and we have not heard anything from them. I am seeking direction on what to do because the situation in Ganze is getting worse and needs immediate intervention from the Government.

The Temporary Speaker (Hon. David Ochieng'): The Vice-Chairperson of the Departmental Committee on Tourism and Wildlife.

Hon. Njuguna Kawanjiku (Kiambaa, UDA): Thank you, Hon. Temporary Speaker. I want to apologise on behalf of the Chairperson because this report has not been tabled on the Floor of this House. It is ready and by the end of this week or early next week, on Tuesday we will table it.

The Temporary Speaker (Hon. David Ochieng'): The report should be tabled this week, on Thursday afternoon.

Hon. Njuguna Kawanjiku (Kiambaa, UDA): Thank you, Hon. Temporary Speaker. I stand guided.

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The Temporary Speaker (Hon. David Ochieng’): Next Order.

BILLS

Second Reading

THE KENYA ROADS BOARD (AMENDMENT) BILL
(National Assembly Bill No.18 of 2024)

(Moved by Hon. Owen Baya on 7.11.2024)

(Debate concluded on 7.11.2024)

The Temporary Speaker (Hon. David Ochieng’): Hon. Members, debate on the Second Reading of this Bill was concluded. Therefore, it is time to decide.

(Question put and agreed to)

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

First Readings

THE TEA (AMENDMENT) BILL
(Senate Bill No.1 of 2023)

THE MATERNAL, NEW-BORN AND CHILD HEALTH BILL
(Senate Bill No.17 of 2023)

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

The Temporary Speaker (Hon. David Ochieng’): Hon. Members, before we go to the next Order, I have a Communication to make regarding... Order! The Member walking as if he is going to a market in Kisii, sit somewhere? Order, Hon. Ruku.

COMMUNICATION FROM THE CHAIR

WITHDRAWAL OF SPECIFIC PROVISIONS IN THE STATUTE LAW
(MISCELLANEOUS AMENDMENTS) BILL
(National Assembly Bill No.67 of 2023)

Hon. Members, this is a Communication regarding the withdrawal of specific provisions contained in the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.67 of 2023) which we will consider shortly in the Committee of the whole House.

Hon. Members, as you may be aware, the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.67 of 2023) was published vide *Kenya Gazette Supplement* No.206 of 30th October 2023, to effect various amendments to nine Statutes.

The Bill, which is sponsored by the Leader of the Majority, was read a First Time on 15th November of 2023. Thereafter the Bill was referred to various departmental committees

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for consideration of relevant provisions in accordance with their respective mandates, with the lead Committee being the Departmental Committee on Justice and Legal Affairs.

The Committee tabled their respective reports on the Bill in the House on 15th February 2024. Thereafter, the Bill was considered and passed by the House at Second Reading on Wednesday, 12th June 2024 and committed to a Committee of the whole House. Indeed, as you may have noticed on today's Order Paper, the Bill is scheduled for consideration in the Committee of the whole House under Order No.11.

Hon. Members, before the House proceeds to consider the Bill in the Committee of the whole House, I wish to notify the House that I have since received a request from the sponsor of the Bill, the Leader of the Majority Party, *vide* a letter dated 11th November 2024, seeking my consent for the withdrawal of the proposed amendments relating to Section 186 (4) and 6(f) of the Children's Act, Cap.141, as contained in the Bill. The amendments propose deletion of provisions which prohibit the court from granting a sole male applicant and foreign applicant adoption of a child. In the letter, the Leader of the Majority Party, states that the import of the proposed amendments to the said provisions necessitates further consultations and engagements with relevant stakeholders.

Hon. Members, having considered the justification by the Leader of the Majority Party, I have acceded to his request to withdraw the provisions relating to Section 186(4) and 6(f) of the Children's Act, Cap. 141 as contained in the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.67 of 2023).

In this regard, the Bill will, therefore, be proceeded with in the Committee of the whole House without reference to the withdrawn provisions and will be considered as though the withdrawn section was not part of the Bill *ab initio*.

The House is accordingly guided. Thank you.

Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Temporary Speaker (Hon. David Ochieng') left the Chair]

IN THE COMMITTEE

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

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (National Assembly Bill No.67 of 2023)

The Temporary Chairman (Hon. Omboko Milemba): Thank you, Hon. Members. You may take your seats. We are in Committee of the whole House. I advise you to stay because this omnibus Bill is very important. We want to consider the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 67 of 2023). Following the Speaker's direction, we will not consider the provisions relating to the Children's Act No. 29 of 2022 because it was withdrawn by the Leader of the Majority Party.

COPYRIGHT ACT (CAP. 130)

The Copyright Act (Cap. 130), Section 2

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The Temporary Chairman (Hon. Omboko Milemba): This is the Copyright Act, No.12 of 2001. There is an amendment to it. I invite the Chairman of the Departmental Committee on Sports and Culture. Proceed.

Hon. Daniel Wanyama (Webuye West, UDA): Hon. Temporary Chairman, I beg to move:

THAT the Schedule to the Bill be amended in the proposed amendments to the Copyright Act, Cap.130–

(a) by deleting the proposed amendments to Section 2;

The justification is that the Bill proposes to amend the definition of the term “collective management organisation” so as to include the negotiation of license fees as one of the objects of the collective management organisation. Section 33(9) of the Act provides that a license to copyright work may be granted by the owner of the copyright. Further, Section 33(a)...

The Temporary Chairman (Hon. Omboko Milemba): Order, Hon. Chairman. Let us deal with Section 2 and then we shall give you a chance.

Hon. Daniel Wanyama (Webuye West, UDA): Thank you.

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

(Question of the amendment proposed)

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

(Section 2 as amended agreed to)

The Copyright Act (Cap. 130), New Section 30AA

Hon. Daniel Wanyama (Webuye West, UDA): Hon. Temporary Chairman, I beg to move:

THAT the Schedule to the Bill be amended in the proposed amendments to the Copyright Act, Cap. 130–

(b) by deleting the proposed new section 30AA;

The justification is as follows. The Bill proposes to insert New Section 30 AA into the Act which provides for the regulation of equitable remuneration of performance and producers in a sound commercial. In terms of this amendment, the user of the commercial shall be paid and equitable remuneration to be divided in half by the producer and the performer. The amendment provides for the payment of equitable remuneration of only performers and producers of sound recordings on a 50 -50 basis and this leaves out any other player that maybe involved in the creation of sound recording. Further, the formula for the sharing of the remuneration should not be contained in the principal Act. That may be provided for in the subsidiary legislation.

As I conclude, the High Court in the Constitution Petition No.5 of 2016 in Malindi ruled that Section 30A of the Copyright Act being the proposed New Section 30AA was unconstitutional because it limited the rights of artists to choose how their royalties had to be paid and, therefore, limited their freedom of association.

(Question of the amendment proposed)

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

(New Section 30AA deleted)

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The Copyright Act (Cap. 130), Section 30 B

Hon. Daniel Wanyama (Webuye West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Copyright Act, Cap.130–

(c) in the proposed amendments to Section 30B–

- (i) by deleting the proposed amendment to subsection (1);
- (ii) by deleting the proposed amendment to subsection (2);
- (iii) by deleting the proposed amendment to subsection (3);

The justification is that the Bill proposes to amend Section 30B of the Act to include orders under the ambit of collection of royalties by the Kenya Revenue Authority (KRA) or any other entity designated by the Kenya Copyright Board. While the Committee noted that this amendment would serve to include orders in the collection of royalties by the KRA, the Committee agreed with the submissions of the Kenya Copyright Board to withdraw the amendments to allow for the stakeholders' engagement to ensure that all relevant categories of rights are included in the provision.

I submit, Hon. Temporary Chairman.

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

(Question of the amendment proposed)

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

(Section 30B as amended agreed to)

The Copyright Act (Cap. 130), Section 46

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

Hon. Daniel Wanyama (Webuye East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Copyright Act, Cap. 130–

(a) in the proposed amendments to section 46–

- (i) by deleting the proposed amendment to subsection (1);
- (ii) by deleting the proposed amendment to subsection (3);
- (iii) by deleting the proposed amendment to subsection (4);

The justification is that the Bill proposes to amend Section 46 (1) of the Act to provide for the requirement of an operating licence issued by the Board in addition to the registration certificate for a person or association of persons to carry on business of collective management organisation. The Committee further noted that the requirement of the Board's registration and operating licence may lead to the bureaucracy within the creative arts sector. The Committee noted that the proposed amendments to extend the validity period for registration certificate issued to a collective management organisation from 12 months to 36 months may be a welcome provision.

However, the Kenya Copyright Board requested that the amendment be withdrawn from the Bill to allow for further consultation with all the relevant stakeholders. Hon. Chairman, the proposed amendments to Section 46 (4) is to provide that the Board may approve

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a collective management organisation if it is satisfied that the body is a company limited by guarantee and incorporated under the Companies Act of 2015 and that additionally, the company is registered as a collective management organisation by the Board amounts to a conflict and would amount to increasing bureaucracies in the registration of the collective management organisation.

Finally, the proposed new subsections are providing that where a collective management organisation licence is revoked, the Board shall appoint an agent to hold monies until the licence is reinstated or a new organisation is licenced by the Board would result in implementation and accountability challenges. I submit, Hon. Chairman.

(Question of the amendment proposed)

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

(Section 46 as amended agreed to)

The Copyright Act (Cap. 130), Section 46A

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

Hon. Daniel Wanyama (Webuye East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Copyright Act, Cap. 130—

(a) by deleting the proposed amendments to section 46A;

The Justification is that the Bill proposes to insert a new subsection into Section 46A which provides for the power of a licenced collective management organisation to appoint an agency to collect and distribute royalties on its behalf through the National Rights Registry. The amendment conflicts with the provisions of Section 22(c) of the Act, which provides that the functions of the National Rights Registry shall be:

- (a) Digital registration of the right holders.
- (b) Digital registration of the copyright works.
- (c) Authentication and authorisation of consumers of rights works.
- (d) Media monitoring registered copyright works.
- (e) Tracking, monitoring and the dissemination of data or logs related to access of registered copyright works; and,
- (f) Any other functions they may be assigned by the Board.

The National Rights Registry is not involved in the collection and distribution of royalties. I submit.

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

(Question of the amendment proposed)

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

(Section 46A as amended agreed to)

The Copyright Act (Cap. 130), Section 46B

The Temporary Chairman (Hon. Omboko Milemba): He has already done Section 46A. Move to Section 46B.

Hon. Daniel Wanyama (Webuye West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Copyright Act (Cap. 130) by-

1. by deleting the proposed amendments to Section 46B.

The justification is that the amendment inserts a new subsection (1)(a) which seeks to give power to the Board of Directors of a Collective Management Organisation (CMO) to co-opt persons with professional expertise. This amounts to micromanaging the CMOs by directing in legislation how they should conduct their management affairs.

The proposed new subsection (5) is not necessary as it is a restatement of the provision of regulation 16(c) of the Copyright Collective Management Regulation, which provides that a general meeting shall decide the appointment and dismissal of the organisation's officials, review the officials' performance and approve their remuneration and other benefits.

The proposed new subsections (6), (7) and (8), which provide that a person convicted of an offence shall not be eligible to be appointed as a board member or staff of a CMO may be contained in the CMO's constitution, noting that CMOs are private entities.

Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Copyright Act (Cap. 130) by-

deleting the proposed amendment to Section 46C.

The justification...

The Temporary Chairman (Hon. Omboko Milemba): Order! Hon. Chairman. You have moved all the way to Section 46C, but we had called only Section 46A and Section 46B. Allow me to put the Question.

(Question of the amendment proposed)

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

Yes, let us hear Hon. (Dr) Oundo on this one.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairman, I just need a bit of clarification from the Chairman because looking at Sub section 46A, it relates to the appointment of an agency approved by the board to collect and distribute royalties on their behalf through the National Rights Registry, yet what the Chairman has basically related to, results to Section 46B.

I am, therefore, wondering how he treats Section 46A in view of the proposed amendment. Probably, he can tell us the justification because the justification he has given relates to Section 46B. I want him to give us the justification in relation to Section 46A.

The Temporary Chairman (Hon. Omboko Milemba): Proceed, Hon. Chairman, and give that justification.

Hon. Daniel Wanyama (Webuye West, UDA): Hon. Temporary Chairman, the justification is that Section 46A in the Bill proposes to insert a new subsection which provides for the power of a licensed collective management organisation to appoint an agency to collect and distribute royalties on its behalf through the National Rights Registry. Further, the amendment conflicts with the provisions of Section 22C of the Act, which provides that the functions of the National Rights Registry shall be as tabulated.

(Question of the amendment proposed)

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

(Section 46B as amended agreed to)

The Copyright Act (Cap. 130), Section 46C

Hon. Daniel Wanyama (Webuye West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended as in the proposed amendments to the Copyright Act, Cap. 130—

(g) by deleting the proposed amendment to Section 46C;

The justification is that the provisions contained in the proposed new subsection 1(a) are already contained in the current Section 46(5) of the Act, which provides that the Board shall not approve another collective management organisation in respect of the same class of rights and category of works if there exists another collective management organisation that has been licensed and functions to the satisfaction of its members. Therefore, there is no need to restate the provision.

I submit, Hon. Temporary Chairman.

(Question of the amendment proposed)

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

(Section 46C as amended agreed to)

The Copyright Act (Cap. 130), Section 46E

Hon. Daniel Wanyama (Webuye West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended as in the proposed amendments to the Copyright Act, Cap. 130—

(h) by deleting the proposed amendment to section 46E.

The justification is that the proposed new paragraph (h) providing for inspection of a collective management organisation by the Board at any time that the Board considers appropriate may be subject to abuse since the specific circumstances for inspection are already set out in Section 46E(6) of the Act. The Act already gives the Board the authority to inspect the accounts of collective management organisations. Therefore, it is not necessary to restate the same.

I submit, Hon. Temporary Chairman.

(Question of the amendment proposed)

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

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairman, I would like to request the Chairman to give us further insights on the amendment because he is deleting the entire Section 46E, yet it had subsections (7) and (8) which relate to issues of accounts. He

should give a further explanation because deleting the entire Section would mean that those two subsections are also deleted, yet he has not spoken to them.

Thank you, Hon. Temporary Chairman.

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

Hon. Daniel Wanyama (Webuye West, UDA): Hon. Temporary Chairman, the sections I have not spoken to remain as they are. We have only amended the ones that we feel are unnecessary.

I submit, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Omboko Milemba): Hon. Oundo, what is it again?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairman, if you look at the Order Paper, amendment (h) states:

“(h) by deleting the proposed amendment to section 46E.”

Section 46E has several subsections. That is what I want to understand. He cannot say that what he has not spoken to has not been amended, yet the wording on the Order Paper states that the amendment seeks to delete the proposed amendment to Section 46E, which contains several subsections. The implication of what is contained in the Order Paper and what he is saying is completely different. That is why we need to be very clear. Are we amending the entirety of Section 46E, and yet he has not given the justification for deleting subsections (7) and (8)? That is what I am seeking a clarification on.

The Temporary Chairman (Hon. Omboko Milemba): We have clearly heard you. Hon. Chairman, could you speak to that?

Hon. Daniel Wanyama (Webuye West, UDA): I want to submit, Hon. Temporary Chairman, that we have only touched on what we feel is erroneous in this Section. That is why we have only given the justification for paragraph (h) because that is what interferes with the amendments as they appear.

The Temporary Chairman (Hon. Omboko Milemba): So, which specific subsections have you touched on?

Hon. Daniel Wanyama (Webuye West, UDA): We have only amended paragraph (h).

The Temporary Chairman (Hon. Omboko Milemba): Hon. Oundo, you can approach the Table with the Chairman. We need to be clear so that we can move on. Hon. Chairman, approach the Table for one minute.

(The Temporary Chairman (Hon. Omboko Milemba) consulted with Hon. Daniel Wanyama and Hon. (Dr) Ojiambo Oundo)

Give me the microphone. I also advise the Chairman to sit somewhere near the Table because those regular consultations are important, especially with the Counsels. You can proceed.

(The Temporary Chairman (Hon. Omboko Milemba) consulted with Hon. Kimani Ichung’wah, Hon. Daniel Wanyama and Hon. (Dr) Ojiambo Oundo)

Hon. Chairman, you could speak on that amendment for only one minute to ensure that the House is clear about the consultations that we have been having with the Leader of the Majority Party and Hon. Oundo.

Hon. Daniel Wanyama (Webuye West, UDA): Hon. Temporary Chairman, we intend to delete Section 46E because it is already provided for in the Act.

(Question of the amendment proposed)

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

(Section 46E as amended agreed to)

(Provisions relating to the Copyright Act, No.12 of 2001 as amended agreed to)

I further advise the Hon. Chairman to move closer if you have more amendments. You are through with your Section. Let us proceed.

THE SCRAP METAL ACT, 2015 (NO.1 OF 2015)

The Scrap Metal Act No.1 of 2015, Section 2

The Temporary Chairman (Hon. Omboko Milemba): Chairlady

Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended—

(a).by inserting the following amendment—

.2 Delete the words "used automobile" appearing in paragraph (b) of the definition of the term "scrap metal" and substitute, therefore, the word "discarded."

The justification is that the proposed amendment is necessary to bring clarity to the definition of the word "scrap metal."

(Question of amendment proposed)

The Temporary Chairman (Hon. Omboko Milemba): Proceed to move the second part of it.

Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended—

(b) in the proposed amendments to Section 2 by inserting the following new definition in proper alphabetical sequence— "platinoid group" means metals that possess a silvery white colour except osmium, and includes ruthenium, rhodium, palladium, iridium, and platinum;

Again, the justification is that the word 'platinoid group' has been used to define scrap. As such, it is proper for the word to be defined to clarify the types of metals that fall within the platinoid group.

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

(Question of amendment proposed)

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

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

Is there an interest in this?

Yes, Hon. Elachi.

Hon. Beatrice Elachi (Dagoretti North, ODM): Hon. Temporary Chairman, when I look at the Act and the amendments, while I appreciate the Chairperson, it would have been better if you want to give clarity to scrap. This is so that Kenyans can understand better. The destruction we are experiencing now concerning the metals we put on the roads everywhere is sad, and when you say scrap, it will continue to be a challenge. Please give us more clarity on it so that Kenyans can understand. They know there is a Scrap Metal Act, 2015. Clarity on what?

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

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

To make it clear to Hon. Elachi, the definition of 'scrap metal' is already contained in the Act. What the Chairperson is trying to do is to delete the word 'used automobile.' For instance, you will discover that in almost all parking yards in Government offices, there are used automobiles. Therefore, if you use 'used automobile' as scrap metal, people will go and park cars today and tomorrow, and they will sell them as scrap.

That is why the definition of scrap metal as 'used automobile' is being deleted, and the word "discarded" is now being used. A discarded automobile that is not in use. Otherwise, if you say a used automobile, even my car, having come in second-hand from Japan, is a used automobile. Somebody might just declare it a scrap metal and sell it as scrap metal. Therefore, that was a clarity of that definition.

Two, Hon. Temporary Chairman, it is also good to include the exact definition of what constitutes platinoid groups as the Chairperson has enumerated. If you look at the import of many of these amendments and those who sit in the House Business Committee, including yourself, Hon. Chairman, you will remember that just this afternoon, Hon. Chepkonga raised the issue of copper. We indicated that there was a Bill that was limiting who would trade in scrap metal relating to copper and aluminium. These amendments are in these Miscellaneous Statutes. Protecting our transformers and other installations, including road rail guards made from aluminium, will now be possible.

People vandalise this critical Government infrastructure, including transformers. This afternoon, Hon. Chepkonga was just speaking about how our constituents are suffering from transformers that have been vandalised, largely because people are looking for copper windings that are inside those transformers to sell as scrap metal. Therefore, with the enactment of this legislation, it will now be possible to protect even our transformers and other critical infrastructure.

I, therefore, support those amendments.

The Temporary Chairman (Hon. Omboko Milemba): Thank you, Leader of the Majority Party. That explanation is clear. Hon. Elachi, I hope it is now clear to you, too.

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

(Section 2 as amended agreed to)

*(Provisions relating to the Scrap Metal Act, No.1 of 2015
(Section 2) as amended agreed to)*

THE SCRAP METAL ACT NO.1 OF 2015

The Scrap Metal Act (No.1 of 2015), Section 4(1)

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Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Chairman, I beg to move:
THAT, the Schedule to the Bill be amended—

(c) by deleting the proposed amendment to section 4(1) and substituting therefore
with the following new amendment —

s. 4(1)(c) Delete and substitute therefore the following new subsection—

(ca) the Principal Secretary in the ministry for the time being responsible for matters relating to finance or a representative designated in writing by the Principal Secretary.

(da) The principal Secretary in the ministry for the time being responsible for matters relating to internal security or a representative designated in writing by the Principal Secretary.

The justification for that amendment is that it is necessary to include the Principal Secretaries for Finance and Internal Security as Members of the Scrap Metal Council. The two have been excluded in the principal Act, yet they have a critical role to play in matters of policy formulation that will assist the Council in developing appropriate measures and mechanisms for regulating the scrap metal industry and ensuring economic growth, protection of public health and conformity to the principles of environmental stewardship as required by the Basel Convention as provided under Section 6(1)(a)(i) of The Scrap Metal Act. That is necessary, especially now that we need to protect our assets.

Thank you, Temporary Chairman.

(Question of amendment proposed)

The Temporary Chairman (Hon. Omboko Milemba): In the absence of interest, Hon. Members, I now put the Question.

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

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

(Section 4(1) as amended agreed to)

(Sections 4(1)(f)(i) and 4(1)(f)(5) agreed to)

(Section 6(1)(a)(ii) agreed to)

(Section 9(1) agreed to)

*(Provisions relating to the Scrap Metal Act No.1 of 2015
as amended agreed to)*

The Scrap Metal Act (No.1 of 2015), Section 11

The Temporary Chairman (Hon. Omboko Milemba): There is an amendment to Section 11. Proceed.

Hon. Wanjiku Muhia (Kipipiri, UDA): I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Scrap Metal Act (Cap. 503)—

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(d) by deleting the proposed amendment to Section 11.

The justification is that, in the opinion of the Committee, the provision encourages the stealing of copper, aluminium and alloys. They form part of what we call the critical national infrastructure. As such, it will be improper to make provisions for the issuance of special licences for dealing in alloys that form part of critical infrastructure.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Omboko Milemba): Any interest from Hon. Oundo?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): I also want to support. I sit in the Committee. We deliberated on this matter at length. It cures the discretion of the Cabinet Secretary to give licences that would deplete our critical infrastructure. Where discretion is given to a human being, we have seen in the past that the tendency to abuse or misuse is very compelling. We should never give room for that kind of discretion.

Thank you.

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

Hon. Gichimu Githinji (Gichugu, UDA): Thank you.

I support the proposal by the Committee to delete any provision delegating powers to make laws. That can only be through this Parliament, either through an Act of Parliament or a regulation. Giving the Cabinet Secretary open powers to give licenses on such critical matters would have negated Parliament's role in making laws.

Thank you.

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

(Section 11 as amended agreed to)

(Sections 18(3)(a) and 18(3)(b) agreed to)

(Section 20(4) agreed to)

(Sections 22(2), 24, 24(2) and 26(1) agreed to)

The Scrap Metal Act (No.1 of 2015), Section 26(2)

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chair, there is an amendment.

Hon. Wanjiku Muhia (Kipipiri, UDA): I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Scrap Metal Act (Cap. 503)—

(e) by deleting the proposed amendment to section 26(2) and substituting therefor the following new amendment—

s.26(2) Delete and substitute therefor the following new subsection—

"Notwithstanding subsection (1), the Cabinet Secretary for matters relating to finance, in consultation with the Cabinet Secretary responsible for industrialisation and with the recommendation of the Council, may, under such circumstances as may be prescribed, authorise the export or import of specific scrap metal for a specified period and a specific purpose."

The justification is that the amendment is necessary to give effect to the proposed amendment under Section 26(1), which gives the Cabinet Secretary power to authorise the export or import of specific scrap metal. Section 26(1) is also amended to prohibit the export or import of scrap metal unless authorised by the Cabinet Secretary responsible for industrialisation. As such, the Committee proposes to allow the export or import of specific scrap metal for specific purposes.

Thank you.

(Question of the amendment proposed)

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

Hon. Gichimu Githinji (Gichugu, UDA): Actually, this cures the intention in the amendment of Section 11. Any action by the three—the Cabinet Secretary for Interior and National Administration, the Cabinet Secretary of National Treasury and Economic Planning, and the Council—will have to prescribe. Prescription in law means that there have to be regulations so that we can restrict it. Even this Parliament will have a say in determining the kind of metals to licence for importation or exportation.

Thank you.

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

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Temporary Chairman. I support the proposed amendments with a rider. And I hope this is subject to provisions of Article 94(5) of the Constitution relating to the powers of Parliament, that nobody has the power to make laws other than Parliament. My colleague adverted that the Committee dealing with delegated legislation will also have a bite at the decisions of the Cabinet Secretary for National Treasury and Economic planning and other relevant Cabinet Secretaries.

I support.

(Question of the amendment proposed)

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

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

(Section 26(2) as amended agreed to)

(Sections 26(3), 26, 30(1)(a), and 30(1)(e)(ii) agreed to)

(Provisions relating to the Scrap Metal Act, 2015 (No.1 of 2015) as amended agreed to)

THE NATIONAL EMPLOYMENT AUTHORITY ACT, 2016 (NO.3 OF 2016)

(Sections 2, 4, 9(c), 17(2), 28(2) and 30(1) agreed to)

The National Employment Authority Act, 2016 (No.3 of 2016), Section 30(2)

Hon. Temporary Chairman (Hon. Omboko Milemba): Is there an amendment? Yes, the Chairman, Departmental Committee on Labour.

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Hon. Muchangi Karemba (Runyenjes, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to the section 30 (2) of the National Employment Authority Act (Cap. 227). The justification is that this Section does not contain the word 'youth,' yet the proposed amendment intended to replace the word 'youth' with 'jobseeker.'

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

(Question of the amendment proposed)

There being no interest, I will put the Question.

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

(Section 30(2) as amended agreed to)

(Sections 30(3), 33(1), 33(3), 34, 36(1), 36(3), 36(4), 37 and 42 agreed to)

(The provisions relating to the National Employment Authority Act, 2016 (No.3 of 2016) as amended agreed to)

THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT, 2016 (NO.35 OF 2016)

Hon. Temporary Chairman (Hon. Omboko Milemba): There being no amendment, I will put the Question.

(The provisions relating to the Fisheries Management and Development Act, 2016 (No. 35 of 2016) agreed to)

THE ENERGY ACT, 2019 (NO.1 OF 2019)

(Section 2 agreed to)

Hon. Temporary Chairman (Hon. Omboko Milemba): Is the Chairman of the Departmental Committee on Energy in the House? Very well.

The Energy Act, 2019 (No.1 of 2019), New Section 6A

(New Section 6A agreed to)

The Temporary Chairman (Hon. Omboko Milemba): Let Hon. Chairpersons be awake to these amendments, because they are the ones guiding us.

The Energy Act, 2019 (No.1 of 2019), Section 10

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chairman. Hon. Kawaya is in the House.

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Energy Act (Cap. 314) by—

(a) deleting the amendment proposed to Section 10 and substituting therefor the following new amendment—

s.10 Delete the words “with the exception of crude oil” appearing in paragraph (ii);

The import of this amendment is that we want to give the Energy and Petroleum Regulatory Authority (EPRA) the mandate to regulate crude oil. Currently, crude oil is not being regulated.

(Question of the amendment proposed)

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

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairman, I would like to get a little more information. As we are going on, I see a lot of things passing. This bit sounds very interesting. That crude oil is now being regulated. It sounds good to me that it should be. Can we now know what exactly is happening to crude oil? Where does it come from? What are we using it for?

It is important for us to know that background because it generally sounds like a good thing. Therefore, that background will help us make a good decision.

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

Hon. Vincent Musau (Mwala, UDA): Thank you, Hon. Temporary Chairman. Currently, we use refined oil. However, we also know that we have been making a lot of progress with the Turkana Oil. So, we are going to have our own crude oil. Again, regulation does not necessarily mean we are using crude oil ourselves. We will also likely have potential customers who want to use our transit lines - our pipelines - to transport their crude oil. In this regard, there must be some form of regulation for any crude oil arriving in the country.

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

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairman, I, therefore, support this amendment but add that we used to have a refinery at Changamwe. If we are going to look back and revive it, then this amendment is important.

I support.

The Temporary Chairman (Hon. Omboko Milemba): You are in concurrence.

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

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

(Section 10 as amended agreed to)

The Energy Act, 2019 (No.1 of 2019), Section 12(1)(e)

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

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Energy Act (Cap. 314) by—

(b) deleting the amendment proposed to Section 12(1)(e).

Hon. Temporary Chairman, this particular amendment seeks to remove one of the representatives from the EPRA Board. This is the representative of the county governments or a representative from the Council of Governors (CoG). As the Departmental Committee on Energy, we could not see why we need to have a representative of county governments in the EPRA Board, considering that energy is not a shared function.

(Question of the amendment proposed)

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

(Proposed amendment to Section 12(1)(e) deleted)

The Energy Act, 2019 (No.1 of 2019), Section 20(1)

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

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Energy Act (Cap. 314) by—

(c) deleting the amendment proposed to Section 20(1).

This is of particular interest. The proposed amendment sought to increase levies levied on electricity and petroleum by EPRA from 0.5 per cent to 1 per cent. In other words, EPRA wanted to double their collections. We understand that these collections are directly levied on electricity and petroleum. As the Departmental Committee on Energy, we are also working on reducing the cost of energy. Therefore, this amendment sought to negate the very effort we are putting in, which is why we propose a deletion.

Further to that, it goes together with Section 20. The proposal was that, besides increasing or doubling these collections...

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chairman, we had called out Section 20(1). Allow me to propose the Question.

(Question of the amendment proposed)

There are many interests here. Yes, Hon. Owen.

Hon. Kongogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I want to support the Hon. Chairman of the Committee.

At this difficult time when Kenyans are struggling with paying bills, especially electricity bills, it is very inappropriate for EPRA to increase their levy from 0.5 to 1 per cent, which is more than 50 per cent. Therefore, I support the Committee and the Hon. Chairman that this is not the right time. We are living in a very difficult time. As a country, we are looking at measures to reduce the cost of electricity for our people.

I support, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Omboko Milemba): There is also interest from Hon. Oluoch.

Hon. Anthony Oluoch (Mathare, ODM): Hon. Temporary Chairman, I support this amendment. This is in light of the fact that the cost of electricity has a spiral effect on many other things, including the cost of living and basic commodities. Flagship projects that the Government has expressed itself to support, like manufacturing, trade and investment, are all tied up with the cost of electricity. This includes investor migration. Investors have been migrating to neighbouring countries because the cost of electricity is very high in Kenya

compared to neighbouring countries. Therefore, an increase would increase rather than reduce the problem.

Therefore, I support the amendment.

Thank you.

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

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairman, sometimes we wonder whether some of these people live or not and feel the pain that Kenyans go through for them to propose a deletion to take it to 1 per cent. That would have increased the cost of electricity. Kenya is rated as one of the countries with the highest cost of electricity. Therefore, I totally support the Committee on that proposed amendment.

Thank you, Hon. Temporary Chairman.

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

(Proposed amendment to Section 20(1) deleted)

The Energy Act, 2019 (No.1 of 2019), Section 20

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

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Energy Act (Cap.314) by—

(d) deleting the amendment proposed to section 20.

Again, this is a bit of mischief. The EPRA sought to have levies collected by themselves not to be part of the Consolidated Fund. This money is used raw as Appropriations in Aid (A-in-A) making it difficult for Parliament to oversight the funds collected because they are not part of our budget.

(Question of the amendment proposed)

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

(Section 20 as amended agreed to)

The Temporary Chairman (Hon. Omboko Milemba): Hon. Members, as earlier directed by the Hon. Speaker the House should resume at 5.00 p.m., to discuss matters relating to SHA and SHIF. At this juncture we have to report progress. Let me hear the point of order by the Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Chairman, I beg your indulgence that we complete this because today the House sits up to 7.00 p.m. We have two hours so if we add another 15-20 minutes we will be done.

The Temporary Chairman (Hon. Omboko Milemba): Hon. Members, that was the direction given by the Hon. Speaker. Let me consult further.

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

That was the direction given by the Hon. Speaker. So, we shall report progress for now. I call upon the Mover who is the Leader of the Majority Party. Hon. Bowen we have done enough consultation. Allow the Leader of the Majority Party to proceed.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Chairman, I beg to move that the House reports its consideration of the Statute Law (Miscellaneous Amendments) (National Assembly Bill No.67 of 2023), up to Section 20 of the Energy Act, and its approval thereof with amendments and seek leave to sit again.

(Question proposed)

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

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

MOTION

CONSIDERATION OF REPORT ON THE STATUTE LAW
(MISCELLANEOUS AMENDMENTS)
(National Assembly Bill No.67 of 2023)

Hon. Omboko Milemba (Emuhaya, ANC): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.67 of 2023) up to the provisions relating to the Energy Act No.1 of 2019, Section 20 and approved the same with amendments and seek leave to sit again.

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

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report. I also request Hon. Kangogo Bowen to second the Motion for agreement with the report of the Committee of the whole House.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Speaker, I second.

(Question proposed)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Dr Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Speaker. The Hon. Speaker directed that the Motion of Adjournment be taken from 5.00 p.m. onwards or after Order No.11. In view of that, this is the process we are undertaking in terms of the Committee of the whole House. We were in the middle of concluding the amendments by the Chairperson of the Departmental Committee on Energy. I request your indulgence under Standing Order 1, that you allow us to conclude this business. Then, we can seek leave to deliberate on the Motion of Adjournment by the Member for Rangwe. This is just another 45 minutes and then we will be through.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Beatrice Elachi, you want to speak on this?

Hon. Beatrice Elachi (Dagoretti North, ODM): Hon. Temporary Speaker, I thought we were proceeding well. It is up to you to guide us.

The Temporary Speaker (Hon. Peter Kaluma): Hon. David Bowen.

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Temporary Speaker. As per the Speaker's ruling, we should consider the Motion of Adjournment by Hon. Gogo. The issue before us is the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.67 of 2023). We are remaining with a few sections.

Hon. Temporary Speaker, we thought we should dispense with this issue which should not take more than 20 minutes, and then proceed to Hon. Gogo's Motion, which is equally important and touches on the health of Kenyans.

I support my colleague, Hon. Pukose, that you give us some few minutes, and we should be done with the Statute Law (Miscellaneous Amendments) Bill in the Committee of the whole House.

The Temporary Speaker (Hon. Peter Kaluma): The Adjournment Motion was being brought by which Member of the House?

(Hon. Kangogo Bowen spoke off record)

Hon. (Dr) Lilian Gogo, could you approach the Speaker?

(Hon. (Dr) Lilian Gogo consulted with the Temporary Speaker)

(Question put and agreed to)

This is the ruling I will make with regard to the request made that we revert to the Committee of the whole House. I have consulted Hon. (Dr) Lilian Gogo following the direction by the substantive Speaker that we would be adjourning at 5.00 p.m. to see how best we can accommodate the ongoing parliamentary business against the Adjournment Motion, which ought to have started at 5.00 p.m.

I am, therefore, invoking the powers of Hon. Speaker, under Standing Order 1, to review the previous ruling and direction of the substantive Speaker on the starting time for the Adjournment Motion, which will now begin at exactly 5.45 p.m. I am doing this having consulted both the Leader of the Majority Party and the Mover of the Adjournment Motion. There is agreement by both sides that for the convenience of the House and for the due transaction of the businesses we have on the Floor, we move that way. Based on those consultations, the Adjournment Motion will be moved to 5.45 p.m. The previous ruling of the substantive Speaker stands revised to that extent.

Clerk-at-the-Table, call Order No.11 again.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

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(National Assembly Bill No.67 of 2023)

(Resumption of consideration interrupted today)

The Temporary Chairman (Hon. Omboko Milemba): Thank you, Hon. Members. We are back in the Committee of the whole House on the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.67 of 2023). We had progressed up to Section 20 of the Energy Act (Cap 314).

Hon. Chairman and Members, we can move faster than we were doing. Let us proceed.

THE ENERGY ACT (CAP. 314)

(Section 26(4) as amended agreed to)

The Energy Act (Cap.314), Section 45(1)

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

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Energy Act (Cap. 314) by-

(a) deleting the amendment proposed to section 45(1).

Currently, the CEO, Rural Electrification and Renewable Energy Corporation (REREC) serves as the Secretary to the Board. This particular amendment sought to remove the CEO as the Secretary to the Board and give the Board powers to appoint anybody to serve as the Secretary, which we find mischievous.

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

(Question of the amendment proposed)

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

(Section 45(1) as amended agreed to)

The Energy Act (Cap.314), Section 45(1)(e)

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

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendments to the Energy Act (Cap. 314) by-

deleting the word 'seven' appearing in the amendment proposed to section 45(1)(e) of the Energy Act (Cap.314) and substituting therefor the word 'four'.

Hon. Members, again, REREC sought to increase the membership of their directors appointed by the Cabinet Secretary from four to seven, meaning total number is seven. Currently, they are being appointed by the Council of Governors but they wanted to take everything, and we felt that since the representation by the Council of Governors is currently four, while by the Cabinet Secretary is three, we are going to swap. We are going to swap so that we have four from the Cabinet Secretary and three from the Council of Governors. This will also speak to the next amendment.

(Question of the amendment proposed)

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

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

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Temporary Chairman, let me thank the Chairperson and support that particular amendment because he did not mention that this will not be against the Mwongozo Policy because that would have moved the Board membership from way above the nine recommended members to almost 11 or 12 members. Therefore, I support.

It is also important that since the Cabinet Secretary in charge of the Energy and Petroleum docket is the person who has a lot more business to do than the Council of Governors, it is only right that we allow them to nominate four people, and the Council of Governors nominates three.

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

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

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

(Section 45(1)(e) as amended agreed to)

The Energy Act (Cap.314), Section 45(1)(f)

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

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the schedule to the Bill be amended by deleting the amendment proposed to section 45(1)(f) of the Energy Act, Cap.314 and substituting therefor the following new amendment—

s.45(1)(f) Delete the word “four” appearing in paragraph (f) and substitute therefor the word “three”.

If you look at it carefully, you will realise that we have just swapped the membership by the Cabinet Secretary to four which was initially three and from the Council of Governors to three which was initially four.

(Question of the amendment proposed)

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

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

(Section 45(1)(f) as amended agreed to)

*Sections 76(2), 82, 98(1)(d), 100(1)(6), 117, 129(2),
149(3) and 154(2) agreed to)*

The Energy Act (Cap.314), Section 166(3)

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

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Chairman, there is an error. We have no amendment on 166(3), 166(4) and 167(1).

The Temporary Chairman (Hon. Omboko Milemba): Very well. Having directed as you have done, I want to ask the Clerk-at-the-Table to call it out again.

The Temporary Chairman (Hon. Omboko Milemba): Would you confirm Hon. Chairperson that the amendments are not only in the first two.

Hon. Vincent Musau (Mwala, UDA): Even 167(1).

The Temporary Chairman (Hon. Omboko Milemba): Okay. I will take it again.

(Section 166(3), 166(4) and 167(1) agreed to)

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

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): I know it might have been overtaken by events. I thought you would allow us to ventilate but now you have already dispensed of the matter. If you look at the Order Paper, they are providing for deletion and they have amendments on 166(3), 166(4) and 167(1). Hon. Temporary Chairman, I hope the Chairperson is listening. I want to seek your indulgence.

The Temporary Chairman (Hon. Omboko Milemba): But you are very well set. The Hon. Leader of the Majority Party, listen to what is being said by Hon. (Dr) Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairman, on the Order Paper, they have amendments to Sections 166(3), 166(4) and 167(1). Is it contentious or is it the pronouncement of the Chairperson that the amendments have been dropped or what are we talking about? He needs to go on record. Have they been dropped? This is because saying there are no amendments is not the same as saying the amendments have been dropped.

The Temporary Chairman (Hon. Omboko Milemba): Thank you, Hon. Oundo. Chairperson, could you go on record?

Hon. Vincent Musau (Mwala, UDA): The amendments have been dropped.

(Proposed amendments to Section 166(3), 166(4) and 167(1) dropped)

The Temporary Chairman (Hon. Omboko Milemba): Very well. We proceed. Thank you.

(Consultations)

(Several Hon. Members spoke off the record)

We proceed.

(The Temporary Chairman consulted with the Clerk-at-the-Table)

The Energy Act (Cap.314), Section 169(2)

The Temporary Chairman (Hon. Omboko Milemba): Hon. Chairperson, there is an amendment on this one?

Hon. Vincent Musau (Mwala, UDA): Yes, there is.

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Hon. Temporary Chairman, I beg to move:

THAT, the schedule to the Bill be amended deleting the amendment proposed to section 169(2).

It is a bit of contentious here. On this one, the proposal was that if you, for instance, hire a vehicle or lend out your vehicle and that vehicle is used to carry Kenya Power stolen power cables *et cetera* then you forfeit that vehicle. The Committee felt that we are stretching it too far because you can easily hire a vehicle without knowing the intention or purpose for which this vehicle is going to be used. If you rent out your vehicle, this vehicle if it ends up being used for other purposes, it will be a little unfair that you forfeit the vehicle by virtue of hiring it out to the person who ends up using it for mischief.

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

(Question of the amendment proposed)

(Several Hon. Members raised their hands)

Hon. Bowen, you will take the first bite.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I do not know why the Committee has proposed the deletion of this amendment because if you find a vehicle carrying stolen materials that belong to Kenya Power, it means that those people have organised themselves, including even getting cars from the Ministry of Transport, Infrastructure, Housing and Urban Development. The entire Ministry is the scene of a crime. The Committee should not propose the deletion of that amendment as it will serve as a deterrent because many transformers in the rural areas have been stolen and ferried, not through bags, but through vehicles. Those vehicles are also part of the conspiracy.

I oppose the deletion of that amendment.

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

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. Even though I agree with Hon. Bowen that our communities are suffering because of people stealing all our transformers, it would be punitive to punish the person who hired out their vehicle. When you hire out your vehicle, the client does not tell you that they will use it to steal. What if you give out your vehicle in good faith and then somebody uses it to steal? Even in criminal law, we must assess whether someone has a guilty mind, which is called the *mens rea*. It would be wrong to punish a person who does not have a guilty mind.

I agree with the Chairman on that proposed amendment. Let us enforce strict punishment, but we should not punish people who have not deliberately gone out of their way to steal.

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

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Chairman, this amendment intends to make it punitive to carry stolen materials, especially those related to the energy sector. I wanted to propose, maybe as a middle ground, that instead of deleting the entire amendment, the Chairman should consider adding a proviso that any vessel that is used to convey the vandalised or stolen equipment or appliances referred to in subsection (1) shall be forfeited to the State, provided that the owner of the vessel is not the person who is guilty of having vandalised the equipment.

This amendment intends to discourage people who lease out their cars for transportation, without knowing what is being transported. In view of what the Committee is saying, we also need to protect other innocent people, including ourselves. Your driver may take your car and ferry a vandalised transformer. Your car will be unknowingly forfeited to the State. I do not know what proviso we can put in place. Maybe the legal officers can help us to

create a proviso that as long as you are not a wilful partaker in the crime, you do not forfeit your vehicle.

We could also add a proviso to create some due process and not automatic forfeiture of the vehicle. One can go through some process to establish their innocence. I do not know whether that was the intent of the amendment – that you must go through some due process in court to show that you never intended to transport stolen equipment knowingly. However, if you knowingly transported stolen transformers and other equipment, you forfeit that vehicle.

This is not the first such proviso. Under the KWS Act, if you transport poached animals, you forfeit your vehicle. What was your vehicle doing in a game park ferrying elephant tusks? You forfeit your vehicle if you slaughter antelopes in the game reserves. It is there. So, we just need to introduce a further amendment to include a similar punitive proviso which discourages people from ferrying stolen goods.

The Temporary Chairman (Hon. Omboko Milemba): Proceed, Hon. Emaase. As Hon. Emaase speaks on this, Hon. Chairman, could you consider coming up with a further amendment? Let us hear Hon. Emaase's contribution. Be brief. You have one minute.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon. Temporary Chairman. I support the Committee's position. I agree that this is a very serious offence and that thieves must be punished. There should be a serious provision for punishing them. I am just from my constituency where many cables have been stolen and my people are in darkness. We cannot allow this to continue. Those who steal cables must be punished.

The Temporary Chairman (Hon. Omboko Milemba): You have made your point.

Hon. Mary Emaase (Teso South, UDA): We should not punish innocent vehicle owners because your vehicle can be hijacked and used to transport those cables.

The Temporary Chairman (Hon. Omboko Milemba): You have made your point. Hon. Gisairo, proceed.

Hon. Clive Gisairo (Kitutu Masaba, ODM): Thank you, Hon. Temporary Chairman. I support the deletion as proposed because, if a car has been leased out, it would be wrong to punish the owner because he may not have been aware that the car will be used for that kind of activity. While we are against the theft and vandalism of electrical materials in our constituencies and the country in general, if you use your vehicle to ferry stolen materials, you should forfeit it because you are a culprit.

Thank you.

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

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairman, the Committee Chairman needs to be very careful about what he is amending. The parent Act has a particular Section which talks about a vessel used to convey vandalised equipment or appliances. There was an amendment to expand it and make it neater and tidier. Proposing to delete that amendment means that whatever exists in the parent Act remains. We must be very clear. What are we saying? If the intention is to completely delete the Section, you cannot proceed to do so in the manner which it is stated in the Order Paper. That would mean that the original Section remains. I thought that the amendment as proposed in the Statute Law (Miscellaneous Amendments) Bill was more elaborate and captured more issues compared to the existing Section. The Chairman needs to be very clear. By deleting the proposed amendment, we revert to the existing Section in the parent Act.

Thank you.

The Temporary Chairman (Hon. Omboko Milemba): Hon. Wamuchomba and then Hon. Chairman.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Hon. Temporary Chairman, I am just wondering why we are wasting a lot of time trying to make a law that will prohibit business people from lending or leasing out their cars.

The Temporary Chairman (Hon. Omboko Milemba): Hon. Wamuchomba, this House does not waste time. Mind your language. Proceed.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Hon. Temporary Chairman, in as much as I support the proposed amendment, we should create trackers that can be fixed inside the transformers, so that even if they are stolen, we do not have to punish the owner of the vehicle that was involved in the transportation. We should come up with a system of tracking the transformers. As much as I support the Chairman on that amendment because we do not want to lose transformers, let us come up with a way of tracking the equipment.

The Temporary Chairman (Hon. Omboko Milemba): You have made your point. You have fallen on one part of the divide.

Hon. Chairman, do you have a further amendment to this? Proceed to move that further amendment. Hon. Members, that means that you have been heard.

(Hon. Kangogo Bowen spoke off the record)

Hon. Bowen, whom do you want to inform?

Hon. Kangogo Bowen (Marakwet East, UDA): I wish to inform the House that even as we encourage truck owners, it is good for them to know what they are hiring them out for before they lease them out. The Kenya Transporters Association should provide a form that can be filled. The form should indicate what can be carried in a vehicle so that a client does not say that they will ferry cabbages or vegetables, and then they go and carry transformers from the village.

The Temporary Chairman (Hon. Omboko Milemba): Hon. Bowen, that is enough. You are only informing the House because we had a gap. Hon. Chairman, could we get your further amendment?

(Two Members raised up their hands)

We had exhausted that bit my two Members. I see you clearly, but we had finished with that business. Hon. Chairman, proceed.

Hon. Vincent Musau (Mwala, UDA): Thank you, Hon. Temporary Chairman. This is a further amendment to Section 169 (2). Instead of the phrase forfeited to the State, I wish to move a further amendment that:

That the court may order forfeiture of any vessel used to convey vandalised, or stolen equipment or appliances referred to in sub-section 1.
We are not deleting anymore.

The Temporary Chairman (Hon. Omboko Milemba): Very well. It seems we are in consensus.

(Question of the further amendment proposed)

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

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

(Section 169 (2) as amended agreed to)

(Sections 187, 199 (1) and 208 (1) agreed to)

The Energy Act (Cap.314), Section 216 (1)

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

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Chairperson, I beg to move:

That the amendment proposed to Section 216 (1) be deleted.

I wish to drop that particular amendment.

The Temporary Chairman (Hon. Omboko Milemba): What does that mean because I know you will get a question from Hon. Oundo? Proceed.

(Laughter)

Hon. Vincent Musau (Mwala, UDA): The Act establishes a Fund called “The Consolidated Energy Fund.” The proposed amendment was to delete the word ‘consolidated’. It is erroneously put as part of the Committee’s amendments because we agreed with the Ministry that the word ‘consolidated’ brings about confusion from the “Consolidated Fund” from the perspective of Treasury. It will remain as “Energy Fund”.

The Temporary Chairman (Hon. Omboko Milemba): Let me hear just one comment.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Chairman.

I support the Hon. Chairperson on that amendment that we call it “Energy Fund” instead of “Consolidated Fund”.

Thank you.

(Proposed amendment by Hon. Vincent Musau withdrawn)

(Section 216 (1) agreed to)

(The Provisions relating to Energy Act, Cap.314 as amended agreed to)

THE PRIVATE PARTNERSHIP ACT 2021 (NO.14 OF 2021)

(Sections 29 (3), 48 (2), 55 (4), 73 (7) and 75 (5) agreed to)

(Provisions relating to the Private Partnership Act 2021 No.14 of 2021, Sections 29 (3), 48 (2), 55 (4), 73 (7) and 75 (5) agreed to)

PARLIAMENTARY SERVICE ACT NO.22 OF 2019

(Sections 3, 5 and 18 agreed to)

(Provisions relating to the Parliamentary Service Act, No 22 of 2019, Sections 3, 5 and 18 agreed to)

JUDICIAL SERVICE ACT NO.1 OF 2011

(New Section 13 agreed to)

Provisions relating to the Judicial Service Act No.1 of 2011, Section New 13 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Chairman (Hon. Omboko Milemba): Hon. Members, that is the end as the Speaker had instructed. The time being just a minute to 5.45 p.m, I call upon the Mover.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Chairman, I beg to move that the Committee do report to the House its consideration of the Statute Law, Miscellaneous Amendment Bill (National Assembly Bill No.67 of 2023) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed)

(The House resumed)

IN THE HOUSE

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

MOTION

CONSIDERATION OF REPORT ON THE STATUTE LAW
(MISCELLANEOUS AMENDMENTS) BILL
(National Assembly Bill No.67 of 2023)

The Temporary Speaker (Hon. Peter Kaluma): Chairman of the Committee.

Hon. Omboko Milemba (Emuhaya, ANC): I beg to report that a Committee of the whole House has considered the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 67 of 2023) and approved the same with amendments.

The Temporary Speaker (Hon. Peter Kaluma): The Mover to move agreement with the report.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report. I also request the Hon. Karemba Muchangi, the Member for Runyenjes, to second the Motion for agreement with the report of the Committee of the whole House.

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you. I second.

The Temporary Speaker (Hon. Peter Kaluma): It is good to be an experienced Leader of the Majority Party. Hon. Karemba is now an old hand in parliamentary procedure.

(Question proposed)

Hon. Millie Odhiambo, Whip of the Minority Party, do you want to speak to this one?

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

Yes, Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): I know this Bill has taken quite some time because of the enormous work involved with the various Committees. Allow me to take this

opportunity to thank the Chairman of the Departmental Committee on Energy. I thank our Chairman of the Departmental Committee on Labour, the Hon. Karemba. I thank the Chairman of the Departmental Committee on Justice and Legal Affairs. The other Chairman is of the Departmental Committee on Sports and Culture. They were very diligent in the work they put in as they considered these amendments.

Allow me to tell our judicial officers something: in accordance with the mandate conferred to the Judicial Service Commission by Article 172(1)(b) and Article 251(d) of our Constitution, the Commission can now review and determine transport facilitation and rates of reimbursement of daily subsistence expended by judicial officers like judges and other staff of the Judiciary. The Judiciary and judicial officers, from judges of the High Court to judicial officers in lower courts all the way to magistrates, have suffered for some time. They have been subjected to the vagaries of the Salaries and Remuneration Commission (SRC).

In accordance with the provisions of Article 172(1)(b) and Article 252 (1)(d), the Judicial Service Commission can now review and determine what facilitation befits a judge of the Supreme Court. They may determine what facilitation befits a magistrate in a far-flung corner of our country where the road network is not very good and the State does not facilitate them to serve the people in those jurisdictions. With the amendments in this Statute Law (Miscellaneous Amendments) Bill, it will now be possible for the Judicial Service Commission to do that and facilitate the efficient working and delivery of justice to Kenyans across the country.

I hear whispers, "What about Members of Parliament?" The Parliamentary Service Commission does the same. It determines remuneration or facilitation of your movement. Probably, I should take this opportunity to remind the Parliamentary Service Commission that Members of Parliament from Nairobi and areas surrounding Nairobi like Kikuyu Constituency, Machakos, Murang'a, Kiambu, and parts of Kajiado, are not facilitated. They also spend much of their resources to attend to their constituents.

The Parliamentary Service Commission and our commissioners that we elected in this House are aware of their core responsibility. We told them that part of their core responsibility is to ensure there is equity in the facilitation of transport to Members of Parliament. We are in the third year of this House. We are having them notice that they must meet the expectations of Members of Parliament from the vicinity of Parliament or constituencies and counties that are nearer Nairobi. That is so that there is equity.

With those many remarks, I support and thank Hon. Members for their commitment to be here up to this time in support of this Bill. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Under our Standing Orders, adjournment Motions have to be moved at the time directed by the Speaker. In this case it was to be at about 4.45 p.m. I gave an opportunity to the Leader of the Majority Party because of his position in the House. Please, give the microphone to the Mover of the Adjournment Motion, Hon. (Dr) Lilian Gogo, the Member of Parliament of Rangwe, to move.

MOTION OF ADJOURNMENT ON A MATTER OF URGENT NATIONAL IMPORTANCE

IMPLEMENTATION OF THE SOCIAL HEALTH INSURANCE FUND

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Thank you very much, Hon. Temporary Speaker and honourable colleagues, for coming to discuss a matter of national importance. Healthcare is a basic right. A healthy nation speaks to the development and progress of that nation. The SHIF is designed to improve universal healthcare.

The Temporary Speaker (Hon. Peter Kaluma): Hon. (Dr) Lilian Gogo, would you first move just to the extent possible? I know the Motion is in terms of what was approved. You do not have to read the whole of it. If you can, pick certain items so that you move faster.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): I am just doing a component. I was just about to finish. The objectives are commendable as SHIF aims to bridge critical gaps. Although its rollout has faced several challenges, it is important that we look at this as a matter of national importance.

I beg to move.

The Temporary Speaker (Hon. Peter Kaluma): Yes, proceed. You had moved. Maybe, I should clarify to Hon. Members from the beginning. Hon. (Dr) Lilian Gogo, you have 10 minutes. Under the Standing Orders, all other Members have not more than five minutes. Proceed.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Thank you very much.

It is usually the desire of every Government to provide healthcare to its citizenry. As it were, there was need to change from the National Hospital Insurance Fund (NHIF) that was old and of old generation to what was presumed to be a better quality healthcare system, the SHIF, which is managed by the SHA.

First, very many aspects have been brought and the citizens are confused. They do not know whether it is NIF, SHI or SHA. They do not know whether it is SHU. People need to be apprised that it is not SHISHA. People need to be apprised on this matter because it affects their health. Some Ksh32,000 and more were deducted from my salary of last month. This caused delays but it eventually went. I am told that those who are not able can pay as low as Ksh500 and still get healthcare. The challenge I have, and which is making me raise this matter, is whether these monies go to the ground. Do they go to intended persons? How much has this programme allocated to purchasing equipment? How much has this programme put aside for training of healthcare workers? We have seen our highly trained doctors and nurses being encouraged to look for jobs abroad. As much as money is taken from my salary, my concern is whether this money reaches a poor pregnant woman who is going to deliver at the Rangwe Sub-County Hospital.

My view is that there should have been a smooth six months' transition period. People should have been sensitised. Now, because of issues of trust, the citizens are refusing even to register to the SHIF. They have not been explained to why they need to pay yet the money is delayed. If you go to hospital, you are told that you have not been transferred to SHIF yet I get messages on my phone that I have been successfully transferred. Now, am I successfully transferred to SHIF because I am a Member of Parliament or do the other ordinary citizens get the same messages? If we are able to do that, why not do it for everybody? Why not do it so that people are not turned away when they go to our hospitals?

Women and caregivers suffer the most. More often than not, caregivers are women who have to take care of children, the vulnerable, people with disabilities, and the elderly yet when they go to hospital, they are turned away. If we do not look at this matter critically, sit as a community and lawmakers, and the Executive does not rethink policies and the gaps that it creates and how they can be covered, then it is the grass that will suffer. The grass is the mother of Akinyi and Adhiambo.

Hon. Temporary Speaker, we are taking Kenyans for granted. I also think we are creating unnecessary positions to benefit the elite in our community. If the Social Health Authority was rolled out on 1st October and is almost advancing into November, what is it doing to make sure that as many citizens as possible are registered? I went to a registration camp in one of the counties where people were being registered by clerks and I noted that there were two questions that had to be filled: do you live in a rental house or do you own a house? That is the question you are asked. The most obvious thing is to say that you pay rent if you

do. They hide some of these questions to corner citizens. When you say that you are paying rent, it means that you are salaried and they go for your salary. If you say you live in your own house, they put you in a category of people who are paying less. Can we not have a foolproof system? Why do we not have a system that moves smoothly?

My concern is that we are failing most sectors of our economy, but we should not play around with healthcare. All of us are seated here today because of one reason: the grace of God. That is why we are well. If you go to our hospitals, people are writhing in absolute pain. We have increased cancer cases. I am shocked because we now have increased cancer cases among the middle-aged. How are we going to take care of our young people if we have a healthcare system that cannot be rolled out smoothly? Besides that, we have a healthcare system that cannot make money reach where it is intended to reach. Private hospitals provide substantial assistance.

The Temporary Speaker (Hon. Peter Kaluma): You have 30 seconds to conclude.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): I thank you for the 30 seconds. Private hospitals provide healthcare, but these are people you can never negotiate with. When our people go there, they are turned away. When they go to public hospitals, they are turned away. Where will the poor Kenyans go to? As a Member of Parliament, when I go to the constituency I am told by my teaching community and the elite to talk about ‘SHI’, SHA, SHO’.

I thank you.

The Temporary Speaker (Hon. Peter Kaluma): The Chairperson of the Departmental Committee on Health, Hon. (Dr) Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Speaker, for the opportunity to respond to the issues raised by Hon. Lilian Gogo.

First and foremost, I think it is good for us to understand what we are talking about. The Authority is called the Social Health Authority, abbreviated as SHA. The Authority is a creation of this House. It runs three funds, namely: the Social Health Insurance Fund, the Emergency Chronic and Critical Care Fund, and the Primary Health Care Fund. All the three funds now replace the previous fund, that is, the National Health Insurance Fund (NHIF), which had a lot of challenges.

Previous Governments tried to see how best to introduce the Universal Health Care (UHC). We conducted pilot projects in Nyeri, Machakos, Kisumu and other areas to see how we could introduce the UHC. When President Ruto came into power, he brought Bills to operationalise the achievement of UHC as one of his agenda items in the Manifesto of UDA and Kenya Kwanza Coalition. In this regard, we passed the Digital Health Bill, the Social Health Authority Bill, the Primary Health Care Bill, and the Facility Improvement Fund.

Hon. Members, on 1st October, the Government began rolling out the programme on providing Kenyans with Universal Health Care. It is five weeks now. As we speak today, this programme has had several successes, including 39,000 Kenyans who have attended renal care visits. We have 81,000 Kenyans who have had admissions, 12,000 cancer care visits and 49,000 consultations at the primary care unit. What is the impact of this? We have had renal and haematology care, where Ksh430 million was approved for life-saving dialysis care over the past five weeks. We have more than Ksh300 million approved for cancer care. The average turn-around time for pre-authorization has now improved.

Initially, we had challenges but as we speak today the turn-around time is two hours. We have had challenges with private hospitals in accepting and running this programme. In the four major referral hospitals – the Moi Teaching and Referral Hospital, Kenyatta National Hospital, Kenyatta University Teaching and Referral Hospital, Mathari National Teaching and Referral Hospital, and Spinal Injury Hospital—as we speak today, no single patient has gone there and turned away.

The NHIF had a lot of challenges. In it, we had close to 12 million beneficiaries. Out of that 12 million, when the system was connected to the National Registration Bureau, 9 million Kenyans could be transferred from the NHIF system to the SHA system. That is how people received messages telling them that they had transferred to the SHA and could access the SHIF, to which they contribute 2.75 per cent of their gross salary. The Primary Health Care Fund is fully funded by the Government to the tune of Ksh4 billion. The Emergency, Chronic and Critical Care Fund is funded to about Ksh2 billion.

We might see this as a very small amount in relation to many Kenyans, but not everybody is sick. The biggest challenge that we face today is that many people want to register when they become sick. When SHA, together with the Cabinet Secretary for Health, appeared before our Committee, one of the commitments we asked them to make is to release or write a letter to every constituency office so that people can register in advance and not when seeking treatment. That will ensure that when they go to hospital, they are already registered members. Hon. Temporary Speaker, please, add me just one more minute.

This is important, Hon. Members, because we have indigents who cannot afford to pay. These are the people who expect the Government to pay for them. Therefore, by registering in constituency offices, the Women Representatives offices, or even the Senators' offices, we can use the means-testing to identify indigents.

The Temporary Speaker (Hon. Peter Kaluma): Add him one minute because of the information he is giving as the Committee Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): The SHA, together with the Digital Health Agency, will send their staff to liaise with our constituency office managers and teams so that our constituents can be registered. Through means-testing we can pick indigents and they can access services offered by the Government. In our Budget, we have an allocation for indigents. These is the largest population that comes to us seeking assistance. As soon as that letter is written, we have asked them to forward it to the Clerk so that all the Members can be informed to inform their constituents.

With those few remarks, thank you for allowing me to contribute, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. (Dr) James Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker. We have a problem and it is basically a problem of transition. When we passed the health Bills, remember our greatest argument was on transition. Why SHA and SHIF have got into problems is because we have not handled the transition well. SHA has three funds. The SHIF itself is a little bit okay because of the people who are employed and, therefore, easy to catch. What about self-employed people? What about the indigents? What are we able to do to them now? That is where the problem is. Even when they register, the premium they have to pay has to be determined. As it is now, that is not working well. One can be registered, but how much premium the person has to pay does not come quickly. Even when one is given the premium, the existing ERP that is supposed to help one with how to pay is also a problem. It has been a problem even for employed people, but I understand that is now improving. So, those are the problems. We are saying that we are going to use a means-testing instrument for the self-employed to test themselves. When people give data of their employment, and it is determined how much they are supposed to pay, how can that be verified? And are they able to pay now? What is the system of payment? That actually is still another problem.

The indigents are people who cannot pay. Let me say this: we cannot do proxy means-testing online. All over the world, nobody has ever done proxy means-testing online because the proxies that are used themselves cannot tell the proper means. At one point you have to get to the ground and see the family. We cannot say this is a stone house and it tells you the income of the family. We have to go and see what form of stone was used. We cannot say this is a

mabati and not a thatch. It may be a tin shack *mabati*. We have to do that and that is where we have a problem. It is exactly the same problem we have with university funding model.

We have to go for proxy means-testing and do it the way it should be done. We can use the Community Health Promoters (CHPs) and even the chiefs and assistant chiefs. So far, at least, in my constituency, I have really not seen this thing working. That is exactly where the problem is. So, what has happened now is that because we have gone up in terms of payment, employees who are paying a lot more are covering up. What about those who are self-employed and have not enrolled and we do not know how much they enrolled for? When we tested this in Eldoret... One can be registered, yet has not paid. However, if one is in a hurry, we are saying that one can go and get the service. So, if one is registered and gets the service, but has not paid, what will encourage such a person to pay? We have problems and the system we have put in place affects everything from registration, premium determination, payment of premiums and the benefit package which went up because we are expecting more money.

In the Primary Care Fund and the Emergency Fund, we were expecting Ksh75 billion. We have done Ksh4 billion and Ksh2 billion as my colleague said. The benefit package we provided for was based on that. If that has not come and we are giving services, where is the money coming from? If we do not do it and it is working efficiently, what is going to happen is that, very soon, we are going to run short of money because we have not got that Fund and we have not enrolled self-employed people. We have not even identified the indigents. But, because we want things to look good, we have...

The Temporary Speaker (Hon. Peter Kaluma): The Leader of the Majority Party, because of the precedence.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. Let me first take this opportunity to thank Hon. (Dr) Lilian Gogo for this Adjournment Motion because it gives us the opportunity to address a very topical issue in our country.

Allow me to start with a bit of statistics that I have just gathered. So far, 14.4 million Kenyans have registered to join the SHA programme which is under the SHIF. Out of these, I have just confirmed from the Chief Executive Officer of SHIF that 104,000 Kenyans have registered today. Allow me to plead with Hon. Members and the people's representatives, to be at the forefront in encouraging and promoting the registration of members of the public to SHIF. It might be politically expedient and correct to speak to the gallery on how things are not working for Kenyans. As we do so, we should remember that they charged us with the responsibility of ensuring that things work out for them. Therefore, it does not help me, as the Member for Kikuyu Constituency, to tell my constituents that I have seen, on television, people suffering; instead I should encourage them to register for SHIF.

I agree that people are suffering, but my constituents have elected me to be a solution provider to their problems. Therefore, I must take up that responsibility, as a leader, to encourage and give them hope. As the Chairperson of the Departmental Committee Health said, NHIF was bedevilled with rampant corruption. I dare say that even in my own constituency, St. Peter's Health Facility in Kinoo mushroomed into a big health institution, largely from money stolen from NHIF. There were also other small dispensaries in Tharaka Nithi, Meru, and Nakuru Counties where people were haemorrhaging resources from NHIF. Currently, this is largely fuelling the propaganda being peddled against SHIF.

Today, out of the 14.4 million Kenyans who have registered, 710,000 have done the mean-testing score. This is what we need to tell members of the public. As Hon. (Prof.) Nyikal said, the moment you register, you automatically qualify for the Primary Healthcare Fund. At the point you register to join SHIF, automatically you qualify for the Fund whether you have paid or not. When you register and are unemployed, you are required do the mean-testing score to determine how much you should pay.

Today, statistics from SHA show that the mean premium for the 710,000 Kenyans who have done the mean-testing score is Ksh525. As a business person who is doing well, you will do the mean-testing score to know the premiums you should pay from your level of income. People should know that the premium is based on how you answer the questions on the mean-testing score. If you own a car and pay an insurance of Ksh200,000, for heaven's sake, you can also insure your own body and health. Therefore, the people quoting very huge figures is because of the answers they gave in the mean-testing score. This is a fact. You can examine and authenticate these statistics from the SHA website. The mean premium out of the 710,000 people who have registered is Ksh525. On the service providers, 7,802 hospitals have signed up for this programme. A further 8,118 healthcare providers have successfully registered to offer services and out of this, 7,965 are offering services to Kenyans under SHIF.

Therefore, for us to stand in this House, funerals, and everywhere else to say that SHIF is not working, is to lie to Kenyans. We should tell the truth and educate them. I know we may have failed in our communication strategy and in educating our people. Let us use this opportunity on the Floor of this House to educate our people.

It is unfair that my constituents, some who are unemployed, were paying an average of Ksh500 yet at that time with my huge salary, besides my business income, I was paying Ksh1,700 a month. Now, that I am being asked to pay Ksh27,000 or Ksh20,000 a month, I start to complain and cry more than the bereaved. I am not being honest to Kenyans when I cry more than the bereaved since I am paying 20 times more than what I used to pay from money paid to me by Kenyans. This is the kind of honesty I beg we exercise as we debate and educate Kenyans. Let us be at the forefront of offering civic education to our people.

Hon. Temporary Speaker, you have seen cases of cancer and renal care patients who are undergoing dialysis. People were crying that they cannot access dialysis yet they had paid for NHIF. Let us educate Kenyans that if you are unemployed, the moment you sign up, you can automatically access level one, two, and three hospitals without payment. There is capitation to the hospitals through the Facility Improvement Fund.

I was very embarrassed over the weekend when I heard a Member of Parliament portend that *chibu* is not SHIF. *Chibu* means chief in Kikuyu language. An Hon. Member said that he does not know the difference between SHIF and *chibu*. This is the case and yet he was seated in this House and legislated from the First Reading to the Committee of the whole House and Third Reading. He was here shouting 'Aye', and the Hon. Speaker said 'the Ayes have it'. Then, in your village you tell Kenyans that you do not know the difference between SHIF and *chibu* or SHA and SHIF.

I was very embarrassed because I expect a leader elected by the people, who I believe knows more than them, to use that opportunity to educate the people. You should tell them the right thing if they need to access renal care and dialysis at their dispensary or in a Level 4 Hospital. If they are unemployed, all they need is to do a mean-testing score. They will be advised how much premium they should pay and when. I know these are the cries that Kenyans have raised: that the mean-testing score demands you to pay for the annual premium for the whole year. That was the case under NHIF. You could not access renal care and cancer treatment without paying your annual premiums. Kenyans were paying then.

Today, because SHA is yet to activate the insurance premium financing, they have opened up to Kenyans to pay every month. Let us educate our people that they can pay monthly premiums so as to access their dialysis and cancer treatment. Let Kenyans know that under SHIF they can access dialysis, chemotherapy, and radiotherapy, free of charge if they are registered with SHA and they pay their premiums. It does not matter whether it is annual premiums. If you have access to insurance premium financing you can pay annual premiums. If you cannot, discuss with them and pay your monthly premiums so as to access their services.

Hon. Temporary Speaker, my last point is to our county governments and governors. I want to plead with them...

The Temporary Speaker (Hon. Peter Kaluma): Hon. Ichung'wah I will add you one minute only.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I will conclude in a minute. The CECs of health in our counties should take up this challenge. This is because other than the Kenyan public, the other major beneficiaries of SHIF are county governments.

We legislated the Facility Improvement Fund in this House. I know many politicians will not tell Kenyans that this Fund empowers their local dispensary to have a committee which can procure equipment and medicine at that local level. The number of people registered in that facility will enable it to access the Facility Improvement Fund. It will ensure that a hospital in, say, Gatune, which is in a far flung area and the most remote corner of my constituency, Kikuyu, will be able to access the Facility Improvement Fund. This will allow them to equip their dispensary, stock essential medicines, and have the financial resources to hire doctors.

We legislated and made it possible ...

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Leader of the Majority Party.

Hon. Andrew Okuome, the Minority Whip will take precedence over you. For the avoidance of doubt, Hon. Millie will always speak before you whenever she wants.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. That is, however, discriminatory because the tallest men should be speaking before. But having said that, I thank Hon. Dr Lilian Gogo for bringing this before the House.

Article 43 of our Constitution provides for the right to the highest attainable standard of health, including reproductive health care. I know that this House passed a new legal framework that replaces the NHIF. We passed four Bills and I was in the House when that was being done. I was, especially, opposed to certain parts of that Bill, but that is now water under the bridge. We have a new legal framework now.

Having listened to several Hon. Members, that is, Hon. Kimani Ichung'wah, Hon. Nyikal, and the Chairman of the Departmental Committee on Health, one of the things that I can say is that the proof of the pudding is in the eating. We would be cheating ourselves to say that here are the benefits because we do not know them yet. If you are an excellent person at monitoring and evaluation, you cannot say within a month that there are benefits that can be seen. So yes, we will probably see them much later. We can, however, see photos of people who are in hospitals and struggling to access healthcare, especially those with renal issues and cancer patients. Even though I know Hon. Ichung'wah is castigating many Members, whom he accuses of pushing propaganda...

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

Oh, he is saying one Member.

I do not know who that is, since I am not too sure. I am also not very keen on the politics of the Mountain. What I wanted to say is that we need to acknowledge that there are very serious transition issues over this issue. If we lose a life, we can never regain it.

Right now, I have a person who is very close to me and undergoing cancer treatment, and will not receive any treatment unless there is pre-authorisation of payment. Being at a place that I am in, maybe, they are able to authorise. For different factors, we can. The cries we are getting from our own constituents and ordinary Kenyans tell you that there is a huge problem with the transition, which was not done efficiently.

I encourage the Chairman of the Departmental Committee on Health to schedule a *Kamukunji* for Members of Parliament. I am a lawyer and I was here when this was passed. Many would want to sit here and pretend that we understand and know. There are many things that I do not understand about this and yet I passed this law. What about ordinary Kenyans? Schedule an urgent *Kamukunji* for Members of Parliament so that they understand what this new system is all about.

Secondly, we need to stop most of the things we are doing in this country so that members of the public understand and know how they can access healthcare. This is because healthcare should be the most primary right for everybody. How will you help me when I am dead? How will it be of benefit to me? Even if you were to compensate, I will be dead.

We need to take this issue more seriously than we are doing. Let us listen to the cries of Kenyans. If the health system is not working and many poor people cannot access healthcare system, then there is a problem. Leader of the Majority, please, listen. This transition is not working well. Please, inform whoever needs to be informed so that they take urgent action. The transition is not working well.

Thank you, Hon. Dr Lilian for bringing this.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, I would request we speak for not more than three minutes, so that as many of us as possible can contribute. The Hon. Omboko Milemba.

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

The Temporary Speaker (Hon. Peter Kaluma): I have not recognised you.

Hon. Omboko Milemba (Emuhaya, ODM): Thank you, Hon. Temporary Speaker. The issue concerning the new model of health provision in this country requires a consortium of all of us to deal with. It does not require people to take podiums on one side and say that this is succeeding, while another team sits on the other side to say it is not, as that will not help us. Another thing I want to say about this is that it does not even require quick statistics of those we have either treated or done, say, dialysis. I am seated very close to the Chairman and he gave the statistics. The Hon. Leader of the Majority Party also went ahead to give a lot of statistics.

I was in a meeting over the weekend, where the Cabinet Secretary for Health was called upon to speak on this matter. She went straight into statistics as I have seen it happen here and she lost it. Later on, another speaker came, took time and spoke about it slowly. The second speaker really scored. I was with Hon. Maungu.

The first thing I want to remove from Members of Parliament is that there are those who are supporting and those who are not. There are those who know and those who do not know. We do not know this thing properly and we need to know it. If we do not know it properly, then the local man will not know it. Therefore, since I have three minutes only, the first advisory is to go with Hon. Millie. Let us have a *Kamkunji*. We also need to invite the Cabinet Secretary for Health to the National Assembly to explain to us what is happening out there. Unless the explanation comes out, it will be difficult.

The other challenge is the ownership of the whole setup. Kenyans are not willing to own up the new model of funding. The ownership can only be developed if Members of Parliament go out, explain things and also involve other parties. The Chairman has talked about having people within this programme. I have asked him questions here informally. There are people around who can do the mean-testing and register people. There are no people registering people in this scheme from where I come from.

Since Sunday, I have decided that I am going to help. I am going to go out flat to register all my constituents, but we have to involve other players. Let us not say that we have enough staff. If those Community Health Volunteers (CHVs) were trained to register people in this

scheme, it would work. After all, they know everybody. They know the indigent. As we do the mean-testing, they can be added up to bring out the whole thing to work properly.

I think that is the direction we need to take. Otherwise, once Kenyans complain, then we are not safe, even if we give whatever number of statistics. For me, we need to own this model, go and explain it, and use every other person within the circles to see how the model can work.

Thank you, Hon. Temporary Speaker.

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

Hon. Caroli Omondi (Suba South, ODM): Thank you very much, Hon. Temporary Speaker, for the opportunity. Thank you, Hon. Lillian Gogo, for bringing this matter to the Floor of the House.

I agree with the other speakers that the transition has been very bad on this matter. Patients with chronic illnesses were already being served under NHIF, I wonder why they never made the full, smooth transition into SHIF. They were already covered, paying their premium and receiving the services, but, today, they are being asked to register again. This is where the biggest problem is. We would like to hear from those responsible why there was no bulk transmission of existing members who had current premiums under the previous insurance scheme. To make matters worse, even those who are enrolling today are having difficulties making the payments under the system. It is quite a challenge. You go to hospital, enrol and try to pay and it does not go through.

I think the most critical thing is that the new scheme is grossly underfunded. It will not work unless the issue of funding is addressed. The data I have, and Hon. Omboko Milemba, please, forgive me for using some numbers, NHIF legacy debt is over Ksh30 billion, which has not been paid to the service providers. How will you convince them to start accepting new patients under the new system, especially the private sector hospitals? The actuarial projections were that about Ksh50 billion would be needed to start underwriting the three funds that we have created. Only Ksh6 billion of the Ksh50 billion that was required has been made available. As the Leader of the Majority Party said, 14 million members have registered, but only 700,000 have paid. I suspect that those have been captured because they are employed.

Basically, we are looking at a new system that is grossly underfunded, projected to cost about Ksh275 billion in the long run to make it fully functional, but is funded at Ksh6 billion. To make matters worse, we have committed Ksh105 billion to buy a health management software information system instead of committing the money to underfunding the insurance schemes under this new system. The biggest problem is the funding, and without sufficient funds, I can guarantee you that it will fail. It will not work. We should have a *Kamukunji* so that we all get better educated on this matter.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Gathoni Wamuchomba.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Thank you, Hon. Temporary Speaker. I rise to thank my sister, Hon. (Dr) Lilian Gogo, for bringing this Motion. I had tried to bring the Motion this morning, and I wrote to the Speaker, but I was informed that she had done that before me. So, she was given precedence, and I appreciate.

I personally went to various hospitals after I got many calls from my voters on matters to do with denial of access to health treatment. I went to two mission-run hospitals, one public referral hospital and one Level Two hospital. I interacted with the patients and gathered that there is a big problem.

As the Leader of the Majority Party said, we sat here and passed these laws. I did not pass them because I had issues with one of them. We must appreciate that you do not bring a new law and rush to implement it without involving the stakeholders. One of the hospitals confessed to me that they are owed over Ksh200 million by the former National Hospital Insurance Fund (NHIF) and, therefore, they have a problem. How do you tell them to continue

treating patients under a new programme and yet, you have not sorted out your previous debts? That is a problem.

Most hospitals are rejecting patients because they feel that they should have been clearly informed that we are migrating. Are we migrating with unpaid debts? Are we migrating with the same problems under the former NHIF that we have not sorted? That is the problem. Let us not come here and read out numbers. I appreciate the numbers that have been read out by the Leader of the Majority Party and our Chairperson of the Departmental Committee on Health, Dr Robert Pukose. However, our people are not waiting for numbers. They are waiting to hear how they will be treated in hospitals tomorrow.

When I went to one of the hospitals, I found a patient who had been withdrawn from the ward only to go and queue for dialysis at 6.00 a.m. I visited that hospital in Nairobi at 4.00 p.m. I found that patient waiting in the queue. He told me that the reason he had been waiting from 6.00 a.m. to 4.00 p.m. every day was because the SHA was supposed to send messages so that he could be on boarded for services, yet they were not being accepted.

We must tell it as it is. This new programme is a total confusion and a total mess. Our people do not know what to do and we must go back to the drawing board. But for now, let us withdraw these processes and go back to the original programme until we get it right. That SHA, SHIF...

The Temporary Speaker (Hon. Peter Kaluma): Hon. Sabina Chege. Because of the limited debate time, let us avoid points of order so that we tell Kenyans what to do.

Hon. Sabina Chege (Nominated, Jubilee): Thank you, Hon. Temporary Speaker. I want to thank Hon. Lilian Gogo for this Motion. She has been consistent on this matter. I have heard her raise it before.

The problem with the implementation of SHA and SHIF is the clarity of the transition. When the Government decided to move from NHIF to the SHA, and with the benefits that the Chairman gave us — from social health insurance, to emergency and primary care — there was no proper communication and clarity on the benefits. As a former Chair, yes, NHIF had many challenges but when patients visited hospitals, they knew what to expect. So, a patient who was to go for dialysis or chemotherapy, and those are the majority, knew what to pay and if they were to top up. Unfortunately, when 1st October came, I also became a victim. I had a patient in hospital and even with an insurance, it was very difficult to claim what was meant to be NHIF which now had become SHIF under SHA.

Chairman of the Departmental Committee on Health, these Members, and I know even yourself, interact with your constituents. It is high time we did public participation - a quick one - to see how we can communicate. Social media is there and many Kenyans consume a lot of information in the social media. Could we use this as an opportunity also to educate Kenyans on the benefits? Currently, there is no clarity, I would also like the Chairman of the Departmental Committee on Health to listen to me. We have patients who have cornea. They have a problem with their hearing and they need cornea transplants. I want the Chairman to clarify whether those patients are covered. We also have children with autism.

When we talk about deducting money, yes, there are people who are paid by the Government, like ourselves. But why is it that the deduction becomes punitive only for those with a payslip, while those without a payslip are left out? It is important that we look at the deductions and harmonise them, whether one is employed by the Government or in the private sector.

It is also very important that we inform the public in general on the benefits that are expected, and especially the hospitals. I interacted with one of the officers who told me they have no clarity from the former NHIF now SHA, on the transition and how they are supposed to handle the patients. So, this matter is urgent. It is urgent for Kenyans and it is important that the Chairman of the Departmental Committee on Health and ourselves...

The Temporary Speaker (Hon. Peter Kaluma): Hon. Mary Emaase.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon. Temporary Speaker. I also want to thank my sister for bringing this Motion so that we can speak about this subject. Hon. Temporary Speaker, SHA was well-intended to ensure that every Kenyan gets access to good healthcare. However, I agree with my colleagues that there are challenges in transition. Just like any other programme or project, there will be those teething problems when it is being implemented. I think that is where we should focus, but there are also successes.

I am just from my constituency. The whole of last week, I was not in Parliament. I was engaged in public participation. One of the issues I was sensitising my people about was on SHA and they said they did not know it. The Chairman told us that we need to sensitise and educate Kenyans so that they know what SHA is, the premiums, how to pay and how they can benefit. That information is lacking. And while we were doing public participation, one of my constituents, when returning back home, broke his hand and we rushed him to one of the private hospitals in town, and we were told we needed to deposit Ksh100,000 cash money, which we did not have. I demanded that the patient be transferred to Bungoma, where we looked for a hospital. We were being asked to pay Ksh70,000, which we did not have. Before we went to Bungoma, I made sure the patient was registered with SHA. So, we managed to get a hospital in Bungoma that accepted to admit the patient from Teso South in Busia County, and he was treated. I only paid Ksh25,000. As I am talking to you, he was discharged yesterday. So, the problem is lack of information.

The problem is equipping our hospitals properly. The Chairman of the Departmental Committee on Health, I want you to listen to me. We must put a proper budget for health so that we do not depend on donor funding. In the last budget, for diseases like cancer, we only gave them Ksh250,000. That was for both recurrent expenditure and to establish cancer centres across the country. What can Ksh50 million do? Ksh200 million was for the recurrent budget.

So, we need to equip. If you go to Busia County Referral Hospital, you will find three mothers in the maternity ward sleeping on one bed. We must improve the facilities even as we work on improving the transition to Social Health Authority (SHA). The problem is in the equipment in our facilities. We need more doctors in the hospitals, Hon. Temporary Speaker.

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Sarah Korere.

Hon. Sarah Korere (Laikipia North, JP): Thank you, Hon. Temporary Speaker. I want to thank my sister, Hon. Lilian Gogo, for bringing this Adjournment Motion. As other speakers have said, SHIF was well-intentioned. However, the trust deficit that it has brought about and lack of stakeholder engagement is wanting.

I say so because in every county and constituency, we have Government officers up to the level of assistant chiefs. If all the administrators were called and educated about this insurance fund and given the requisite information... These people - assistant chiefs, chiefs, Assistant County Commissioners (ACCs), and Deputy County Commissioners (DCCs) are paid by the Government. You know, we cannot, depend on politicians who will politicise everything and want to seize the moment, even on things already passed in this House, just to paint how bad some things are because they think they are on the other side of the division.

Hon. Temporary Speaker, as I stand here money in my payslip has been deducted and so for other civil servants. We feel the pain of the deductions, however, we really enjoy when our people get services. Every Member of Parliament here, I am sure every weekend is being called for Harambee, even when they know they are banned. You are being asked to contribute for a sick person. It is on humanitarian ground. You cannot start telling them Harambees were banned.

Hon. Temporary Speaker, health is not a privilege to Kenyans. It is a basic human right. It should not be a luxury. We do not have the option of deciding whether Kenyans should have

proper health coverage. They must have it. It is a must, Hon. Temporary Speaker. So, what am I saying? This thing requires proper stakeholder engagement and we create proper awareness. On the trust deficit, we should be honest to ourselves as leaders. For a very long time in this country, health has been a privilege of the rich and I think that is what the President is trying to change. It should not be a privilege of the rich. It should be a right of every Kenyan.

We know a healthy nation is a wealthy nation. If our people are healthy, they will go about their businesses. They will contribute to the economy of this country. It is not whether we are going to provide them with that or not. We must. As a House, we must take responsibility. The NHIF was marred with a lot of corruption. Even as we...

The Temporary Speaker (Hon. Peter Kaluma): Hon. Beatrice Elachi.

(Loud consultations)

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker...

The Temporary Speaker (Hon. Peter Kaluma): I am going to take a lot of time on my left-hand side.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I also rise to thank our sister, Hon. Dr. Lilian, but more importantly for just giving me the opportunity because last week I walked into the meeting of the Departmental Committee on Health just to understand.

This health cover is the best for Kenyans. However, what we need to understand and what the Committee and the Chairman of the Departmental Committee on Health needs to understand, is that you cannot have a system where you appreciate the hardware but you forget that software is what will make the hardware work. That is the crisis we are in.

One of the things I need them to come and explain to us, is that in all insurances, there is a cap. In SHIF there is no cap. So, if someone is paying based on your salary, you are just paying. Those are some of the things Kenyans are feeling. They need more explanation. There must be a cap on this. It is time Members of Parliament put up desks in their constituencies. Let us register our people through our community health workers, so that we see these numbers and get to understand.

We should also have a tent at Bunge so that we can know whether or not we are registered. My phone does not show me whether I contributed money this month. How will I know that I am contributing? The big problem is the system analysis.

Hon. Temporary Speaker, the digital aspect is faring even worse. These multi-agencies have brought us into this crisis, yet we bought a machine for Ksh105 billion. We should not be in this crisis. We should now be celebrating a health cover for everyone. We are putting our President into a lot of trouble because of what we have done, yet the confusion is in the Ministry of Health.

The Ministry of Health must come here for a *Kamukunji* and re-align everything. They should tell us how the claims management system works, and how the counties will benefit. How will people register with their county hospitals so that they can benefit? That is very critical.

Thank you, *Daktari*, but we need a *Kamukunji* very fast.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Guyo Jaldesa.

Hon. (Prof.) Guyo Jaldesa (Moyale, UPIA): Thank you, Hon. Temporary Speaker. The concept of universal healthcare is the best thing for this country. Anybody should be able to walk into any health facility and get appropriate quality treatment. That is what we all need. That is what the SHA is expected to address.

The Leader of the Majority Party was teasing people because they do not know the SHA, the SHIF, and the rest and yet, he was the one who was waving to them to vote yes during the passage of the Bill. They voted yes because they were obeying his orders. Today, he is telling them that they do not know what they voted for. I wish he was here to listen to this.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Guyo Jaldesa, many of us have agreed that we do not understand the systems.

Hon. (Prof.) Guyo Jaldesa (Moyale, UPIA): Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): In fact, that is why I am giving an opportunity to more Members of the Departmental Committee on Health to speak to the public and fellow Members.

Hon. (Prof.) Guyo Jaldesa (Moyale, UPIA): Hon. Temporary Speaker, this is a good thing. This House approved that Bill. It went through all the three stages. Unfortunately, Members of Parliament do not understand what they passed. We need to have a *Kamukunji* for Members of Parliament so that when they go out in public, they know what to tell Kenyans.

We know that there have been teething problems. Any new project must have transitional teething problems. That should be sorted out. When we met the SHA team last week, we told them that they should open a tent to register Members of Parliament and their staff, so that they understand the system, ask questions, and then go out to the public to tell them what to do.

Finally, because I can see the light is changing, the counties have collapsed and it is giving us problems. Do not close any of the former NHIF branches and do not lay off its staff just because we have changed from the NHIF to SHA.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Gideon Ochanda.

Hon. Gideon Ochanda (Bondo, ODM): Thank you, Hon. Temporary Speaker. The juggernaut that is before the nation is a combination of factors. The very basic one is poor learning experiences. We have seen those failures before, but it is like we did not learn. Because of that, we have not connected those learning experiences to how to communicate with the public, and to manage the transition. This is basically the main problem we have as a nation. All these registration processes have failed before. In the last Parliament, we placed Ksh6 million for three years for purposes of registering indigents, but nothing came out of it. In the past, registration of basic things like the Huduma Namba has failed the nation. Therefore, when we talk about registration of any manner, we must learn from the past experience to package how we communicate with the public. And that is where the biggest problem is. What I was talking about is fantastic, but the public does not have that information.

Who is supposed to communicate to the public? I do not think Members of Parliament are supposed to give official communication from the Government to the public. They can only help, but there is a basic department of Government that is mandated to officially communicate with the public on Government matters. For instance, the management of Identification Numbers (IDs). We initially had that big thing. It remained because it works. Then we changed to the small ones. The old ones worked for a longer period of time. Why do we not have the registration of NHIF and the rest that we had before, work through the entire period, so that we do not put a stop or an end to an exercise that we know must run on for a long period of time?

The registration process and even the start date of SHA has failed to pick up in the last two years. Those are the kind of things that make the public not to trust the process. They are not getting information the way they want and believing becomes a problem. We must reorganise how we communicate for us to deal with the public.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. (Dr) Makali Mulu.

Hon. (Dr) Mulu Makali (Kitui Central, WDM): Thank you very much. I just want to join colleagues in appreciating this Motion. I want to go on record that I participated in passing the three pieces of law. However, there are things we objected to; we said that they did not make sense, but as usual, our voices were buried.

One of them, which is critical, is this: when you are introducing a new programme, if you are programmatic in terms of thinking, there is always what we call the piloting phase. This is where you pilot, and as a result of the lessons learnt from piloting, you can then roll out to the whole country. I think that is what Hon. (Dr) Gideon Ochanda is saying. We missed the interface and that is why we are facing so many challenges in terms of the transitional phase.

Secondly, you will recall that the issue of the staff was very hot debate in this House. We said that it is important to assure the NHIF staff that they will be taken care of in terms of transition. Now, an Authority has come on board and it is using very demotivated staff. This is because they have not come out clear on the fate of the NHIF staff. They expect them to be very happy. If you do not get it right on some of these things, then you fail.

The third point is the issue of the budget; the allocation is less than a quarter of what is expected. But to make things worse, we come here and publicly announce that we have a digital system that we are going to install and will cost Kshs104 billion. You are telling us that you do not have a budget to roll out the programme, but you are buying a digital system at Kshs104 billion.

These are the issues and the Government should listen. When Kenyans say that this thing is not working, can we give them time? Can we allow the process another four months so that we have the interface, NHIF and SHA? If we do that, within five months, we will actually phase out NHIF and have SHIF on board in a very smooth way, without really disturbing the process as it is now.

Thank you,

The Temporary Speaker (Hon. Peter Kaluma): Hon. Irene Mayaka will be followed by Hon. Andrew Okuome.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Speaker. I just want to express the sentiments of the majority of Members here. One of the biggest gaps in SHA and SHIF is the lack of communication, either to the public or Members of Parliament who represent the public. Nobody knows what is going on, and that is the biggest issue that we really need to take care of. For instance, majority of the staffers working under NHIF are now worried. They do not know what will happen next. Nobody has communicated what is going to happen to them. This communication needs to be very clear. Many Members have suggested we hold a *Kamukunji*. I actually think that we should have the Cabinet Secretary come here during a session so that we ask proper questions for the public to see exactly what is going on.

The other thing is that this is an information technology based technological system. One of the things we know in the information technology space is that when moving to a different technology, you have to do a grandfather piloting. This means that you pilot in batches. Try the technology in one section and see if it works. If it does not work, you get the feedback and rectify that and grandfather that system, then move onto the next batch. But this was done en masse which is very scary and dangerous. Many patients have suffered as a result of this.

I, therefore, urge the Chairman and the Cabinet Secretary, who I hope is listening, that they now start a process of communication. We have access to social media, local media and vernacular media. They should use these platforms that they have access to, to educate Kenyans properly for them to understand this. Also, they should take the feedback that they are receiving from Kenyans so that they can know what the issues are. Otherwise, there will be no acceptance of SHA and SHIF as an alternative to NHIF. Right now, everyone believes that the NHIF is what works. It is, therefore, up to us and we have the responsibility of ensuring that the public

understands why this is a better alternative. As at now, we all do not think it is a better alternative.

Thank you.

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

Hon. Adipo Okuome (Karachuonyo, ODM): Thank you, Hon. Temporary Speaker. In fact, I am surprised that some of us deny that people are suffering out there. The situation out there is very serious, and because of that, I am happy that my colleague, Hon. Gogo brought up this issue.

One of the things I feel is the cause of this problem is the changing of names from NHIF to SHIF. Perhaps the system should have worked in such a way that the two systems run concurrently, as NHIF gives way to SHIF. But when they did the shift in one day, a number of people were caught up. They were neither in NHIF where they were de-registered, nor were they in the new system of SHIF. So, when they fall sick, their fate is death. We must admit this because if somebody is not in either NHIF or SHIF, then they are not registered. With that situation, the Government must take this thing very seriously because even as I speak, there are many people who are not registered anywhere. We need to do something on this very urgently.

In addition to that, a bad mistake was made. There was no adequate public participation. There was none. People do not know what is going on. That is why you hear them saying SHIF, SHAF, HIS... whatever.

(Laughter)

This is as a result of not knowing what is going on. We need to reverse the situation in a way that everybody can be given a chance to life.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Andrew Okuome, your time is up. Hon. Wilberforce Oundo, in two minutes.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Speaker, I have been at the top of the log for long, but it is okay.

There are two issues here that the Committee and the Executive need to address. One, majority of the hospitals have got legacy debts from NHIF, and probably there are no sufficient legal mechanisms to transfer the liabilities of NHIF to SHA. Therefore, many hospitals are not happy and are not willing to take up more responsibility and more debt. It is, therefore, the Executive assures service providers that whatever they are owed by NHIF, will still be taken over by SHA after due diligence process is completed.

Secondly, we might have an insurance cover but if the primary facilities do not have adequate resources, then the entire system will collapse. With that, because we are running short of time this is a good idea. Let the Executive work on how to resolve these issues.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): The last person is Hon. Eric Muchangi.

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Temporary Speaker, for this opportunity. I wish to thank Hon. Dr Lilian Gogo for this important Adjournment Motion.

I agree with Hon. Members who have said that there is need for more sensitisation and information sharing about SHIF. I did research in my constituency and saw that a considerable number of people had registered with SHIF. However, this new programme has its own challenges. Sometimes, in this country we have very ambitious programmes like tree planting where everyone is involved. On this important healthcare issue, I believe that the Government and leaders need to invest more time in educating our people so that they can get enlisted in

this programme. We should not fear it because it is new. In this country, we have a tendency of rejecting almost everything. The new health scheme is not a bad idea. So, we need to invest more time in informing our people.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. (Dr) Eve Obara make your contribution in two minutes.

Hon. Eve Obara (Kabondo Kasipul, ODM): Thank you, very much, Hon. Temporary Speaker. I want to give a raw feedback from my constituency and its environs because there is a big problem. Patients are being turned away if they do not have cash. Even those who had money in their NHIF cards are also being turned away. We need to do something.

We say, a healthy nation is a wealthy nation. The amount of money being recovered from people's payslips is making them poorer. Here in Parliament, Hon. Members are being deducted Ksh360,000 per annum which is a lot of money. This is enough to give you a cover where you can be evacuated from anywhere. Not to mention other civil servants who are paying the Housing Levy.

Hon. Temporary Speaker, there is nothing wrong in admitting that we have not managed the transition properly. So, we should go back and re-look at this issue. We can have a cap of how much we can pay per month or per annum. This should not be a rate that is pegged on your salary. This was a good idea but its implementation and transition are the problem. What happened to the Ksh30 billion provision that was meant for hospitals that were not paid by NHIF? Where is this money? They should be paid. How can I give you service if you cannot pay what you owed me previously?

We need to re-look at this. We are not saying that it has failed but we need to review and see what can be done to give Kenyans the universal health coverage that was promised.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Members. The interest on matters health and education is usually big. I thank you for the interest shown. I believe that this matter can be addressed through other forums and procedures within the Assembly so that the thoughts around holding a *Kamukunji* and other processes can help us stabilise the programme. I am very happy that we are thinking of solutions and not lamentations. Indeed, this Parliament killed NHIF by repealing the Act and established SHIF by enacting the new laws.

ADJOURNMENT

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, the time being 7.09 p.m., this House stands adjourned until Wednesday, 13th November 2024, at 9.30 a.m.

The House rose at 7.09 p.m.

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