

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 20<sup>th</sup> February 2019

The House met at 2.30 p.m.

*[The Speaker (Hon. Justin Muturi) in the Chair]*

### PRAYERS

**Hon. Speaker:** Hon. Members, it is good to start business before shaking of hands. It has become fashionable to shake hands lately.

### COMMUNICATION FROM THE CHAIR

#### CONSIDERATION OF SENATE BILLS

**Hon. Speaker:** Hon. Members, As you may recall, on 7<sup>th</sup> November 2018, I conveyed to the House a Message from the Senate regarding the passage of the office of the County Printer Bill (Senate Bill No.7 of 2018) seeking to establish the office of the county printer in each county and to provide for the functions, mandate, management and administration of the office; and the Disaster Risk Management Bill (Senate Bill No.8 of 2018), which seeks to establish the National Disaster Risk Management Authority and County Disaster Risk Management Committees, and to provide for a legal framework for the co-ordination of disaster management activities.

Following First Reading of the two Bills on 4<sup>th</sup> December 2018, I did forward the Bills to the relevant technical offices to assist me to form the opinion contemplated under Standing Order 143(2) which provides that-

“Following First Reading, the Speaker shall, within reasonable time, pronounce his or her opinion contemplated under Article 114(2) of the Constitution.”

Now, therefore, having received the advice on the matter from the relevant offices, I have made a determination that the said two Bills are money Bills within the meaning of Article 114 of the Constitution. I, therefore, refer the two Bills to the Budget and Appropriations Committee.

The Budget and Appropriations Committee is required to consider the two Bills and report its recommendation to the House guiding on how to proceed in light of the provisions of Articles 109(5) and 114 of the Constitution, as read together with Standing Order 143(6).

The House is accordingly guided.

Hon. John Mbadi, what is your point of order?

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Speaker. Appreciating your ruling on the matter regarding the two Bills which have been forwarded from the Senate, I have just heard you mention that you have made a determination that the two are money Bills in the meaning of Article 114 of the Constitution. My question is: Why then would you refer those Bills to the Budget and Appropriations Committee? We are aware that Article 114 of the

Constitution is clear that money Bills must only originate from the National Assembly. I appreciate that even the work of a committee of this House is equally important at the time that the committee is going to deal with a matter that is so clear and you have already made a determination. I am at a loss as to why it is necessary to refer the two Bills to the Budget and Appropriations Committee. The best would be to tell the Senate that the two Bills could not originate from the Senate because the Constitution does not allow and that is it. The Bills die. If somebody in the National Assembly wants to pick it up... To me, it is very clear. They are our colleagues. If somebody has very good ideas of generating a Bill that is helpful to this country and it is a money Bill by nature, they can talk to us and we originate the Bill from here and they would still deal with it if the matter in question concerns counties. I do not know why they have to generate Bills that are money Bill by nature and the Constitution is so clear.

So, Hon. Speaker, as I sit down, my question was: Where is the sense of referring the two Bills to the Budget and Appropriations Committee while the Speaker has already determined that the two are money Bills?

Thank you.

**Hon. Speaker:** Just like the Speaker is advised by the various technical offices, notwithstanding his opinion, it is good that the relevant committee, which is Budget and Appropriations Committee, advises the House. It is the Committee that should advise the House on how to proceed, including advising the House that the Bills must not proceed. It is just a technical procedural issue, because the Bills did not originate from a Member of this House. And having been read the First Time, it is only fair that we get the view of the Committee. I know, Hon. Mbadi, you sit on the Committee and you are quite alive to both Articles 109(5) and 114 of the Constitution.

Whereas I agree with you, and I have sympathy to the fact that, indeed, a Senator may have good ideas that could be useful to the country, I think it is only fair, as you suggested, that we borrow from the practice in some jurisdictions where there is co-ownership or co-authorship. If that is not possible, somebody should be bold enough to seek the intervention of a colleague from the other House. For the time being, let your Committee look at it and advise the whole House.

Next Order.

## PETITION

### NON-PAYMENT OF COMPENSATION TO FORMER KENYA AIR FORCE OFFICERS AND SERVICEMEN

**Hon. Speaker:** Hon. Members, this is Petition No.3 of 2019. Pursuant to provisions of Standing Order 225, I wish to report to the House that I am in receipt of a Petition by Messrs David Njau, Leonard Ngure, Peter Kariuki and James Wanyoike, regarding non-payment of compensation by the Government. The petitioners are former officers and former servicemen of the then Kenya Air Force, who served until August 1982 during the time of the attempted coup.

The petitioners allege that following the 1982 attempted coup, they were arrested, tortured, detained and imprisoned and were subsequently dismissed without following the due process. The petitioners filed several petitions at the High Court of Kenya and were awarded compensation. They have expressed concerns that even after their zealous service, including having put their lives on the line in defence of the country, their welfare has not been given due

attention and they live in abject poverty as a result of non-payment of their awarded compensation and terminal dues. The petitioners, therefore, pray that the National Assembly urgently investigates this matter with a view to compelling the Government to pay compensation as awarded by the court and interest accrued thereon.

The Petition stands committed to the Departmental Committee on Defence and Foreign Relations for consideration. The Committee is required to consider the Petition and report its findings to the House and the petitioners in accordance with the provisions of Standing Order 227(2).

I thank you.

### PAPERS LAID

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

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Report of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2018 and the certificates therein:

- (i) National Treasury (State and Public Officers Motorcar Loans Scheme Fund);
- (ii) State Department for Culture and Heritage;
- (iii) Meru University of Science and Technology;
- (iv) Asian Officers Family Pension Fund; and,
- (v) South-Eastern Kenya University.

Report of the Auditor-General on the Financial Statements in respect of the following constituencies for the year ended 30<sup>th</sup> June 2017 and the certificates therein:

- (i) Eldas;
- (ii) Embakasi North;
- (iii) Mwala;
- (iv) Bondo; and,
- (v) Kieni.

Thank you, Hon. Speaker.

**Hon. Speaker:** The Member for Suna East, I think you are consulting rather loudly with the Member for Nyali, who had a very popular Motion this morning.

Next Order.

### NOTICES OF MOTIONS

#### EXEMPTION OF LEGISLATIVE PROPOSALS FROM PREPUBLICATION SCRUTINY

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, aware that Standing Order 114 provides for the procedure for the introduction of Bills by Members or committees; acknowledging that the Standing Orders provide that where a legislative proposal is submitted to the Speaker and where the Speaker is of the opinion that the legislative proposal is not a draft money Bill, in terms of Article 114 of the Constitution, the Speaker shall direct

that the proposal be referred to the relevant committee for prepublication scrutiny in case of a legislative proposal not sponsored by a committee or directs that the proposal be published into a Bill in case of a legislative proposal sponsored by a committee or where the Speaker is of the opinion that a legislative proposal is a draft money Bill in terms of Article 114 of the Constitution, directs that the legislative proposal be referred to the Budget and Appropriations Committee for consideration; recognising the amendments following the recommendations of the Budget and Appropriations Committee, the Speaker ordinarily refers a legislative proposal originating from individual Members to the relevant departmental committee for prepublication scrutiny, which are required by the Standing Orders to consider and submit a proposal to the Speaker within 21 days recommending whether or not the proposal should be proceeded with; noting that since the commencement of the 12<sup>th</sup> Parliament, more than 80 legislative proposals have been drafted and submitted to the Speaker, upon which 33 have been cleared with respect to money Bill aspects and their progress have been stifled by the inordinate delay in the relevant departmental committees; now, therefore, this House orders that the following 33 legislative proposals, whose money Bill aspects have been cleared and were pending before the relevant departmental committees by the end of the Second Session, be published into Bills in accordance with the provisions of Standing Order 120 and thereafter referred to the relevant committee in accordance with the provisions of Standing Order 127 upon being read the First Time.

**Hon. Speaker:** I hope every Member keenly followed what the Leader of the Majority Party was saying. The House Business Committee (HBC) is of the view that we need to have a way of ensuring that as many of your proposals as possible, which have gone through the Budget and Appropriations Committee and which have kind of stagnated or been put in some cooler by the various departmental committees, be resolved by the House to exempt those proposals from the provisions of Standing Order No.114.

Once this House would need to resolve to exempt, then it will be possible to do away with pre-publication scrutiny and that since the Budget and Appropriations Committee has already expressed itself on them, then they can go straight to publication because there are too many legislative proposals from various Members which ought to either have been enacted as law or been rejected by the House. But they are still in various committees and they are required within that Standing Order to submit their reports within 21 days.

The House created the committees and it is the House that can resolve to do away with that pre-publication scrutiny by the committees. If we do that, your efforts can then be known by the rest of Kenyans as to what kind of laws you want passed or you want to present to the House for consideration. That is the essence of that Motion, so that when the actual debate on the Motion comes, then Members can contribute from a position of knowledge and information.

Let us have Hon. Sabina Chege. Today you are sitting in an unfamiliar corner. I hope you are not hiding away from the Member for Igembe North. Proceed.

#### IRREGULAR SPECIALIST RECOGNITION OF DR. SAMIRA SONI

**Hon. (Ms.) Sabina Chege** (Muranga CWR, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Health on Alleged Irregular Specialist Recognition of Dr. Samira Soni by the Kenya Medical Practitioners and Dentists Board, laid on the Table of the House on Wednesday 17<sup>th</sup> October 2018.

**Hon. Speaker:** Very well. Hon. Lesuuda.

#### ADOPTION OF REPORT ON INSPECTION VISIT OF NAMANGA ONE-STOP BORDER POST

**Hon. (Ms.) Naisula Lesuuda** (Samburu West, KANU): Hon. Speaker, I beg to give notices of the following Motions:

THAT, this House adopts the Report of the Committee on Regional Integration on Inspection Visit of Namanga One Stop Border Post in Kajiado County from 7<sup>th</sup> to 10<sup>th</sup> April 2018, laid on the Table of the House on Tuesday, 13<sup>th</sup> November 2018.

#### GENERAL PURPOSE COMMITTEE REPORT ON BUDGETARY PROPOSALS

THAT, this House adopts the Report of the Committee on Regional Integration on the Reports of the Committee on General Purpose on the budgetary proposals for the Financial Year 2018/2019 and the Supplementary Budget proposals for the Financial Year 2017/2018 of the East African Community Supplementary Appropriation Bill 2018 and the EAC Appropriation Bill 2018, laid on the Table of the House on Thursday, 22<sup>nd</sup> November 2018.

#### ADOPTION OF EAST AFRICAN COMMUNITY BILLS

THAT, This House adopts the Report of the Committee on Regional Integration on the East African Community Customs Management (Amendment) (No.2) Bill 2018 and the Administration of the East African Legislative Assembly (Amendment) Bill 2018, laid on the Table of the House on Thursday, 22<sup>nd</sup> November 2018.

**Hon. Speaker:** Very well. Next Order.

### ORDINARY QUESTIONS

#### *Question No.027/2019*

#### OWNERSHIP OF X-SORONZON AND MENGO/MUROKI FARMS

**Hon. Speaker:** First Question is by the Member for Saboti Constituency.

**Hon. Caleb Luyai** (Saboti, ODM): Hon. Speaker, I beg to ask the following Question to the Cabinet Secretary for Lands:

(i) Could the Cabinet Secretary provide details of ownership of X-Soronzon and Mengo/Muroki farms in Saboti Constituency?

(ii) Is the Cabinet Secretary aware that persons residing in the said farms are living under constant threat of eviction?

(iii) What measure is the Ministry putting in place to ensure that all land owners in Saboti Constituency are issued with title deeds, and in particular those residing in the said farms?

**Hon. Speaker:** Very well, it is referred to the Departmental Committee on Lands, which should also consider some report which had been done by the previous committee. I can see the Chair and Vice-Chair are here. While considering this, it is good to look at the other report relating to this matter. I think the report was either finalised by the former committee or what is the status of that report? It was a written petition filed by Hon. (Dr.) Pukose. When you are considering it, it is good to look at that report even as the Cabinet Secretary appears before you. In the meantime, I advise Hon. (Dr.) Pukose that we need to look at the matter with the Clerk.

Next Question by Hon. Member for Tiaty.

*Question No.028/2019*

DELAYED REMUNERATION FOR KENYA POLICE RESERVISTS

**Hon. Kassait Kamket** (Tiaty, KANU): Hon. Speaker, I beg to ask the following Question to the Cabinet Secretary for Interior and Coordination of National Government:

(i) Is the Cabinet Secretary aware that the Kenya Police Reservists (KPR) in Tiaty Constituency have not been paid their remuneration for the last eight months?

(ii) What is the monthly remuneration entitlement for police reservists, and why is payment of their allowances not regular or standard across the country?

(iii) What is the command structure for the said police reservists?

**Hon. Speaker:** Very well, it is referred to the Departmental Committee on Administration and National Security.

The next Question is by the Member for Kiambu Constituency, Hon. Jude Kang'ethe Njomo.

*Question No.029/2019*

LEGAL POSITION ON CHANGE OF IMPORTATION REQUIREMENTS

He is not here.

The next Question is by the Member for Kathiani Constituency.

*Question No.030/2019*

MEASURES TO ENSURE PUPILS ARE REGISTERED UNDER NEMIS

**Hon. Robert Mbu** (WDM-K): Hon. Speaker, I beg to ask the following Question to the Cabinet Secretary for Education:

(i) Is the Cabinet Secretary aware that pupils who do not have birth certificates are not able to access Government funds because their names have not been captured in the National Education Management Information System (NEMIS)?

(ii) Has the Ministry taken any steps to ensure that such pupils are facilitated to acquire birth certificates and hence register under NEMIS?

**Hon. Speaker:** It is referred to the Departmental Committee on Education and Research. For the second time, Question No.029, Member for Kiambu Constituency.

*Question No.029/2019*

#### LEGAL POSITION ON CHANGE OF IMPORTATION REQUIREMENTS

Well, there is no indication of where the Member is. The Member being absent, not desiring to be present, the Question is dropped.

*(Question dropped)*

Let us have the Member for Gatundu South. There is indication that there is a Statement seeking guidance as to whether... But already the Chair of the Committee has written to the Speaker. Member for Gatundu South forgets; he is only a Vice-Chair. He is absent, so his purported Statement is dropped as well.

Members are advised that Bills are enacted in the House. It is only fair that Members who desire to move Bills are in the House. I hope this will not be found on *Twitter*. When Members decide they want to write to the Speaker on something, they do letters which are stamped "Received" from my office. The next thing I see even before I arrive in the office is debate on television. So, I wonder what is being debated, and this is the problem.

I hope the purported Statement does not move beyond the Members fingers' to the voters, because it is likely, there will be debate. The Speaker only knows Members of this House but, of course, I encourage everybody to dream. There is no harm because when you dream, you aim higher.

Let us move to the next Order.

**Hon. A.B. Duale** (Garissa Township, JP): On a point of order, Hon. Speaker.

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

#### POINT OF ORDER

##### RECOGNITION OF PARLIAMENTARY CAUCUS

**Hon. A.B. Duale** (Garissa Township, JP): On a point of order, Hon. Speaker. I want to draw your attention to Standing Order No.259A on the recognition of parliamentary caucuses. Hon. Speaker, we want you to give direction. There is complete mushrooming of caucuses in this House. I am told there are over 30 caucuses within the precincts of Parliament. That Standing Order is very clear on the role and function of a caucus.

We want to know if there is a limit or lifespan of a caucus. Is a caucus for two months or permanent and pensionable or is it there for five years? One, we also want you to rule on whether caucuses have limits. Two, we also want to know whether caucuses activities can eat into the budget of the parliamentary committees. That is where I have seen a problem. Three, whether caucus chairs have become the accounting officers of Parliament. They nominate Members to trips and say that Parliament will pay the resources. So, have they taken over the function of the Clerk?

A good example is a caucus on Tuberculosis (TB) and the famous Kenya Women Parliamentary Association (KEWOPA). We are told every year they attend the Commission on the Status of Women (CSW) New York meeting, yet in the reading of the Standing Orders, the only committee that can nominate people to that conference is the Departmental Committee on Labour and Social Welfare and not KEWOPA.

I am also the patron of the Pastoralists Parliamentary Caucus. We do not hold our meetings in Parliament, but look for a venue. I have seen that our caucus is disadvantaged because there are other caucuses that have powers to write letters. They write to chairs and say that they are nominating a certain Member to represent them in a function. We had a serious debate today in the Liaison Committee about this.

A good example is when a chair of a caucus gives a work plan for the whole year and says that in March, a certain person will attend a certain meeting and in June, there is a global conference in Vienna and so, they are nominating a person to attend. So, we have realised that there is too much money. Today, we were looking at the budget of committees and that is why we want you to give direction. I have seen your Communication on who will go to the CSW.

Finally, you need to give direction on how caucuses should operate within the precincts of Parliament. What do they enjoy? If I read for Members Standing Order No.259A(3), it states:

“(3) A parliamentary caucus shall not enjoy the powers and privileges of a committee of the House.”

This is very clear and in black and white. In future, we will see caucus chairs, who represent women or men. There is a story going on this week led by the Deputy Speaker that he wants to form a counter group of KEWOPA. We were discussing the name and I told him we call ours MEWOPA.

*(Laughter)*

**Hon. Moses Cheboi** (Kuresoi North, JP): On a point of order, Hon. Speaker.

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

**Hon. Moses Cheboi** (Kuresoi North, JP): On a point of order, Hon. Speaker. You know the Leader of the Majority Party is a very good friend of mine. I have known him for everything else, but not misleading the House. I have not discussed with him today nor have I met him. In fact, I have just seen him here. However, most importantly, I am not interested in any caucus whatsoever, particularly one that deals specifically with men. I am happier with a mixed one. I would be very happy with one that touches both sides. I cannot be with men only.

**Hon. Speaker:** So, is there a mixed caucus?

**Hon. A.B. Duale** (Garissa Township, JP): I sat next to him in the Liaison Committee. In that debate, which Hon. Maoka Maore was part of, he said that he wanted a mixed caucus. However, we said that the existing one is for one gender and we have realised that they enjoy a lot of privileges contrary to the Standing Orders. However, this was a by the way. We need to know the limit of a caucus, the terms and whether, despite the clear provisions of the Standing Orders, they can enjoy similar powers and privilege like a committee of the House.

**Hon. Speaker:** Hon. Members, I think this is straightforward. Maybe for avoidance of doubt, I should just re-state Standing Order No.259A on Recognition of a Parliamentary Caucus.

“(1) The Speaker may, upon the written request of at least ten Members, recognise a parliamentary caucus formed for the purpose of advancing a common legislative objective.”

(2) A request to the Speaker under this Standing Order shall-



- (a) indicate the name of the caucus;
- (b) outline the legislative objective of the caucus; and,
- (c) contain the names and signatures of the members of the caucus.

(3) A parliamentary caucus shall not enjoy the powers and privileges of a committee of the House.

The objectives of forming any caucuses are recognised by the Speaker, which must be legislative. The last bit is Standing Order No. 259A(3), which the Leader of the Majority Party has already read out as follows:

“A parliamentary caucus shall not enjoy the powers and privileges of a committee of the House.”

So, if any caucus writes to the Clerk requesting financial assistance, it must indicate which Vote that financial assistance is to be drawn from. I also want to put it on record that it is true that there is one caucus which has really pestered my office and the leadership in general for the last one month. I know they have also gone to chairs of some committees demanding that they be sponsored to attend the UN Conference on the Status of Women in New York. I am not sure that I know the legislative objective of the particular caucus, save for what the Member for Kiminini has just shouted out from his place. Please, be advised. Even for that, the appropriate committee of the House to recommend Members is the Departmental Committee on Labour and Social Welfare. So, there is no need for the Departmental Committee on Agriculture and Livestock, the Departmental Committee on Energy, the Departmental Committee on Finance and National Planning, and the Departmental Committee on Education and Research. All those committees are writing letters. Some of the chairs have even brought some of the people they prefer to recommend. However, I do not want to disappoint. Let it be known that a decision has been taken that the only committee to recommend is the Departmental Committee on Labour and Social Welfare. So, those other committees do not even succumb to writing letters to me because they will not be honoured. The budget of the House and the committees is dealt with at the committee level. So, if you, as a committee, want to misuse your budgets on status of those other things, it is up to you. If it is a legislative agenda, advance it here and not in New York. What legislative objective? Do it here and be present. I have just seen those things for Members who are not present. So, when you say you want to go to New York, what legislative agenda are you going to advance there?

The Leader of the Majority Party has indicated that he is even a patron of the pastoralists' caucus. He has acknowledged that, but they do not meet within the precincts of Parliament. That is a fact.

*(Hon. John Mbadi interjected)*

The Member for Suba South, Hon. John Mbadi, wants to form a caucus for fisheries. I suppose the legislative objective would be to legislate on matters to do with fish. Yes, all of them. As long as you have a legislative objective, you are encouraged, but remember also to go by the rules. Put in a request and the Members must not be less than 10. So, if you are just three of you, you can just caucus among yourselves out there when you are having coffee and tea. Then Members must sign. Those are the requirements. This is important. I thank the Leader of the Majority Party for drawing the attention of the House to this fact so that now people should not bother writing to chairs of committees. I know chairs are under a lot of pressure and being threatened with impeachment if they do not sponsor or escort the Members to my office to come

and plead the cases for individual Members. Please, do not harass your chairs. Give them peace. We are not going to bend the rules. We will not allow committees, other than the Departmental Committee on Labour and Social Welfare, to nominate Members to attend that particular conference on status of women. That status has always happened every year and I seem to see the same faces that have gone since time immemorial and you do not even bring any report to tell us what then the status is.

Hon. John Mbadi, Hon. Cheboi and Hon. Maore have been in this House long enough. We have not been given a report telling us the current status even after attending all those conferences. So, those who will go this time, the number is going to be very small so that they can bring us a report. Let this House also debate what the status is because we need to be told the status of women as decided in New York because that is where it will be known so that we know the status of women generally in the world and specifically in Kenya. So, please, those of you who will be attending that conference be advised that we will require you to bring us a report. Do not just go.

Let me just disclose to the House that just this afternoon, I also did receive a letter from the Member for Mathare, Hon. Anthony Oluoch, indicating that he is a very ardent supporter of women and, therefore, Parliament should sponsor him to attend the conference on the status of women.

*(Laughter)*

In fact, I must thank the Member for Mathare for having stated his position. Unfortunately, those to attend have already been nominated. So, the Member for Mathare, notwithstanding his very ardent support for women, may be considered for next year's status conference so that he can also give us the status of men in the world. Thank you, Hon. Members.

Next Order!

## BILL

### *Second Reading*

THE COUNTY GOVERNMENTS (AMENDMENT)  
NO.2 BILL, SENATE BILL NO.7 OF 2017

*(Hon. Paul Koinange on 19.2.2019)*

*(Debate concluded on 19.2.2019)*

**Hon. Speaker:** Order, Hon. Members. Let me just finish this business.

*(Hon. Wilson Sossion walked along the gangways)*

It is not done that way, Hon. Sossion. You should just have relaxed. Hon. Members, debate was concluded yesterday and what remained was for the Question to be put, which I hereby do.

*(Question put and agreed to)*

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

## MOTIONS

### APPOINTMENT OF MEMBERS TO COMMITTEE ON MEMBERS' SERVICES AND FACILITIES

**Hon. Speaker:** Let us have the Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of the Standing Orders 175 and 212B(3), this House approves the appointment of the following Members to the Committee on Members' Services and Facilities:

- (i) The Hon. Ezekiel Machogu Ombaki, MP;
- (ii) The Hon. Catherine Waruguru, MP;
- (iii) The Hon. Florence Chepngetich Koskey, MP;
- (iv) The Hon. Samuel Moroto Chumel, MP;
- (v) The Hon. Silas Kipkoech Tiren, MP;
- (vi) The Hon. Janet Nangabo Wanyama, MP;
- (vii) The Hon. Rehema Hassan, MP;
- (viii) The Hon. Rigathi Gachagua, MP;
- (ix) The Hon. Charity Kathambi Chepkwony, MP;
- (x) The Hon. Elisha Odhiambo Ochieng, MP;
- (xi) The Hon. Aisha Jumwa Katana, MP;
- (xii) The Hon. Eng. Thuddeus Kithua Nzambia, MP;
- (xiii) The Hon. Christopher Wangaya Aseka, MP;
- (xiv) The Hon. John Walter Owino, MP;
- (xv) The Hon. Elsie Muhanda, MP.

Hon. Speaker, this is a Sessional Committee and every new session, it is one of the committees that we must reconstitute. Our whips have looked at these Members. They are the same Members who served in the last Session. Our whips confirmed that they did their work. We looked at the attendance lists, their performance and the number of reports they tabled. We have brought them back just to make sure that they get the full confidence of the House. I expect the House to agree with us and the whips.

The Leader of the Majority and the Leader of the Minority Party are Members of this Committee by virtue of their positions. No. I am sorry. We are not Members of this Committee. We are Members of the Committee on Selection. These are the Members from both coalitions and we are happy to present them to the House.

I ask Hon. Mbadi to second.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Speaker. I rise to second this Motion. Since we are just retaining the same Members who served in the last Session, there is not much that I want to say. I only wish that the Members of the House approve them, so that

they continue being Members of this Committee to know how important the issue of Members' services and facilities are.

When approving their membership in the last Session, we spoke a lot about Members' services and facilities. I can see some attempted progress in terms of trying to refurbish some of the areas that we had complained about. It has been exaggerated in the media that we have a five-star hotel in Parliament. I am yet to see it. Maybe once it is done, I will see if it qualifies to even be equivalent to a three-star hotel. In short, we hope these Members will continue to improve the services and facilities in Parliament.

*(Question proposed)*

**Hon. Members:** Put the Question!

**Hon. Speaker:** Is it the mood of the House that I put the Question?

**Hon. Members:** Yes!

*(Question put and agreed to)*

APPOINTMENT OF MEMBERS TO COMMITTEE ON  
PARLIAMENTARY POWERS AND PRIVILEGES

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Section 15(1)(a)(ii) of the Parliamentary Powers and Privileges Act, 2017 and Standing Order No.175(3), this House approves the appointment of the following Members to the Committee of Parliamentary Powers and Privileges, in addition to the one specified under paragraph 1(a)(i) of the said Act which refers to the Chair who is the Speaker:

- (i) Hon. Anthony Githiaka Kiai, MP;
- (ii) Hon. Vincent Kipkurui Tuwei, MP;
- (iii) Hon. Beatrice Pauline Cherono Kones, MP;
- (iv) Hon. Francis Chachu Ganya, MP;
- (v) Hon. Jude L. Kang'ethe Njomo, MP;
- (vi) Hon. Peter Mungai Mwathi, MP;
- (vii) Hon. Marselino Malimo Arbelle, MP;
- (viii) Hon. Gladwell Jesire Cheruiyot, MP;
- (ix) Hon. Capt. (Rtd) Didmus Wekesa Barasa Mutua, MP;
- (x) Hon. Andrew Mwadime, MP;
- (xi) Hon. Omar Mwinyi Shimbwa, MP;
- (xii) Hon. James Onyango Oyoo, MP;
- (xiii) Hon. Danson Mwashako Mwakuwona, MP; and,
- (xiv) Hon. Vincent Kemosi Mogaka, MP.

These are the same Members from the last Session. They deal with matters to do with the powers and privileges that we enjoy. They came up with a very good report on the bribery allegations even though we amended it on the Floor of the House. I hope this time round they will make sure that as much as we are honourable Members, we must live up to that title. This Committee will deal with you in the event you misbehave within the precincts of the House in as

far as Chapter 6 on integrity and leadership is concerned and other relevant statutes. This is just procedural. We need to approve them every Session.

I beg to move and ask Hon. Mbadi to second.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Speaker. I second the Motion because we are retaining the same membership of the Committee as it was in the last Session. I just have two things to say.

First, I strongly believe that we need to have a committee in future that will look at the integrity of Members without a matter even being referred to them. We should have an integrity committee that looks at the integrity of Members and issues of corruption in this House. We cannot bury our heads in the sand. This House has received a beating in the past regarding issues of corruption and integrity, which have compromised the standing of this House in the eyes of the public. We need to start thinking about having a committee that will look at these matters on its own and deal with matters of integrity and corruption in good time. We do not want to expose this House to external agencies for no reason. This House needs to be protected. As we protect the House, we must be sure that it upholds high standards of dignity and integrity.

Finally, there was this recent report that both the majority and minority sides of the House are planning to make changes to committees. That report is a bit misplaced. We all know that committees are not due for changes. The Budget and Appropriations Committee will be due for reconstitution in one year or so. The Members of the other committees are safe. I say this because I receive a lot of delegations. The traffic to my office has increased since the beginning of this Session, and I think this is because of this threat of possible de-whipping and removal from committees. I want to tell Members that they are safe unless they have not been performing in the committees. In that case, you should not blame us. If you do not attend committee meetings, you are doing a lot of disservice to this country, House and the party which sponsored you to that committee. We are not thinking about earth-shaking changes in committees. Our Members should relax and deliver in the committees where we have placed them.

Thank you, Hon. Speaker.

*(Question proposed)*

**Hon. Speaker:** What is your intervention, Member for Nyeri Town?

**Hon. Ngunjiri Wambugu** (Nyeri Town, JP): Thank you very much, Hon. Speaker. My intervention is to seek your guidance on the issue of committees. The Leader of the Minority Party said that there was no intention to reorganise committees. That is okay. At the tail end of 2017 when we were starting our sessions, this House, and I am sure the HANSARD will show it, passed a resolution on several issues with regard to committees. One of them was that chairpersons of committees will not be members of other committees.

The second one was that we would have a structure of ensuring that as many Members as possible are able to serve in the committees and there would be a good spread. My understanding was that we will not see a situation where we have some Members in three committees while others are in one. First and foremost, is it possible for us to be provided with a structure or schedule that shows how many Members are in committees and how many are in one, two or three committees? Secondly, is it possible for us to be given an indication whether there are any chairpersons who are also members of other committees?

Thank you, Hon. Speaker.

**Hon. Speaker:** Just like I directed last week, the membership of committees should be displayed on the screens, so that everybody who wants to know who is in which committee will see. I believe there is nothing to hide. However, there is an exception to the general resolution that Hon. Wambugu has referred to. There are certain offices which must be obviously exempted like the Leader of the Majority Party, the Leader of the Minority Party and the whips. They are in the Liaison Committee, Committee on Selection and Committee on Appointments for obvious reasons.

Hon. Wambugu should fish out the resolution because it is available. He should then approach the Chair on one of the days and give indications as to where that resolution has been breached, so that corrective action can be directed. We say that there are Members who are in three committees when others are in one. Without evidence, it will be very difficult for anybody to make any amends. I want to confirm what Hon. John Mbadi said because I have received letters and other forms of communication from Members saying that the time to reassign Members in committees has come. They desire to move from one committee to another.

I would like the House to know that the responsibility does not reside with the Speaker. Please, you can also spare me some little bit of time, so that I do not read unnecessary messages. Approach your whips and the leaders. I do not have to keep on reading some of those messages and letters. That is not my work. The work you gave me is this one. Direct those messages and letters to the appropriate offices, which is the leadership of the parties.

Member for Kisumu East, do you want to say something?

**Hon. Shakeel Shabbir** (Kisumu East, Independent): Yes, Hon. Speaker. Thank you so much. I have intervention. I note and support the Leader of the Minority Party's remarks in respect to the Ethics and Integrity Committee.

I also want to bring to the attention of the House that as a caucus of the African Parliamentarians Network against Corruption (APNAC), we already have a Member who represents us in this Committee, namely, Hon. Francis Chachu. I wanted to mention that. We hope that the APNAC caucus will be actively involved in some of these issues.

Thank you very much, Hon. Speaker.

**Hon. Speaker:** That is out of order because we are now on the Motion for the confirmation of Members to the Committee of Parliamentary Powers and Privileges.

*(Question put and agreed to)*

Hon. Members it, therefore, means that those two sessional committees are now constituted. However, the House remembers what Hon. John Mbadi raised. You also remember that the efforts to do what Hon. John Mbadi suggested were shot down on the Floor of this House in the last Parliament. However, in other jurisdictions, you will find a Committee on Standards. That was my intention at that time. I want to refresh your memory about the fact that the 11<sup>th</sup> Parliament shot down that proposal, which had been debated. I do not want to mention the names of some of the Members who were very vocal at the time.

Let us proceed to the next Order. Hon. Olago Aluoch.

**POINT OF ORDER****DRESS CODE FOR HON. MEMBERS**

**Hon. Olago Aluoch** (Kisumu West, FORD-K): Hon. Speaker, before we go to the next Order, I wish to seek your guidance and direction on a matter that seems to be evolving too fast, namely, proper dressing in the House.

In the recent past, we have had religious dressing and some that are not and you have been asked to make rulings on them. In the 10<sup>th</sup> Parliament, I tried to stretch to the limit the Speaker's attention on that matter. I was rushing from the High Court and there was no time for me to change. I walked into the Chamber dressed in my collar, flaps, gown and the wig. I remember Members raised objections and said I was not properly dressed. I tried to defend myself by saying that I had just come from a law-interpreting organ to a law-making organ and that I was properly dressed. I was told that I was not properly dressed. I was allowed to sit during that afternoon, but was told not to come to the House dressed in court attire.

My learned friend, Hon. Otiende Amollo, from the recent past, seems to be creating a custom. He comes into the Chamber in a collarless shirt without a tie looking smartly dressed. Hon. Speaker, I want to ask you to make a direction whether this is proper dressing or not.

*(Laughter)*

**Hon. Speaker:** It is instructive you have said that he is very smart. I will refer Members to the age-old Speaker's Rules which define dress code for Members, media representatives and guests. Members of the Press and guests shall not enter the Chamber, lounge, dining room, or committee rooms without being properly dressed. And for purposes of these rules, proper dress means:

- a. A coat, collar, tie, long sleeved shirt, long trousers, socks and shoes or service uniform for men.
- b. Decent/formal dress wear for women.

Hon. Olago Aluoch has raised the issue of the collar and a tie.

**Hon. Olago Aluoch** (Kisumu West, FORD-K): Hon. Speaker, I raised two issues in terms of that Standing Order. For men, a collar and a tie. In my view, there is no collar and tie here.

*(Laughter)*

**Hon. Speaker:** Hon. Otiende Amollo, are you wearing something that has no collar? We may have to start inspecting Members to see whether they are wearing socks.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Hon. Speaker, as you know, I am very meticulous with rules. My learned friend, the Member for Kisumu West, is well aware that the rules say collar or tie. The more seasoned Members here know that the reason seasoned Members are allowed to come in mandarin collar suit without ties is because it has a collar and covers up to the neck.

This is a matter I am willing to ventilate because I have looked at the Constitution, the Standing Orders Part XVIII and the Speaker's Rules and I have looked at all the previous rules. There are three things that define this. For men, one, whatever you are wearing, must cover up to

your neck and mine is covering. The second aspect is that either you wear a collar or a tie like my friend here is wearing a collar without a tie. That is within rules. Thirdly, what you wear must be smart and decent. All those four are covered here. The Leader of the Majority Party, who is wearing religious garb, is nevertheless smart because it suits and matches his suit. I would be falling short of the rules if I came in an open collar and a shirt that is open. But if it is a shirt that is closed, either, it is a shirt or a mandarin suit as many of us usually wear and as has been worn for decades, it is within the rules unless my learned friend, Hon. Olago Aluoch, wants to change the Standing Orders to introduce the details as has been introduced in some matters. But in so far as the rules and tradition go I am properly dressed, and the Deputy Speaker is here, he has also ruled in the past that I was in order when I was civilly dressed.

Thank you very much.

*(Laughter)*

**Hon. Speaker:** Let us hear the Deputy Speaker, first.

**Hon. John Mbadi** (Suba South, ODM): Hon. Speaker, the issue of dress code is a matter that this House needs to deal with seriously. This is not the first time it has come up especially in the 12<sup>th</sup> Parliament. I have been here for a while. This matter was not so serious in the 10<sup>th</sup> Parliament. I do not know why it has become such an important matter now that Members feel that the traditional way of dressing is chocking them.

One thing I do not agree with Hon. Otiende on is that you can have collar as a substitute or alternative for a tie. Most of our shirts, and if you are serious with buying one, have collar that could cover our necks. In fact, if I decide to remove this tie and have the last button of my shirt, I would still cover my neck the same way Hon. Otiende has covered his neck. Unless we are going to drop our way of dressing and even look for t-shirts that can cover our necks like the polo t-shirts, I do not know the kind of a House we would be if we decide to wear t-shirts which cover our necks and appear here, the 349 of us including the ladies who would also wear something.

If you look at Hon. Otiende, there is no difference between him and the Nomiya Church pastor on a Sunday.

*(Laughter)*

There is no difference. I know where he comes from is actually where the Nomiya Church was founded. Now he has moved from Rarieda, more particularly from Uyoma Ndigwa and he is now in the Parliament of the Republic of Kenya. Hon. Otiende should just accept that it may be discomfoting. Not all of us like suits anyway. We would like to walk freely and wear light clothes, but now that I am here and I chose to be here, I need to be properly dressed.

Hon. Speaker, in my view, Hon. Otiende should be ruled out of order and found to be improperly dressed even though he is smart. I do not doubt that. If we were passing out or were in a contest of smarts, he would properly beat all of us, but being smart is not equal to being properly dressed, in the strictest sense. So, I agree with Hon. John Olago Aluoch that Hon. Otiende Amolo does not have a tie and he should have one.

Hon. Speaker, you also need to make a ruling on religious dressing because if we are going to have Members dress in religious dresses, then we should all be allowed because the country does not discriminate on the basis of religion. You cannot allow Hon. Abdullswamad to



dress like a Muslim, but deny me from dressing as a Catholic or as a Seventh Day Adventist. That will be discrimination. So, we need to be clear on religious dress.

This is a very serious matter. I can see the Leader of the Majority Party looking at me. Even on religious dressing, I do not know whether the Standing Orders exempt Members who dress religiously. If we have to exempt Members who dress religiously, we need to define what religious dress is. For the first time, we have a *mukurino* in this House and he is dressing so. We need to be clear on this matter. Tomorrow, *Legio Maria* will come here and you will not stop me if I have converted to *Legio Maria* from dressing that way. If you stopped me and you allowed Hon. Abdulswamad to dress the way he is dressed, and you allow other Members to dress like *mukurino*, it will be discriminatory and I can go to court to challenge it. If we are coming here as Members, let us come here as Members. We leave the other things out of this House.

Thank you.

**Hon. Speaker:** Deputy Speaker, what do you want to say?

**Hon. Moses Cheboi** (Kuresoi North, JP): Thank you, Hon. Speaker. I do not know why every Member today wants to mention me or my office. Hon. (Dr.) Otiende Amollo, the last time I said he was smart was when we met outside the precincts of Parliament and he was smart in that particular area.

*(Laughter)*

Hon. Speaker, I have been very strict when it comes to following your rules. There are Members who are beginning to demean the stature of Parliament. If you have followed Hon. Otiende Amollo, who is a very good lawyer by any standards, every time he goes to court, he would not go there to argue about his mode of dressing. He would be in a very serious tie. In fact, he would be in a dark suit. You have not seen him there the way he is dressed today.

We need to be very serious with the way we treat this House. You have given the Members offices very close by here. If they do not, by any chance, spend the night at home, for any good reason or bad reason, they could keep their ties and shirts in their offices.

*(Laughter)*

I lead by example. When I come here, I try as much as possible to make sure that other than even the tie, I put on something closer to the tie. You can see for yourself, Hon. Speaker.

My colleagues, and especially my good friend, Hon. Amollo, who is my immediate junior, should go by the example of some of us. They should dress decently and neatly. As a House, we should resolve that when a Member is expelled from the House for dressing indecently, he must miss out on every other privilege, including what he could have earned by being present in the House. That will make the Members very serious.

Hon. Speaker, you may not have noticed because you do not discriminate in your looks. I can assure you that some of our lady colleagues sometimes come with jeans into the House. It is very serious. I can assure you that had it not been raised by Hon. Olago Aluoch, there is one Member who was here and left a little earlier because I told her that I was going to raise it. She was indecently dressed. I will not name her now that she is not in the House, but I would have mentioned it to you even in passing that it is not the correct thing. We must put some seriousness into the mode of dressing in the House.

Thank you.

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

*(Hon. David ole Sankok walked into the Chamber)*

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, this is a classic example.

*(Laughter)*

I am not sure whether this uniform is parliamentary dress. I do not want to talk about Hon. Otiende Amollo because that has been his dress, only that he has forgotten that there is a specific dress code for Parliament. When you look at Hon. Otiende Amollo, you will keep quiet. In fact, there is total confusion between him and the Clerks-at-the-Table. Sometimes you wonder whether that is KANU or service uniform. Just like the way we are cautious about the formation of caucuses, Hon. Millie Odhiambo was telling me last week that there are people who are looking for people to attend a conference on gays and lesbians and they were unable to get one. If you do not stop that, next time they will form a caucus here of gays and lesbians. They will even form caucuses of criminal gangs.

Secondly, in the last part of 11<sup>th</sup> Parliament and in the 12<sup>th</sup> Parliament, people have been coming here with all sorts of dresses. The Deputy Speaker does not want to say that the Member was wearing very tight jeans. We were in a meeting and I said to her that I hoped she would not come to the Chamber the way she was dressed. Being a very intelligent Member, she took off. There are many. To the lady Members of Parliament here, the way you dress is not the way other people dress. You will not find male Members of Parliament coming here dressed in jeans trousers and jackets. We must protect the integrity of the House. We must follow the dress code.

Hon. Speaker, we want to follow that to the letter. Those of you who watch the proceedings of the House of Commons appreciate that we borrowed from the House of Commons, Westminster model. People are smartly dressed, but if you want us to go the route of South Africa, where Malema goes to parliament dressed in aprons and helmets, then we can agree that everybody comes the way he wants. I want to thank Hon. Olago Aluoch. Those of us who served in the 10<sup>th</sup> Parliament have been watching. Even if we are many, we can still maintain the dignity and decorum in term of how we dress. So, Hon. Otiende Amollo is out of order and you must send him out to send a signal. I am wondering whether he is bringing his church dress to the House. He belongs to one of the smallest churches because I have not heard about it. It must be one of the small sects with less than 500 followers. If it was Catholic, yes, but a small village sect mode of dressing cannot be brought to this august House.

I beg you to give direction that even Hon. Sankok leaves his green uniform outside. He should be coming into this House dressed in a suit, so that he uses that brand outside. He cannot purport to sell this. Hon. Sankok, Member No. 001 from my party, has a dress of individual brand. Parliament has a brand that we should wear. We should not import our own brands. A good example is the Member for Embakasi East, Hon. Theuri. He loves wearing jeans trousers - the kinds of jeans trousers won in Eastlands - but he has his suit in his office. He wears the suit and when he gets out of the Chamber, he wears his designer clothes. The same should apply to Hon. Sankok. These are your designer clothes. Please, leave them outside and wear suits. If you cannot buy suits, we will do a fundraiser.

**Hon. Speaker:** I do not know whether the Member for Nambale wants to weigh in this one. Hon. Bunyasi.

**Hon. Sakwa Bunyasi** (Nambale, ANC): Thank you, Hon. Speaker. This is fascinating and, of course, a very serious matter. First, I am glad that the dress code for women Members was also discussed. That is also important to deal with. I wanted to comment on Hon. (Dr.) Otiende Amollo's outfit. I see it as a very progressive transition from this old-style western dress whether it is cold or hot to something more appropriate for our African setting. Maybe, we will even go beyond that transition, but certainly, I see it as a very positive step from where we are to where he is. I would have no difficulty with a smart Member of Parliament dressed in a manner that may be different from the rest, but even better. I would not agree with Hon. Olago Aluoch's assessment.

**Hon. Speaker:** Member for Kiminini, do you also want to weigh into the same matter?

**Hon. (Dr.) Chris Wamalwa** (Kiminini, Ford-K): Thank you, Hon. Speaker. Choices have consequences. We do not want to open a Pandora's box in this House. Most of the time we like putting on caps. I personally like to put on jeans, but when I come to this House, I am obligated to dress as per the dress code and the traditions of this House. Not all of us like putting on ties, but this House has rules. I am humbly requesting you to rule on this matter once and for all particularly for our female colleagues. Some have come here with miniskirts. I looked at the Standing Orders and when I raised the matter, my colleague told me, "my dress my choice." You must stamp authority so that people can follow what is required of them in this House. If you are not interested in the tie, stay outside. But since you are here you have to come and legislate. For us to maintain the respect and the dignity of this House, we have no otherwise, we have to abide by the rules.

I thank you.

**Hon. Speaker:** Hon. Abdullswamad.

**Hon. Abdullswamad Nassir** (Mvita, ODM): Thank you very much, Hon. Speaker. I need to kindly remind my brother and my leader in this House, the Leader of Minority Party, Hon. Mbadi, that this is a House of traditions. I want us to go back to when this House was called a Parliament of this country. From those days, decades ago, when our forefathers were amending laws in this very House, people were dressed in *kanzus*, hats and jackets. I tend to wonder because he is talking about the Standing Order and he decides not to remember that this House as well has a precedent. I agree with him that tomorrow we might have a Member who is from Legio Maria or is a Singh. We already have a *Mukurino*. I agree that you might need to give direction so that if somebody decides to register themselves to some form of a cult and decide to call it a religion and they come here dressed in a very funny manner, then what is going to differentiate the various dress codes?

As I finish, when Hon. Mbadi talked of how the Hon. Member behind me is smartly dressed, he forgot to add that I am also smartly dressed.

**Hon. Speaker:** Well, I want to give anybody who has been mentioned a chance. Nominee 001.

**Hon. David ole Sankok** (Nominated, JP): Thank you, very much, Hon. Speaker for giving me this opportunity to contribute. For the first time I am differing with my party leader because he was out of order. The Standing Orders are very clear that he should have a suit. It does not describe the colour of the suit.

**Hon. Speaker:** Which particular Standing Order?

**Hon. David ole Sankok** (Nominated, JP): Hon. Speaker, it also demands that you must also have a tie but does not describe the colour of the tie.

**Hon. Speaker:** Hon. Sankok, which Standing Orders? Hon. Members, the language you use is borrowed loosely out there in the villages. Everyone is talking about orders. You have said, according to the Standing Orders, which particular Standing Orders?

**Hon. David ole Sankok** (Nominated, JP): The one you referred to and the Speaker's Rules. Not once or twice have you ruled.

*(Laughter)*

Hon. Speaker, some of these dress codes have very important messages. The green suit just encourages everybody to plant trees so that our country can become green. I also have stripes of the colours of the flag which is to encourage Kenyans to be patriotic. Long time ago, we used to hear songs of patriotism like "*Tushangilie Kenya Taifa letu tukufu*"...

**Hon. Speaker:** Hon. Sankok, you are actually in a suit and a tie and a long sleeved shirt with a collar. None is supposed to be in place of the other. So you are actually in some uniform. You are in a suit but you are very particular about the colour of the suits that you wear. They do not appear to be offensive.

Hon. Members, you still want to discuss this issue? Member for Igembe Central, you want to weigh in also.

**Hon. Kubai Iringo** (Igembe Central, JP): Thank you, Hon. Speaker for giving me this opportunity to put my comment on this. Rules have to be followed and obeyed. Each and every society has its rules. Even when we go to the *Njuri-Ncheke* shrine, there is a way we dress. We are not very happy neither do we like it that way, but it is because we have to follow those rules. Therefore, even in this House, not all of us enjoy being in a suit all the time. When it is hot one would like to remove their coats, but the rules do not allow that so we have to adhere. When I am in my constituency I always dress lightly so that I can be effective with my people. But when we come to the House, we have to adhere to the rules whether we like them or not. Let us not look for shortcuts. Hon. Speaker, ensure that Members follow rules. I seek your guidance and indulgence here. We had this debate and you should conclude by ensuring that we follow the rules to the letter. If we need to change them, we shall change them in a formal way not now when we are discussing the victims of breaking the rules.

**Hon. Speaker:** Member for Wajir South.

**Hon. Mohamed Mohamud** (Wajir South, JP): Hon. Speaker, I was following up on Hon. Sankok. This guy is a nomadic pastoralist and definitely green is a very important thing with nomads. Given that he has abided by the Standing Orders, which I do not remember well, so long as he has a collared shirt, a tie and a long sleeved shirt, he makes it up. He adds more flavour to it. Green is a very important thing for the nomadic pastoralist. As the Member of the Pastoralist Parliamentary Group (PPG), I admire his use of green. That is all I wanted to say.

**Hon. Speaker:** Hon. Members, all these are coming as a result of the point of order that was raised. Member for Kitui Central is on top of the list.

**Hon. Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Speaker. Listening to this debate, I am wondering whether it is not time to change some of these rules. I have gone out with you to many meetings. Very few people, who come from African countries, are in suits and ties. Is it not time that we thought of a national dress which can be allowed to come in this House? Some of us feel punished when we come in a suit. I was discussing with my wife this morning and she was asking why with this temperature, I am putting on a suit and a tie. I told her that I had no choice. Maybe you should allow us to think about a different way of dressing as

Members of Parliament so that we have alternatives and it is allowed in our Standing Orders. The more I listen and the more I look at Members especially our sisters, you can see our weather sometimes requires going for light dressing. Sometimes our dressing is so heavy that we are not comfortable even as we sit in some of these places especially when it is hot like now. Maybe it is time we started thinking about alternatives which will make sure that we are smartly dressed but not being punished through our dressing. I rest my case.

Thank you, Hon. Speaker.

**Hon. Speaker:** Can we leave this matter so that I will give a proper communication, so that we can go to business. I see the Member for Endebess wants to say something; you have said one minute.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): You know, Hon. Speaker, Hon. Sankok said something that I do not know whether you paid attention to. He talked of *kamatia chini* and I was wondering whether Hon. Abdullswamad has a trouser. He has a long *kanzu* and when you put on a *kanzu*, more often you do not put on a trouser. So I was just wondering whether *kamatia chini* meant not having a trouser or what.

(Laughter)

Hon. Koyi, the Member for Sirisia, you also want to add to that *kamatia chini*?

**Hon. John Waluke** (Sirisia, JP): Thank you, Hon. Speaker. This is a House of rules and the rules must be followed accordingly, because the day the rules will be bent a little bit you will see some Members coming with sandals and no shoes, the way some are trying to dress in a funny way that is not allowed. The suit that Hon. Sankok wears is the uniform of his hotel; I have been to his hotel in Narok. We cannot allow that he plays games with this House the way he is doing.

Thank you, Hon. Speaker.

(Laughter)

**Hon. Speaker:** The Member for Kikuyu, you also want to say something on the same?

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Speaker, I wanted to raise a point of order on what the Member for Wajir South said. As much as he was speaking in a hurry and tried to switch to Kiswahili, he referred to the nominated Member 001 as 'this guy'. If we are talking about issues to do with decorum, rules and procedures, there are also rules and procedures on the language that we use in this House. I wanted that particular statement to be expunged from the HANSARD, if you find it in your wisdom to be out of order. I thought nominated Member 001, as much as he is shouting behind me that he is not complaining, I do not know what 'this guy' refers to.

**Hon. Speaker:** I fully agree. It is not a matter of him complaining; it is a matter of the language that is permissible in the House. So, Hon. Mohamed Sheikh, here you do not refer to your colleagues as guys. If we allow that, the next thing we are likely to hear is some other language used elsewhere. You should not repeat that in the House when you are making reference to any Member.

Hon. Otiende Amollo.

(Hon. Aden Duale interjected)

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): You may not know, Leader of the Majority Party, that there is such a thing as a right of reply in the Constitution.

Hon. Speaker, in similar manner, may you expunge the reference by the Leader of the Majority Party to the Nomiya East African Church as a small religion. There are no small or big religions under the Constitution. All religions are equal. Therefore, Islam, Christianity, Nomiya are all the same.

Secondly, this is a serious matter and I appreciate the Members who have spoken to it. It is particularly important because I am acutely aware that the last time a matter of this nature was raised, and it was raised by my colleague Hon. Olago Aluoch, was before the new Constitution was enacted. It is, therefore, particularly important that you pronounce yourself on this. As you pronounce yourself, I urge that you bear in mind three things. First, the Constitution has since changed and recognises the freedom of dressing unlike before, so that our Standing Orders, the Speaker's Rules and the precedents would need to bear that in mind.

Secondly, I urge you to bear in mind that all the Members who spoke to this matter talked of the rules must be respected, but not a single one of them quoted which rule, because there is no such rule. It is very important. If there was a rule and if we decided to put these matters in the Standing Orders, it would be different. The rules that are there are not the rules under the Standing Orders that we talk of. They are only in the Speaker's Rules, which you read. And the Speaker's Rules, and this is important, have been there for almost a decade, if I trace their history. One of the things the Speaker's Rules have usually emphasised is that when you wear a blazer and a trouser, and provided what you wear covers up to your collar, it is allowed.

You will know that many colleagues before us have, therefore, dressed like that for decades: Koigi wa Wamwere used to dress like that; Anyang' Nyong'o used to dress like that—inside of Parliament. There are many such examples. We can go to the HANSARD and earlier rulings. So, the question is: Is it only because it is the blazer covering the collar and not the shirt covering the collar? As you rule on it, the Speaker's Rules are clear: It is either you wear a collar or a tie. My learned friend, Hon. Olago Aluoch, did not see my collar. This is called a collar. I am wearing a collar and it covers up to my neck. So, in terms of the rules that have existed and in terms of precedents, it falls squarely within that.

The last thing to bear in mind is that most Parliaments have actually enacted clear rules. If you go to the East African Legislative Assembly, there are very clear rules in the Standing Orders. In our case, there are none. It is left to the discretion of the Speaker and Members. The consistent ruling by Speakers has always been that when it comes to decency—whether it is decent and smart—it is left to the Members. But when it comes to whether it is a collar or a religious garb, the Speaker rules. I am happy that all my colleagues who spoke agreed that this is smart and decent, which means they are only calling upon you to say whether this is a collar. They are also calling on you to say whether what has stood over the decades, where we are also allowed Chinese suits, can stand. I say only one thing: In making that ruling, examine and ask yourself: What is the purpose of a tie other than to remind us that we are still held by the collar by our colonisers?

Thank you, Hon. Speaker.

**Hon. Speaker:** Fortunately, you may not have been in the House when Hon. Anyang' Nyong'o used to dress that way. But again you made reference to a new Constitution. Obviously that was before the new Constitution. More importantly, the new Constitution also recognises the right of the House to make rules to govern itself. More specifically, the Speaker's Rules are

made pursuant to the provisions in the Parliamentary Powers and Privileges Act, which was enacted in 2017. It may be important to bear that in mind, even as I make the communication. They may not be the archaic ones.

We also need to be careful to avoid a situation whereby people attend here in certain regalia and claim that it is... If you come here wearing, say, some sheep skin and things like those and say that it is the dictate of your religion, we will have opened the place to all manner of things.

I am of course mindful that Hon. Otiende Amollo made a pitch for rules being subject to the Constitution. I imagine that even the Judiciary is also subject to the Constitution and I thought that Hon. Otiende Amollo should have therefore canvassed this issue as to the mode of dress in the Judiciary and claim that he wants to go dressed as he chooses; decent and smart but as he chooses.

So, we cannot just say that Parliament should do this and the other. We also have a right to make our own rules and regulations governing our mode of dress. However, we will do a proper communication on this matter to address all the issues that you have raised and that is why I wanted you to raise them so that when we get the HANSARD, we will respond to each and every issue that we have touched on.

Next Order.

## BILL

### *Second Reading*

#### THE SPORTS (AMENDMENT) BILL

**Hon. Aden Duale** (Garissa Township, JP): Thank you, Hon. Speaker, now that we have disposed of the matter of dressing, let us go to the Second Reading of the Sports (Amendment) Bill.

Hon. Speaker, I beg to move that the Sports (Amendment) Bill 2018 be now read a Second Time.

Hon. Speaker, as Hon. Members are aware, the sports, arts and social development, which is part of the universal health care, plays a very critical role in the socio-economic development of our country. It is supposed to create employment and make contribution to our Gross Domestic Product (GDP). However, the current mode of supporting, financing and developing sports and arts does not comprehensively facilitate the identification, nurturing and development of talents among Kenyans. This has made our country to be left behind. Kenya remains a power house in sporting and artistic activities. It is known globally. In order to exploit the talent and economic potential which is inherent in the activities of sports and arts in our country, we must ensure that these activities are nurtured and developed. Sporting, artistic and cultural activities are predominantly undertaken by the youth who have abundant energy and talent in organising sports, arts and cultural activities. If they are not well nurtured and developed for them to create employment and wealth for our nation, then we will fail as both a legislature and Government.

The Government is in the process of establishing the Sports, Arts and Social Development Fund whose regulations were adopted by the Committee on Delegated Legislation. The Fund is where the proceeds from lotteries, gaming, betting competitions and their winnings

shall be paid into. That is the reason the Government decided to tax the lotteries 35 per cent. I think we need to increase it to 50 per cent. The Chairman of the Committee on Sports, Culture and Tourism has that Bill coming.

So, Hon. Speaker, this Bill is so important as its sole objective is to facilitate the elimination of overlaps in the funding of the sports sector by repealing the provisions of the Sports Act that provide for the establishment and operationalisation of the National Sports Fund and the National Sports Fund Board of Trustees. So, these amendments want to anchor in law two institutions: The National Sports Fund where all the monies from the gaming, lotteries and winnings will be channelled and, the board of trustees of the National Sports Fund.

Hon. Speaker, the House will recall that it recently passed the Sports Arts and Social Development Regulations established under the Public Finance Management (PFM) Act to avoid the creation of two funds under one statute. It is the intention of the Government to wind up the Sports Fund under the Sports Act. So, we already have a Sports Fund. In order not to create two overlapping funds, the Government feels that now we need to undo and repeal from the Sports Act, the current Sports Fund.

In a nutshell, Clause 2 of the Bill provides for the deletion of the definition of “Board of Trustees” and the words “National Sports Fund Board of Trustees” appearing under the definition of the Sports Instruments. Clause 3 proposes to amend Section 6 of the parent Act in order to remove the Chief Executive Officer (CEO) of the National Sports Fund from the membership of the Board of Sports Kenya.

Clause 5 proposes to repeal Part III of the Act in which it is established the National Sports Fund and the National Sports Fund Board of Trustees.

Clause 11 provides for the amendment of the Fourth Schedule to the Act in order to provide transitional provisions for the transfer of assets, liabilities and staff of the current National Sports Fund Board of Trustees upon repeal of Part III of the Act. I, therefore, wish to request Hon. Members to support this Bill so that there is a comprehensive approach in the financing of the sports sector and eliminating duplication and overlap in the funding.

Basically, that is the gist of this Bill: to bring a comprehensive approach in the financing of the sports sector and to eliminate duplication and overlap when it comes to the funding of sports. It is a small Bill and I am sure Hon. Members who have a copy of it will give their input.

Hon. Speaker, I beg to move and ask the Chair of Sports, Culture and Tourism, Hon. Munyaka, to second and provide the input of the stakeholders. I beg to move.

**Hon. Speaker:** Let us have Hon. Munyaka.

*[The Speaker (Hon. Justin Muturi) left the Chair]*

*[The Temporary Deputy Speaker (Hon. Patrick Mariru) took the Chair]*

**Hon. (Dr.) Victor Munyaka** (Machakos Town, JP): Thank you, Hon. Speaker. I beg to second this Bill. I wish to thank the Hon. Leader of the Majority Party for the good points and ideas that he has raised while moving this Bill. The Committee met stakeholders and received memoranda and views from institutions and members of the public, so that they could come up with a report to educate the Members and enable them to read and support this particular Bill.

In considering the Bill, the Committee noted that the Sports (Amendment) Bill, 2018 seeks to amend the Sports Act, 2013 to repeal the provisions relating to the establishment and



operation of the National Sports Fund and the National Sports Fund Board of Trustees. This is in order to provide for a comprehensive approach to financing of the sports sector through a fund established and managed in accordance with the Public Finance Management (PFM) Act, 2012.

The Committee is grateful to the Office of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings and retreats, while collecting the views from the public. Also, the Committee wishes to thank the National Treasury, the Ministry of Sports and Heritage and all other stakeholders for their participation in scrutinising the Bill. As the Chair, I wish to express my appreciation to the Hon. Members of the Committee together with the secretariat who were useful in preparing and producing the Report which we tabled yesterday.

Clause 12 of the Sports Act, 2013 had created the National Sports Fund which is a public Fund. The creation of that particular Fund contradicted the provision of the PFM Act, 2012 section 24(4), which only authorises the Cabinet Secretary (CS) of the National Treasury to create public funds. That is why the initial Regulations which came before this House for the establishment and operationalisation of the Sports, Arts and Social Development Fund, were annulled by the Committee on Delegated Legislation.

Generally, these amendments were a must, so that we could remove the contradiction between the PFM Act, 2012 and the Sports Act, 2013. Members observed several issues while meeting the stakeholders. That the first Regulations were annulled by this House and a second set of Regulations to correct the contradiction were also brought before this House and were adopted. They were gazetted on 13<sup>th</sup> December 2018. Now, the new Sports, Arts and Social Development Fund is on the formative stage.

Having resolved the contradictions with the Regulations, the Committee was also taken through the latest Regulations to see whether they protected the interests of the Ministry of Sports and Heritage. We observed that the Regulations had some loopholes where the Committee recommended the transitioning staff from the National Sports Fund, needed to be protected and not disadvantaged while being absorbed into the new Fund.

We also observed that the amendment is going to create mechanisms for the smooth transfer of assets of the previous Fund to the new Fund. The Regulations having indicated that the administrator of the Fund is going to be the Principal Secretary (PS), Sports and Heritage, as a Committee, we recommend to the CS, the National Treasury the need to amend those Regulations. They should expressly specify that, at all times when the PS, Sports and Heritage is present, he should remain as the administrator of the Fund. This is for the sake of solving the historical problems of under-funding of sports.

The Regulations also propose the mechanisms and apportionment of the Fund to three sectors. The proposal allocates not more than 35 per cent of the Fund to sports. But, the Committee wanted that Regulation to be changed to read not less than 35 per cent going to sports, considering the historical under-funding to sports. The same Regulations are proposing not more than 60 per cent going to support universal healthcare and other social development issues. It also proposes not more than 20 per cent going to arts and not more than 5 per cent going to Government emergency interventions.

This Fund is going a long way in ensuring the much needed support to sports because, as we understand in Kenya, we lack sporting facilities. Especially, looking at the stadiums, we have five African Nations Championship (CHAN) stadia which are the Moi International Sports Stadium Kasarani, Nyayo Stadium, Kinoru Stadium, Kipchoge Keino Stadium and Machakos Stadium. They were meant to be used for the CHAN events that collapsed because of not being

prepared as a nation. There are other seven regional stadia, including Marsabit, Chuka, Kamariny, Kiambu and Ruring'u in Nyeri.

This Fund will unlock the funding which will create facilities for sports as well as for other types of sports like rugby. In Kenya, although we are leading in sports globally, we do not have a national rugby stadium. This House actually passed a Motion requiring that the Government creates and constructs a national rugby stadium. Members also passed a Motion in this House, which was sponsored by Hon. Osotsi, on creating sports academies across the country in all the 290 constituencies.

This would go further in promoting talents, so that we can tap the talent in our youth. Considering we have 70 per cent of Kenyans being the youth, they should be engaged so that we can solve the security problems and the health situations we have. This will also create some sort of employment if we can promote sports talents. In the past, Kenya has been ashamed and embarrassed due to some happenings and situations like last year when the Kenyan team of the disabled went to Mexico for a tournament. The Ministry could not afford to sponsor them and the team was sponsored by Governor Sonko. When they arrived in Mexico, Kenya was embarrassed because their competition uniform was clearly written "Sonko".

There was a lot of political heat about that particular situation. Because they never had their allowances, when they came back, they went and camped at the Cabinet Secretary's (CS) Office. That is because they could not get funding for participating in that particular event. It is high time now the Ministry got enough funding so that we do not expose Kenya to embarrassment like in that particular time. I also understand we have some sportsmen and women stranded outside Kenya. There is one specifically in America who has no return ticket. We had a meeting with the Ministry yesterday and demanded that they should come with a framework of actually making it a must for any sportsperson going to compete outside Kenya to have evidence that there is a return ticket so that we do not have serious embarrassment as Kenya.

We want, as Kenya, to congratulate and wish Harambee Stars a good event during the Africa Cup of Nations (AFCON) 2019. We know that it is around 20 years since we qualified, as a nation, to participate in an AFCON event. Since this particular year Harambee Stars is going to participate, it is going to be a national pride. We also asked the Ministry to make available the Kshs50 million promised by Government to the Harambee Stars team. I believe it was a promise of personal awards because of qualifying. This Fund is going to make the Ministry to operate and solve the most critical issues which have actually exposed Kenya and also promote the athletes who have given us a lot of pride and encourage other forms of sports to be promoted so that Kenya can fully become a sporting nation.

With those comments, I thank Members of the Committee for their commitment and deliberations in coming up with a Report which recommends this Bill to be read the Second Time. I request Members of Parliament who are present to support this Bill and I will appreciate.

Thank you, Hon. Temporary Deputy Speaker.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): There are quite a number of Members who have registered their interest to speak to this. The first in line is Hon. Oundo Ojiambo, Member for Funyula.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Bill that is before this House today. I must reiterate that sports are an important aspect of our social, economic and health life. From the outset, we must also appreciate that sports has brought pride to this country but, at the same, time, sports has brought shame to this country due to misbehaviour, doping and other illegal activities. We must also appreciate that over the years, as my colleagues have stated beforehand, we have had cases of under-funding of sports in this country to an extent that we have retarded development of sports. We have been unable to truly exploit the potential that sports bring to this country.

I stand to support the Bill because it is more or less like an administrative Bill. It is basically abolishing the National Sports Fund as provided for in the Sports Act of 2013 and replacing the same with the newly passed Sports, Arts and Social Development Fund under the Public Finance Management (PFM) Act. It is what was initially annulled by our Committee on Delegated Legislation but, finally, approved by that Committee after dealing with issues that required to be dealt with.

Generally, the Bill is okay save for a few issues that we need to address as a House. I am happy the respective Committee has picked some of them. It is important that we look at them clearly. I am also concerned with the clauses on transition of staff. The Fund is being abolished not because it has had any issues as such but, simply, because we have changed the provisions. We have brought in a broader perspective to the funding of other factors such as universal healthcare and social development. It would be unfair to basically say the staff can only transition to the next level after vetting. There is obvious fear that, that discretion could be misused or abused to an extent of denying some staff employment, kicking them out of practice and generally relieving them from their duties. Probably, we need to be expressly clear what constitutes vetting and the criteria that need to be considered in the process of vetting the staff as they transition to the new Sports, Arts and Social Development Fund.

We also had concerns about the role of the administrator who is the Principal Secretary, but we were told that is the progressive way as required under the PFM Act. But we still believe that further amendments need to be made to protect the interests and rights of the staff who are serving in the current board of trustees of the existing fund.

In concluding, allow me also to mention that, as I said at the outset, sports are a critical component of our society. We as Members of Parliament should support sports at all costs. We should accord sports sufficient funding and resources. Probably, time might also be nigh now to look at the National Government Constituencies Development Fund (NG-CDF) allocation towards sports. A mere 2 per cent of the funds allocated to sports are inadequate to truly tap talents on the ground. There is talent in the rural areas. It might also be important now to revisit the Sports, Arts and Social Development Fund to see how they can support grassroots identification of the various sporting activities. It is also time we enhanced or spread our sports competitiveness so that we are able to be represented and nurture as many sporting activities as possible so that whenever we go for international sporting activities, our activity should only be narrowed to athletics and a few field activities.

With those few remarks, I beg to support the Bill. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Next is Hon. Shinali Masaka.

**Hon. Bernard Shinali** (Ikolomani, JP): Thank you, Hon. Temporary Deputy Speaker. I stand to support the Bill. I agree with my Committee Chairman, Hon. (Dr.) Munyaka. Truly, he has put correctly the sentiments that we had in the Committee. As Hon. Munyaka has said,

looking at last year's Budget, the Ministry of Sports and Heritage presented a budget of Kshs5.3 billion, but they were only given Kshs1.8 billion. That clearly confirms that sports are not taken seriously by this Government. The National Sports Fund that now directly operates under the Ministry of Sports and Heritage will sort out so many problems, including the embarrassments that we have had as a country. It will bring back the fame that the sportsmen and sportswomen of this country have brought us.

Looking at the cash awards that we have since been promising sportsmen and sportswomen of this country, we also realised that there is a Kshs267 million pending debt due to our sportsmen and sportswomen who have performed and brought us gold, silver and bronze medals. As a Committee, we were happy that the Fund will now be controlled under the Ministry of Sports and Heritage under the trustees that have already been nominated.

Going forward, we shall see an improvement in the funding of stadia because the monies will be run through the Ministry. Outside the Ministry, we have had several sources of funding which brings confusion and breeds a lot of theft and pilferage in building the stadia. Nyayo Stadium and others are being funded by several entities and this has created problems.

Finally, since so much has been covered, I do not want to repeat. I will be proposing an amendment to make sure that the 35 per cent allocation that has been proposed is money that will go to sports. When we express in written terms that "not more than 35 per cent", the term "not more than 35 per cent" could even be 0.5 per cent. With that, I still see sports being underfunded. I believe it should be changed and renamed "at least 35 per cent" which means a minimum of 35 per cent of the funds collected should go to sports to support athletics and football in this country.

We have a lot of talent. We require stadia to be built all over the country. I am not happy with the way regional stadia have been spread. We have not seen part of Nyanza, Western and Trans Nzoia being represented or allocated any regional stadia. We have a lot of talent in those regions.

I beg to support this Bill. It is a good Bill which will sort out the problems we have been facing.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. John Bunyasi, Member for Nambale.

**Hon. Sakwa Bunyasi** (Nambale, ANC): Thank you, Hon. Temporary Deputy Speaker. I do not have much to add to this. I am waiting for the next Bill.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well. In that case, Hon. Maanzo Kitonga must be very lucky.

**Hon. Daniel Maanzo** (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this very important piece of legislation. I was one of the sports managers in the country in 2008 and led a team to the Olympics. I was also part of the drafters of the Sports Act which was finally enacted in 2013. Therefore, I am very familiar with the issues. I am happy to report to this House that the Committee has done very well because sports have been dogged by a lot of problems. First and foremost, their budget is unforeseen. Even if you were to give them their full budget as requested, other scenarios will arise and the budget may go up or down. Therefore, it is important to fund sports specifically and sufficiently.

We have a lot of talents in the country. Most of them have been discouraged, first, by lack of facilities and secondly, by the uncertainty as to payments of sportspeople in the country. Sports are so important because they promote our country outside. They promote the tourism

sector. Currently, Kenya is receiving a lot of tourists because our athletes advertise the country abroad. Many people visit the country to experience sporting activities and see where those sportspeople train and do research to find out whether there is something special with the Kenyan athletes. Currently, many chartered planes are landing in Mombasa with people who have come to experience the great country of Kenya. Sports play a very important role in promoting tourism. They will even do much better than what the Ministry of Foreign Affairs and International Trade could do or any other form of advertising. Sportspeople are covered internationally on Cable News Network (CNN). The whole world gets to know in a matter of seconds that Kenya is leading in sports.

During the Olympics in 2008 and a Kenyan, Wanjiru, led in the race, for over 40 minutes, he was the only person being featured, announced and advertised by all the sports channels. That evening, he was featured in the major news channels of the world. That was a great job done by those athletes. Many times, the athletes get a raw deal in terms of the sort of money they go home with, the fame they enjoy, the resources and even their own management. We need enough funds to train them on how to deal with success when one is so young and to inspire and encourage others to make a career in sports.

If we were to handle and fund sports sufficiently, we would get many young people occupied, employed and sure that they can earn through the sport. We have a lot of talent in football. We have seen the case of Mariga and his big success in the world. Our own players play outside there in the big leagues and are paid serious money. Unless we have sporting facilities, we will not tap more Marigas in this country.

There is the issue of funding the stadia in at least every region in the country, including Makueni Constituency, where we now have a stadium which was being constructed and has now stalled. We have a very important stadium in Nyeri in Central Province which has never been completed. They are very few. If we were to invest very well, we could host the Olympics in the country. The African Championships have been held in the country. A lot of times, the opportunity goes to Ethiopia simply because our facilities are not fully developed. We look forward to a day when we will bid and host the Olympics in Kenya. We can even host the World Cup in Kenya if the facilities were there. The only reason we lose at the international scenario is because we do not have the facilities. We have not organised our sporting activities properly so that we can pay people.

When we made the Act in 2013, the use of technology was not as high as today. Right now, we are able to collect the monies from betting companies, direct online and from other big sponsors like Safaricom. This also includes motor sports which has been sponsored a lot of times by the Kenya Commercial Bank (KCB). They found it to be loss-making in terms of returns. They have now stuck with it for years. We need many other banks. It is well structured at the moment. You find banks like the Co-operative Bank and many other corporate entities are willing to sponsor sports. They know that if they are used well, they are specific and will be accounted for at the national Budget. We have serious challenges in the funding of sports. That has discouraged a lot of serious athletes who can do very well for this country.

Hon. Temporary Deputy Speaker, there is an issue of the regulations which have come on the Floor of the House. We annulled some of them in the Committee on Delegated Legislation. I want to agree with the Chairman, Hon. Munyaka, who has led by example. This House does very well in sports regionally. Sports are also good for health. If we have a sporting country, we will have a healthy country. People are able to burn fat and reduce many diseases such as high blood pressure and lifestyle diseases, including cancer. A good sporting practice makes a sporting

country. People will be very healthy. They will know that they can also earn a living out of sports.

We have the sports kitty at the constituency level. The Bill proposes academies in every constituency. If all the 290 constituencies have sports academies which are well funded, how many Kenyans would make a career out of sports? This can reduce the joblessness in this country in a very big way. The NG-CDF should team up with this new kitty with the Ministry of Sports and Heritage. Members sponsor leagues from their pockets many times because the kitty which we have is not sufficient. Leagues go on everywhere, whether you like it or not. The youths organise themselves. It keeps them busy and away from crime. They become healthy and are able to develop very well, and inspire other young ones to participate in sports.

We look forward to the new regulations which will be made after this Bill becomes law. We want to tie this Bill with the other laws like the Public Finance Management (PFM) Act, so that it is within the control of the National Treasury. The Principal Secretary in charge of Sports will be squarely responsible for the monies they would get and can account for them. We must support this great initiative as a country and take it as a new way of rejuvenating sports in the country. We should make sure that we have many Marigas outside there who make a lot of money and send it back home. We should also make sure that we win the Olympics because we have the talents. We have only invested in athletics but not in all the other fields, which need facilities and trainers. Even a simple sport like beach volleyball is an Olympic sport. Those are gold medals we lose in the Olympics. That is how the United States of America (USA) beats us. They field many disciplines which are gold-medal winning. We do very well. Kenya ranges up to No. 3 worldwide. If we invest properly in sports through the amendment of the Sports Act, we will beat USA in the Olympics. I believe it can happen. We only need to reorganise so that we have proper regulations. When the monies are collected, they should be used properly so that the sporting fraternity does not have to rely on the National Treasury always.

There were a lot of disappointments which I saw. You saw some sportspeople including people living with disabilities, spend a night recently, at the offices of the Ministry of Sports and Heritage to pressure them to pay them after participating in sporting activities.

I thank you, Hon. Temporary Deputy Speaker. I urge Members to support this great Bill, so that our youths and country can benefit from sports.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us now have Hon. Garane, Member for Lagdera.

**Hon. Mohamed Hire** (Lagdera, KANU): Hon. Temporary Deputy Speaker, I thank you for giving me this opportunity to contribute to this important piece of legislation. The establishment of the Sports, Arts and Social Development Fund will resolve a lot of financial issues that dog the sports sector in this country.

There are a lot of talents in this country in the field of sports. Unfortunately, they remain untapped. Most of the sportsmen with huge talents rot away in this country just because their talents are not tapped. You remember Mr. Julius Yego who was named the “You Tube athlete” could not get the facilities to train for javelin because there are no such facilities in this country. If we have proper funding for a javelin academy, he would have got that training in a proper way. Through his efforts, he was able to train through *You Tube* and bring accolades for this country. There are many other sportsmen in this country who have the same problem. It is only in athletics where we have a properly developed mechanism in supporting the sports centres. Sectors like soccer and safari rallies are not well supported, apart from the sponsorship from the

corporate sectors. For this reason, it is a timely piece of legislation which will establish the Sports, Arts and Social Development Fund.

The funding for this Fund will come from gaming and betting. This means that we will have a sure way of financing this Fund. It means we will not have bottlenecks in the funding of sporting activities in this country. We have many tournaments in this country because there are so many organisers of big tournaments who are willing to come to this country. However, they cannot come because the facilities are in sorry state. You remember the case of the Confederation of East and Central Africa Football Association (CECAFA) tournament that was to be held in Kenya. Unfortunately, our stadia were not ready. It was cancelled in the last minute and the opportunity went to another African country. This made the country lose huge amounts of income. If you move across most constituencies, you will find young boys and girls playing in open fields that are not developed. In most areas, there are no places which are designated as sports fields where people can go, play and practise their games. I support this piece of legislation because it will resolve a lot of problems that we have in the sports sector in this country.

The Ministry of Sports and Heritage has been dogged by a lot of corruption. You have seen athletes going to Olympics and other tournaments when they are not paid their dues and or properly accommodated. This makes headlines all over the world. By having this Fund and ensuring that it is properly managed, we will solve most of these problems. This is a timely piece of legislation.

With those few remarks, I support this amendment to the Sports Act. Thank you very much.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): The next Member is Hon. Oduor Ombaka, Member for Siaya.

**Hon. (Dr.) Christine Ombaka** (Siaya CWR, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I speak as a Member of the Departmental Committee on Sports, Culture and Tourism that had a discussion yesterday and the day before on the issue of funding of sports.

It is very encouraging to know that sports are very important and that we need funds set aside for the function. We are aware as Members of Parliament that we are always asked to sponsor sports, but we never have enough funds to do so. So, this is a Fund that is going to support sportsmen and sportswomen in the countryside. I remember asking how the Fund, if devolved, would reach the youth at the grassroots. I was informed very clearly that the Fund will support the youth at the grassroots level. All that is needed is for various sports organisations to apply for it at the national level so that they can be given some push to promote and encourage sports at the grassroots level. This is already a good move. This Bill will address issues of sports which young people crave for and have been looking forward to being supported in.

Secondly, we agreed that the Principal Secretary will be the administrator of the Fund. That is in good stead because PSs normally are the Authority to Incur Expenditure (AIE) holders of funds within their ministries. Therefore, it is the right direction on how the Fund is going to be managed. There is definitely going to be the trustees who have various skills and knowledge about managing the Fund. It is known that the Fund will be managed very well from what we learnt. At the ministry level, they are also frustrated that they would like to carry out certain sports activities, but never have money to manage all that. So, this is going to address the issue of managing sports in this country. We believe that things will improve from now onwards.

What was challenging in our discussion is that some of the monies were apportioned according to percentages. They talked about 35 per cent in sports, 60 per cent for universal health care and not more than 20 per cent... If all this is added, it comes to 120 per cent. If we talk about percentages, it should come to 100 per cent. That is where the challenge lies and so there is need to make amendments. We need to be very specific on how much goes to sports. Is it exactly 35 per cent? Whatever percentage is given to the other activities and the sports sector should total 100 per cent. That will make sense. As it is now, the total is 120 per cent, which makes it a bit odd. So, this needs to be amended so that we know the percentages of monies that we will allocate to various activities.

It was also observed that we are coming up with many stadia. I remember last year we went for a trip to Meru and we were very impressed with the stadium that has been built in Meru. It is actually being built to international standards. If what we saw is what will be built in every county, then let us go for it. It is really good. We were very impressed, but we were also very disappointed that some stadia that are coming up have not been developed any further from the level of the foundation and yet, a lot of money has been allocated. So much money has been pumped into the development of various sports and construction of various stadia in the country, but we are not seeing them come up in the manner we saw the stadium in Meru County. I take this opportunity to thank the Meru Stadium Committee. They are moving towards the right direction. That is a good example of a stadium that many counties should adopt.

It was also very discouraging to learn that while some counties are coming up with stadia of international standards, there are certain regions that have been forgotten. One of my colleagues has mentioned that matter. Nyanza, where I come from, there is none. There is no stadium in Kisii, Homa Bay, Kakamega or anywhere else in that region that is going to benefit from the project that is meant to have every county get a stadium. The belief and notion here is that the 290 constituencies will have standardised stadia. We, however, see some kind of discrimination. Some regions have not been considered yet. This is where we need to come in very strongly and ensure that there is a balance so that every county and constituency benefits.

I want to conclude by saying that...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Oduor. What is it Hon. Gikaria?

*(Hon. David Gikaria spoke off record)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): You are not okay because you have pressed intervention.

*(Hon. David Gikaria spoke off record)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): You do not need to be sorry. Do not press it.

*(Hon. David Gikaria spoke off record)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Are you telling her to conclude? You do not have that capacity to do that. Hon. Oduor has her minutes.



**Hon. (Dr.) Christine Ombaka** (Siaya CWR, ODM): So far, the impression is good. What is going on is very encouraging. Where there are weaknesses, we encourage them to do better work and ensure that the stadia are going to be constructed to international standards. They should have all the necessary equipment and facilities.

I support the Bill because it is going to address the lifestyle of all Kenyans. We know that sports form part and parcel of our health. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Chachu, Member for North Horr.

**Hon. Chachu Ganya** (North Horr, FAP): Thank you Hon. Temporary Deputy Speaker for allowing me to contribute to this Bill. I support the Sports (Amendment) Bill, No.25 of 2018. It is an amendment to the parent Act. It seeks to amend the Sports Act of 2013. The reasons for the amendments are clear. It is so as to provide for a comprehensive mechanism to finance the sports sector in the country. This will be achieved in a sustainable manner because the Bill seeks to establish the National Sports Fund. Once we have a funding kitty devoted and fully committed to the sports sector, it will go a long way in enabling our sportsmen and sportswomen to realise their potential.

Funding has always been a major limitation in the sports sector. That is why, as a country, we have not been able to fully realise our potential. The amendment is timely, well targeted and should enable us to take the sports sector in the country to another level.

This Fund will be managed by a board of trustees who will be responsible for giving strategic directions and guidance on how the new Fund ought to be utilised in our country.

It is important to note that the Government, in the last few years, has been putting up sports stadia of high standards which will enable people in many counties to have good sporting arenas to compete in. While we celebrate that which has been started in a few counties, including my own, Marsabit, it is really a pity that most of them have stagnated or have not been completed. For the one in Marsabit, civil works have stalled for more than one year now.

It was a partnership between the county government and the national Government. A good amount of work had been done but, as of now, that work is at a standstill. It is my prayer that this Departmental Committee on Sports, Culture and Tourism, since they are responsible for the budget for the national Government, ensures that funds are available not only for Marsabit Stadium, but also for few others whose works have stopped so that we are able to complete what we have started and achieve the strategic objective for the establishment of those stadia. Now that we are working on the budget process for the next financial year, it is my prayer that funds will be made available so that the stadium in Marsabit will finally be completed. That will enable us to have world class stadium for our sportsmen and sportswomen to compete.

With those few remarks, I support this amendment. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Passaris, Member for Nairobi City.

**Hon. Esther Passaris** (Nairobi CWR, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this amendment Bill. This Bill is timely. We can see that Kenya suffers from very high unemployment. Our youth and young women are also looking for other areas in which to earn some income. Sports have not been well funded in the country. The Fund will obviously pool together a lot of resources that will see the Sports Ministry get 55 per cent. Out of that – and I agree with the honourable Member who contributed earlier – at least 35 per cent should go to sports, 20 per cent to heritage and arts, 40 per cent to health care and 5 per cent to administration.

Kenyans are wired for sports. They love sports. Our youth require something else. We look at our youth and keep saying they are taking drugs and alcohol. The discipline of sports does not go with alcohol and drugs. We have seen a lot of people who are running sporting clubs in the country and working towards ensuring that the children coming into sports stop taking drugs and alcohol so that there is a lot of rehabilitation, education and sensitisation. When you bring them together, it also goes into the concept of *Nyumba Kumi* because you are nurturing a community and people get to know each other. That way, we can also deal with extremism through sports.

Kenya has seen a lot of corruption in sports. I feel that right now the country is geared to deal with corruption. So, we hope that this Fund will be well managed. The money for this Fund will also see other sports being funded. There is a sport called *Kabaddi*. They learnt it on internet. They are able to bring Gold when *Kabaddi* goes to Olympics. To get money for a discipline other than athletics from the Ministry of Sports is almost impossible. So, we need to see that the money that they will get will not just fund athletics, but will also look into all the other disciplines. I feel that the private sector has been instrumental in helping us grow sports but, of course, even there, we need to find incentives. So, another way to ensure that the whole sporting agenda and the Fund is successful is to ensure that within our own country, we keep talking about sports so that it becomes an income earner as we go and play outside Kenya. We have seen that even in volleyball locally, there are clubs that poach players locally so that they can represent them. We need to try and build the culture of sports so that we can fill our stadia to also appreciate our own inter-county games.

Sports can generate a lot of jobs from sports managers to athletes themselves, to physiotherapists. There are so many areas. The fact that we are putting money together to ensure that this happens, I believe that Kenya will have its mark in terms of sports and in terms of dealing with unemployment. Unemployment today is our biggest problem. Our youth require other avenues to earn income and sports can be a very good income generation for the youth as well as for the country. So, I support this Bill. My only prayer is that we handle this Bill with utmost integrity and we do public participation so that the public can contribute in the discussion towards which sports and which areas need to be supported.

We spend a lot of money on infrastructure. There is need to also develop human capital. We should also look at coaches and strengthen some of the bodies that manage sports in our country.

Thank you. I support the Bill.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mizighi Mnene, Member for Taita Taveta.

**Hon. (Ms.) Haika Mizighi** (Taita Taveta CWR, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to add my voice to this Bill. Being a member of the Departmental Committee on Sports, Culture and Tourism, I support this Bill. This Bill is going to return our lost glory in many of our sporting activities. We know that we have lost a lot of talent in this country due to lack of support. I know by us having this Fund, we are going to support those talents. We are going to motivate and also nurture most of the talents that we have in this country. We have lost most of our young people to drugs and drug abuse. This is because of idleness. Most of those young people are very energetic. They are people who can do a lot of sporting activities but, because of lack of support, they have decided to go into drugs.

I know with us having this Bill, we are going to save many young people. Again, just like most of our counties, my county of Taita Taveta does not have a stadium. I know that when we will have that Fund, we will construct state-of-the-art stadia in our counties.

Finally, a sporting country is a healthy country. Therefore, I support.

Thank you,

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Nguna, Member for Mwingi West.

**Hon. Charles Nguna** (Mwingi West, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity. I am a member of the Departmental Committee on Sports, Culture and Tourism. Before I make my remarks, I would like to extend my gratitude to our Chairman and the Members who sat the whole weekend deliberating on these issues. Even the Cabinet Secretary was there. We involved several stakeholders including several federations while discussing this amendment.

This Bill, if passed, is going to save this country from the embarrassment we have faced before because it is going to unlock a lot of funds. You recall that Members unanimously passed the Bill for constructing sports academies in each constituency. There is no better way of unlocking funds for doing those activities unless we pass this amendment.

I do not want to highlight the benefits of sports. I know that if those funds are released, some of our athletes who have been moving away from this country to join other countries because of lack of rewards are going to come back and be paid their rewards in time.

I recall that yesterday in our committee meeting, the Cabinet Secretary informed us that we have about Kshs234 million which is supposed to be given to our sports men but they have not been rewarded. Having this kitty and these amendments will ensure that some of these things are not heard in this country.

Majority of our stadia are in pathetic situation. Nyayo Stadium is not yet completed. It is the same case for Kasarani Stadium. If we unlock these funds, we are going to sort out these issues. That is why I am requesting this House to pass this amendment Bill. I would like to allay the fears that the rules of the Sports (Amendment) Bill will not be exercised well. My colleague from Funyula Constituency expressed that fear but let me allay it. The Sports Minister will competitively be recruited and I am sure we will have the best Sports Bill ever. That is why I am requesting every Member of this House, every Member of the Committee to give it full support.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Pukose.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill. This is a very important Bill that will align our sports and repeal the issue of the funding such that the two trust funds at the national level can be collapsed into one. One of the biggest challenges that we face as a country is that more often when it comes to sports issues, the sportsmen and women are not the beneficiaries of some of these fundings that we put into sports. It is the officials and some employees from the Ministry. The Cabinet Secretaries and Principal Secretaries are the ones who benefit the most while the person who is doing the real work does not benefit. As we speak, there is one of our great sportsmen from Kisii who has been sick and did not even have money to pay for his hospital bill until one of our Cabinet Secretaries; Dr. Matiang'i came to his aid to pay for his hospital treatment. This is a sad situation for this country. Sport is very important. Last year when we were preparing for sports, our former Chair of the Bunge FC team Hon. Wamunyinyi who is seated here remembers that we were meeting some of the greatest sportsmen; the great footballers who have

played for this country. We meet them when playing for Parliament at Moi Sports Complex. When you look at the situation they are in, you will sympathise.

As we put money into this, I think we are talking of sports, culture and social development. We must also look for ways of developing these great sportsmen. I think it is the Ministry's responsibilities to come up with policies on how these sportsmen, who make money out of running and playing football, can invest that money for the betterment of their lives. You find somebody who has been a great sportsman, he has earned millions of money but in old age, he is a pauper and has nothing to develop himself socially or pay for his own basic needs. Remember our great footballer, Kadenge, who was doing taxi driving in Nairobi to survive. When we come up with this issue of a Bill, we must be able to look at it in terms of social development. What is the Ministry that is supposed to come up with issues of policies and development doing?

I come from Trans-Nzoia County. We have one of the great stadiums named after the founding father of this nation, Mzee Jomo Kenyatta. It is called Kenyatta Stadium. For the last about six years, under the county government, a tender was awarded, but nothing has been done in that stadium. The stadium is in pathetic state and it is named after the founding father. It is important that even those who are within the Ministry of Sports and Culture look at some of these monuments. These are historical monuments. They are stadiums that have history of this country and must be properly managed and rehabilitated so that our sportspeople can enjoy those facilities.

Last year in the month of December I was lucky to do the Endeless 10- kilometer marathon. We had athletes from all over the place especially from the North Rift and the one who won was a young man from West Pokot. We gave him a cow. We have had issues of cattle rustling between us and the Pokots. For the first time, we acknowledged that this was the right way. This guy won a Friesian cow which is worth about Kshs200,000 from the Agricultural Development Corporation (ADC) and he is taking it for his own economic benefit. He has taken it in the right way not through cattle rustling. So, this issue of sports also impacts positively in the society. It also promotes good culture within the society and the community. It brings cohesiveness. When it comes to sports and you are watching television and you can see a sportsman, whether he is from your community or any other community and he is running or playing, we all cheer as Kenyans and it makes us proud as a nation. We have seen success in athletics. Kenya is known as a powerhouse in the whole world when it comes to athletics. Outside the country, people associate you with marathon, long races and all those sports. It is important that we look at issues of sports. When Mariga or Dennis Oliech play for an English premier league team you become proud to be Kenyan and therefore, the sporting spirit is one that brings our country together. It has no boundaries, it has no political links and it does not have other issues. The issue of building bridges should encompass sports. When President Uhuru and the Rt. Hon. Raila Odinga do their handshake it should encompass and bring Kenyans together so that we appreciate each other as Kenyans and feel proud as a nation.

Thank you, Hon. Temporary Deputy Speaker, I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Kibunguchy, Member for Likuyani.

**Hon. (Dr.) Wamalwa Kibunguchy** (Likuyani, FORD-K): Thank you very much, Hon. Temporary Deputy Speaker for giving me this chance to add one or two words on this Bill. Before I say anything substantial about the Bill, let me take this opportunity to congratulate a renown athlete Eliud Kipchoge for what he was accorded yesterday, it has a long name. He was

awarded the Laureus Sports Academy of Excellence Achievement. I want to be counted as one of those who have congratulated him. May I also take this opportunity to congratulate a team of young girls under 16 from Moi Nangili Girls' School in my constituency who won the football competition that brought together all the young under 16 in Kenya. They even went to East and Central Africa and they also won. So, I take this opportunity to congratulate. Finally, I wish our boys, Harambee Stars, who are going to participate in the AFCON all the best. I wish we could now put the ghosts of all these failures in football behind us as we go to AFCON and hopefully win that cup. Time has come, and that is why I support this Bill, that we should start by being able to motivate our teams and being able to organise friendlies so that they get enough practice as they go this African continental cup.

Let me now turn to the Bill. I will start off from what most of my colleagues have talked about: the percentages. Any time you talk about a percentage where you say "not more than", you are looking for trouble because anybody who is sharing out that cake, when you say not more than 30 per cent, will give you even 1 per cent because it is not more than 30 per cent. I think for us to be serious and to see that we get whatever we want from this Bill, it is either we stick with an exact figure. We can say 35 per cent will go to sports then 65 per cent will go to universal healthcare, or we stick with a figure by saying not less than. For example, when it comes to bursary in the National Government Constituencies Development Fund (NG-CDF) Act, it is very clear and it compels us. You are put in a straitjacket that you will not go outside. The NG-CDF Act says bursary should not be less than 25 per cent. So, you cannot play around with that figure; the least you will give is 25 per cent. If not, it will be. So, that is an important amendment that we should include there.

Secondly, we should be able to marry this Bill with what Hon. Osotsi brought up the other day when he said we should have sports academies in every constituency. If we expect to have the very best amongst us, we must nurture them from a very early age. We cannot expect to put Dr. Kibunguchy in the football field now and he will play. If we can pick up these small boys and girls at a very young age, we can mould them into some of the best sportsmen in the world. Some of you might not remember this or you have not been following up the history of some of the very best players in the world—I am a soccer fanatic—when you look at somebody like Lionel Messi, he was picked up by the Barcelona Academy when he was a very small boy, about six or seven years old, and they nurtured him to who he is now: the best football player in the world. So, if we want the very best, we must start nurturing them from a very early age. So, the idea of sports academies and a small or medium size stadium in every constituency is good. I have absolutely no problem with huge stadiums in the counties. If you look at my constituency of Likuyani, we are at the very far end of Kakamega. Bukhungu Stadium is now being refurbished using billions of shillings. Hardly will you get boys or girls from Likuyani going to play in that stadium. Maybe only in finals. If we have small or medium size stadiums in every constituency, where they are like the centres where you will have the finals of that level being played there, that is the direction we need to go.

Finally, and this I say to my brothers and sisters from the North Rift, North Rift is a place that has nurtured me as a doctor and as a human being. It is where I got my wife from. So, it is very close to my heart. One thing about North Rift is athletics. But I think the leadership of the North Rift is not using that natural talent to the maximum. You find people travelling all over the world to come and practise with our athletes in Eldoret, Iten and Kapsabet and they are sleeping in people's homes and not leaving us their dollars. I think time has come when the North Rift must put its act together and come up with something in the realm of an Olympic Village, where

you can get 5,000 or 10,000 acres and turn it into a sports village with every facility in it. People coming from outside to practise with our boys and girls must be made to pay for it. If we went that way, we will reach a stage where we are also making money from other means rather than just relying on the traditional things. I thought that is what devolution was meant to do, so that every region can utilise its natural resource to the maximum. The natural resource in the North Rift is mainly athletics. This is a challenge I will throw to them. Time has come, let them put their act together and let us see if they can come up with something in the region of an Olympic Village.

Let me talk about counties. I will go back there briefly. The Fourth Schedule to the Constitution talks about sports infrastructure being a function of the county governments. I do not know what the Committee is going to do, but when we talk about infrastructure we are talking about stadiums and the rest. So, I will throw this ball back to the Committee and see if there is a way of incorporating counties in this so that we can have a contribution as to what they can do. Otherwise, wholeheartedly I support this Bill. Let us hope that we come up with meaningful slight changes here and there during the Third Reading.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): We shall now have Hon. Gikaria David, Member for Nakuru Town East.

**Hon. David Gikaria** (Nakuru Town East, JP): Thank you, Hon. Temporary Deputy Speaker. First, you are my friend. Second, you do very well when you are seated in the Chair. I rise to support the amendments to the matters that have been alluded to. Allow me not to repeat what my colleagues have said and go to some of the areas to which we need the Committee to bring some amendments, particularly on matters to do with funding, who is supposed to be funded and how that funding will be used. Secondly is about the membership.

It is not right for us to forget the former sportsmen and women who have served this country greatly without getting any financial gains.

Hon. Temporary Deputy Speaker, we have so many players and many languish in poverty because this country does not remember the people who made it proud. Just as Hon. (Dr.) Kibunguchy has said, this week one of our sons was honoured at the international level and we congratulate him for his good work. It is not easy for him to have got that recognition but what happens once he retires?

It is the onus of the Committee to look at the former sportsmen and women who have brought us to the world map. Let us not allow them to die in poverty. The other day we read in the newspapers that one of our former athletes in the United States of America (USA) cannot afford ticket to come back here. These are the things that we want the Committee to look into and assist. We can only do that by having one of their own who is a former sportsperson either a man or woman being appointed to that board.

Secondly, most of the youth who have the energy should be included as members of the board so that they can effectively talk and articulate the needs of young people in terms of sports development in this country. It is always very difficult for young men to approach an old man such as me to share their sufferings. However, it will be very easy when they have an opportunity to talk to one of their own.

The other bit is about a national player doing a national duty and he gets injured. After that when he comes back...These national players are fetched from clubs and companies. However, when they are injured and come back that club tells them that they were injured when they were on national duty and there is no money to treat them. So, it is also important that any

player who gets injured in the line of national duty, this Fund looks into their medical upkeep and care.

We had Patrick Waweru who used to play for Tusker Football Club and got injured when playing for Harambee Stars on national duty. He is now languishing in poverty because Tusker Football Club never wanted to engage him anymore. After his two year contract, he was released and yet he was playing for the national team, Harambee Stars. He is now left struggling. So the Committee needs to look into how to handle players who are doing national duty.

The Committee needs to look at the television rights. Right now in Europe, television rights are propelling sports in Europe and America. We have left these television rights to a few individuals to make money. For us to make money to be contributed to the Fund, the Committee needs to look at these television rights. Whenever we have a major sporting activity, we just allow people to watch.

I represent the Rift Valley in the Kenya Football Federation. I remember one day Oserian Football Club had an opportunity to play an Egyptian team at Nyayo Stadium. Some crooks around here came and asked how much they could fetch from the match and they were told they would be given Kshs1 million shillings. Oserian thought that they actually got value for that money. They took the Kshs1 million very fast only for those crooks to go and negotiate with Kenya Broadcasting Corporation (KBC) and because that team was from Egypt and was sponsored by Coca-Cola, this group negotiated with Al Hilal FC through Coca-Cola. They went and paid for the transmission rights at KCB at only Kshs 3.5 million and the crooks were paid Kshs15 million. So they took the rest of the money when actually this money ought to have gone to that club which had invested so much and to the players. So, it is important for us to look at the television rights.

I agree with Hon. (Dr.) Kibunguchy on this aspect of building big stadiums. It will never improve the standards of any sport in this country. The other day we were telling the NG-CDF that they need to consider constituencies to nurture talents through constructing medium-sized stadiums. Where I come from, we have a ground called Kamukunji and there is no grass on it at all and it is because of poor maintenance by the county government. It belongs to a school and we would want to improve it so that we can have effective players mentored there. I am saying this because Nakuru has almost 20 players playing football in South Africa which is a very good indicator. They are role models to the upcoming ones.

So we would want the NG-CDF to think about pumping Kshs5million into to every constituency. The money that we get from NG-CDF for sports is only 2 per cent. This cannot improve sports. I remember in the National Government Development Constituencies Fund Act we had agreed in some clause that we can get some funds from other Government sources and not necessarily from NG-CDF. So we would want to see whether in that Act they can propose to pump in Kshs5million to NG-CDF towards the improvement of sports facilities. I have talked about former players such as Francis Kadenge who died in a miserable way. Conjestina, the only female boxer that made us proud and took us somewhere in the boxing world map is now facing many problems.

Lastly, the Committee needs to ensure that this funding goes to specific areas. We cannot have money going to allowances, tickets and Ministry officials and not other beneficiaries. When they went to the Olympic Games last year, we had over 50 officials and 30 sportsmen and women. Is that what we want? We would want this Act to specify where this money is going to. I saw in my constituency where the former MP brought a sports activity and each team was getting Kshs3,000. Each team has a membership of about 30 and then you give them Kshs3,000...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Gikaria, I am afraid your time is done. You had equal minutes but clearly you have made your point. Let us have Hon. Ekamais, the Hon. Member from Loima.

**Hon. Jeremiah Lomorukai** (Loima, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this piece of legislation. Before, I make my contribution I thank Loima Constituency Football Club which won the inter-constituencies competition which was sponsored by Coca-Cola. A team I formed during the competitions performed well and took the trophy. Secondly, I also want to thank them because they went all the way to the finals with Turkana West Football Club during the County Women Representative competitions which were conducted in Lodwar, though the winner was not determined because of chaos.

Going to the Bill, I think Members have contributed on the importance of the amendments. However, I want to add my voice because I think the sports department has been totally neglected. We are all aware that sports is a central department that tries to nature talents of our youth out there. If you go to northern Kenya and particularly Turkana County there is a lot of talent which has not been natured because there is little funding to facilitate the department to go around nurturing talent from those in marginalised areas.

If this Fund is passed, it will necessitate the Ministry to nature and promote sporting activities across the country. I was flabbergasted the other time when Turkana County conducted a boxing activity which was an international event. The kind of award given to the winner and the lady boxer from Tanzania, to me was embarrassing. The winner was given Ksh100,000 and the other boxer Ksh50,000. To me, that did not motivate the two boxers. One boxer was a Turkana lady who has been winning trophies from East and Central Africa boxing activities.

Creation of an independent Fund will eliminate exploitation by counties. I feel that Members should help this Committee pass these very important amendments, so that sporting activities are given first priority and we allow the department to facilitate those activities without hindrance of lack of funds.

As I end, I want to say that we need to have an independent committee whose mandate is to identify talents. Across the country the youth are talented. However, the department has not gone round to see the untapped talent out there. It will be very important to pump money into the area so that youth can be identified to join other important international players in the world.

With those few remarks, I support this Bill and request Hon. Members to pass it so that this Fund can take shape and help Kenyans.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Githinji.

**Hon. Gichimu Githinji** (Gichugu, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this very important Bill. Apart from aligning the administration and organisation of the board of trustees, there is also the management of the Fund. After perusing the Bill, I have seen that the Bill seeks to establish a fund.

Looking at Clause 12, it seeks to establish a clear source of funds but there is very minor explanation on how they shall be utilised. Going forward, because this is just the Second Reading of this Bill, I believe it is important to bring amendments so that we can identify the areas this Fund will be handling. Otherwise, we will leave the board with so much powers of just sitting down to decide which sportsperson will be paid what amount of money or what sporting activity needs to be supported.



We need a very clear guideline on how this Fund will be utilised. Also, looking at the lotteries and gaming institutions that we have in this country and the kind of money they are making, we need to have a clear percentage which will be channeled out of their profits to this Fund. The wording is done in such a way that they may or may not give any money. This does not give teeth to the board to enforce the amount of money they should bring to the Fund.

Looking at the Fund, some of the areas it should support is also establishment of training camps. We know high altitude areas are said to be the best training areas for athletes so that they can compete competitively in low altitude areas. Looking at Mt. Kenya region, you will find there is only one training camp at Kigari which is not a Government training camp. It is private and athletes pay.

We hope going forward, now that we have a sports Fund, they will establish sporting camps in areas like Kirinyaga, Embu, Meru, Laikipia and Nyeri because those are the areas where our athletes can train. Actually, people from Mt. Kenya are disadvantaged when it comes to training yet, they come from areas where best training camps can be established.

While also thanking the leadership of the Committee through the able leadership of Hon. Munyaka, I believe the Committee should also have delved more into the issue of specific percentages concerning the utilisation of the fund. I am saying that because the sporting activity has been left entirely to the mercy of the board. So, it is very critical that we know how much of the Fund goes to infrastructure, how much is left for awarding athletes who perform very well, and how much goes to other areas like supporting sports organisation. That is an area that we need to look at as we proceed to the Committee of the whole House. Certainly, there are amendments that we can make in those areas.

*[The Temporary Deputy Speaker (Hon. Patrick Mariru) left the Chair]*

*[The Deputy Speaker (Hon. Moses Cheboi) took the Chair]*

Hon. Deputy Speaker, it is also important that a kitty within the Fund be created to identify and promote talents at the local level, that is, the constituency level. Probably a certain amount should be curved out from the Fund so that each and every constituency can be given a certain amount of money. This is because the small flow we get from NG-CDF is not enough. In my Gichugu Constituency, I have more than 50 football teams without even counting the volleyball teams and other sporting activities. When we go to apply for these funds, we realise that they are not even enough to take care of a single tournament. Even if you did one tournament, it would not be a satisfactory one so as to nurture and breed talents that can be exposed to competition and also transform families. That is an area that the Committee also needs to look at.

Under Clause 30, there is a proposal that there be an investment of the surplus funds. However, I keep wondering: Where is this surplus coming from and yet we are not able to finance the little activities that we have even at the constituency level? That is something that should be scrapped because it is most likely to be subjected to abuse. If you create an opportunity for investment in a fund that is supposed to be rolling out projects and programmes to support our youth and sporting activities, then that is an opening for abuse.

Clause 32 of the Bill talks of actuarial evaluation of the Fund after five years. The term of the board is three years. So, if someone misappropriates funds, he or she may want that actuarial evaluation of the Fund to be done after their term. I think it is proper that an amendment be

brought so that the actuarial evaluation of the Fund be done, at most, two years when the board and the chair are still in office. That way, they will be answerable to any queries that may arise and if found to have misappropriated the fund, proper steps can be taken against them.

The other thing that should be emphasised is the usage. Actually, the two main components of this Fund should be where it is coming from. That has clearly been defined but the usage has not been properly itemised. I will be consulting the Chair to see the areas that we can subject to amendments so that we have a very clear guideline on how this Fund should be used. Otherwise, it is a very important and good Bill that will take sporting activities in this country to a higher level where the sports fraternity of this country will stand to benefit.

With those few remarks, I stand to support.

**Hon. Deputy Speaker:** Next on the line is Hon. Kamuren Tuitoek.

**Hon. Daniel Tuitoek** (Mogotio, JP): Thank you, Hon. Deputy Speaker. I rise to support this Sports (Amendment) Bill. The issue of sports is very important. I think worldwide, we know how sports bring a nation together. Here in Kenya, we really excel in sports, specifically athletics. We enjoy athletics at the school and national level. It actually brings together the nation. We have not been doing very well in football. Most of our football teams do not really go far. The challenges facing them have mostly been the issue of funding and management. At least we see rugby giving us a good name. They are currently playing in the rugby sevens world championships, which is actually giving us a good name. We have also been getting good medals in the Olympics. We are also always participants in the International Association of Athletics Federations (IAAF) championships. That is why we have great names like Kipchoge Keino and Paul Tergat in athletics, Wanyama in football - he plays for Tottenham Football Club, Rudisha the athlete and many others who are giving us a good name. The potential is great. We have so many youths out there in our constituencies who are involved in sports, especially in football, volleyball, athletics, cross-country, marathon and other sports.

It is so important that funding of sports be done in such a way that we streamline the management of sports. It is time to give support to all various sporting activities which are going on in this country. We know our sports infrastructure is very poor except a few which may be eye-catching like the Moi International Sports Centre, Kasarani. Most of our sports infrastructure is not in good shape.

The Bill seeks to establish a kitty towards providing key funding for infrastructure as well as funding of various teams. My only reservation is the wording which has been placed on this Bill such that we are talking about "not exceeding 35 per cent". When we get to the Committee of the whole House, we want to make it clear that the funding should be at least 35 per cent. It should not read "not exceeding" but read "at least 35 per cent". We also want to make sure that in this Bill, we cater for our athletes who have done us proud in the past. We see many of our athletes retiring poor. We know of Rono, who is actually languishing in America. At one time, he was a world record holder, but now he is a watchman. We are seeing Kadenge in his last days. He is struggling with health. There is Ben Jipcho and many others. We urge the Committee to bring an amendment that will ensure that we create a medical insurance fund for all the athletes so that when they retire in their later years, they are able to live in a good environment and get health coverage. We are thinking about universal healthcare but for now we have not reached there. So, we need to provide for our sportsmen and sportswomen.

The Fund will also go a long way in providing for youth development. The NG-CDF can also be expanded. The Committee should look at expanding the sources of money for this Fund. We have only talked of lotteries and betting. We should think about raising some money to

support sports. With the NG-CDF, we could raise from 2.5 per cent to 5 per cent of the Sports Fund.

Therefore, I support this Bill with possible amendments in the Committee of the whole House stage.

**Hon. Deputy Speaker:** Let us have Hon. Wamunyinyi Wafula.

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Thank you very much, Hon. Deputy Speaker, for giving me the chance to also contribute to this important Bill regarding sports. First, I support this Bill for the introduction and establishment of a Fund and the amendments to the Sports Act, 2013.

I have listened to Members contribute and I did not want to repeat the things they have said. I would like to stress that the Chair of the Committee should look at the contributions by Members so that when it comes to the final stage, they are taken into account. I agree with Members that there is need to establish and create this Fund which should be able to support sports teams from the bottom up - from the junior teams in the villages across the country in our constituencies and wards to the premier league and the national level. It does not necessarily mean that we should only support football. It is all the sports disciplines.

I want to stress one important point; if indeed this Fund will be established - and I hope it will - it should be properly funded. The Fund is even recognised in the Constitution. We have to make sure that there is adequate funding to sustain it. It has to receive consistent and steady funding so that it is sustained and should propel us to realise the goals that are envisaged. That is also recognised in the Constitution. It is clear that for a fund to function, you need to put funds in there. This Fund should not just be established but it should be functional, operational and help support the establishment of good systems to run sports in our country.

We have talked about the issue of sports academies for a long time. The focus should be on those small stadia and fields in the rural areas where young people train for football, athletics, rugby, basketball and so on. This can only happen if you are well-organised and have a facility in every area where those talents will be spotted, brought up and professionalised so that they understand the benefits of sports. The tournaments we run in our constituency, Hon. Deputy Speaker - and I am sure you also run one in your constituency - merely help to bring together different groups, wards and teams, build friendships and cohesion in the constituency and help to identify the best talents in a particular area.

I support my colleagues, particularly those from the Rift Valley. Hon. Kibunguchy spoke with a lot of passion about the establishment of an international facility in the North Rift where people come to train for free. There are some people who sometimes even beat Kenyans in athletics. Hon. Deputy Speaker, I have attended international events with you. People come to train in the North Rift and when they go to run in Moscow, Beijing and Japan, they beat our athletes. They train in our training facilities in the North Rift. I agree with Hon. Kibunguchy that we should develop world class facilities in the North Rift so that those who wish to train - and not necessarily people from outside Kenya but even locally from the Coast, Mt. Kenya, North Eastern - can come and train there for a fee. They will pay some fee. This will be an industry for the local people and the country. People will come in for sports tourism, enjoy the facilities and pay some fee. This is something we have talked about for a long time since you and I have been here. We have been discussing the establishment of such facilities. I hope the amendments to this Act and the establishment of this Fund will go a long way in addressing the challenges that have existed and help us to realise the goals.

Management will be very important. It has been provided very clearly in the Bill how to establish the boards of trustees and the management of the Sports Fund. It will be important that concentration is given to professionals and particularly people who have a passion for sports who will do their best. We have had difficulties with some people not paying players even when they go out to play. Those are things that need to be addressed so that we do not fall back into what has happened in the past.

Having said that, I support the Bill. I hope that my brother, Hon. Munyaka, has captured those few issues which have been raised. We want to move forward. I hope we shall leave something behind. I want to correct Hon. Pukose that I am still the Chairman-General of sports in Parliament for both Houses. We have the Chairman of the National Assembly and the Chairman of the Senate but I am the overall Chairman-General in Parliament. Hon. Kaunya is getting excited. I support this process of revamping and improving management of sports in our country.

With those few remarks, thank you very much. I have been waiting patiently. I do not want to take too long. Let those who have come in also have a few minutes to speak.

**Hon. Deputy Speaker:** Thank you. Those were definitely very informative remarks from the Chair of the sports team. Let us have Hon. Osotsi.

**Hon. Godfrey Osotsi** (Nominated, ANC): Thank you, Hon. Deputy Speaker for the opportunity to contribute to this very important Bill. I have listened very carefully to my colleagues who have been contributing. Most of them have supported the Bill.

From the outset, I oppose this Bill. I am not just opposing for the sake of it. Hon. Deputy Speaker, I have been following the development in this area. I have also done quite a lot of research. If this Parliament passes this Bill as it is, it will be doing a disservice to this country. The issue I have with this Bill is that it intends to kill the National Sports Fund as contained in the Sports Act, 2013. These are all the sections that refer to the National Sports Fund, which provides for the funding mechanism in the Sports Act. It is one of the pieces of legislation that went through a thorough stakeholder engagement. Sports federations and personalities were consulted. It took more than two years to agree on this Act, including the funding mechanism. With just a few amendments, we want to kill the entire Sports Act. It will not be useful without a proper funding mechanism.

Secondly, you need to give direction. When a committee of Parliament is investigating a matter which has not been completed, is it right for the implementation agency to circumvent the issues raised in the Committee and sneak in amendments to the Act? I am saying this because I am the Vice Chairperson of the Committee on Implementation. We are currently investigating the issues around the National Sports Fund. The Cabinet Secretary (CS), National Treasury, and the CS, Ministry of Sports and Heritage appeared before us. One of the issues that we are investigating is that the National Sports Fund was operationalised in the Financial Year 2016/2017. They are unable to tell us how much money has been collected so far. Before we even bring our report next week, they sneaked in amendments to the Finance Act and then they brought regulations which were annulled by this House. They went back to the Committee on Delegated Legislation, they were approved and then they brought this Bill.

The Regulations that were brought to us are ambiguous. I want to point out a few ambiguities. The amendments will be there but substantive issues like allocation of funds will be in the regulation which is not right. For example, in terms of allocation, the Bill says an amount not exceeding 60 per cent. This means that they can even give the sporting activities 0 per cent. Although they have given the allocation, they have given the CS, National Treasury, the powers

to vary the percentages, if he wishes. I have read the Committee Report which is good. However, one thing they forgot to tell the House is what happens to the regulation that gives the CS, National Treasury, the powers to vary the allocation of funds. It is silent on that. What does it mean? It means we have killed the National Sports Fund and taken the responsibility to the Sports, Arts and Social Development Fund. We have then allocated the money which was meant for the youths under sports to other things which are not sports related, and then given the powers to the CS to vary the allocations. This means that in any financial year, he can decide not to allocate any money to sports development activities.

The other anomaly is that there is an ambiguity in the administrator of the Fund. He can either be the Principal Secretary for sports or any other person appointed by the CS, National Treasury. That is confusing. If you read the responsibilities of an administrator, there are day to day responsibilities things like managing the Fund on a day to day basis. What is the work of the secretariat of the new Fund? The best thing we need to do, as Parliament, is to clearly look at these amendments at the Committee of the whole House. If the Government wanted money from betting which is Kshs10billion a year, they can still get the percentages they need but they leave us with 30 per cent. They need to amend Section 12 of the Sports Act to say that they will draw 35 per cent from the Sports, Arts and Social Development Fund, instead of deleting the entire funding mechanism of a Bill that was passed by this House.

If you look at the transition of staff, they are saying that they will have to re-apply for their jobs and be vetted afresh. Some of these people used to hold other jobs. They applied for this job and now you are telling them that when the new Fund comes in place, they will re-apply for their job. That is wrong. We have a precedent in this country. For example, when the Electricity Regulatory Board changed to become the Energy Regulatory Commission (ERC), there was no such transition mechanism that the staff has to re-apply for jobs and be vetted.

The last point I want to put across is that we need direction from you. For example, if a Committee on Implementation is investigating a matter, is it right for the implementation agency or the people who have appeared before that Committee to circumvent the work of the Committee by bringing changes to the same law which the Committee is looking through? I will suggest amendments. If we were looking for money from this Fund, we did not need to overhaul the entire funding mechanism of the Act. We needed to say that we are giving sports 35 per cent and then we amend Section 12 of the Sports Act to say 35 per cent will go to the National Sports Fund. If we do this, we would remain with the National Sports Fund and have a global fund called the Sports, Arts and Social Development Fund.

Lastly, the other ambiguity is on how this 35 per cent on promotion and development of sports will be spent. We need to detail how it will be distributed. We have issues with how the sports federations are funded and national teams participating in international competitions. For example, Harambee Stars will participate in the Africa Cup of Nations. How will it be funded? There are issues of establishment of sports academies. This House passed a resolution to have sports academies in 290 constituencies. There are issues of sports infrastructure, research and funding of sports clubs. The Committee needs to do much more before we go to the Committee of the whole House.

Without the amendments, I oppose this Bill.

**Hon. Deputy Speaker:** Hon. Members, I have five Members whom I would like to share the time that is remaining. Please, if you can, let us try and be brief. Let us start with Hon. Thuku Kwenya.

**Hon. Zachary Thuku** (Kinangop, JP): Thank you, Hon. Deputy Speaker, for giving me this opportunity to contribute to this Bill. At the outset, I want to support this Bill, notwithstanding the twists that have been introduced by Hon. Osotsi. I passionately wish to see this Bill passed by this House.

First, it is a good Bill in the sense that it is introducing some level of sanity in the management of sports in this country. It is also trying to address the sources of funds to fund our sporting activities. That notwithstanding, I also want to introduce some amendments because we do not want ambiguities where we leave the Fund in the hands of the board and a few managers so that they distribute the funds at their discretion. We need to have a structure that will address equity. We cannot have a board sitting and deciding which sporting activities to fund and which regions to take the funds to. We have had issues with trust funds. I have had issues with the Water Trust Fund in my constituency of Kinangop. We have the biggest water tower but we have never benefited from the Water Trust Fund. This is likely to happen if we leave this Fund at the discretion of the board to decide where and when to spend the money. So, we need to have a structure. I will definitely introduce some amendments to the Bill as opposed to opposing it in its entirety.

Coming to the kind of sporting activities that we have in the country, we are hell bent on thinking that it is only soccer and athletics that are the most popular sporting activities that happen in this country. We forget that countries like the United States of America bag medals in every competition because they have diversified their sporting activities. That is the route that we should take to encourage all the myriad talents we have in the country. They are many of them. We should make sure we identify them from the grassroots, fund them sufficiently and bring them forth so that we showcase to the world what we have.

I propose that this Fund should be devolved or equitably distributed through constituencies so that the board is not left with the luxury of deciding how they dispense the money. If it is distributed through the constituencies, we will be able to nurture the talents we see every day in our constituencies. As Members of Parliament, we spend a lot of money from our pockets in trying to nurture the upcoming talented young men and women. We have to get to a level where the Government invests money in sporting activities. It should be seen as an investment so that we commercialise the talents and make sure our young men and women, once they are showcased to the world and earn income, pay back the country through taxes or through the jackpots they bring home. We should introduce some level of taxation so that they also pay back the country that supports them.

In a nutshell, I wish to state that the Sports Fund should build capacity. That can only be done by making sure we involve the players or stakeholders down there. The Fund must be utilised bottom up and not top bottom. If we leave people to sit in boardrooms to decide and not involve stakeholders down there, then we will be giving them the luxury of opening a door for corruption since we have seen several funds abused in the country.

I wish to support the Bill, but promise to propose amendments in the Committee of the whole House stage of this Bill. Thank you.

**Hon. Deputy Speaker:** Hon. Oku Kaunya.

**Hon. Oku Kaunya** (Teso North, ANC): Thank you, Hon. Deputy Speaker for giving me this opportunity to contribute to this Bill.

The object of this Bill is to provide for a comprehensive approach to financing of the sports sector through a fund established and managed in accordance with the Public Finance

Management Act. This is very important because it will streamline how we raise funds and how we utilise them for the benefit of sports.

I support this amendment Bill especially on two important areas. One, providing for funds to enhance talent in sports and develop talent. This particular Fund, if used properly, which is of course the intention, should fill the gaps in talent development.

In my constituency and Busia County, for example, in last year's secondary schools competitions, we did not have even a single representative at the national level. It is not that Busia County does not have talent in sports particularly athletics, but facilities available and of course the deliberate effort to fund the young athletes have not been in place. So with this Fund, I believe we will have some athletes developed and nurtured in that area.

Secondly, on the Fund, the Committee should incorporate what other Members have mentioned about past talents. Those who have performed very well in various fields in the past are many and need to be supported or some mechanism of support be provided for them. Among those who excelled, for example, in my constituency, in 1967, we had a cyclist who was the African champion. He is still alive today. But one cannot easily now recognise that he was a champion worth talking about. We need to ensure that the Fund provides support to the athletes and sportsmen of the country who performed well sometime back.

My final point is that I suggest an amendment on the question of the headquarters of the board of trustees which shall be in Nairobi. That is in the establishment of the board of trustees under Clause 5. It reads that the headquarters of the board of trustees shall be in Nairobi and the board of trustees may establish other centres elsewhere. It is high time we looked at headquarters of such boards. Nairobi is congested and for purposes of athletics and sports it is not the most suitable area. We should propose that the headquarters should not be necessarily be in the city. We could have it elsewhere in the countryside or in any of the counties. I will give an example of two most important bodies. We have the World Football Federation, FIFA, whose headquarters is in Zurich, Switzerland. At the same time, in a country like Switzerland, placement of the headquarters, for example, does not need necessarily to be in one place. The headquarters of the International Olympic Commission is in Lausanne. Lausanne is another major town in Switzerland. It is the headquarters of various things in that country, including politics and economy. It is high time we decentralised, even as we embrace devolution, some of these functions so that we can have a country that can develop according to the strength of various areas.

I stand to support but with amendments.

**Hon. Deputy Speaker:** Hon. Lentoimaga.

**Hon. Alois Lentoimaga** (Samburu North, JP): Thank you, Hon. Deputy Speaker, for giving me this opportunity. I also rise to support this amendment. It has come at the right time. What is lacking is the infrastructure down at the grassroots level in our counties and constituencies. For us who come from North Rift, especially those counties that are prone to cattle rustling, we do not lack young men who can run or do good sports. This is because we have seen them doing cattle rustling instead of sport. If you observe well, in my area, young men run especially when they are stealing cows. In six hours, they run up to 100 kilometres. If only they can be made use of and be given facilities and even trained in various sports, I am sure those efforts would pay off. However, because of distance and lack of decentralisation of sports in this country, the young men in our places do not stand to benefit.

Facilities should be availed at that level where young people can participate in sports instead of doing evil things like killing and taking away livestock that belongs to their

neighbours. North Rift counties like Uasin Gishu, Elgeyo Marakwet, Nandi and Trans Nzoia have had their young men and women benefit from sports for a long time now. Sports have become a livelihood for them. In fact, athletics, in my view, has been very consistent as a foreign earner for this country more than football. We urge the Government, through this House, to ensure this facility is devolved to all levels. It should start at the grassroots level, not from Nairobi or other big towns. It should start in villages, say in primary and secondary schools, up to the capital city.

Secondly, the population of youth is growing very fast and it is very high. There is a lot of unemployment. Because of that, there is rampant abuse of drugs because of idleness and lack of employment. Young men get frustrated because of lack of income. Sports can help divert their attention from drug abuse. They can get employment through sports. Most of us are glued on television screen whenever football matches are being played, say, even 8,000 kilometres from where we live. It is because the people there have made it a profession. There are academies that teach young children in those countries to fully depend on sports as opposed to going to school to get degrees in engineering, medicine and so on. This country also needs to go that route. We need to ensure that we develop sports right from the grassroots level. That way, we will help our young men to deviate from drug abuse.

Almost in every single family in this country, there is a case of drug abuse. It is rampant and for that reason we have lost many young men. Every family has at least a case or two of young persons engaging in drug abuse. Sports can help us engage our youth to do something worthwhile for their lives.

With those remarks, I support this Bill. Facilities and money should trickle down. Stadia should be developed all over the country and not only in big towns or county headquarters. We need them in sub-county headquarters too. That way, we will attract more young men to engage in sports than they are doing at the moment.

Thank you.

**Hon. Deputy Speaker:** Kirima Nguchine.

**Hon. Moses Kirima** (Central Imenti, JP): Thank you, Hon. Deputy Speaker. I stand to support the Bill as it is. This Bill is very important taking into account that it is timely. It is high time we promoted sports in our constituencies. Sports have not been given the seriousness they deserve in many parts of Kenya. If you look at our region of Mt. Kenya, sports are not taken as something that can benefit the common *mwananchi*. Sports are mostly conducted in secondary schools at an early stage and that is just about them. Financing is embodied in this amendment Bill. If the money will be channelled through the constituencies, as it has been done with other development money, it means that we are going to nurture talents. We will have an opportunity to expose talents. That way, we will even create more opportunities for our sportsmen and sportswomen.

As it is now, when we hear of sports, we only hear of athletics, especially in Rift Valley, Nairobi, Nyanza and Western regions. Even if you look at the previous officials of the Sports Board, you will realise that they mainly come from those regions. It is because that is where sports are promoted. If we pass this Bill, I believe that we are all going to be given equal opportunities. Every Kenyan kid will come out as a sports person because they will be given the benefit of sports at an early age. What they do not know will now be exposed to them.

I support this Bill as it is except that I also support the amendment to have the Fund go through the constituency level so that it can reach each and every part of Kenya.

I support.



**Hon. Deputy Speaker:** We still have a minute. Let us have Hon. Nyikal. One minute then you save your minutes for next time.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you, Hon. Deputy Speaker. I stand to draw an extremely important caution. I have been listening. Members are not discussing the amendment Bill; rather they are discussing the Sports Bill which is being amended. Even the Committee does not draw that distinction. What this amendment is seeking to do is to repeal the National Sports Fund. It is setting up a new fund in sports, arts and social development...

**Hon. Deputy Speaker:** Order! I can see you are developing your point very well. You will have nine minutes to proceed with that argument.

### ADJOURNMENT

**Hon. Deputy Speaker:** Hon. Members, the time being 7.00 p.m. this House stands adjourned until Thursday, 21<sup>st</sup> February 2019, at 2.30 p.m.

The House rose at 7.00 p.m.