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The House met at 9.30 a.m.

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

PRAYERS

QUORUM

Hon. Deputy Speaker: Serjeant-At-Arms, ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Hon. Members, we may proceed. Serjeant-At-Arms, stop the Quorum Bell.
First Order.

PAPERS

Hon. Deputy Speaker: Hon. Waqo, present Papers on behalf of the Leader of the Majority Party.

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

1. Sessional Paper No.5 of 2024 on the National Green Fiscal Incentive Policy Framework from the Office of the Attorney-General.
2. End of term Report for the year 2018/2019 to 2023/2024 Third National Wage Bill Conference Report from the Salaries and Remuneration Commission (SRC).
3. Annual County Governments Budget Implementation Review Report for the year 2023/2024 from the Office of the Controller of Budget.
4. Reports of the Auditor-General and financial statements for the year ended 30th June 2024 and the certificates therein in respect of:
 - (a) Kenya Electricity Generating Company PLC (KenGen).
 - (b) Kenya Power and Lighting Company (KPLC).

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Next Order. There are Requests for Statements supposed to be responded to by the Chairperson of the Departmental Committee on Administration and Internal Security. The Request of Statement by the Member of Garissa Township. The Vice-Chairman, Hon. Raso, you may proceed.

QUESTIONS AND STATEMENTS

STATEMENTS

ABDUCTION OF FOUR PERSONS IN GARISSA

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Deputy Speaker. I wish to respond to a request for Statement regarding abduction of persons in Garissa Township.

The Member of Parliament for Garissa Township Constituency, Hon. Barrow Dekow, requested a Statement regarding the abduction of four persons from Garissa Town: Mohamed Abdullahi Hirey, Mohamed Buya Shangalow, Mohamed Hussein Ibrahim and Idle Farah Bib.

The Member of Parliament alleged that police officers cracking down on terror suspects abducted the four. He particularly requested to be informed on the circumstances that led to the abduction of the four persons, the place where the four missing persons are held, the status of investigation into their respective cases, and measures the Government has put in place to ensure that counter-terrorism initiatives are carried out in strict compliance with the law.

On the circumstances that led to the abduction of four persons from Garissa Town and the identity of abductors, I state that the disappearance of the following three persons was reported at Garissa Police Station:

1. Mohamed Abdullahi Hirey vide OB No.101/29/07/2024.
2. Mohamed Hussein Ibrahim vide OB No.98/30/07/2024.
3. Idle Farah Bib vide OB No.46/30/07/2024.

All the three reported cases are under investigation by the Directorate of Criminal Investigations (DCI). The circumstances surrounding the abduction is not yet known. The Government is not aware of the disappearance of Mr Mohamed Buya Shangalow. The family members are, therefore, advised to report the disappearance at their nearest police station to allow commencement of investigation. The National Police Service is employing every measure to establish the whereabouts of the reported missing persons.

The other issue is the measures the Government has put in place to ensure that counter-terrorism initiatives are carried out in strict compliance with the law and international human rights standards. The Government has taken the following measures:

1. Briefing officers on proper conduct wherever they are deployed on duty.
2. Strict supervision of officers by immediate commanders while performing their duties.
3. Taking both criminal and disciplinary action against any officer found culpable of breaking the law.
4. Encouraging civilians to report any misconduct of the police through the National Police Service toll-free number, FichuakwaDCI, as well as oversight authorities such as the Independent Policing Oversight Authority (IPOA) and the Internal Affairs Unit.

Further, I reiterate that the Government has no policy on abduction. Any officer implicated in such vice will individually be held accountable for their actions. Hon. Deputy Speaker, I beg to respond.

Hon. Deputy Speaker: Thank you, Hon. Raso for that response on behalf of the Chairperson of the Departmental Committee on Administration and Internal Security. Member for Garissa Township, do you have any response to that?

Hon. Dekow Mohamed (Garissa Township, UDA): Thank you, Hon. Deputy Speaker. I have heard the response from the Chairman of the Departmental Committee on Administration and Internal Affairs. I want to report to this House that I do not believe or trust the information that the Member has given to be factual. We have always said that the answers we get from the ministries and departments are drawn from their computer desktops and nothing reported is based on what is happening on the ground.

This is because one of the victims that we are talking about, Mohammed Abdullahi Hire, was found the day after I requested for the Statement. The response that we have received this morning claims that he is still missing! That just shows that this investigation or response is not a reflection of what is happening on the ground. With regard to Mr Mohamed Shangolo

whom the Chairman has just said was not reported as a missing person, the police have information that he was abducted and reported missing on the same day by the same people who went to the police station to report.

The fact that the Chairman of the Committee has come to report that Mr Shangolo is not missing, yet he is, and the person who was missing and has since been found is still being reported as missing is very unfortunate. We need to take this matter very seriously. The Committee Chairman should give us the right information.

Hon. Deputy Speaker: Have you noted that, Hon. Raso? How will you deal with the concerns raised by the Member for Garissa Township?

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Deputy Speaker. From the Statement given by the Cabinet Secretary for Interior and National Administration, it is clear that abduction of citizens by authorities linked to the Government is not within the policy of the Kenyan Government. This is because we believe in the rule of law. Our country is governed by the rule of law. The Cabinet Secretary has clearly said that that cannot be a Government policy.

Secondly, with regard to those individuals who are reported missing, it is clear that one must report their abduction to the nearest police station so that there is a Government record.

Thirdly, the Committee yesterday met with the Independent Policing Oversight Authority and the Kenya National Commission on Human Rights to address the same issues of abductions and missing persons. We will be meeting with the National Police Service tomorrow to highlight the same cases and what the National Police Service should do if, indeed, they are involved.

Hon. Deputy Speaker: Hon. Beatrice Elachi, do you want to speak on this?

(Hon. Beatrice Elachi shook her head)

Okay, we can now move to the next response by the Chairperson of the Departmental Committee on Agriculture and Livestock. He will be responding to the request for a Statement by the Member for Gichugu, Hon. Gichimu. Who is speaking on behalf of the Committee since the Chairperson is not present? Is the Vice-Chairperson here? Hon. Brighton? The Chairperson is not here. Do you have any response from him or your Committee? Obviously, it has come to you as a surprise and so it is not happening. The substantive Speaker had made it very clear that Chairpersons should be present to respond to requests for statements. The Leader of the Majority Party knows that Chairpersons are supposed to be here when they are supposed to respond to questions.

Yes, Hon. Brighton.

Hon. Brighton Yegon (Konoin, UDA): Hon. Deputy Speaker, our Chairperson is out of the country, but if given a chance in the afternoon sitting, we will respond.

Hon. Deputy Speaker: Yes, but you know if the Chairperson is not present, there is a Vice-Chairperson or other Members of the Committee. Therefore, you must express the displeasure of the House to your Chairperson because he can delegate the responsibility to either the Vice-Chairperson or another Member of the Committee. Yes, Hon. Ruku.

Hon. Ruku GK (Mbeere North, DP): Hon. Deputy Speaker, that is why it is important to talk to the leadership of this House. The Chairpersons who are not taking their responsibilities seriously are failing this House and Kenyans. It is high time that some of these committees were reconstituted afresh, so that we can see Chairpersons in the Chamber taking matters of Kenyans seriously.

Thank you.

Hon. Deputy Speaker: Thank you. We can move to the next response to the request for a Statement by Hon. Sarah Korere from the Departmental Committee on Agriculture and

Livestock. Again, there is no response because the Chairperson is not present. We can proceed. What is your point of order, Hon. Makali Mulu?

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Hon. Deputy Speaker, was the information you have given in terms of the absence of the Chairperson of the Departmental Committee on Agriculture and Livestock communicated to the Committee? Was the Committee aware that these requests for statements were supposed to be responded to? This is because you might be blaming the Chairman and maybe he was not aware. Every committee has a chairperson and a vice-chairperson. I am not sure that both the Chairman and his Vice-Chairman are out of the country. Was the communication sent to them before we blame them?

Thank you.

Hon. Deputy Speaker: Usually, the moment a statement is requested, it is immediately transmitted to the relevant Government department or ministry. Thereafter, the response is sent and marked to the committee. The committee clerk would, therefore, be aware, and he or she would then make the chairperson aware. If the chairperson is not present, any other Member can read the response. So, either the response never came from the Ministry, or if it did, it has not been given to other Members of the Committee in the absence of the Chairman.

Hon. Brighton, I task you with the responsibility of finding out from the Committee Clerk whether the response was given and whether the request for a statement was, in fact, sent out.

Thank you.

What is your point of order, Hon. Kibagendi?

Hon. Bisau Kakai (Kimini, DAP-K): Hon. Deputy Speaker, it is Hon. Bisau, not Hon. Kibagendi. I know there is some resemblance.

Hon. Deputy Speaker: I am sorry. Yes, Hon Bisau Kakai.

Hon. Bisau Kakai (Kimini, DAP-K): Hon. Deputy Speaker, our performance is deteriorating. Hon. Yusuf Adan tabled a report by the National Cohesion and Equal Opportunity Committee yesterday. As the Chairman, he did not even have a single Member to second the report. There are situations where we have the Chairman...

(Technical hitch)

Hon. Deputy Speaker, I was saying that yesterday Hon. Yusuf Adan tabled a report by the National Cohesion and Equal Opportunity Committee on a very important subject for this Republic. As the Chairman, he did not even have a single Member from his Committee to second the report. He asked another Member of this House, not from his Committee, to second. Therefore, as much as we are talking about the chairpersons, the Committee Members should also be present, especially on such an important Motion. Otherwise, our performance is deteriorating. We need to do something as a House.

Hon. Deputy Speaker: Let us move to the next Order.

MOTIONS

COMPREHENSIVE REFORM OF EDUCATION BURSARY SCHEMES TO ENSURE FREE BASIC EDUCATION IN KENYA

THAT, aware that Article 43(1) as read together with Article 53(1)(b) of the Constitution provides that every person has the right to education and enshrines the right of every child to free and compulsory basic education; further aware that Kenya Vision 2030 identifies education as a crucial component for transforming the country into a globally competitive nation; appreciating that

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bursaries play a vital role in supplementing funding for enhancing access to education, particularly for students from disadvantaged backgrounds and contributes to the realisation of universal basic education; noting that various education bursaries exist in the country including ward-based level bursary, County Government's bursary, the National Government Constituencies Development Fund (NG-CDF), the National Government Affirmative Action Fund (NGAAF) and the Presidential Secondary School bursary (PSSB); further noting that the evolution of bursary schemes from centralised to community-based administration aimed to enhance educational access, equity and responsiveness to local needs; concerned that despite these efforts, the current bursary system faces numerous challenges including lack of standardised and transparent selection criteria, delay in disbursement of funds and insufficient coverage of education costs leading to gaps in support; further concerned that these challenges have resulted in persistent disparities in education access, increased dropout rates particularly in secondary schools due to financial constraints and strain on household incomes as families struggle to meet educational expenses not covered by bursaries; acknowledging that the implementation of community-based bursary schemes has not fully achieved its intended objective hence the need to re-evaluate the current bursary systems with a view to ensure equitable and free access to quality education for all students; cognisant that the duty of the Government to provide free basic education can best be achieved by consolidating education funds and directly remitting to public schools; now therefore, this House urges that the Government, through the Ministry of Education, in collaboration with the relevant stakeholders, undertakes a comprehensive overhaul of the education bursary system with a view to collapsing all bursary schemes and allocate the funds to the State Department of Basic Education for provision of free basic education through capitation to be directly remitted to schools.

(Moved by Hon. Esther Passaris on 25.9.2024 – Morning Sitting)

(Resumption of debate interrupted on 25.9.2024 – Morning Sitting)

Hon. Members, we have a balance of 58 minutes on this Motion. At the end of the last debate, Hon. Phyllis Bartoo had a balance of four minutes, but she is not in the House. Therefore, Hon. Members, press the intervention button if you wish to speak on this. Hon. Beatrice Elachi.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Deputy Speaker. Allow me to thank and appreciate Hon. Esther Passaris for bringing this Motion on the comprehensive reform of education bursary schemes to ensure free basic education in Kenya. Hon. Deputy Speaker, for the many years that we have had and especially during the late His Excellency, Mwai Kibaki's time, Kenya would have wished to see completely free education for both primary and secondary schools. We are now in a new dispensation. We have entered into the Competence-Based Curriculum (CBC).

Each Hon. Member would now want to see our children having dignity as they go to their Junior Secondary School (JSS), as the new system progresses. As much as this is critical for us, I know the biggest challenge (as Hon. Members will see here) is that the problem is not about putting the bursary together so that you have a comprehensive bursary scheme. The challenge we face is not just about NG-CDF, but it is when you look at all the stakeholders that play a key role in the education system of Kenya. That is Equity Bank, Kenya Commercial

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Bank (KCB) and every person who comes in to support. You will always find yourself in challenges of how come we are supporting so much and we still have many young children yearning to be supported. Some are still not supported even to date. You will find a few of them who have not even joined high school because of lack of bursaries. Somewhere in the corner of Kenya if you check, you will find a bright child who is yearning to go to school but up to date has not got that support.

So, as I support this, what I want the Government to do, and this is something that has to come before we even think of the scheme, is to let every child in this country have a National Education Management Information System (NEMIS) number. Let us get to know the capitation of each child so that we can know how many children we are talking about. Do not discriminate against children because others are in Adult Basic Education and Training (ABET) schools and others are in public schools. All of them are Kenyans.

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

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

One of the things we should be thinking about as Members of Parliament is how we ensure, even as we support bursaries and all this, that every child can find a uniform. Most of them do not go to public schools because you find a parent telling you their child cannot afford school uniforms, the books being asked for and the Ksh6,000 or Ksh5,000 they are being requested to pay. For me, indeed we need to have a way of having free education in this country, but let us do it in the right way.

Hon. Temporary Speaker, you remember to date we are still fighting the Ministry of Education with capitation. The biggest challenge we face is not about how the bursary is being given or about anything. The challenge we face is, we have people who have lived in Jogoo House for a while now and they will tell you how they are doing things, yet part of them are the biggest problem we are facing. If you have been in a system for 30 years, why is it that we cannot make it right for our children in this country?

We have to be very clear that, indeed, every child has a right in this country, even the one who does not have a parent. We have many bursaries. In fact, even in the ABET schools that we are talking about, you will find them telling children to expect sponsors. However, you do not care how the child is going to move to high school. That is the time the child is left out. If we are doing this JSS, we must change the system of this country on how we look at things. The other day, I saw the Kenya Union of Post-Primary Education Teachers (Kuppet). When we find ourselves fighting that Kuppet must be somewhere so that they continue having union numbers and when the children close school, they do not even have food... Those are the things this House should not allow. We are not here to put our children and teachers in unions. We are here to see a country that standardises and makes it clear that education is the only merit a child can have to sit at a table with any other child.

While I support my leader, Hon. Esther Passaris and wish her that this indeed is needed, we have to do it in the right way. Before we do anything on this, let every child have a NEMIS number. Now they are moving it from NEMIS to Kenya Education Management Information System (KEMIS). Let every child have a KEMIS number in January. Let this matter of birth certificates be stopped completely, the same way we are trying to give Form Fours identity cards in school. Let the Ministry concerned with the identification of birth certificates, go and sit in every school to ensure every child has a birth certificate.

You will find that I have a school with 3,600 children in today's capitation, and only 200 have NEMIS numbers. Where does that capitation after we have given the Ministry all this money go? This is the case and yet you are saying you have 3,000 or 5,000 children in this

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school. Where does the money go? Let every child in this country be counted, so that we itemise the budget here and say we are now giving capitation of one or two million children. We know this is the amount they are taking and this will support the education system.

The other thing I need the Ministry to do now is to tell us we have teachers who have gone. Most of them are in arts subjects and humanities. How do we support these teachers to go back for a refresher course so that those who want to teach science can now go and teach it so that we get more science teachers? I understand we do not even have enough. If we do not even have and CBC is science, how are we moving on? While we celebrate, I want to thank everyone. Indeed, let us start at the right slate in the education system that we are going into. Let us not make the mistakes we have made. I have seen too many mistakes in the last system where you cannot understand a number of books. Parents today wake up and are supposed to do this and that.

Also, why can we not look in our secondary schools? This is because, I can see many secondary schools claim that students lack fees and parents are crying, yet there is that standard of school fees that every child is able to pay. If a school is able to run with that amount, why is it that you will force a school to have school fees of Ksh25,000, yet you know very well most parents are paying Ksh16,000? Why can the Ministry not look at that and standardise where you know parents are able to pay so that schools do not have pending bills, yet they are able to move and operate. You even wonder whether it is viable. What is viable is what we need to use. This is something the Ministry should help us.

Another thing that the Ministry should look at, for example, is in Nairobi I have 24 schools, but nearly how many students are there? Beyond 40,000 or 50,000. You cannot tell me because I have those, you will start giving me the capitation of building classrooms because of the number of schools I have. It is wrong. You should be looking at the number of students I have. This is one thing we should be pushing. I understand we have 6,500 schools with less than 100 students. Honestly, Hon. Members even us, we should question ourselves. We made a mistake to build more schools, yet we do not have enough teachers and students. We have spent money and now we are supposed to ensure these schools are sustainable.

As I finalise, I want to really thank the Americans for voting for Trump to finish the culture of what our children have been crying for; a culture that is not our culture, and now America has awakened.

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Charles Nguna, I want to recognise the students at the Speaker's Gallery, but why are you so excited? You keep punching the air. What is the matter?

Hon. Charles Nguna (Mwingi West, WDM): Hon. Temporary Speaker, you know my name is CNN and being CNN, you know CNN and you supported Donald Trump to win the elections. I want to bring the breaking news to the House that Donald Trump is the President of the United States of America. Congratulations to him and that is why I am excited. As the CNN, I just wanted to bring the news to you so that we can celebrate this victory.

Thank you for this opportunity.

(Laughter)

The Temporary Speaker (Hon. Peter Kaluma): Very interesting.

(Hon. John Kiarie spoke off the record)

I see the Chairman of the Departmental Committee on Communication, Information and Innovation contesting.

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Hon. Members, I wish to recognise 19 students from Starehe Boys' Centre and Regis Runda Academy, who are seated at the Speaker's Gallery. The students from Starehe Boys' Centre are in the National Assembly on a voluntary service scheme that gives them an opportunity to give back to the community, by serving in different organisations during the school holidays.

Students from Regis Runda Academy are here as part of their job shadowing programme, which the school undertakes in various institutions during the school holidays. On my own behalf and that of the National Assembly, I welcome them to Parliament and wish them a positive experience in their service to the National Assembly and to the nation.

I thank you.

Hon. Nabii Nabwera, Member for Lugari Constituency.

Hon. Nabii Nabwera (Lugari, ODM): Thank you, Hon. Temporary Speaker. First, I associate myself with the remarks by one CNN, that the World Order by the act of the Americans is poised to change. I am excited that the war in the Middle East will end. I am excited that the children in Russia and Ukraine will go to school. I am excited that our Armed Forces in Haiti will come back home.

Let me move on to support the Motion by saying that our Constitution 2010 recognises education as a right. If you read the Constitution properly, you will agree with me that it goes further to give a status of education in the Constitution. That it is not only a social right, but one that also enables economic rights in the Constitution. Therefore, it is an enabler of attaining other rights as provided for in our Constitution.

I have listened to the debate since yesterday, and I just want to take it further. Maybe we need to be talking about making education really free, from Early Childhood Development Education (ECDE) to university. Allow me to share with you figures which I have tried to work out. In our current budget, we have an allocation of about Ksh608 billion for education. The areas of shortfall are: One, having enough capitation that will allow our children to learn free. Two, having enough money to employ enough teachers. Three, having enough money for university funding to make it free.

As I go into my figures, I remind my colleagues and the country that with its 467 million students, education in China is almost free. It is funded by the State up to 92.67 per cent. We just have a fraction of that. What do we need to do if we were to make education free from ECDE to university? We will need an extra Ksh46 billion for the Teachers Service Commission (TSC). That will be enough to employ the teachers that we are looking for; for JSS, primary schools and secondary schools. We will need another Ksh8.2 billion as a conditional grant to the counties to go to ECDE so that we can employ ECDE teachers properly. You will need another Ksh76.8 billion to go to the university funding.

The animal in this House is on management of infrastructure in schools. The Cabinet Secretary for Education has really underperformed. The Ministry has discriminated some areas. If we were to organise the infrastructure in schools, and I speak this from a point of knowledge, you will need another Ksh34 billion to be given as conditional grant to NG-CDF. You will have all the classrooms you need in this country; proper classrooms. You will also have all the resource centres you need. You will need another Ksh9 billion towards resourcing the laboratories and libraries in Junior Secondary Schools and in secondary schools.

In a nutshell, you need to grow our budget from Ksh680 to Ksh936 billion, and this is affordable. With that, you will provide free education. In my view, we will not be asking too much from a budget of Ksh4 trillion, to give an enabler and an equaliser sector that amount of money.

If I can recall, this country has money for bursary that is currently in excess of Ksh12 billion being managed by the Jomo Kenyatta Foundation. But if I ask Members in this House if they know the number of children in their villages who are benefiting from that, I am sure

none of them will know. What am I trying to say? Even if you were to create a bursary fund for all, unless that bursary is devolved to constituency level, you will find that some areas will be left out. Some children will be left out. This is a tested model.

Hon. Temporary Speaker, I would be calling upon the Cabinet Secretary for Education to improve on the Ministry's governance structure on how to manage money and its accountability structure on capitation money. When the former Cabinet Secretary for National Treasury and Economic Planning was handing over to the new Cabinet Secretary, Hon. Mbadi, he made a very interesting remark that between the National Treasury and the Ministry of Education, they cannot account for more than Ksh5 billion capitation money. That is a serious issue. That is where the rain starts beating us.

In my constituency, out of about 13,000 secondary school students, 30 per cent of them are not in the NEMIS. In some schools in this country, in one term, you get capitation for 600 students, but in the next term, they reduce it to 540 students. But teachers still have all the children and they wonder where capitation for the 60 students has gone. This is a governance issue that we must address as we endeavour to make education free. Maybe this is the time for the House to have this discussion.

In a budget of Ksh4 trillion, is it not the right time we reconfigured the way we budget so that we budget for, say Ksh1 billion per constituency? I am talking about Ksh1 billion per constituency and then we distribute that money to various ministries, say Ministry of Water and Ministry of Energy. With the knowledge that my constituency has Ksh1 billion, when I want to do roads, all I need is to sit with the community, do a plan, and take the project to where it is needed most. I request my colleagues that as we go into the new budget cycle, we should be talking about Ksh1 billion per constituency.

Thank you.

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

Hon. Gideon Kimaiyo (Keiyo South, UDA): Thank you, Hon. Temporary Speaker. I join my colleagues who oppose this Motion. It may be a noble idea that we amalgamate bursaries, but if we amalgamate these bursaries, who will be the person distributing them? In this country, resources are distributed in a skewed manner. If you look at our budget, one corner of the country receives a large share of resources compared to others. We must sit down and say, as much as we want to put resources in a basket so that all children of this country can go to school, we must first of all come up with a structure on how this money will be distributed. If we give this money to the Ministry of Education, there is someone who will distribute it — whether the Cabinet Secretary or whoever. We know this country; resources will follow those who come from a certain corner. So that if I am the Cabinet Secretary for Education, resources will go to my corner. What happens to the other parts of the country?

Today, the model which the NG-CDF uses makes sure that in every corner of this country, children can access bursaries. In my constituency, Keiyo South, I am a product of a day school. I went to a day school and if bursaries were being distributed in a good manner, I would have gone to the provincial school I had been called to, but because of lack of school fees, I went to a day school. It is because bursaries were distributed in a skewed manner.

When I was elected, I made sure that all day schools in my constituency are attended absolutely free. Now, somebody wants to tell me that money that enables all children in Keiyo South Constituency to attend day schools without paying anything be taken back to the Ministry of Education. We will not allow that. Before we take the money to the Ministry of Education, let us first of all have structures in place, and then we will respect Article 53 of the Constitution which gives every child the right of education in this country. If we allow this to happen, it will only benefit certain corners of the country. Until that time we will have the correct structures in place to manage these funds, it is a no for me.

As much as this Motion proposes that we bring all the money together and get free education, it will not be free because we know the person who will distribute it will be biased. If you look at the water sector, certain regions of the country receive a lot of money for water while others do not have any water. Look at roads. Certain corners of this country receive a lot of money for roads while others do not get funding. Now, the little resources that we have devolved, it is now being proposed that we take it back to the Ministry of Education.

My colleague has talked about Jomo Kenyatta Foundation. There is money which we have in our NG-CDF kitty. There is public participation in NG-CDF. All of us go to the villages and mwananchi is the one who benefits from the visits. Let us look at the money available at Jomo Kenyatta Foundation. Where is public participation? Now, we want to use the same model to distribute money for bursaries. For me it is a no and it is a no. We will continue decentralising funds. We should be discussing how to decentralise the funds further to *mashinani*.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Makali Mulu, because of rank. Have you spoken to this matter?

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Not yet. Who says I have spoken?

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

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much, Hon. Temporary Speaker, for this opportunity so that I add my voice to this important debate in this House. As I do that, I think we need to have what we call a fact sheet. We have a number of bursary schemes in this country. We have the Presidential Bursary Scheme, the Members of Parliament bursary, the county government bursary, the Non-Governmental Organisations bursary, and many other bursaries flying all over the country. I think what this Motion is trying to propose is that if we consolidated these bursaries to be one basket, more likely, we will be able to give bursaries to all the needy students in the country. We need to do much more than just this Motion in terms of getting the statistics right. I am not sure whether anybody in this country has sat down and done a summation of all the bursaries we are discussing and found out how much it totals to. Against that, then you do a tabulation of how much money we require to meet the needs of all the needy students in this country. Unless that is done, we will be debating theories and we will have a gap in terms of what we call evidence-informed decision making.

We know there are challenges in terms of distribution of bursaries. The ultimate goal of bursaries is to make sure that the needy students are able to access education. I agree with my colleagues who have said that in this country we experience serious challenges when it comes to equitable distribution of resources in areas like bursaries, school infrastructure, and roads. The way we distribute our resources is wanting. It is wanting because while all Kenyans pay taxes, some areas seem to be getting an advantage in terms of resource allocation as opposed to the other parts of this country. That is why I am going to oppose this Motion. The reason I am opposing it is this: unless a number of things change, it is going to be business as usual. We are going to put these bursaries into one basket, and some areas of this country will never access them, and the needy students will never go to school.

What is my proposal? I can only support this Motion if we are assured that there will be no payment of school fees in all the schools, so that all the students go to school and the Government pays their fees. In that case, I will have no problem because I will be sure that my Kitui Central needy students will go to school and not come knocking on my door saying they have no school fees. In a situation where we want to put it in one basket, and then these Hon. Members will not be able to sleep in their houses because every morning parents will be knocking on their doors seeking bursaries, I say no.

It is time we address the issue of equitable distribution of resources before we discuss putting all the bursaries into one basket by pushing this resource back to the Ministry of

Education. It is not a secret; we know our Ministry of Education. At least now we have a new Cabinet Secretary. and, maybe, things will change. If history is anything to go by, we cannot trust the Ministry of Education in terms of resource allocation and distribution. Issues of equity have been wanting in that Ministry. Unless we are sure of those issues, I say no to this Motion. I will be requesting my friend, Hon. Passaris, to convince me and more so the House, that once we consolidate these bursaries to one basket, all the needy students in this country will have access to bursaries without discrimination and without saying this region did not vote for us or this region voted for us. If we are assured of that, I will be the first one to say “yes” to this Motion. But for now, I oppose it. I also urge the Members who care about students in this country to oppose this Motion so that once we get things right, we will approve it at a later date.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, we barely have 16 minutes to the end of this debate. I ask the Members who will get a chance to speak, to just make their point on this matter. I know I cannot reduce the speaking time at this stage, but just conscript so that as many Members as possible can speak within the time constraint that we are in.

Next to take the Floor is Hon. Rindikiri Mugambi followed by Hon. Richard Yegon. Thereafter, we will have the Deputy Leader of the Majority Party followed by Hon. Caroli Omondi in that order.

Proceed.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker.

This is a very emotive issue. I oppose this Motion. I also want to join my colleagues who have clearly stated that it was not introduced with the correct evidence of how we should do it. This Motion was brought in after the failures of the University Funding Model. It was brought because of the bias we have witnessed in disbursement of education funds. Putting bursaries in one basket will not solve the issues surrounding education in this country because we have a challenge with our curriculum. If we give bursaries when the curriculum is not clear, we still will not have met the dictations of Article 33.

We have a school feeding programme in this country. Even if we put money in one basket, it will not solve the problem of feeding our children. We have a problem with the education infrastructure. Some schools are more developed than others. There are schools that are given millions of shillings in broad daylight. Even if we put bursaries in one basket, we will not solve the issue of poor infrastructure in schools. We have children from marginalised areas and poor families. Even if we put bursaries in one basket, we will not buy school uniform for these children.

Hon. Temporary Speaker, we have a shortage of teachers. There are schools with more teachers while others have none. Therefore, our issue is deeper than putting money in one basket to kill the element of bursary. The intention of bursaries was to fill the gap that was noticed in the rural and marginalised areas where parents were disadvantaged. I do not see how putting money in one basket will solve that problem. The reason why NG-CDF is successful is because Members are close to the families in the rural areas.

Recently, we had a problem with the university funding where poor families were being placed in band 3 or 4, paying more money than students from able families. As Members, we are saying that NG-CDF should focus on poor areas, poor families, and poor successful students. Let the successful needy students get education. We have produced doctors through NG-CDF. I am so humbled because Buuri Constituency has produced doctors through bursaries. They are people who would not have got an opportunity to go up the education ladder in this country if not for NG-CDF.

Hon. Temporary Speaker, we cannot kill NG-CDF. If there are failures in other institutions, let them sort out their problems. NG-CDF is helpful, and this Motion was not brought in good faith. This is what I call a populist Motion, coming at a time when we have just graduated from the Gen Zs and the problem with university funding. Parents are going to resist this one. I pity the Mover of this Motion because the parents are calling upon us not to kill NG-CDF.

I oppose this Motion in totality. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Yegon, can you do two or three minutes so that we give an opportunity to as many Members as possible?

Hon. Richard Yegon (Bomet East, UDA): Thank you very much, Hon. Temporary Speaker for this opportunity.

I would also like to weigh in on this matter which is very emotive. For a long time, we have watched how NG-CDF has distributed bursaries to students and pupils of this country. Probably, this Motion had good intention, but the way it has been drafted, I am not going to support it. We need to discuss in depth and make sure that the monies for bursaries are consolidated and ensure that all the students and pupils in this country go through free primary, secondary and even university education. If that goes as planned and we are assured, I am going to support. We are proposing to task everything to the Ministry of Education. We have seen what the Ministry of Education has done and there has been no equitable leverage and distribution. You will find that throughout the country, each and every region is getting the money required for all students. We have students who come from poor families and as it is said, education is the equaliser for the rich and the poor. We have needy children and if we make sure that all this is made free for the students and the pupils of this country, it will go a long way in alleviating the challenges we are facing in our various constituencies.

Additionally, issues of the Presidential Secondary School Bursary, the Ministry of Education capitation and county bursaries are not checked. You will find county governments giving out bursaries to students who have already received money from the national Government while others who are very needy miss out. This double allocation of bursaries to students is very rampant at the moment and something has to be done to address it in this House.

I oppose.

The Temporary Speaker (Hon. Peter Kaluma): Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, at the outset, I oppose this Motion and call upon every Hon. Member of this House to oppose it. This is one way of disenfranchising a whole nation and giving resources to certain regions that are politically correct. However, the people in my constituency know about its benefits because I am there to represent them as their Member of Parliament. I have a team that can reach out to every person.

If we make the mistake of taking this money to the Ministry of Education, we all know where it will go and we will not allow that. As a House, we have empowered many families that would otherwise have not accessed education. We are the representatives of the people and, therefore, know the needy families. We go out there to solve problems. There are certain schools that would not be functioning if it was not for NG-CDF. The Ministry has a lot of money for bursaries. Where does that money go? Today, you actually want to take this money back to the Ministry! It will not happen.

Hon. Temporary Speaker, this House will not allow it to happen. This is a defeatist Motion which we must defeat in this House. If we had quorum now, we would have voted so that we send a clear signal that we have no confidence and trust in the Ministry of Education to handle bursaries or any other money. I was very surprised the other day, when I went there to request for infrastructure money. They told me it was divided and already given to certain

regions. Despite being Deputy Leader of the Majority Party, there was not even a shilling for me for infrastructural development. A certain region or constituency has Ksh30 million for infrastructural development but a big area like western does not have any money because they do not control the resources.

For us to control resources in this country, this is where it must be done. For example, in the Ministry of Energy and Petroleum, where did the money for rural electrification go to? If it had been brought to this House and we divided Ksh50 million per constituency, we would have connected electricity in the whole of this country. When we allow the mandarins in the ministries to divide revenue and allocate resources, other regions continue to remain behind. We do not want to remain behind in education because it is the only equalizer; and that equalisation can only happen in this House.

Therefore, I oppose the Motion. I ask other Members in this House to oppose it. I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): The Member for Suba South.

Hon. Caroli Omondi (Suba South, ODM): Thank you very much, Hon. Temporary Speaker. Firstly, let me congratulate you on your prediction that President Trump would win. I am not very happy, but you were right. I owe you a drink.

(Laughter)

I rise to oppose this Motion for the simple reason that it actually invalidates our constitutional framework. We are supposed to devolve Government services and place them where they are most proximate or closer to the people. If you look at the various bursary schemes that we have in the Republic, you will find that the most functional one is the NG-CDF. It deals with very specific things compared to National Government Affirmative Action Fund (NGAAF), which deals with affirmative action for women. That is its purpose. The Presidential Secondary School Bursary deals with various other issues.

If you look at various bursaries, they do not deal with the same sector. They deal with different segments of the society. If they are implemented properly, there is no duplication. The one that is an anomaly is the County Government Bursary Schemes. Education is not devolved. The only thing that is devolved is Early Childhood Development (ECD) education, but there is no bursary scheme for it. Now, it is wrong for county governments to purport to offer education bursaries. On what constitutional basis do we have county governments bursary schemes, when education is not devolved? It is not part of the functions of the county governments.

We should figure out what to do with illegal county governments bursary schemes. That is what we should take out. Otherwise, these other ones are very specific. If you go to other countries that offer free education like Canada and China which have been mentioned, they still have bursary schemes. They are not synonymous with basic free education. They are different. This Motion is misplaced. We should respect what our Constitution requires—services are taken closer to the people and they are empowered to make their own decisions at the most local level, which is the village level.

With those few remarks, I leave the remaining minutes to other Hon. Members. I oppose the Motion.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Kawanjiku, contribute for two minutes.

Hon. Njuguna Kawanjiku (Kiambaa, UDA): Thank you, Hon. Temporary Speaker. I also want my voice to be heard. I rise to oppose this Motion. There is no way we can allow the Ministry of Education to amalgamate the bursaries. I will make sure that the bursary is allocated

to the people the way it is supposed to be done. It is also good to confirm that bursary schemes are resources that have been devolved to 290 constituencies.

Some of us have done a lot, especially in making sure that our high School students receive resources or school fees. Because of the bursary allocation, some of the students who are unable to join boarding schools or their schools of choice normally come to day schools where we allocate resources to ensure that they get an opportunity to educate themselves and advance their lives.

If there is a way that can enable us to devolve these funds and allocate them equally to every student in the Republic of Kenya, then I will support it. Make sure we come up with the NG-CDF Board to allocate this money and every student within the Republic of Kenya gets an equal amount of bursary. If we give these funds back to the Ministry or a few people to allocate them, majority of our students will not get them.

Therefore, I oppose this Motion.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Moses Injendi, contribute for two minutes. I have two minutes to close debate on this Motion.

Hon. Malulu Injendi (Malava, ANC): Thank you, Hon. Temporary Speaker. I rise to oppose this Motion. Before decentralisation of funds, Western Kenya region used to suffer a lot in terms of development. We have seen development in Western Kenya arising from decentralised funds through NG-CDF. We have also experienced *maendeleo* arising from county governments which enable us to receive these funds.

I want to report to this House that previously when these bursaries were at the Ministry of Education, some of our bright sons who wanted to study abroad would change their names to Kinyanjui, Kariuki *et cetera*, so as to receive scholarships. That is why there are those names in western part of Kenya, for example, in my constituency. We are in the process of decentralising funds. We should not revert to centralising them, as the Mover of this Motion has proposed.

Because of time, Hon. Temporary Speaker, I strongly oppose this Motion.

The Temporary Speaker (Hon. Peter Kaluma): The Member for Igembe North, Hon. Taitumu.

Hon. Julius M'anaiba (Igembe North, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute. At the outset, I oppose this Motion. I believe firmly that it was founded on malice rather than facts. There is no computation of what is required to roll out free basic education in this country. The education sector has too many problems that have not been highlighted. I believe it is malicious to bring more problems to it.

County governments do not have bursary funds. They have coined names like enhancement and retention funds to make sure that they subsidise what is being given by NG-CDF, which is anchored in law to give bursaries. We can do away with NGAAF and whatever else is given by county governments. If you now tell them to channel the money to the Ministry of Education, what will they do because they do not have a kitty? Their mandate is only to fund and manage ECD centres and village polytechnics. Therefore, they do not have a role in this, since education is a national function. When you talk about money that is in county governments, I believe those are misplaced funds because they are not there.

The new funding model in the universities is giving this Government a headache. The Social Health Authority (SHA) and other issues that have been introduced need to be ironed out. I believe that this Motion should not see the light of day. It should die because it is not geared to help this country, but to put the education sector into a deeper hole than it is in today.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): I will give this chance to Hon. Wamboka. He will be followed by Hon. Kakai Bisau. Each Member will contribute for one minute.

Hon. Wanami Wamboka (Bumula, DAP-K): Hon. Temporary Speaker, I must oppose this Motion because it is mischievous. It must be killed. The Ministry of Education has several funds for infrastructure, feeding programme, scholarships and bursaries although, these monies go to one or two regions in this country. We will not add this Ministry more money. What is the name of the Principal Secretary?

Hon. Members: Belio Kipsang.

Hon. Wanami Wamboka (Bumula, DAP-K): Mr Belio Kipsang does not listen to anyone. He imagines that he is Kenya and Kenya is him. We will not add him even a single coin. In fact, we need to think of how to get back the money he is controlling. We cannot go that direction. In this country, some regions need more resources. There are those with a high poverty index. When it comes to resources, you will realise that Turkana does not get enough money. The Kamba people need water yet they do not get money. The Deputy Majority Leader needs money for electricity but he does not get it because the monies are given to two or three regions.

This Motion is mischievous and we must kill it. The CBC and the University Funding Model are not working. We cannot allow this; we must kill the Motion.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Kakai Bisau, under Standing Order 1 for a minute.

Hon. Bisau Kaikai (Kimini, DAP-K): Thank you, Hon. Temporary Speaker. From the outset, I oppose this Motion. We should not do reverse logistics when we need more funding on the ground. If you look at the bursaries given by counties, they do not reach the people. As a House, we should think of devolving for example, Ksh1 billion or more to every constituency so that we can ensure that every kid in this Republic goes to school.

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Can the Mover reply? The Mover has informed the House that she is out of the country on parliamentary duties. She will reply the next time this Motion is scheduled for debate.

Hon. Members, the interest is appreciated. Although, once the time allocated comes to an end, the Speaker can do nothing more. Hon. Members, the next Motion is Order No.9. I want to confirm how many Members are interested in contributing to it so that I can decide. This Motion is on the establishment of a science museum. I want to decide whether to reorganise the Order Paper so that we can go to Order No.10, which is Committee of the whole House on the Kenya Drugs Authority Bill. This has been pending for very long. How many Members are keen to speak to Motion under Order No. 9? Only two Members are interested to speak to it. Yes, Minority Whip.

Hon. Millie-Mabona Odhiambo (Suba North, ODM): Thank you, Hon. Temporary Speaker for giving me an opportunity. I want Hon. Members to benefit from the experience of senior people like me. I have seen Hon. Members were very keen on the previous Motion and when some of them did not get time, they left.

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

Hon. Millie-Mabona Odhiambo (Suba North, ODM): They do not know how to link. You can raise the issues you had in the previous Motion in this one yet you are running away! You must learn. Sometimes it is good to give free education in this House.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, the Motion under Order No.10 is a Bill which went for winnowing. So, the amendments by the departmental committee are essentially agreed. I want to know how many Hon. Members are interested in Order No.9 so I can determine whether to alter the Order Paper or allow it, if it will take less than 30 minutes, the Mover replies and then we conclude. Call the next Order.

ESTABLISHMENT OF A SCIENCE MUSEUM

THAT, aware that, Article 11(2)(b) of the Constitution provides that the government shall recognize the role of science and indigenous technologies in the development of the nation; further aware that the Vision 2030 provides for the integration of information, communication and technology in the country's transformative agenda; concerned that, there exists no science museum for consolidating indigenous scientific and technological innovations, training and research purposes in the East Africa Region; appreciating that, integration of science and technology would greatly enhance Kenya's economic and societal success; noting that there is potential for growth in the technology sector by establishing a science museum; further noting that, the informal science education plays a key role in the progression of Science, Technology, Engineering and Mathematics (STEM); acknowledging that science museums operate as the nexus between science practitioners, policy-makers and the public; cognizant of the fact that, a science museum in the country would greatly impact on the economy of the country in the quest to become an industrialized nation; now therefore, this House resolves that, the national Government through the relevant Ministries establishes and operationalises a science museum in the country.

(Moved by Hon. John Kiarie on 2.10.2024 – Morning Sitting)

(Resumption of debate interrupted on 2.10.2024 – Morning Sitting)

The Temporary Speaker (Hon. Peter Kaluma): We have a balance of one hour and 29 minutes. We want to go to Order No.10. Hon. Members try to be conscripted and specific so that the Mover can reply as fast as possible. Let us have Hon. Rindikiri Mugambi.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker. As a country we need to support scientific research. We are known for science-based innovations and advanced information systems. A lot of research has been done to that effect and that is why Kenya is recognised as a centre for Information and Communication Technology (ICT) in Africa. A lot of innovation has been done in the telecommunications sector. I remember when I worked with the Kenya Post and Telecommunications Corporation (KPTC), we established the Gilgil Telecommunications Industries. We manufactured the old telephones and did a lot of research on cables and transmission.

In terms of medical research, Kenya Medical Research Institute (KEMRI) is a renowned institution. A lot of research is required so we need a reference museum where all the scientific issues pertaining to our country will be based. It will not only be an exhibition but it will also facilitate research. It will be a learning centre for future generations. It is prudent, therefore, that we put a lot of effort and resources in this museum. I want to thank the Mover of this Motion. Usually, a lot of information is lost and we should not lose any science-related information.

Thank you, Hon. Temporary Speaker. With those few remarks, I support.

The Temporary Speaker (Hon. Peter Kaluma): The Member for North Imenti, Hon. Rahim Dawood.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Temporary Speaker. First, I want to congratulate the Mover of this Motion, Hon. KJ. It is very timely in the sense that we need to encourage our people to do Science, Technology, Engineering and Mathematics (STEM) subjects. The museum will assist in propagating new technologies because there are many scientists in Kenya.

We will be the Silicon Valley of Africa because we will exhibit the local innovations to the world. After the establishment of this museum, we should go further and establish a science institute, where young innovators will innovate new things and actualise their dream. We already have Konza Technopolis which is also called the Silicon Savannah in Kenya.

Thank you, Hon. Temporary Speaker. I congratulate the Mover and support.

The Temporary Speaker (Hon. Peter Kaluma): Is Hon. Adan Haji interested in this one? What about Hon. Joseph Makilap and Hon. Ruweida Obo? Hon. Beatrice Elachi, do you want to speak to this one? Please do. I see only three Members who are interested. Let us make the point so that the Mover can reply very quickly.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. Once again let me appreciate Hon. John Kiarie for bringing this Motion. We have been speaking about modern science. We have had motions on education, bursaries and another one where I talked about teachers. We lack science teachers for JSS yet we are saying that the CBC is more of science than the arts. When we talk about a museum, we are talking about modern science and science centres where young people in villages or in our constituencies can do something.

The other day I saw a young man trying to build an earthmover (caterpillar). That is science. We do not have a place where we can take them to demonstrate what they know. We have *kipepeo* where our children go and that is science. But beyond that, we want to see our children getting into science subjects. They should study and understand physics and chemistry in the world today. In addition, we are talking about ICT and Artificial Intelligence. All this is science and we need science museums in this country to help our children.

Therefore, as I support, we must have discovery centres to help young people. We must hold JSS in place for these children to turn around and become more science students than what we have had before.

With those few remarks, I beg to support.

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

Hon. Njuguna Kawanjiku (Kiambaa, UDA): Thank you, Hon. Temporary Speaker. I rise to support and also congratulate my brother, Hon. John Kiarie for coming up with this Motion. Indeed, we really need to start thinking about the future. I have seen it even in the United Arab Emirates (UAE), where they have come up with a museum of the future. They are thinking ahead in terms of what and how the country will look like in terms of technology. They have allocated certain resources for people to think and imagine how the future will look like. But, as a third world country, we find ourselves challenged by technology and it is already too late because other countries have already accommodated and aligned themselves with technology and are moving forward.

We have cryptocurrency and AI, but as a Government and State, what are we doing to make sure that we incorporate the minds and innovations that are coming along with these type of innovations? We realise that we are really lagging behind and we must look for a way to motivate our young people, challenge them in terms of coming up with technologies, with innovations and maybe in a way or the other to harness that kind of thinking and mindset and start preparing them to take the future ahead of them. I support the Bill because we must allocate resources to things that matter in this country. Coming up with a museum in every county, is not a hard thing to ask for.

I even propose that if it is difficult, then let us come up with one or two museums within our regions and within our Republic and try to encourage young people to come up with innovations. We should go ahead and set up a kitty that will support some of the students who are doing very well in innovations. We have seen in our media young people coming up with technologies but they end up going nowhere because of lack of capital or funding to ensure that

they multiply the innovations and things that they have come up with. These ones must be encouraged.

If we really want to focus on this nation and put resources on things that matter, this is one of the issues that matters, and even the Motion that was before this one that was talking about combining all the bursaries. We must allocate resources to things that will bring results in the next five to ten years. The late former President Hon. Mwai Kibaki with other Hon. Members came up with the Vision 2030 blueprint. Some of the things that are happening in this Republic are as a result of Vision 2030. People sat down, thought through about resources and where they were going to be put and how they wanted this country to look like in the next 20 to 30 years. Shockingly, we have been able to achieve a number of those issues. It is now about five years remaining for the Vision 2030 to come to an end. We must also start, thinking moving forward, what our vision is for the next 50 years. What do we want to do as a Government, or as a country in the next 50 years?

The UAE is coming up with a museum of the future because they want to start thinking around and allocating resources. But we cannot continue thinking through orthodox means and allocate resources the conventional way, but fail to focus on investing in the future of our Republic even if it is 1 per cent of the resources, let us allocate it to focus on planning our country for the next 50 years.

Therefore, I support this Motion.

The Temporary Speaker (Hon. Peter Kaluma): Member for Igembe Central, Hon. Daniel Karitho.

Hon. Daniel Karitho (Igembe Central, JP): Thank you Hon. Temporary Speaker for giving me this opportunity. At the outset, I support this Motion because it is very relevant. We have very bright brains in this country. We have boys, girls, ladies and gentlemen who can create a lot given an opportunity. Mostly what they lack is infrastructure to do great things. I support this Motion and as a Government and country, we need to think of the future and establish these museums so that our young people can do great things in technology.

Research and modern science are the ways to go as at now. Without such museums, we will be seeing and talking about them on paper. For example, in my area, we have been struggling to establish a miraa research centre and funds were set aside for it. If the centre was to be working right now, we could have known a lot on how to assist our farmers and traders in improving their cash flow. We have countries that are coming up and doing great in innovations because their states have been assisting them. We need to follow suit so that our country can move forward in developing. Right now, everything is technology. If we do not put structures in place to assist in building these technologies, we will not be at par with the rest of the world.

That is why I support this Motion. I really encourage our country and Government to establish science museums so that our country can grow and compete with the rest of the world.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Dorothy Ikiara, use the shortest time possible. You will be followed by Hon. Florence Jematiah then I will call the Mover to reply.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Speaker. First and foremost, I want to commend Hon. John Kiarie for bringing this very important Motion: establishment of a science museum. Many times, we have contended with being called the third world. I am very excited that we have now started thinking innovation.

We have countries and places like Japan that are far more developed. They are very developed because they spurred innovation. I challenge our Government that it is the high time we established a ministry of science and innovation so that our brilliant boys and girls keen on

innovation can be placed there. Having a budget in the ministry for the same will encourage and motivate them to grow.

The CBC is giving students pathways as we move with it. They will divert to different pathways when they move to Grade 9. They will showcase their talents there. We cannot do this theoretically. We can only achieve technology, innovation and economic growth, by investing in the science museum. We should not leave this as a Motion. Let us move ahead and push the Government to establish a ministry of science and innovation. This way, we can stop contending to be referred to as a Third World country and move to a level of the developed countries.

I strongly support this Motion.

The Temporary Speaker (Hon. Peter Kaluma): The Member of Parliament for Baringo County, Hon. Jematiah.

Hon. Jematiah Sergon (Baringo County, UDA): Thank you very much, Hon. Temporary Speaker.

I also take this opportunity to support the Motion by my Chairman of the Committee, Hon. John Kiarie. I am also a Member of his Committee. He is the Chairperson of the Departmental Committee on Communication, Innovation and Information. He is my Chairman.

The Temporary Speaker (Hon. Peter Kaluma): Did you say that he is your Chairman and that you sit on him? He is your Chairman.

(Laughter)

Hon. Jematiah Sergon (Baringo County, UDA): He is the Chairperson of the Committee.

Today's technology is a revolution in our times. Technology is in every part of the world. It is here to stay. That means that the science museum is going to be a big deal. We will help Kenyans if we create this guided by Vision 2030 into which we are putting all our country's resources today. In East Africa, Kenya has made a very positive stride by making sure that technology and ICT creation in our country is a factor. We have much to the backbone and creating networks all over the country.

I support this Motion. Let us ensure that a science museum is established and allocated resources to help it grow. In today's world, Artificial Intelligence (AI) is the order of the day. We should not be left behind as a country. This science museum will have a very positive impact on our country.

Thank you, Hon. Temporary Speaker.

Hon. Antony Kibagendi (Kitutu Chache South, ODM): Thank you, Hon. Temporary Speaker. I rise to support this Motion.

Science museums, also known as science or discovery centres, have made learning exciting in developed countries. We must invest in setting up these centres. It will make science learning accessible. This will provide educational facilities where emerging generations will learn science, technology and engineering effectively. That is why I rise to support my brother, Hon. KJ, for coming up with a Motion that will revolutionise the way future generations will learn.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Temporary Speaker.

I was quite disappointed when the exams began. The phone is one of the things that is guarded by policemen with guns and supervisors. For the longest time, I did not have a chance to speak on this due to different reasons. When I saw this Motion raised by Hon. KJ, I realised there is hope in us legislating well so that we have technology museums. Policemen guarding examination centres are there to ensure no one appears with a phone. A phone seems to be a very sensitive gadget. It can be used for stealing or accessing exams if it is around an

examination centre. I pity where we are in the technology matters and what we are seeing there. A phone should have been an enabler.

With all respect, you might have not schooled around the time I schooled. There was a time when a logbook was not allowed in an examination room. Also, the FX82 calculator was not allowed. If found with a calculator in an examination room, it would be broadcasted all over the country alleging that those boys cheated in exams. Nowadays, a calculator is a requirement for you to sit for an exam. I wish we can deal with this so that a phone becomes an enabler. I want to see that day when we will be told to get into an examination room with a ruler, calculator, phone and other things. That is when technology will have been developed.

Thank you very much.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Owen Baya, Deputy Leader of the Majority Party. He will be followed by the Whip of the Minority Party then the Mover will reply.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Temporary Speaker.

The future of this world is science. Science has made nations great. It is a deliberate investment in science, schools and universities that will move our country to national capital. Look at the great innovation coming from Kenya, M-Pesa. It has transformed almost everything in this country. You use M-Pesa if you want food, medical services or any other service. All the transactions we do are science. Science is the future. A country that aspires to be a great nation must invest in science. A great country like the United States is great because it invests in science. We must deliberately invest in science if we want to be a great nation.

Mwai Kibaki thought of science when the Konza City was started. There is great space for science in Vision 2030. Why should we have a science museum? You will find a science museum if you look at great places the world over: New York, New Delhi, and London. We have science museums to see the progress and future of the 'science' we have made. That is critical. Where will young innovators who want to be scientists benchmark from? These young people come to Parliament and when they see and experience what is in this Parliament, they go out there and aspire to be Members of Parliament. In the same way, if we take our young people to those science museums, they will want to be scientists. Therefore, we will cultivate a love of science in them.

This Motion is timely. As we look at the CBC which has areas of sciences and the arts, how do we enhance science? Even young people in the remote Uyombo Village in my constituency should be able to come to a science museum in Nairobi or Mombasa, look at the developments in science that have been preserved there, and express their desire to become scientists. These young people study science, but they do not know where it has come from. If you go to New York, you will find The Energy Zone, a museum on electricity. Every New Yorker goes to that museum to see how electricity came about. They then come out and develop new energy sources, including the electric car, which is popular, because they have seen what can be accomplished. Countries are developing rapidly in science because they have invested in preserving science in science museums and allowing their people to see what science is.

I would like to see this country embracing science because it is the future. Of course, those of you who are in the arts such as lawyers like Hon. Millie Odhiambo-Mabona do not understand this language. Scientists like I and a few others understand that investing in science is investing in the future. Lawyers just talk in courts and think that they can eat words. They are consumers of money and not makers of wealth. We want to create wealth, and the only way to do so in this country is through science.

Look at the great things that science has accomplished in agriculture. Agriculture has been transformed by science and that is why there is better production. Manufacturing is science. We want to go in that direction. Information Communication Technology (ICT) is science. That is the direction we want to go. I would like to see three-quarters of this country

go in the direction of science, and we will grow in leaps and bounds in terms of development. Many young people want to become lawyers and poets. It is true that they entertain the masses and give meaning to life. However, we need to be producers and we can only do so through science, engineers, doctors, and mechanics. In that way, we will have a secure country and a better future.

I support this Motion. I want to see the next science museum in Nairobi or in my village in the next one year.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Owen Baya, I will engage with you as a social scientist after this. I know you are a Fulbright Scholar. The best lawyer we have, Lord Denning, was a mathematician. Yours truly here is a very good scientist.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. It is actually divine that I got an opportunity to speak after my brother who is alleging that sciences are better than the arts. When I was in Form 2 and we were choosing subjects, I was one of the best science students. When we were forced to either pursue the arts or sciences, I refused to do the sciences and I was suspended for two weeks. I later went back to school. I am glad that I have always been a bad girl. Despite that suspension, I still refused to do the sciences by sitting an exam and answering all the questions incorrectly despite knowing all the answers. I got zero per cent and I was chased out of the science class, not because I was not smart, but because I knew where I was headed at that point. Even though I would have made a very good scientist, I make an excellent artist.

I have come to realise that our brothers in the sciences will work on science issues, but unless you have brains like us in the arts who can protect your sciences, you will not go far. That is why I did my thesis on intellectual property rights for plant genetic resources, which is part of what we are discussing here. That is why I requested to be given a chance to talk about the science museum.

Article 11(2)(b) of the Constitution provides that the Government shall recognise the role of science and indigenous technologies. The essence of my thesis was that we have indigenous knowledge, technology, and plants in Africa that are beneficial, but other communities come and take them, patent them, and sell them back to us. I have given an example of the *mwarubaini* and the Ethiopian plant which helps to unclog the body system in the United States of America (USA). It is sad that I am mentioning the USA when Kamala Harris has lost the election, but nonetheless, I do not care whether she lost or not. I am consistent in supporting women publicly, and so, the loss of Kamala Harris is my loss.

Back to my science issue, I just want to indicate that...

The Temporary Speaker (Hon. Peter Kaluma): Hon. Millie Odhiambo-Mabona, the last time I checked, the Democrats cannot define who a woman is.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Cannot do what?

The Temporary Speaker (Hon. Peter Kaluma): Cannot define who a woman is.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Define?

The Temporary Speaker (Hon. Peter Kaluma): Who a woman is.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Speaker, you have always declared that you are a Republican. I have been torn during this American election. On one hand, I am not a Trump supporter because he does not support the women's agenda and I am a very ardent supporter of women. On the other hand, I have been torn because of the role that the Americans played during our last elections. So, what goes around comes around and bites you the way it bit us. So, let them live with that. I am still mourning Kamala Harris's loss. But America should also learn to keep off other countries' elections. I am sad but they have helped me because my pain has somehow been minimised.

I support my brother with regard to the science museum because our youths will be able to learn a lot of things that our ancestors, grandfathers and fathers used that we now consider

archaic because of new and emerging technologies, yet those things were the basis for emerging technologies. So, I thank my brother for this noble idea. I hope that we allocate resources to it.

I also wanted us to include indigenous knowledge in the science museum, not just technology. There is a lot of indigenous knowledge. For instance, I mentioned the beneficial properties of plant genetic resources. My grandfather knew almost every cure for snake bites, but now if I ask people at home, nobody knows because that knowledge was not preserved. There was no way of preserving that kind of knowledge. There are many snakes in our rural home. Their numbers have reduced because of increased settlements. Because of the large number of snakes, our grandfathers observed the way they attacked their prey. They realised that they could use some plants to cure snake bites. They became experts. Who knows about that anymore? Nobody. There are herbal medicines for curing cancer, yet we have people struggling it.

Hon. Member, since you are bringing this issue as a Motion, when you bring a Bill... Is there a Bill? Thank you. Please do not just provide for technology in the Bill. Also provide for knowledge as well. Otherwise, this is an excellent idea. I support the Motion.

The Temporary Speaker (Hon. Peter Kaluma): I have seen new interest from Hon. Edith Nyenze. Could she speak before the Mover replies? She will be followed by Hon. Basil. I thought we agreed we should be winding up this quickly. We want to go to the Committee of the whole House. Proceed, Hon. Edith Nyenze.

Hon. Edith Nyenze (Kitui West, WDM): Thank you, Hon. Temporary Speaker. Let me take this opportunity to congratulate Hon. John Kiarie for bringing up this Motion on creating science museums. These museums will collect and display objects that have scientific interests and this will stimulate curiosity and develop inquisitive minds which will expose our children and adults to positive experiences. This will help people cope with the rapidly changing technological environment and empower them by improving their life skills.

Hon. Temporary Speaker, I had the opportunity of travelling to India with the Chief Executive Officer (CEO) of Kenya National Innovation Agency (KeNIA). He had assembled 14 Vice-Chancellors and I also visited with them a university in Hyderabad in Telangana in India. We visited this university and witnessed what it does. It collects the best university brains in India and assembles them in the university. They do not pay any school fees. They are only taught a few units on innovation and are left on their own to come up with different innovations. From those innovations, they collect them and come up with the best which are implemented in the country. The best ideas are supported worldwide. For example, I saw a remote-controlled vehicle which I also travelled in which the students had innovated. Such a museum would be very good to collect information. It would be a very good science museum which can also source for funding. It can also come up with implementation of such projects which would encourage our students.

In Kenya, we have very innovative young people and this is the right time we tapped these innovations to encourage and sponsor them. Such a museum would be a centre where our young people can learn about innovation and continue having big brains to improve the economy in our country. We have always talked about the high rate of unemployment and such innovations will help meet the needs of the unemployed in our country.

With that, I support the Motion. Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Robert Basil, Member of Parliament for (*Technical hitch*).

Hon. Robert Basil (Yatta, WDM): Yatta Member of Parliament.

Thank you, Hon. Temporary Speaker. You know I was supporting the "Vice President" of the United States of America, Kamala and I know you were supporting President Donald Trump so congratulations for that.

At the outset, I support this Motion coming from my brother Hon. KJ. Protect me from Hon. (Dr) Oundo.

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

Hon. Kaluma was supporting President Donald Trump and that is why today is a big day for him.

Moving on, I support my brother Hon. KJ. We are in a technological world and if you look at countries like Japan, they have been able to industrialise because of technology. If you look at a country like Israel, you will find that it exports technology. That is what we refer to as exponential age and when I hear of science, I love it. A science museum is what is going to align us in the technology and innovation path making us a progressive nation from a technology front. So, in principle, a science museum should be embraced and Hon. KJ did the right thing to bring this Motion.

With technology, our young people who are not very much preoccupied will be put into busy programmes where they will have a chance to discover, explore and test ideas. It is the best way to make our youth get to use technology and science and mitigate the level of idleness and drug abuse which we have witnessed for the last couple of years simply because most of our young people today, despite their level of education, find it hard to employ themselves. Having science museums deployed in many parts of this country will enable the youth to test ideas and become more employable in the years to come.

With those few remarks, I urge Members to support this Motion so that we can move to crafting a Bill to make a science museum a reality in this country. Thank you, I submit.

The Temporary Speaker (Hon. Peter Kaluma): The Member of Parliament for Kajiado East, Hon. Kakuta Maimai.

Hon. Kakuta Maimai (Kajiado East, ODM): Thank you, Hon. Temporary Speaker. I support this Motion by my good friend and Chairperson of the Departmental Committee on Communication, Information and Innovation, Hon. KJ. This is a wonderful idea to start a science museum in Kenya. This will give our young people a chance to explore the field of natural science and exhibit their creation and innovations as well as showcase their innovations that have taken place in different parts of the world. We will also become an inspiration and encouragement for our young people to also become innovative and creative. This is a very important Motion and I hope it will get the support it needs to be established and enough funding so that it will not just become a museum on paper but actualised.

I have seen in the existing museum like the Nairobi National Museum, which I often visit because I have a great appreciation for the arts is underfunded, and therefore, not achieving what it was intended for. I hope that this science museum will be actualised and give our people a chance to see and bring innovations for generations to come.

I stand to support this Motion by my good friend Hon. KJ and hope the Bill will be supported and detailed enough to help us bring a wonderful science museum in Kenya that will inspire innovation and creativity by our young people.

Thank you. I support.

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

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity to add my voice to this very important Motion by the Chairman and my good friend Hon. KJ concerning the establishment of a science museum in this country.

Hon. Temporary Speaker, I appreciate the fact that in the Constitution Article 11(2)(b) provides that the Government shall recognise the role of science and indigenous technologies. However, this has not been done from 2010 to date and that is why I appreciate the Member of Parliament for bringing it forth today that a science museum be established. When it is

established, the country will be impacted greatly economically. Science plays a very key and important role in this country.

I agree with the sentiments by Hon. Millie Odhiambo that the number of students in different departments in secondary schools should tell us where we belong. We had the science and the arts departments; very few students were in the science departments while many were in the arts departments. At the moment, all students are doing sciences. What happens after that? Where do we take them? There are students who have science-oriented talents, but we have nowhere to take them. With this science museum, I am sure these students will be able to take their talents to the next level. We will tap their talents and they will be very innovative. With knowledge from school and with their talents, some of our youth are able to do something that is science oriented, but they have nowhere to practice or even showcase the same.

I really want to thank Hon. John Kiarie for bringing it forth. Once this is implemented, I believe we will be more industrialised knowing most of our youth at the moment have no jobs. Once we are industrialised, most of our youth will be employed, not just in the mainstream sectors, but even self-employment.

The science museum is very important to us. I support this Motion. This should not just be a Motion; it should go further. I believe Hon. John Kiarie will go further and draft this Motion into a Bill. The museum will be very important to us.

Thank you for giving me this opportunity, Hon. Temporary Speaker. I stand to support.

The Temporary Speaker (Hon. Peter Kaluma): Lastly, the Whip of the Majority Party in the shortest time possible. Mover, prepare to reply.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you, Hon. Temporary Speaker. I also want to air my views in support of the Motion as proposed by Hon. Kiarie John.

There is a misconception that innovation is a preserve of the people from the West. At times, a good innovation in this country by our own sons and daughters is doubted. For instance, if it is a phone, and you are told that it was assembled in some place, maybe in Kitengela or Kisii, you will have a second thought of purchasing it. This is a misconception and a wrong narrative. It is displaying that we wait to consume what others have innovated.

Hon. Kiarie should further escalate this Motion so that we can appreciate our own innovation in this country. It is in this country that M-Pesa was innovated. We do not have a repository kept in some place for learners or the generations to come to know how it was done. People tend to imagine that those who are supposed to think are different from them. We are nurturing a very lazy generation. Looking at our generation, if these things are not made so obvious by creating such platforms like the science museums, people will always think such kind of creativity is only meant for some place, people, prestigious universities, or even some places where they only imagine or see in movies.

Looking at the contributions by Members of this House, if we are able to push through this by having ICT hubs in every ward and village, this science museum will go a long way in opening the mindset of our young people. It is said that if you do not travel much and live in the village, you will actually think that the *githeri* that is prepared by your mother is the sweetest in the world. You do not know that there are people who know how to make that *githeri* better. I even dare say that you will be sick of ‘village-isis’ because you are born in the village, marry around it, get sick and go to an hospital in your village, die and you are buried there. Every person that attends the burial is from your village. These science museums will bring the world closer to you because you will know how things are made.

I will give you a very short story: when I first went to my constituency to seek for votes, I was driving a car with the air suspension which would go low when it is not moving, and go high when it is moving; and I saw about four men in their mid-thirties standing somewhere talking about my car being black and that you cannot see inside. They were saying that car is a snake because where did I get the money from. That I was an illuminati. This was mainly

because of the ‘village-isis’ that these things are a preserve of some people, and not for that village. Hon. KJ needs to be challenged to escalate this Motion even further so that we are able to support the next generations.

Hon. Temporary Speaker, for that reason, I beg to support but with one rider. I was surprised by the comments that were made by Hon. Millie Odhiambo on the United States of America (USA) elections. I have known Hon. Millie as a well experienced politician. However, I did not know that with her years of experience, she could not predict and know clearly that her candidate would lose. It was in black and white. It was outright...

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

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

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. Is Hon. Osoro in order to impute improper motive on me by inferring that I only follow candidates who are likely to win? I am a woman of principle. I follow people based on my conviction and my principles. I follow Kamala Harris because first, her name sounds Luhya, and secondly, she is a woman. I support women wherever they are found, especially if they do not have any stain. I know people have been imputing some of the things that the current president has done on her. She is a woman and I support her whether she wins or fails. Strength of a woman; whether we win or lose, we are women.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Millie Odhiambo, I thought Hon. Osoro was saying that he did not quite understand the policies of “Vice-President”, Kamala Harris, whom you are supporting, and not that she is a woman.

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

Hon. Osoro, proceed to conclude.

Hon. Silvanus Osoro (South Mugarango, UDA): Let me conclude, Hon. Temporary Speaker. We need to keep encouraging Hon. Kamala and many other women not to use the gender card in selling their policies. There are too many policies you can sell to the public for you to be elected other than just being a woman. However, there is one thing to celebrate and this is to Hon. Millie Odhiambo: A Kisii woman, who I met and had dinner with on 23rd May 2024, won the Minnesota House of Representatives seat. We can, at least, celebrate her election as we are linked to it. I want to take this opportunity in advance to appreciate the people of America for electing a strong man – Donald Trump. The world is moving in the right direction.

(Loud consultations)

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

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Speaker, I would like to invoke Standing Order 1 and request your discretion to allow me to donate one minute to Hon. Dick Maungu and Hon. *Wakili* Gichimu.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Dick Maungu.

Hon. Dick Oyugi (Luanda, DAP-K): Thank you, Hon. Temporary Speaker. Allow me to first and foremost appreciate my good brother, Hon. KJ, for donating a minute to me, and for coming up with such a brilliant Motion.

I am in full support of this Motion because it has come at a time when the world is all about science. The world today is science; the world tomorrow is science. Therefore, any idea that comes in to crystallise this one is an idea that is highly welcome. We live in a very creative world — a world full of creativity and innovations. All this can be secured by having a science

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museum so that those who are here today, and those who will be here tomorrow, can know the origin of what is taking place. More so in Kenya, we are having the CBC education system. As you all know, CBC has come at a good time, and there is no better way in which it can be entrenched or supported other than by having a science museum that will go a long way in enabling our kids back in the rural areas to get proper training, learning and be able to realise what science can do.

I call upon my brother to promote this Motion into a Bill so that we have it better secured for the good of our country. Otherwise, I oblige and I support the Bill.

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Gichimu, Senior Counsel.

Hon. Gichimu Githinji (Gichugu, UDA): Thank you, Hon. Temporary Speaker, for the prayers that one day I will be a senior counsel. I support this Motion, which is very progressive. As many of my colleagues have said, this is a Motion that is worth supporting to become a Bill and eventually a law that will guide on science and innovation matters. If it progresses into Science and Innovation Bill, we support Hon. KJ or any other Member who comes up with such a Bill.

Hon. Temporary Speaker, at this time that we have CBC, there is an avenue that will be utilised by students that is called STEM. I believe this science museum will be of great benefit to those students. When I was growing up, we used to have what we call Science Congress. We used to have competition in science, and there used to be very good innovations then. Where are they? These are the innovations that could be domiciled in such a museum for the future generations. Others can also learn from innovations that have been done by others.

In a nutshell, I support. I know I do not have much to say about it but I totally agree with the Members who have supported.

Thank you for the opportunity.

The Temporary Speaker (Hon. Peter Kaluma): Hon. KJ, reply in the shortest time possible.

Hon. John Kiarie (Dagoretti South, UDA) Hon. Temporary Speaker, I want to thank you and all the Members who have spoken on this Motion, starting with the Members who spoke on the 3rd of October and the Members who have contributed this morning. All the contributions have spoken to the fact that Kenya needs a repository for our scientific technology and our knowledge. They have spoken to the fact that Kenya needs a centre for scientific education and development, including research. All the speakers have spoken to the fact that we need to develop a Mecca for educational field visits, especially at this time when we have the CBC education system.

More importantly, Members have said that Kenya cannot slip through the fourth industrial revolution. We must test new technology – technology that will be useful in the future. The proposed science museum lends itself as a good place to domicile a sandboxing centre, where we can sandbox technology before it is deployed to the public. Members have said that this could be a good centre or an institute for emerging technology. All these contributions are speaking to the main fact that I spoke to when I was moving this Motion. I said that Africa cannot continue to be considered a technological dwarf. We must disabuse the notion that Africa is a technological dwarf. When I was moving this Motion, I pointed out to scientific marvels that have come out of Africa. Scientifically, Africa was a giant. We must restore this status.

Hon. Millie Odhiambo brought a very important idea. She said we must stop drawing a dichotomy between the sciences and the arts. You also spoke very well, Hon. Temporary Speaker. You said that being a social scientist or a lawyer does not stop you from being a scientist. I have spent the better part of my adult life as an artist. However, if you go to the records, you will find that the winning project of the Kenya National Science Congress held at

Kenya Science Teachers College in 1995 belonged to yours truly, the one and only John KJ Kiarie. He was a champion in science. That did not stop me from going into the areas of drama, journalism, media and other emerging performing and visual arts. The idea of drawing a dichotomy between the sciences and the arts is leading us to where we are today, having a gross shortage of science teachers.

If Kenya is seeking that pole position in the new world, the new world of emerging technologies known as the fourth industrial revolution, the world of cryptocurrency, block chain technology, artificial intelligence, the internet of things, we must also deliberately develop the science, technology, engineering and mathematics fields without cutting them away from the arts. To your point, Hon. Temporary Speaker, a surgeon today needs to be an amazing artist. If a surgeon is not a good artist, he risks botching up an operation on a girl who has gone for a Caesarean Section (CS) operation to a point where this girl might never want to wear a bikini again in her life. A surgeon needs to be an artist so that when he conducts surgery, he does not leave you with scars like the ones I was left with after the post-election violence of 2007/2008 when the operation was botched by a scientist who was not an artist.

An artist also has to be a scientist. You cannot be a good sculptor if you do not understand the science of civil engineering. This place that we are seeking to be a science museum is not speaking against the museums that exist. A point was made here to the effect that there already exist museums of natural history. Allow me to say that the museum of natural history is in every sense a dead museum where you put taxidermies and old animals and old artefacts. However, a science museum is a living museum. In a language that we must preserve, they say, *Itininanagira nyeki*; to translate that is to say that if you go to London, you shall find on one street the science of art, the science of natural history, the science museum, all of them put together in one street as museums lined up in a way that all of them do attract the public that they need to.

Finally, Hon. Temporary Speaker, in establishing a science museum, we shall be bringing science home. Kenya is the cradle of mankind. By being the cradle of mankind, it means that science and technology was birthed in this country. What has happened over the years is that because of brain drain, we have bled so much technological minds to other capitals. If you go to London today, you will find that it is a Kenyan by the name of Prof. Washington Yotto who is the chairperson of the Science Museums of London – a science museum group that has more than five science museums in the world. Such brains can be domiciled in Kenya at Konza. If we decide to have a science museum, we can have such amazing brains that are out there come back and establish the museum and lead it to be the first science museum not only in East Africa, but also in Africa.

Hon. Temporary Speaker, mine is to thank all the Members who have contributed to the Motion. We have an opportunity here even as other jurisdictions are presenting committees of the future. We, as Parliament, before we decide to bring a committee of the future to this House, I want to start by setting the pace by establishing a science museum that becomes a repository for our African traditional and emerging technologies to showcase them to the world, preserve them and ensure that Africa does not remain the scientific dwarf that it is referred to.

Hon. Temporary Speaker, I thank you profusely. I also thank all the Members who have contributed to this debate. I want to tell the Members that the Establishment of a Science Museum Bill is already in the works. I will be asking you to support it when it finally comes to the House.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. John Kiarie. The question to the Motion will be put the next time it will be scheduled by the House Business Committee.

Next Order.

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 KENYA DRUGS AUTHORITY BILL (National Assembly Bill No.54 of 2022)

The Temporary Chairman (Hon. Omboko Milemba): The Members who are upstanding, you may take your places. We are in the Committee of the whole House to continue with the consideration of the Kenya Drugs Authority Bill (National Assembly Bill No.54 of 2022). The Bill has been dealt with up to Clause 54. Therefore, we shall begin with Clause 55. It had gone for winnowing as per the instructions we were given by the then Speaker. I am sure that many concessions have been agreed upon amongst the Chairperson and the Members who had amendments and, therefore, this should pave way for us to move much faster than we were moving when it first came up for consideration.

Let us proceed.

Clause 55

The Temporary Chairman (Hon. Omboko Milemba): Mover, I want you to be clear not only for the sake of the House but also for the public.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Chairman. I beg to move:

THAT, Clause 55 of the Bill be amended by deleting sub-clause (1) and substituting therefore the following new sub-clause—

“(1) The Registrar shall keep in the prescribed form a register of all medical devices approved by the Authority.”

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

The Temporary Chairman (Hon. Omboko Milemba): What is your point of order, Hon. Millie?

Hon. Millie Odhiambo-Mabona (Suba North, UDA): Thank you, Hon. Temporary Chairman.

I just want to request that, to enable us to move fast, instead of reading out the amendment, could the Chairperson just say ‘as per the Order Paper’ then we can follow?

The Temporary Chairman (Hon. Omboko Milemba): I thought it should be the other way round. That is why I told him to be clear. Maybe, he can summarise but we need to tell the public what we are doing because it is a very important Bill.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Chairman. This is mainly to make provisions for the inclusion of the register of all medical devices as defined under Clause 2 and approved by the Authority.

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)*

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

(Clause 55 as amended agreed to)

Clause 56

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 56 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) A person shall not sell any medical device that is –

- (a) not registered by the Authority;
- (b) adulterated;
- (c) substandard, falsified, falsely labelled or counterfeited; or
- (d) which fails to comply in any way with specifications of this Act or any other law.”

This is to incorporate internationally accepted terminology and redraft for proper grammatical flow. I think this is just straight forward.

(Question of the amendment proposed)

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

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

(Clause 56 as amended agreed to)

Clause 57

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, I beg to move:

That, Clause 57 of the Bill be amended by inserting the phrase “and shall, on conviction be liable to a fine not exceeding two million shillings, or imprisonment for a term not exceeding three years, or to both” immediately after the words “commits an offence”.

This is to provide for penalty for the offence of deceptive labelling, packaging and sale of medical devices.

(Question of the amendment proposed)

(Question, that the words be inserted)

be inserted, put and agreed to)

(Clause 57 as amended agreed to)

Clause 58

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 58 of the Bill be amended—

(a) in sub-clause (2) by inserting the phrase “in accordance with the most recent World Health Organisation’s prescribed guidelines on good manufacturing practice” immediately after the word “Authority”;

(b) by inserting the following new sub-clauses immediately after sub-clause (2)—

“(3) The Authority shall receive from the Kenya Nuclear Regulatory Authority established under the Nuclear Regulatory Act, 2019 documented evidence of radiation required to enable a medical device perform its therapeutic and diagnostic functions and the intended purpose of the device, for issuance of a registration certificate for a medical device.

(4) An importer, distributor or dealer shall establish and implement documented procedures for the maintenance of importation or distribution records and shall maintain an importation or distribution record of each medical device to be submitted to the Authority.”

Hon. Temporary Chairman, on Clause 58 we have amendments in (a) and (b). I do not know whether I can prosecute all of them together or?

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

Hon. (Dr) Robert Pukose (Endebess, UDA): Part (a) of the amendment seeks to enable the country to comply with the World Health Organisation (WHO) standards of manufacturing. This Clause is the most recent WHO organisation prescribed guidelines on good manufacturing practice.

Part (b) of the amendment, which is insertion of a new sub-clause immediately after sub-clause 2, seeks to allow the authority to consult and receive advice from the Kenya Nuclear Regulatory Authority that exercises regulatory control over nuclear and radioactive materials and facilities under Section 6(c)(1) of the Nuclear Regulatory Act, No.29 of 2019. This is to require importers, distributors or dealers to keep records of medical devices submitted to the authority.

Thank you, Hon. Temporary Chairman.

(Question of the amendment proposed)

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

(Clause 58 as amended agreed to)

Clause 59

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 59 of the Bill be amended—

(a) in sub-clause (1) by inserting the words “unregistered establishments for medical devices and” immediately after the word “under”; and;

(b) by deleting sub-clause (3) and substituting therefor the following new sub-clause—

“(3) A person who sells or supplies unapproved medical devices commits an offence and shall, on conviction be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years, or to both.”

This is to provide for the registration of establishments for medical devices by the Authority. The amendment further seeks to amend sub-clause (3) for proper grammatical flow and provide a penalty for the offence of supply of unapproved medical devices.

Thank you, Hon. Temporary Chairman.

Hon. Rahim Dawood (North Imenti, Independent): On a point of order, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Omboko Milemba): What is out of order, Hon. Dawood?

Hon. Rahim Dawood (North Imenti, Independent): Clause 57 mentions Ksh2 million and three years.

The Temporary Chairman (Hon. Omboko Milemba): We are now in...

Hon. Rahim Dawood (North Imenti, Independent): Yeah, I am just referring to Clause 57, which talks about Ksh2 million and three years. However, Clause 59 talks about Ksh1 million and two years. The penalties provided in the two clauses are different yet they both relate to medical devices. Could the Chairperson explain further?

The Temporary Chairman (Hon. Omboko Milemba): Hold your horses. Let me propose the question.

(Question of the amendment proposed)

Hon. Raheem, you can now continue.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Temporary Speaker.

I wanted to comment on Clause 57 but you did not see my intervention. However, could the Chairperson tell us whether the fine proposed in Clause 57 of Ksh2 million or 3 years imprisonment, is the same as that proposed in Clause 59, which provides for a fine of Ksh1 million or 2 years imprisonment? These clauses are intertwined and we need to know what he intends to do.

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

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, in Clause 57, we refer to a person who labels, packages, treats, processes, sells or advertises. In Clause 59, we are referring to a person who sells, manufactures, packages, stores or conveys for sale. These are two distinct things.

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

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. I also want to thank the Chairperson for adopting my proposed amendments to that clause. This proposed amendment is beneficial because it addresses cases like that of the woman who died due to botched beauty enhancement procedures. Moving forward, I hope there will be provisions that criminalise the act, not just the supply and sale of such products.

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

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

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

(Clause 59 as amended agreed to)

PART XI

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by inserting the following new Part immediately after the new clause 59A—

PART VIII – THE NATIONAL PHARMACOVIGILANCE SYSTEM

The Temporary Chairman (Hon. Omboko Milemba): Order, Hon. Chairperson. You are supposed to move Part XI, which is on the title. Check page 2,800 of the Order Paper.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended in the title of Part XI by deleting the expression “PART XI” and substituting therefor the expression “PART IX”.

(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)

(PART XI as amended agreed to)

Clause 60

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, I beg to move:

Establishment of the
National Quality
Control Laboratory.

THAT, the Bill be amended by deleting Clause 60 and substituting therefor the following new clause 60—

60. (1) There is established the National Quality Control Laboratory of the Authority which shall be used as a facility for—

- (a) the examination and testing of health products and technologies including vaccines and biopharmaceuticals and any material or substance from or with which and the manner in which drugs may be manufactured, processed or treated and ensuring the quality control of drugs and medicinal substances;
- (b) performing chemical, biological, bio-chemical, physiological and pharmacological analysis and other pharmaceutical evaluation;

- (c) testing, on behalf of the Government, of locally manufactured and imported health products and technologies in the Kenyan market prior to marketing authorization, redistribution and post-distribution;
- (d) providing technical support to local manufacturers and building their capacity in matters pertaining to quality control of regulated products through on-site and off-site training and laboratory assessments;
- (e) conducting investigations into the quality and safety status of regulated products developing and administering a data bank on quality assurance of all health products and technologies and generating scientific evidence and reports on the quality and safety status of the registered products;
- (f) conducting research and training and providing high quality analytics and expert knowledge in the areas of health products and technologies and active pharmaceutical ingredients; and
- (g) developing and administering a data bank on quality assurance on behalf of the Authority.

(2) The National Quality Control Laboratory shall be the quality control laboratory of health products and technologies for the Authority.

(3) The Board shall appoint a Director of the National Quality Control Laboratory who shall be responsible to the Authority for the day-to-day management of the National Quality Control Laboratory.

(4) The Director of the National Quality Control Laboratory shall hold office on such terms and conditions of service as may be specified in the instrument of appointment by the Board.

(5) The Director of the National Quality Control Laboratory shall be a registered pharmacist and shall possess a Master's degree in a science-related field from a recognised university.

(6) The Director of the National Quality Control Laboratory shall—

(a) oversee and coordinate all operations and administration of the National Quality Control Laboratory and provide technical guidance on quality control;

(b) ensure timely quality control testing of all samples in conformity with national and international standards;

(c) co-ordinate and supervise the activities of the National Quality Control Laboratory including staff;

(d) collaborate with other laboratories, regulatory and law enforcement agencies to ensure quality in health products and technologies;

(e) handle appeals on test results;

(f) where the laboratory lacks capacity, subcontract laboratory testing services;

(g) advise the Authority on matters of testing and quality control over health products and technologies; and

(h) perform any other duties assigned by the Authority from time to time.

(7) The funds to be used for the management of the National Quality Control Laboratory shall consist of all moneys received or recovered under this Part and a portion of the moneys appropriated by the National Assembly to the Authority.

(8) Subject to subsection (7), the monies generated by the National Quality Control Laboratory in the course of the performance of its functions under this section shall be solely expended on the Laboratory.

This is to establish the National Quality Control Laboratory of the Authority, which shall be used as a facility for various functions as listed. Should I read them all?

The Temporary Chairman (Hon. Omboko Milemba): No. Let us deal with that one.

Hon. (Dr) Robert Pukose (Endebess, UDA): Okay.

The Temporary Chairman (Hon. Omboko Milemba): There is another amendment on this clause by Hon. Millie. The winnowing process took place and if the amendment by the Chairperson is carried, then the one by Hon. Millie falls.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Omboko Milemba): Order, Hon. Millie. Let me propose the question first before you speak.

(Question of the amendment proposed)

Hon. Millie, you may proceed.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, allow me to address this matter now so that I do not need to speak afterwards. If you noticed, many of my amendments focused on inclusion of herbal medicine, which I previously mentioned. Through the winnowing process, the Chairperson assured me that we will be introducing a separate Bill to accommodate herbalists and herbal medicine. As a result, I have withdrawn all my amendments. I do not have any further amendments to propose to this Bill.

(Proposed amendments by Hon. Millie Odhiambo-Mabona withdrawn)

The Temporary Chairman (Hon. Omboko Milemba): Very well. Let me hear from Hon. Dawood first before we listen to the Chairperson.

Hon. Rahim Dawood (North Imenti, Independent): Hon. Temporary Chairman, I would like to persuade the Mover on No. 5, which states: "The Director of the National Quality Control Laboratory shall be a registered pharmacist and shall possess a Master's degree in a science-related field from a recognised university."

The Temporary Chairman (Hon. Omboko Milemba): Order, Hon. Dawood. We are not yet at that point. We are currently discussing part (a).

Hon. Chairperson, proceed and comment on that.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, I would like to confirm to the Minority Whip, Hon. Millie Odhiambo, that the Bill on Traditional Herbal Medicine is already with the Speaker.

The Temporary Chairman (Hon. Omboko Milemba): Hon. Kaluma, you have the Floor.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Chairman, so that we move expeditiously, may I also inform the House that all my amendments went through

winnowing, and I agreed to withdraw them. I, therefore, withdraw them. We need to expeditiously move the Chairperson's harmonised amendments.

*(Proposed amendments by Hon.
Peter Kaluma withdrawn)*

I also thank the Chairperson for the upcoming Traditional Herbal Medicine Bill. There is a wealth of scientific knowledge in this area that Hon. Millie mentioned – knowledge that we are at risk of losing with the passing of our elders. My mother is a traditional herbalist. She helps women suffering from fibroids by giving them a glass of herbal drink.

The Temporary Chairman (Hon. Omboko Milemba): Did you say herbalist or magician?

Hon. Peter Kaluma (Homa Bay Town, ODM): She is an herbalist and her medicine works very well. You must have seen a scar on my leg. I was bitten by a puff adder. A piece of a bark of a tree was applied to the wound, and it sucked out all the poison. We lost all that when my grandfather died. So, I am grateful...

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

The Temporary Chairman (Hon. Omboko Milemba): Hon. Kaluma, are you willing to be informed?

Hon. Peter Kaluma (Homa Bay Town, ODM): She may inform me.

(Laughter)

The Temporary Chairman (Hon. Omboko Milemba): Hon. Millie, you may proceed.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. There is a Member who has asked off the record, whom I do not know, whether that is a magician or a herbalist. I did this at a master's level. We, as Africans, discredit ourselves sometimes on the knowledge we have on herbs which form the basis for most medicines worldwide. When it is done by the West, it is medicine. When it is done by us, it is magic. It is not magic, but traditional science.

The knowledge which Hon. Kaluma's mother has is science. It is indigenous knowledge that we have not packaged in fancy words. That is why I am very keen on herbal medicine.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Chairman, the point I am making is that all my amendments in the Order Paper, for purposes of clarity and expedition, are hereby formally withdrawn, so that we can move past this level.

(Proposed amendments by Hon. Peter Kaluma withdrawn)

The Temporary Chairman (Hon. Omboko Milemba): Thank you. I want to bring in Hon. Dawood. But before then, let me hear from the Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Chairman, I want the attention of Hon. Kaluma and Hon. Ochieng'. I want to inform Hon. Kaluma one thing. He has said that his mother is a traditional herbalist, but she is not traditional. She has knowledge in herbal medicine. That herbal tree exists today. Your mother can go and pick it today. The knowledge can be traditional, but the medicine is herbal.

The Temporary Chairman (Hon. Omboko Milemba): So, it is the semantics.

Hon. Owen Baya (Kilifi North, UDA): The medicine is herbal. Today, the Chinese sell herbal medicine all over, but we cannot put your mother's herbal medicine in a shop because we call it traditional. We need to give it its right place. It is herbal and not traditional medicine.

The Temporary Chairman (Hon. Omboko Milemba): Thank you, Deputy Leader of the Majority Party. You have made your point. Let us make progress. Hon. Chairman, speak on all the amendments in Clause 60, so that Hon. Dawood can then come in, and then we seal it.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 60 and substituting therefor the following new Clause 60:

Establishment of the
National Quality
Control Laboratory.

60. (1) There is established the National Quality Control Laboratory of the Authority which shall be used as a facility for-

- (a) the examination and testing of health products and technologies including vaccines and biopharmaceuticals and any material or substance from or with which and the manner in which drugs may be manufactured, processed or treated and ensuring the quality control of drugs and medicinal substances;
- (b) performing chemical, biological, bio-chemical, physiological and pharmacological analysis and other pharmaceutical evaluation;
- (c) testing, on behalf of the Government, of locally manufactured and imported health products and technologies in the Kenyan market prior to marketing authorisation, redistribution and post-distribution;
- (d) providing technical support to local manufacturers and building their capacity in matters pertaining to quality control of regulated products through on-site and off-site training and laboratory assessments;
- (e) conducting investigations into the quality and safety status of regulated products developing and administering a data bank on quality assurance of all health products and technologies and generating scientific evidence and reports on the quality and safety status of the registered products;
- (f) conducting research and training and providing high quality analytics and expert knowledge in the areas of health products and technologies and active pharmaceutical ingredients; and
- (g) developing and administering a data bank on quality assurance on behalf of the Authority.

(2) The National Quality Control Laboratory shall be the quality control laboratory of health products and technologies for the Authority.

(3) The Board shall appoint a Director of the National Quality Control Laboratory who shall be responsible to the Authority for the day-to-day management of the National Quality Control Laboratory.

(4) The Director of the National Quality Control Laboratory shall hold office on such terms and conditions of service as may be specified in the instrument of appointment by the Board.

(5) The Director of the National Quality Control Laboratory shall be a registered pharmacist and shall possess a Master's degree in a science related field from a recognised university.

(6) The Director of the National Quality Control Laboratory shall—

- (a) oversee and coordinate all operations and administration of the National Quality Control Laboratory and provide technical guidance on quality control;
- (b) ensure timely quality control testing of all samples in conformity with national and international standards;
- (c) co-ordinate and supervise the activities of the National Quality Control Laboratory including staff;
- (d) collaborate with other laboratories, regulatory and law enforcement agencies to ensure quality in health products and technologies;
- (e) handle appeals on test results;
- (f) where the laboratory lacks capacity, subcontract laboratory testing services;
- (g) advise the Authority on matters of testing and quality control over health products and technologies; and
- (h) perform any other duties assigned by the Authority from time to time.

(7) The funds to be used for the management of the National Quality Control Laboratory shall consist of all monies received or recovered under this Part and a portion of the monies appropriated by the National Assembly to the Authority.

(8) Subject to subsection (7), the monies generated by the National Quality Control Laboratory in the course of the performance of its functions under this section shall be solely expended on the Laboratory.

Clause 60(1) of the Bill establishes the National Quality Control Laboratory of the Authority and its functions. Clause 60(6) of the Bill gives the functions of the Director of the National Quality Control Laboratory.

The National Quality Control Laboratory will be headed by a Director appointed by the Authority. It will be a regulatory laboratory of the Authority. It is a recommendation of WHO so that the country can achieve maturity level 3. To ring-fence money generated from the laboratory, they shall be solely expended there. The Authority ought to give a portion of the money appropriated to it by Parliament to the laboratory.

Thank you, Hon. Temporary Chairman.

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

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Temporary Chairman. My concern is in Clause 60(5) of the Bill. I am requesting Hon. Chairman to move a further amendment to remove the master's degree requirement because a pharmacist is a pharmacist. This is good enough because you do not become a pharmacist easily. If the master's degree can be removed as a requirement, I will appreciate.

Lastly, it is in Clause 60(8) of the Bill where the money generated by the National Quality Control Laboratory is ring-fenced. This is a very good idea, but it may need to be changed according to the Finance Act. The Appropriation-in-Aid (A-in-A) has to be deposited and approved to be used. I am not very sure, if Clause 60(8) of the Bill can be implemented.

The last one regards Hon. Kaluma on traditional medicine and herbal medicine. Ayurveda in India is the biggest thing in the world. So, herbal medicine is the way to go.

The Temporary Chairman (Hon. Omboko Milemba): Very well. Let us hear from Hon. Makali.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much, Hon. Temporary Chairman. I want to comment on financing of the Authority. I totally agree with what Hon. Dawood has said. It will not be fair just to ring-fence the resources through this Bill because we also have the Public Finance Management (PFM) Act which guides on how to spend resources which have been collected by authorities.

The best way will be to make this Authority independent, so that whatever resources they collect, they use them without getting money from the Exchequer which will make it very complicated. Once you say that the National Assembly will be appropriating resources to them, it means we are going back to the Consolidated Fund. How I wish you can make it self-financing. In that case, you sort out a lot of issues on regulations.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Omboko Milemba): Finally, on the same, Hon. Elachi.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Chairman. I ask Hon. Chairman to help us because of the challenges we face. We have lost women for the last two months on the quality and management in plastic surgery and cosmetic manufacturing. When we bulk them with huge words, we end up losing just one thing.

There is need to state it in black and white. You either call it plastic surgery or cosmetic manufacturing. Let it be there for the purposes of the late Lucy, owner of Mialle Lounge and the wife of Mr Natembeya's personal assistant. All of them have lost their lives in a few weeks' time because of that. May they rest in peace.

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

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Chairman. To comment on what Hon. Elachi has raised, we have summoned the Kenya Medical Practitioners and Dentists Council (KMPDC) in relation to the recent incident. From the information we have, that is a Level 2 facility which is not licensed to do cosmetic surgery. We must make sure that the right facility is the one offering the various services. We are on top of that. If you have time tomorrow, the Cabinet Secretary and Chief Executive Officer (CEO) will appear before the Departmental Committee on Health. You can join us for any clarifications.

To come back to Hon. Dawood, we have already said that the minimum requirement is a degree in pharmacy. However, we have to raise the level because having a degree only is not enough. The Director of the National Quality Control Laboratory shall possess a master's degree in a science-related field. It can be a master's degree in management or any other areas that can assist him or her.

The funds to be used for the management of the National Quality Control Laboratory shall consist of all money received or recovered under this part and a portion of the money appropriated by the National Assembly to the Authority. We are not closing it from appropriation of funds. It will appropriate funds to the Authority which can give that money to the National Quality Control Laboratory, which shall be the laboratory of the Authority.

Thank you, Hon. Temporary Chairman.

(Question of the amendment proposed)

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

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

(Clause 60 as amended agreed to)

Clause 61

The Temporary Chairman (Hon. Omboko Milemba): Let us have the Mover.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 61 of the Bill be amended in sub-clause (1) by deleting the words “Director-General” and substituting therefor the words “Director of the National Quality Control Laboratory”.

This is for compliance with the WHO guidelines which require that a certificate of analysis be issued by a person capable of ensuring the authenticity of the test samples. Thank you.

(Question of the amendment proposed)

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

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

(Clause 61 as amended agreed to)

Part XII

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

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended in the title of Part XII by deleting the expression “PART XII” and substituting therefor the expression “PART X”.

This is just to correct minor numbering errors in the Bill.

(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)

(Part XII as amended agreed to)

(Clause 62 agreed to)

Clause 63

The Temporary Chairman (Hon. Omboko Milemba): There are several amendments. Mover, proceed.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, I beg to move:

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THAT, Clause 63 of the Bill be amended—

(a) in sub-clause (1) by deleting the phrase “medicine, drug, appliance or article” wherever it appears and substituting therefor the words “health product or technology”; and

(b) in sub-clause (2) by inserting the words “or enrolled pharmaceutical technologists” immediately after the word “pharmacists” appearing in paragraph (d).

This is to harmonise the terms with the Title of the Bill.

The Temporary Chairman (Hon. Omboko Milemba): Please deal with all of them.

Hon. (Dr) Robert Pukose (Endebess, UDA): (b) is to include enrolled pharmaceutical technologists as part of persons covered under the provided defence, in relation to offences prohibiting advertisements of diseases listed in the Sixth Schedule.

(Question of the amendment proposed)

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

Hon. Rahim Dawood (North Imenti, Independent): I support this amendment because for a long-time, pharmaceutical technologists were forgotten. I want to thank the Chairperson for remembering them.

Thank you.

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

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Temporary Chairman. I propose that Clause 63 be amended as per the Order Paper. The reason being the provision therein is redundant as the same is already provided for in Part X of the Bill.

The Temporary Chairman (Hon. Omboko Milemba): Hon. Oluoch, I hope you are not proposing your amendment. Are you? You will do so after we finish with this one.

Hon. Anthony Oluoch (Mathare, ODM): Alright, I will resume my seat. Thank you.

The Temporary Chairman (Hon. Omboko Milemba): We have your proposal here.

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

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

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

The Temporary Chairman (Hon. Omboko Milemba): Let us have Hon. Anthony.

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Temporary Chairman. I beg to move:

THAT, Clause 63 of the Bill be further amended by deleting sub-clause (3).

I have seen there is concurrence from the Hon. Chairperson. So, I propose that the amendment be carried. Thank you.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Omboko Milemba): I can see you agree.

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

(Clause 63 as amended agreed to)

Clause 64

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

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 64 of the Bill be amended by—

(a) deleting the phrase “a medicine, drug, appliance or article” and substituting therefor the phrase “health product or technology”; and,

(b) deleting the phrase “drug, appliance or article” and substituting therefor the phrase “health product or technology”.

This is to harmonise the terms used with the Title of the Bill.

(Question of the amendment proposed)

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

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

(Clause 64 as amended agreed to)

Clause 65

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

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 65 of the Bill be amended—

(a) in paragraph (a) by—

(i) deleting the words “or similar article”; and,

(ii) deleting the word “extravagant,”.

(b) in paragraph (b) by deleting the word “an article” and substituting therefor the words “a health product or technology”.

This is to ensure objectivity.

(Question of the amendment proposed)

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

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

(Clause 65 as amended agreed to)

Clause 66

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

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 66 of the Bill be amended—

(a) in sub-clause (1) by—

(i) deleting the phrase “drug, appliance or article” wherever they appear in paragraph (a) and substituting therefor the phrase “health product or technology”; and,

(ii) deleting the phrase “medicine, drug, appliance or article” appearing in paragraph (b) and substituting therefor the phrase “health product or technology”;

(b) in sub-clause (3) by—

(i) renumbering the provision as sub-clause (2); and

(ii) by inserting the phrase “enrolled pharmaceutical technologists” immediately after the word “pharmacists” appearing in paragraph (ii).

Part (a) is to harmonise the terms used with the Title of the Bill and (b) is to include enrolled pharmaceutical technologists as part of persons covered under the provided defence in relation to offences regarding prohibition of advertisements on abortion and false or misleading advertisements.

(Question of the amendment proposed)

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

Hon. Rahim Dawood (North Imenti, Independent): I want to thank the Chairperson for putting the term pharmaceutical technologists. I requested him to do so and he agreed. Thank you.

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)

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

(Clause 66 as amended agreed to)

Clause 67

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

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 67 of the Bill be amended—

(a) by deleting the word “articles” appearing in the marginal note and substituting therefor the words “health products and technologies”;

(b) by deleting sub-clause (1) and substituting the following new sub-clauses—

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“(1) Subject to this Act, a person shall not sell by retail a health product or technology consisting of or comprising a substance recommended as a medicine unless there is written so as to be clearly legible on the health product or technology or on a label affixed thereto, or if the health product or technology is sold or supplied in more than one container, on the inner container or on a label affixed thereto—

(a) the appropriate designation of the substance so recommended or of each of the active constituents, or of each of the ingredients from which it has been compounded; and

(b) in a case where the appropriate designation of each of the active constituents or ingredients is written, the appropriate quantitative particulars of the constituents or ingredients:

(1A) Subsection (1) shall not apply to a health product or technology made up and supplied for the use of a particular person, being an article prescribed by reference to the needs of that person.”

(c) in sub-clause (2) by deleting the word “article” wherever it appears in the definition of “appropriate quantitative particulars” and substituting therefor the words “health product or technology”;

(d) in sub-clause (3) by—

(i) deleting the word “an article” appearing in the opening statement and substituting therefor the words “a health product or technology”;

(ii) deleting the words “two hundred thousand” appearing in paragraph (a) and substituting therefor the words “one million”;

(iii) deleting the words “three hundred thousand” appearing in paragraph (b) and substituting therefor the words “two million”.

Parts (a), (b) and (c) are meant to harmonise the terms used with the Title of the Bill. Part (d) is stating the fines payable commensurate to the offences relating to labelling of health products and technologies containing medicine.

(Question of the amendment proposed)

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

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

(Clause 67 as amended agreed to)

Clause 68

The Temporary Chairman (Hon. Omboko Milemba): There is no amendment and interest on this one.

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

There is a deletion on this one. Hon. Chairperson, you moved us a little bit faster. Let us go back. This is a law-making process.

Hon. (Dr) Robert Pukose (Endebess, UDA): I have seen. My apologies

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Clause 68

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

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 68.

This is a deletion preferable to make provision for valid exemptions through regulation as opposed to providing for offences relating to the labelling of medicines.

(Question of the amendment proposed)

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

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Hon. Temporary Chairperson, I do not have an issue. I was rising on a point of order because there was an amendment, yet he said there was no amendment.

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

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

(Clause 68 deleted)

Clause 69

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

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 69 of the Bill be amended by

- (a) deleting the word “article” and substituting therefor the words “health product or technology”; and
- (b) deleting the word “articles” and substituting therefor the words “health products and technologies”.

This is to harmonise the terms used in the Bill with the title of the Bill as proposed for amendment.

(Question of the amendment proposed)

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

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

(Clause 69 as amended agreed to)

Part XIII

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

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, I beg to move:

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THAT, the Bill be amended in the title to Part XIII by deleting the expression “PART XIII” and substituting therefore the expression “PART XI”.
This is to correct a minor error in number of the parts of the Bill.

(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)*

(Part XIII as amended agreed to)

(Clause 70 agreed to)

Clause 71

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

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 71 of the Bill be amended-

- (a) in the marginal note by deleting the phrase “medicines or medical devices” and substituting therefore the phrase “health products and technologies” and
- (b) in sub-clause (1) by deleting the phrase “or homoeopathic medicine, preparation or medical device” and substituting therefore the phrase “health products and technologies”.

This is to harmonise the terms used in the Bill with the title of the Bill as proposed for amendment.

(Question of the amendment proposed)

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

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

(Clause 71 as amended agreed to)

Clause 72

The Temporary Chairman (Hon. Omboko Milemba): Mover, deal with all of them.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 72 of the Bill be amended-

- (a) in the marginal note by deleting the words “medicine or medical devices” and substituting therefor the words “health products and technologies”;
- (b) in sub-clause (1) by-

- (i) deleting the words “a person” and substituting therefor the words “a registered pharmacist”; and
- (ii) inserting the phrase “including a health product and technology for emergency use” immediately after the word “technology” and
- (c) in sub-clause (3) by deleting the words “medicine or medical device product” and substituting therefor the words “health product or technology”.

In (a) to harmonise the terms used in the Bill with the title of the Bill as proposed for amendment, and in (b), to make a provision for supply of health products and technologies during emergency situations. The amendment also seeks to ensure that supply of health products and technologies can only be undertaken by registered pharmacists.

(Question of the amendment proposed)

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

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you Hon. Temporary Chairman. I want to commend the Chairperson for the requirement that we need a registered pharmacist and not just anyone. That is very important. I support.

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

Hon. Rahim Dawood (North Imenti, Independent): Hon. Temporary Chairman, I do not support this one. I want a further amendment which says: “a registered pharmacist and a pharmaceutical technologist” because what happens is that most of the pharmacies in our country are manned by pharmaceutical technologists. We do not have enough pharmacists in this country. Pharmaceutical technologists man most pharmacies in our country. I am afraid we will be closing many pharmacies in this country if we do not put that amendment there. Therefore, if possible, I beseech the Chairman to add pharmaceutical technologists.

Hon. Temporary Speaker (Hon. Omboko Milemba): Very well, Hon. Dawood. We have heard you. You may take your seat. Hon. Deputy Speaker.

Hon. Gladys Boss (Uasin Gishu County, UDA): Thank you, Hon. Chairperson.

Just a point of information on Clause 72. The issue is not that we want to lock out our pharmaceutical technologists. It is an international requirement by the WHO which expects us to have this amendment to comply with international standards. Kenya wants to be a pharmaceutical manufacturing country for export. If we leave it as it is now, we shall not be able to export to larger markets like America, Europe, and the rest of Africa if we do not meet international standards. Therefore, this will help Kenya meet international standards. If you remember, this House reduced duties and taxes on anyone manufacturing in Kenya. That is because we want to encourage manufacturers to come to Kenya. We want to become a manufacturing country instead of being a net importer.

At the moment, pharmaceutical companies manufacturing in Kenya can only sell to Somalia and Burundi. We, as a country, need to make this amendment to attain maturity level three. The best would be to attain maturity level four. To do so, this amendment is imperative. Rwanda and the United Republic of Tanzania, which have achieved maturity level three, have already overtaken us. We are going to be locked out of manufacturing in the industry. It is not because we have anything against our pharmaceutical technologists. It is just because this is a requirement by WHO that we meet international standards. In any case, our pharmaceutical technologists will still be able to conduct business, except that they cannot dispense certain levels of drugs. This is a standard rule.

As it is, pharmacies cannot dispense some medications without a prescription from a doctor. Some medicines can be sold over the counter and others cannot. You require a prescription. That is a WHO rule. Let us help this country. We are two years behind. We should have done these things immediately after we came into Parliament because we kept saying that

we need Kenya to be a manufacturing country. It is imperative for our economic development. In fact, pharmaceutical technologists will benefit from being hired in manufacturing plants.

Thank you.

Hon. Temporary Speaker (Hon. Omboko Milemba): Very well. I know it has been your pet subject, and it is the core of this Bill.

(Hon. Robert Pukose Spoke off the record)

No. We are bringing you, Hon. Chair. You do not have to be in a hurry. Let me hear Hon. Makali in one minute.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you.

Following up on what the Deputy Speaker has said, it is important we get it right. We have used a lot of pharmacists and pharmaceutical technologists in earlier clauses. I did not raise that matter because I thought this Clause addressed a higher level than what the Deputy Speaker had said. If the Deputy Speaker is right, we may not be achieving the objective she is mentioning in her description.

Hon. Temporary Speaker (Hon. Omboko Milemba): Very well. That provides a very good platform for the Chair to speak. Hon. Chair, proceed.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Chair, this is a WHO requirement, as the Deputy Speaker has put it. Here we are talking about handling emergencies. When we talk about emergencies, we are talking about an outbreak like COVID-19 that we had the other day. Under that circumstance, the requirement is higher. A person who supplies a particular health product or technology must be a registered pharmacist. We can approve the other parts of the Clause but not this one.

The Temporary Chairman (Hon. Omboko Milemba): I hope you have also satisfied Hon. Dawood's concerns. Very well.

(Question of the amendment proposed)

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

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

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

(Clause 72 as amended agreed to)

Clause 73

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

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 73 of the Bill be amended—

- (a) in the marginal note by deleting the word “goods” and substituting therefor the words “health products and technologies”.
- (b) in sub-clause (1) by deleting the words “drug, article” wherever they appear and substituting therefor the words “health product or technology”;

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- (c) in sub-clause (2) by deleting the words “drug or article” wherever they appear and substituting therefor the words “health product or technology”;
- (d) in sub-clause (3) by deleting the words “drug or article” and substituting therefor the words “health product or technology”; and
- (e) in sub-clause (4) by deleting the words “drug or article” and substituting therefor the words “health product or technology”.

This is to harmonise the terms used in the Bill with the title of the Bill as proposed for amendment.

(Question of the amendment proposed)

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

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

(Clause 73 as amended agreed to)

(Clauses 74,75,76,77 and 78 agreed to)

Clause 79

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

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 79 and substituting therefore the following new Clause 79—

Inspection and
verification of health
products and
technologies at the
ports of entry.

79. (1) A person who imports a health product or technology shall notify the inspectors of the Authority at the ports of entry to conduct pre-clearance inspection and verification.

(2) A person who imports a health product or technology and causes it to be released to the market without inspection and verification under subsection (1) commits an offence.

(3) A person who commits an offence under this section shall, on conviction, be liable to a fine not exceeding one million shillings, to imprisonment for a term not exceeding two years, or to both.

The amendment seeks to delete Clause 79 because the function of inspecting animals that are intended for slaughter is outside the regulatory purview of this Bill. Those are veterinary functions.

(Question of the amendment proposed)

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

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much, Hon. Temporary Chairman. This Clause is very important because it demands that before any health product or technology is brought into this country, it must be inspected and verified, which is critical. I am worried about the penalty in case one commits an offence relating to that provision. The penalty is only Ksh1 million or imprisonment for two years. How I wish the

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Chairperson could make this penalty more serious than it is because if you bring into the country technology which harms our people, Ksh 1 million is too little in terms of penalty.

Thank you, Hon. Temporary Chairman.

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

Hon. Rahim Dawood (North Imenti, Independent): Hon. Temporary Chairman, the Clause states that a health product should be inspected on arrival during the pre-clearance inspection. Could that not be done before it even leaves the port of origin? Can it not be inspected the way vehicles are inspected overseas? It would be a case of double inspection – at the port of exit, and again at the port of entry.

The Temporary Chairman (Hon. Omboko Milemba): Yes, Hon. Chairperson. Let us get your guidance.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, I am seeking to delete Clause 79, which states:

“79. A regulatory officer may, for the purposes of this Act, inspect any animal intended for slaughter and may seize and examine any meat which the regulatory officer considers to be unfit for consumption.”

That is a veterinary function, which I have deleted. We now have a new Clause 79. I do not know whether the new Clause should go through the Second Reading. I just needed guidance because I explained why I am seeking to delete Clause 79.

Hon. Temporary Chairman (Hon. Omboko Milemba): Not for now, but let us hear from Hon. Elachi.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Chairman. I now agree with the Hon. Chair because I was wondering what he was deleting. Yes, it is okay. However, when you come and deal with only the health products, you forget we also need our animals to be part of this inspection. We find ourselves again in some crisis that will come at a time for those who normally bring in animals and also for those who export meat or something. So, we have to be very clear even as we say 'a person who imports', but it is not just importing, but also exporting because we are saying we are also becoming manufacturers. We shall also be exporting, so we have to be clear on that.

The other thing I want to agree with Hon. Dawood is that, indeed, from the origin is where we start this inspection. This is because this is how we have ended up with too many challenges, especially with the antibiotics we have today in our country.

Thank you, Hon. Temporary Chairman.

Hon. Temporary Chairman (Hon. Omboko Milemba): Very well. Hon. Chairman, first is to give you direction. The Clause we are dealing with is such that you are deleting and replacing. So, it is not entirely new. We shall deal with new clauses later.

We will still give you a chance. So, please speak about everything the Members have said and explain yourself.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, with the replacement, this new Clause on inspection and verification of health products and technologies at the ports of entry enables the Authority to enforce compliance with the prescribed standards of quality, safety and efficacy of health products and technologies before release at the ports of entry. This is to prevent concealment, misdeclaration, diversion and cross-border smuggling of health products and technologies.

Thank you, Hon. Temporary Chairman.

Hon. Temporary Chairman (Hon. Omboko Milemba): Very well. Members are still not satisfied with the issue of penalty. Hon. Chair, in one minute.

Hon. (Dr) Robert Pukose (Endebess, UDA): In Clause 79 (3), a person who commits an offence under this section shall, on conviction, be liable to a fine not exceeding Ksh1 million or to imprisonment for a term not exceeding two years or both. Is the penalty too lenient?

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

Hon. (Dr) Robert Pukose (Endebess, UDA): Allow for a further amendment to that. If we make it Ksh2 million, then may I say Hon. Temporary Chairman that...

Hon. Temporary Chairman (Hon. Omboko Milemba): There are dissenting voices on this one.

Hon. (Dr) Robert Pukose (Endebess, UDA): I want to allow them to propose a further amendment.

Hon. Temporary Chairman (Hon. Omboko Milemba): Hon. Chair, take your seat. Let us hear from Hon. Member, my colleague in the teaching profession. Proceed, Hon. Dorothy.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Chairman. I agree with Hon. Makali that this crime is very serious that it should attract more penalties. I propose that we go to Ksh3 million and three years or both. Yes, when the crime is committed that is my proposal.

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

Hon. Rahim Dawood (North Imenti, Independent): I would propose Ksh2 million and three years because we already had that kind of penalty for medical devices. So, I would propose Ksh2 million and three years because we have the same punishment even in medical devices. At least, it looks standard.

Hon. Temporary Chairman (Hon. Omboko Milemba): Very well. At least, you have a rationale. Let us hear the Hon. Wanyonyi, Kwanza Constituency. Give him a microphone. Give him any microphone around that place. In one minute, Hon. Wanyonyi.

Hon. Ferdinand Wanyonyi (Kwanza, UDA): Hon. Temporary Chairman, we are dealing with people who are doing business. When you put the penalty to Ksh3 million, as a businessman, you can find your way out. To me this is a very serious case; we can make it Ksh5 million and five years. This is because these are businessmen who can move around. What is Ksh3 million for businessmen?

Hon. Temporary Chairman (Hon. Omboko Milemba): Very well, Hon. Wanyonyi; we have heard you. We should do that Hon. Chair. Now rest this matter.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, I beg to move a further amendment to Clause 79(3).

THAT, Clause 79 of the Bill be further amended by deleting sub-clause (3) and substituting therefor the following new clause sub-clause (3) —

(3) A person who commits an offence under this section shall, on conviction, be liable to a fine not exceeding Kshs3 million, imprisonment for a term not exceeding two years, or both.

(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)

(Clause 79 as further amended agreed to)

The Temporary Chairman (Hon. Omboko Milemba): Hon. Members, due to time constraints, let me call the Mover so that we may report progress. Mover.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, I beg to move that the Committee do report to the House its consideration of the Kenya Drugs Authority Bill (National Assembly Bill No.54 of 2022) up to Clause 79 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 Deputy Speaker (Hon. Gladys Boss) in the Chair]

MOTION

CONSIDERATION OF REPORT ON THE KENYA DRUGS AUTHORITY BILL

Hon. Deputy Speaker: The Temporary Chairman.

Hon. Omboko Milemba (Emuhaya, UDA): Hon. Deputy Speaker, I beg to report that the Committee of the whole House has considered the Kenya Drugs Authority Bill (National Assembly Bill No. 54 of 2022) up to Clause 79 and approved the same with amendments, and seek leave to sit again.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Deputy Speaker, I beg to move that the House do agree with the Committee in the said report.

I request Hon. Josses Lelmengit to second the Motion for agreement with the report of the Committee of the whole House.

Hon. Josses Lelmengit (Emgwen, UDA): Hon. Deputy Speaker, I second. Thank you.

(Question proposed)

Hon. Deputy Speaker: We shall put the question at a later date.

(Putting of the Question deferred)

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, the time now being 1.04 p.m, this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.04 p.m.

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