

PARLIAMENT OF KENYA

THE NATIONAL ASSEMBLY

THE HANSARD

Thursday, 8th October 2020

The House met at 2.30 p.m.

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

PRAYERS

Hon. Speaker: Hon. Members, acknowledging that mobile telephony has become part and parcel of our daily lives, please, just ensure that yours is on silent mode when you are in the House. I am sure your constituents will be able to see that you are now busy. Just tell them: “When you look at the TV and you see we are in, wait until we come out.”

COMMUNICATIONS FROM THE CHAIR

GUIDE FOR CONDUCT OF COMMITTEE MEETINGS AND LOCAL VISITS DURING THE COVID-19 PANDEMIC

Hon. Members, the Liaison Committee is established under Standing Order 217 to, among other things, guide and co-ordinate the operations, policies and mandates of all committees, and give such advice relating to the work and mandate of select committees as it may consider necessary. The Committee consists of the Deputy Speaker as Chairperson, the First Chairperson of Committees who serves as the Vice-Chairperson and the Chairpersons of all committees of the House.

Hon. Members, further to the Speaker’s Guidelines of 2nd and 11th April, 2020 on the Conduct of Sittings of the House and its Committees during the Covid-19 Pandemic period, the Liaison Committee, in keeping with its mandate, has set out a guide specific to meetings and local visits by committees during the ongoing pandemic.

The Guide provides for standard operating procedures on the conduct of physical and virtual meetings, as well as local field visits and workshops by committees.

Hon. Members, I wish to highlight just a few of those protocols –

- (i) The chairpersons of a committee and the secretariat shall be physically present in the meeting room in the precincts of Parliament or at a venue approved by the Speaker for holding meetings;
- (ii) For accountability purposes and validity of decisions taken, Members attending committee meetings virtually are required to be within the precincts of Parliament or at the designated office of the Member within Nairobi City County, at the constituency office, or such other place as the chairperson may permit;

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- (iii) All committee proceedings, even when conducted virtually, are covered by the parliamentary privileges and immunities as provided for in Article 117 of the Constitution and the Parliamentary Powers and Privileges Act, 2017. As such, whenever attending committee meetings virtually, Members are reminded to ensure that they do not aid, facilitate or permit any strangers or other unauthorised persons to participate or listen into the committee deliberations;
- (iv) Members shall be required to dress decently while attending virtual parliamentary meetings; and,
- (v) Not more than seven Members shall be allowed to undertake a field or inspection visit, or public hearing. Committees are encouraged to establish sub-committees for purposes of undertaking inspection visits and public hearings.

Hon. Members, noting the need for a unified approach in the activities of committees during this period, I have directed the Clerk to transmit the entire Guide to all committees of the House for implementation and to ensure compliance. The House is accordingly guided.

I thank you.

APPOINTMENT OF MEMBERS TO THE MEDIATION COMMITTEE
ON THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL

Hon. Members, you will recall that on Tuesday, 22nd September 2020, the House rejected, at the Second Reading, the County Wards (Equitable Development) Bill (Senate Bill No. 34 of 2018). The consequence of this decision is that the Bill will be referred to the mediation process as contemplated under Articles 112 and 113 of the Constitution and Standing Order 149 of the National Assembly Standing Orders.

Hon. Members, I wish to notify the House that, in accordance with the provisions of Article 113 of the Constitution, in consultation with the leaders of the Majority and Minority Parties, I have appointed the following Members to represent the National Assembly in the Mediation Committee on the said Bill:

1. The Hon. Wafula Wamunyinyi, MP;
2. The Hon. Fred Chesebe Kapondi, MP;
3. The Hon. Moses Lessonet, MP;
4. The Hon. Sophia Abdi Noor, MP;
5. The Hon. Richard Tong'i, MP;
6. The Hon. Fred Odhiambo Ouda, MP; and,
7. The Hon. Edward Oku Kaunya, MP.

The Hon. Wafula Wamunyinyi, MP, will lead the National Assembly team.

Hon. Members, the Members are advised to liaise with their Senate counterparts so as to expeditiously embark on the process of developing a version of the Bill that may be agreeable to the two Houses within the timelines as set out in Article 113(4) of the Constitution.

I thank you.

PAPERS LAID

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

The Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June 2019, and their certificates therein:

- (a) Kenya Electricity Transmission Company Limited;
- (b) The Teachers Service Commission; and,
- (c) The Commission on Revenue allocation.

Hon. Speaker: The Chairperson, Departmental Committee on Transport, Public Works and Housing. Chairperson is not present. In fact, I have not even seen the Report. So, the Report may not be tabled.

Chairperson, Departmental Committee on Health, before you attempt to table one of the Papers, ensure that you have signed all the minutes.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Speaker, it was communicated to me by the Clerk. I have requested them that we first withdraw and finalise with the signing, and then we will table them next Tuesday.

I thank you.

Hon. Speaker: Okay. But you can still table the Report on the Petition.

Hon. (Ms.) Sabina Chege (Murang'a (CWR), JP): Thank you, Hon. Speaker. I beg to table the Reports on two Petitions.

The first Petition was on the matter raised by Hon. Gichuki Mugambi, who sought a Statement regarding the measures that have been put in place to ensure that the Government protects all health facilities from the closures and evictions by land owners and landlords during the prevailing humanitarian crisis that has been caused by the COVID-19 pandemic.

Secondly, that the Ministry of Health to investigate the circumstances that led to the approach taken by the owners of Sarit Centre, towards the decision and manner of eviction of Ms. Laser Eye Centre, which may effectively be undermining the Government efforts in combating the COVID-19 pandemic.

The second one is the Statement sought by Hon. Jude Njomo regarding the post COVID-9 test...

Hon. Speaker: Is that a Statement?

Hon. (Ms.) Sabina Chege (Murang'a (CWR), JP): It is a Statement.

Hon. Speaker: That is a Statement.

Hon. (Ms.) Sabina Chege (Murang'a (CWR), JP): It is a Statement regarding the post Covid-19 test...

Hon. Speaker: We are not yet there. We are not yet at that Order.

Hon. (Ms.) Sabina Chege (Murang'a (CWR), JP): Okay. So, should I first table the first one?

Hon. Speaker: Yes. The Report on the Petition.

Hon. (Ms.) Sabina Chege (Murang'a (CWR), JP): Okay. I thank you.

Hon. Speaker: Next is the Chairperson, Departmental Committee on Labour and Social Welfare.

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Speaker. I beg to lay the following Papers on the Table of the House:

Sessional Paper No.2 of 2019 on the National Policy on Gender and Development.

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Sessional Paper No.3 of 2019 on the National Policy for the Eradication of Female Genital Mutilation.

I thank you.

Hon. Speaker: Very well. There is a Member from the Select Committee on National Government Constituencies Development Fund. Who is the Member to table? Hon. Fred Kapondi, do you have a card?

Hon. Fred Kapondi (Mt. Elgon, JP): Yes, it is here. Hon. Speaker, I beg to lay the following Paper on the Table of the House:

A Report of the Select Committee on the National Government Constituencies Development Fund (Amendment Bill (National Assembly Bill No.58 of 2019).

I thank you.

Hon. Speaker: Very well. Next is the Chairman, Constitutional Implementation Oversight Committee, Hon. Jeremiah Kioni.

Hon. Jeremiah Kioni (Ndaragwa, JP): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table of the House:

Report on the Constitution Implementation Oversight Committee on its consideration of the Constitution of Kenya (Amendment) Bill (National Assembly Bill No. 67 of 2019).

I thank you.

Hon. Speaker: Very well. The next is the Chairperson, Departmental Committee on Sports, Culture and Tourism.

Hon. Patrick Makau (Mavoko, WDM -K): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table of the House:

Addendum Report on the Consideration of the Submissions from the Ministry of Interior and Coordination of National Government and the Ministry of Sports, Culture and Heritage to the Gaming Bill, 2019.

I thank you.

Hon. Speaker: Very well. Next Order!

NOTICE OF MOTION

Hon. Speaker: Hon. Peter Mwathi, Chairperson, Departmental Committee on Labour and Social Welfare.

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Speaker. I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Committee on Labour and Social Welfare on Sessional Paper No.2 of 2019, on the National Policy on Gender and Development, laid on the Table of the House on Thursday, 8th October 2020.

I thank you.

Hon. Speaker: Next Order!

QUESTION BY PRIVATE NOTICE*QPN No.28/2020*

MEASURES TO MITIGATE COVID-19 SPREAD IN LEARNING INSTITUTIONS

Hon. Benjamin Washiali (Mumias East, JP): Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order No. 42 (a) (5), I rise to ask Question No. 28 by Private Notice to the Cabinet Secretary (CS) for Education:

- (i) In view of the recent notification that schools and colleges will be re-opening next week, what measures has the Ministry put in place to protect pupils and students from the spread of COVID-19 virus?
- (ii) Does the Ministry plan to provide essential items, such as water tanks for washing hands, face masks, sanitizers, and social distancing protocols among others to public schools and colleges, especially for pupils and students from poor backgrounds?
- (iii) What public health training, if any, has been given to the teaching and non-teaching staff to enable them to be at the forefront of identification and management of COVID-19 cases in schools?
- (iv) Does the Ministry consider the three working days' notice given to parents and guardians adequate for them to make necessary arrangements to enable students to resume classes?

I thank you.

Hon. Speaker: That Question will be replied to before the Departmental Committee on Education and Research. The Committee, whose Vice-Chair is in the Chamber, is encouraged to note that it is a Question by Private Notice. Therefore, it should be answered at the earliest opportunity next week.

Next is Ordinary Questions. Member for Kathiani.

ORDINARY QUESTIONS*Question No.214/2020*

COMPENSATION OF KATHIANI LEVEL 4 HOSPITAL LAND OWNERS

Hon. Robert Mbui (Kathiani, WDM – K): Thank you, Hon. Speaker. I rise to ask Question No.214 of 2020 to the Cabinet Secretary for Lands and Physical Planning:

- (i) Is the Cabinet Secretary aware that during the compulsory acquisition of land by the Government in 1985 for the expansion of Kathiani Level 4 Hospital, only five out of eight affected land owners were compensated?
- (ii) Could the Government consider compensating the remaining three affected land owners, namely, Mr. Mwilu Mwema Kalondu of L.R No.

Mitaboni/Kathiani/135; Mr. Masuva Mweu of L.R No. Mitaboni/Kathiani/139 and the late Telela Mutwota of L.R. No. Mitaboni/Kathiani/135?

I thank you.

Hon. Speaker: Very well. The Question is to be replied to before the Departmental Committee on Lands. Next Question is by the Member for Wundanyi, Hon. Danson Mwashako.

Question No.243/2020

STATUS OF IMPLEMENTATION OF ROAD CONSTRUCTION
UNDER LOW VOLUME SEAL PROGRAMME IN KENYA

Hon. Danson Mwashako (Wundanyi, WDM-K): Thank you, Hon. Speaker.

I rise to ask the CS for Transport, Infrastructure, Housing, Urban Development and Works the following Question:

- (i) Could the Cabinet Secretary provide a list of all constituencies in the country without a single kilometre of road or with less than 5 kilometres of road of bitumen standards, commonly referred to as tarmac, and clarify whether it is of low volume seal or otherwise and, further, list of all constituencies without a single kilometre of Kenya Rural Roads Authority (KeRRA) roads of bitumen standards?
- (ii) What is the status of implementation of the road construction under low volume seal programme in Kenya, how many kilometres of road under this programme have been done in each county, and which constituencies are yet to benefit?
- (iii) What plans has the Ministry put in place to ensure that roads are constructed to bitumen standards in Wundanyi Constituency, considering that the constituency does not even have a single kilometre of tarmac road?
- (iv) What is the status of construction of the 55-km Bura – Mghange - Werugha – Mbale – Mtomwagodi Road considering that it was launched for construction in 2017 by the President to serve Wundanyi and Mwatate constituencies and when will it commence?

Hon. Speaker: The Question will be replied to before the Departmental Committee on Transport, Public Works and Housing.

The next Question is by the Member for Kimilili, Hon. Barasa Didmus Mutua. The lanky Didmus Barasa. Member not present.

Question No.245/2020

BENEFICIARIES OF INFRASTRUCTURE DEVELOPMENT FUND

(Question deferred)

The next Question is by the Member for Kwale, Hon. Zuleikha Juma Hassan.

Question No.249/2020

UNSAFE WASTE DISPOSAL BY M/S SBNP VENTURES LIMITED

Hon. (Ms.) Zuleikha Hassan (Kwale CWR, ODM): Thank you, Hon. Speaker. I rise to ask Question No.249/2020 to the Cabinet Secretary for Environment and Forestry:

- (i) Could the Cabinet Secretary explain the measures that have been put in place to ensure that complaints raised by the citizens in Mwavurubo Ward, Kinango Constituency regarding the release of hazardous waste by M/s SBNP Ventures Limited in Kenya are addressed?
- (ii) Could the Cabinet Secretary clarify whether due process was followed in the issuance of licences to M/s SBNP Ventures Limited, particularly on environmental matters and waste disposal?
- (iii) Could the Cabinet Secretary clarify whether the company actually adheres to laws and regulations regarding protection and safe disposal of waste?
- (iv) What steps has the Ministry taken to ascertain the risks posed to the health of the population and ecosystem by the hazardous waste disposed by the company and what immediate measures, if any, has the Ministry taken to mitigate against the effects of the waste released?

Hon. Speaker: The Question will be replied to before the Departmental Committee on Environment and Natural Resources.

Going back to the Question by the Member for Kimilili, I have been shown his letter of request for the Question to be deferred. Therefore, the Question is deferred.

Question No.245/2020

BENEFICIARIES OF INFRASTRUCTURE DEVELOPMENT FUND

(Question deferred)

The next Question is by the Member for Sabatia, Hon. Agoi.

*Question No.251/2020*CRITERIA FOR PROMOTION OF TEACHERS WITH BACHELOR'S
DEGREES IN EARLY CHILDHOOD EDUCATION

Hon. Alfred Masadia (Sabatia, ANC): Thank you, Hon. Speaker, for giving me this chance to ask Question No.251/2020 to the Chairperson of the Teachers Service Commission.

- (i) What criterion is used in promoting all primary school teachers who have attained a Bachelor's Degree in Early Childhood Education?
- (ii) Could the Commission consider promoting such teachers automatically soon after their graduation since their skills and knowledge are equally relevant at primary school level?
- (iii) Who is responsible for conducting promotional interviews for such teachers?

- (iv) What measures is the Government putting in place to ensure that teachers who graduate in the above-mentioned field are recognised and appreciated so as to guard against the possibility of demoralising or discouraging the affected teachers?

Hon. Speaker: That is a Question for written reply. It will be forwarded to the Teachers Service Commission for a written answer.

The next Question is by the Member for Mathare, Hon. Oluoch.

Question No.262/2020

DISBURSEMENT OF FUNDS TO POLITICAL PARTIES

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Speaker. I rise to ask Question No.262/2020 directed to the Cabinet Secretary for the National Treasury and Planning.

- (i) What is the status of the disbursement of the 3 per cent of revenue raised each financial year to fund political parties as institutions of governance established under Articles 90 and 91 of the Constitution in view of the decision of the High Court of 2016 (Judicial Review No.483 of 2016) directing the Cabinet Secretary to allocate not less than 3 per cent of national revenue to the Political Parties Fund?
- (ii) How much is owed to political parties which qualify for funding from the Fund and in particular, the arrears owed to the Orange Democratic Movement (ODM)?
- (iii) What measures has the Cabinet Secretary put in place to ensure that all pending payments to ODM and other political parties are settled, including arrears dating back to 2016/2017, 2018/19 and 2020/2021 financial years, in compliance with the said court decision?
- (iv) What steps is the Cabinet Secretary taking to ensure the Budget Policy Statement and other budgetary processes comply with the need to reflect this statutory requirement before submission to Parliament with respect to the next financial year?

Hon. Speaker: Hon. Oluoch, have you forgotten one financial year? If you start from 2016/2017, the next financial year should have been 2017/2018 before you go to 2018/2019 and then 2019/2020. You have left those ones out.

Hon. Anthony Oluoch (Mathare, ODM): Hon. Speaker, that is true. The intention is to have the arrears dating from 2016 to the current financial year. That is the correct position.

Hon. Speaker: I have just been looking at a letter that has come from the Registrar of Political Parties touching on this same issue. Your party has also written to both the Cabinet Secretary and the Registrar. Anyway, let them give the information before the Departmental Committee on Finance and National Planning.

The next Question is by the Member for Alego-Usonga, Hon. Atandi.

Question No.269/2020

DELAYED CONSTRUCTION OF PAP KALEIN DEVELOPMENT SEWERAGE PROJECT

Hon. Samuel Atandi (Alego-Usonga, ODM): Thank you, Hon. Speaker. I rise to ask Question No.269/2020 addressed to the Cabinet Secretary for Water, Sanitation and Irrigation.

- (i) What has caused the construction of the Pap Kalein Development Sewerage Project in Mulala Sub-location in Alego-Usonga Constituency to stall, despite the project being fully funded, and how much money has been paid to the contractor for the project so far and when will it be fully completed?
- (ii) Could the Cabinet Secretary explain under which circumstances the project's contractor was allowed to hand over the project before its completion?
- (iii) Could the Cabinet Secretary also explain how the sewerage project was opened up for use by the public, thereby, exposing the environment to pollution arising from discharge of untreated waste along the roads and open areas?
- (iv) Could the Cabinet Secretary consider immediately discontinuing the use of the sewerage system by the public to allow the construction to be fully completed?

Hon. Speaker: The Question will be replied to before the Departmental Committee on Environment and Natural Resources.

The next Question is by the Member for Kitui West, Hon. Edith Nyenze.

Question No.273/2020

CRITERIA FOR PROMOTION AND TRANSFER OF
DEPUTY HEAD-TEACHERS IN KITUI COUNTY

Hon. (Ms.) Edith Nyenze (Kitui West, WDM-K): Thank you, Hon. Speaker. I stand to ask Question No.273/2020 directed to the Chairperson of the Teachers Service Commission.

- (i) Could the Commission provide up-to-date criteria used to promote and transfer deputy head-teachers for primary schools in Kitui County?
- (ii) How many deputy head-teachers have been promoted and posted in Kitui County since 2017, and how many were residents of the county?
- (iii) Could the Commission provide the number of registered P1 teachers who graduated from 2008 to date who have been employed in Kitui County, and in particular Kitui West Constituency?
- (iv) What measures have been put in place to ensure that the unemployed teachers are considered in the ongoing recruitment exercise?

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Nyenze, can you confirm that part (iii) of the Question reads: "Could the CS...?" Does the question that you have read that?

Hon. (Ms.) Edith Nyenze (Kitui West, WDM-K): Yes.

Hon. Speaker: Make sure that it is corrected because your Question is addressed to the Chairperson of the Teachers Service Commission (TSC). It is advisable that before the questions are framed, always cross-check because we need your Question to be answered. TSC can easily fail to give an answer to this question because it reads: "The CS". The Chairperson will just say that she is not the CS and fail to give you an answer to the Question that you have raised there.

Hon. (Ms.) Edith Nyenze (Kitui West, WDM-K): Thank you.

Hon. Speaker: Follow up with the Table Office to ensure that the Questions read: "Could the TSC...?" The Question is for a written reply by the TSC. There will be no room for interrogation. It is good to correct it, so that it is not sent out reading like this.

The last Question is by the Member for Lamu County, Hon. Ruweida Obo, alias Captain (Rtd).

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): Hon. Speaker, I am not a retired pilot.

Hon. Speaker: Are you tired?

(Laughter)

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): Hon. Speaker, I am a pilot by profession. I am not retired.

Hon. Speaker: Proceed, Hon. Ruweida.

Question No.278/2020

STATUS OF OWNERSHIP OF MBWANJUMWALI DISPENSARY LAND

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): Thank you, Hon. Speaker for giving me this opportunity to ask Question No. 278/2020 to the CS for Lands:

- (i) Could the CS provide details of the ownership of the parcel of land marked “Mbwanjumwali Dispensary” in Mbwanjumwali Village, Lamu East Constituency and confirm whether the parcel of land is registered in the name of Lali Bakari Lali (deceased) of ID No.03061116?
- (ii) Could the CS explain why the adjudication and subsequent issuance of title deeds left out Mr. Lali Bakari Lali leading to encroachment on the parcel?
- (iii) When will the Ministry cause cancellation of the title deed that was obtained fraudulently with respect to the parcel meant for Mr. Lali Bakari Lali?
- (iv) Could the CS clarify whether the land currently occupied by the Government offices was “compulsory” acquired, whether the owners were compensated and if so, how much was paid and to whom?

Thank you, Hon. Speaker.

Hon. Speaker: Ensure that the word is “compulsorily” but not compulsory. It is not correct. The Question will be replied to before the Departmental Committee on Lands.

I will go back to Order No.6 to allow the Chairman of the Departmental Committee on Labour and Social Welfare to give notice of Motion. He gave notice of Motion of only one of the Motions.

NOTICE OF MOTION

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Speaker for indulging me.

Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Labour and Social Welfare on the Sessional Paper No.3 of 2019 on the National Policy for the Eradication of Female Genital Mutilation, laid on the Table of the House on Thursday, 8th October 2020.

I thank you.

Hon. Speaker: Very well. Next Order! There are Members who have pressed the intervention boxes. Is it because there is an issue that they want to raise or you are becoming tricky?

(An Hon. Member raised his hands)

As long as you have pressed the intervention boxes, do not raise your hands. You have been out of the Chamber for a long time. I am asking because a number of you have pressed the intervention boxes. Hon. Sankok, what is the intervention about?

Hon. David ole Sankok (Nominated, JP): I have just received a message that you did not approve my Statement. You have made some amendments.

(Laughter)

Hon. Speaker: Hon. Sankok, it is true that I have been into very many meetings since 7.30 a.m. today. However, I always make sure that I go through the Members' Statements, especially on Thursday, and approve them as appropriately. No such request was placed before me.

Hon. David ole Sankok (Nominated, JP): There is, Hon. Speaker.

Hon. Speaker: Hon. Sankok, do you want me to tell you the last Statement that I have approved? Why would I not approve your Statement? I know that you are an active Member of the House. The person who has told you that I did not approve your Statement - which is very wrong - must be a member of staff who is telling you a lie. I told the Chair of the Departmental Committee on Health that even though I saw her Report, she had not signed the minutes. She agreed that she did not. It means that I go through the documents.

Honestly, Hon. Sankok, tell the Member of staff who has sent you that message that he or she is treading on very dangerous grounds.

(Hon. David ole Sankok spoke off-record)

(Laughter)

Hon. Sankok, the truth of the matter is that your request was drafted poorly. It was returned to the sender.

(Laughter)

It did not get to me. When documents are drafted poorly, they are sieved elsewhere. Hon. Sankok, you always give us a little bit of comic relief. Member for Kiharu!

Hon. Ndindi Nyoro (Kiharu, JP): Thank you, Hon. Speaker. I request that you give me permission to relax this mask. I rise to raise a matter of national importance. I watched television today. I am sure that all of us, as Members of Parliament, saw the escalation of violence that happened today in Nyamira County, where the Deputy President was going to preside over empowerment and church *Harambees*.

I rise because I also attended a church fundraiser on Sunday in my county in a place called Kenol. I witnessed the kind of violence that was meted out on the Christians by police officers who were using Government instruments. As a country, we are walking on a very slippery path. We, as a House, need to address this matter. We cannot have police officers....

Hon. Speaker: Hon. Nyoro, take your seat. You know the way it is done.

(Applause)

I was in meetings since early in the morning. I have not watched television.

(Laughter)

So, I am unlikely to be of any assistance, especially because something happened on the television. I am not aware of it. If you want that matter to be discussed, Hon. Nyoro, please, do the normal thing. Raise it, get the requisite numbers and you will get an opportunity. If you want to raise it as a matter of national importance and you have the numbers, you will be given an opportunity to ventilate at the tail-end of the day. It is an opportunity just to ventilate; not that there is any action that happens after that. It is *mazungumzo baada ya habari*. But if you want, we can allow you that time on Tuesday 6:30 p.m. You will talk and walk out after that. However, there are other ways of addressing that. I do not need to ... You know. You can see that Hon. Koinange is just in front of you. You can raise the matter so that it can be discussed by way of a statement. But let me not get to the television discussions.

These other interventions, are they really interventions? Do not raise matters on television. Member for Ndhiwa, what is your intervention about?

Hon. Martin Owino (Ndhiwa, ODM): Hon. Speaker, I seek guidance on the questions we ask and the anticipated actions. I raised Questions to the Cabinet Secretary (CS) for Education four months ago. A written response reply was given which was very unsatisfactory. The CS was called again before the Committee, but even the face-to-face answers were unsatisfactory. Today, we are facing the same issue of opening schools without preparations. So, I seek your indulgence and guidance on the following: What weight do the Questions we put out to the ministries have, in terms of actions that this House needs?

Hon. Speaker: We are in the third year of this Parliament. I am sure that you could appear before the Committee when the CS is answering, so that if you are dissatisfied, you can bring a Motion here to discuss the unsatisfactory nature and seek the House to resolve in a particular way. Hon. Martin Owino, when you tell me that the answer or a statement was unsatisfactory, the answers and the statements never came from the Speaker's Office. I am unlikely to be of any assistance.

However, if, for whatever reason a Statement has been read or a Question has been answered and you are not happy with it, you can apply to the Chair of the Committee to adjourn that matter until the CS responds to the specific issues. Even in the old system, if an answer was given here on the Floor of the House and a Member was able to persuade the Chair, and because those copies would also be given to the Speaker and the Member says that an answer was not satisfactory, the particular Minister then would be referred back to come with a more satisfactory answer. Sometimes, the answer is given and, indeed, the entire House feels that it is unsatisfactory. The House can, therefore, resolve.

More importantly, under the current Constitution, if you think the kind of answers coming from other quarters drive you think that it is a mark of incompetence; you are again at liberty to propose the Motion to deal with the incompetent state officers. For now, there is nothing new that I can say about what was said. This is because, indeed, this applies to all Members; not just to Hon. Owino. If the answers you are getting are casual, not detailed and do not respond to the issues, you are at liberty to raise what is unsatisfactory about those answers at the time the Question is being answered by the CS or whoever, and request the Chairperson to either refer the matter back to the CS or whoever it is that is responding, for more satisfactory answers. But you must give reasons.

You cannot just wake up and say that this is unsatisfactory and then you sit. You must give reasons why it is unsatisfactory and the Chairperson, if persuaded by your arguments... Chairpersons also, are at liberty to allow your colleagues... This is because even if you are a Chairperson of a Committee, you also have Questions directed to other Chairpersons. Try to help Members to dig deep and get appropriate answers from various Government functionaries who appear before you.

I know that the Member for Mathare, you have a different issue, but not now. Allow me to finish this first.

Hon (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Speaker. I have two issues. The first one is that on Tuesday, I asked a question by Private Notice on the killing of my constituent that was to be answered within a week. At that time, the Chairperson for the Departmental Committee on Administration and National Security was not around. I thought that I can revisit it, so that you give directions on the response to this issue.

Hon. Speaker: But Hon. Kabinga undertook to...

Hon (Dr.) Robert Pukose (Endebess, JP): No! He undertook to give a list of Questions which had been dropped. But mine had not been slotted for any response. Any Motion by Private Notice is to be responded to within a week. I raised this on 22nd of September and up-to date, it has not been responded to. So, I wanted it to be treated as a matter of urgency.

Hon. Speaker: Hon. Koinange, are you aware of that particular issue, now that you are in the Chamber?

Hon (Dr.) Robert Pukose (Endebess, JP): Allow me to prosecute the second one and then I can sit down.

Hon. Paul Koinange (Kiambaa, JP): Hon. Speaker, I am not aware.

Hon. Speaker: You are not aware?

Hon. Paul Koinange (Kiambaa, JP): No. I am only aware of the Questions that you directed on Tuesday, that we should give a status by today, which I have here and ready to Table on the Floor of the House. But the answer to Hon. (Dr.) Pukose's Question has not come yet.

Hon. Speaker: Hon. (Dr.) Pukose, raise it because he says that he is not aware of it. Proceed, Hon. (Dr.) Pukose. It must be on 22nd of September.

QUESTION BY PRIVATE NOTICE

QPN 24/2020

STATUS OF INVESTIGATIONS INTO THE MURDER OF TOM WEKESA SIRENGO AT MOWLEM CENTRE

Hon (Dr.) Robert Pukose (Endebess, JP): Hon. Speaker, kindly, give me a second. I am repeating this Question, pursuant to the provisions of Standing Order 42A (5), to the CS Interior and Coordination of National Government:

- (i) Could the Cabinet Secretary provide the status of investigations into the killing of the late Tom Wekesa Sirengo of ID No. 9838943 on 11th September 2020 at around 9.00 a.m. at Mowlem Centre, Endebess Constituency and subsequent injury to three other persons among them Abubakar Wekesa Barasa of ID No. 11575672 a brother to the deceased, who is still recuperating in hospital?
- (ii) What steps have been taken to apprehend the perpetrators of the heinous act?

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- (iii) What action has been taken against the police officers at Endebess Police Station who, on 11th September 2020 at around 1.30 p.m., declined to avail the statutory P3 Forms to the other injured persons namely, Wanyonyi Mwahawa Nafula of ID No. 9838943 and Saum Naliaka Wanyonyi?
- (iv) What urgent steps is the Ministry taking to curb the increased insecurity in Endebess Constituency and, in particular, in Mowlem area?

Hon. Speaker: Was that a Question by Private Notice?

Hon. (Dr.) Robert Pukose (Endebess, JP): Yes, Hon. Speaker.

Hon. Speaker: On which date did you ask it?

Hon. (Dr.) Robert Pukose (Endebess, JP): I asked it on 22nd September 2020.

Hon. Speaker: Hon. Koinange, could you check at the Table Office for it? It was asked on 22nd September 2020. Obviously, if he is not aware of it, we better give him time.

Hon. (Dr.) Robert Pukose (Endebess, JP): It is okay. It is important that it is responded to. Apparently, Hon. Speaker, these are relatives of one of my colleagues, Hon. Wanyonyi, who is a Member here and resides in my constituency. This is something that is causing a lot of anxiety among his relatives.

Hon. Speaker: What is the second issue you wanted to raise?

Hon. (Dr.) Robert Pukose (Endebess, JP): The second issue, Hon. Speaker, is that I have a pending Bill; the Kenya Food and Drugs Authority Bill. You stepped it down last year so that there could be consultations between the Ministry of Health and the Ministry of Agriculture, Livestock and Fisheries. I have been following it since March this year to date. Today, I managed to get the clerk of the Departmental Committee on Health and he told me that the Bill has been forwarded to the Departmental Committee on Agriculture and Livestock. This Bill has nothing on agricultural matters. It talks about supplementary food items which are not agricultural products. Therefore, issues to do with agriculture can be sorted out by the Departmental Committee on Agriculture and Livestock. It can also be done by making a presentation before the Departmental Committee on Health and the Departmental Committee on Health will look at their issues. So, continued shifting of my Bill from one Committee to another is causing unnecessary delays. This is a Bill that has been there since last year. I urge that if you could be able....

Hon. Speaker: Hon. Pukose, that is a good thing. Hon. Sabina Chege, if the Bill was referred to your Committee and if you think it is not about your Committee, just make a report instead of referring it to another Committee. That shifting is not helping us.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you, Hon. Speaker. The clerk of the Committee may have misled the Member. When the Bill came before the Committee, we did a stakeholders meeting and there was a lot of interest. It was very controversial between the Ministry of Ministry of Agriculture, Livestock and Fisheries and the Ministry of Health. They could not agree and so, we stepped it down and informed the Member, who actually attended our stakeholders meeting. We agreed to give the ministries time to sit - that is between the Ministry of Health and the Ministry of Ministry of Agriculture, Livestock and Fisheries - and come up with amendments so that they have one Bill. The disappointment is that the ministries, until today, have not agreed. So, the Bill has not been forwarded to the Departmental Committee on Agriculture and Livestock. We are waiting for the ministries to come up with an agreement among themselves.

We even went for training with Hon. Pukose on a similar Bill in the US and so, we were at the edge of having an agreement. We are waiting for the ministries to give us the final Bill so that we do not bring a Bill here and stakeholders go up in arms.

Thank you, Hon. Speaker.

Hon. Speaker: The only sad thing is that if as a Committee you decide that you are going to wait for the ministries, you will never bring any reports. Ignore the ministry. In the National Assembly, we make laws to apply in the entire country. The laws will be implemented by those ministries or whomever. So, if they are not willing to bring reports or information that you seek, just go ahead and bring a report to the House. Let whoever thinks there should be proposals, additions and amendments bring them here. That is how they will come trooping here.

It looks like we need another induction workshop for clerks of committees. We had one telling Hon. Sankok that I have not approved his Statement when, indeed, the issue was referred back to him and now; another one is telling Hon. Pukose that the Bill has been referred to the Departmental Committee on Agriculture and Livestock. Maybe, the Clerk should get these people. The communication they give to Members... The staff are always directed that they are there to serve Members. It appears like this is a very casual way of dealing with Members. The Clerk should deal with this issue. Staff are not supposed to... This kind of misinformation on the same afternoon is not right. They are there to serve Members.

So, Hon. Sabina, just deal with the matter! Do not wait for the ministries. After all, you are not under them. Actually, you supervise them.

(Loud consultations)

It does not matter how controversial it is. Do not worry about controversy. We resolve matters of concern to the people as provided for under Article 94(2) of the Constitution. We deliberate and resolve matters of concern to the people, however, controversial. No! What you want are *bonga* points. We need to make progress. We are not yet in business. There is a request for a Statement by the Member for Mwea. Hon. Kabinga Wachira.

REQUEST FOR STATEMENT

PURCHASE OF PADDY RICE BY THE GOVERNMENT

Hon. Josphat Kabinga (Mwea, JP): Hon. Speaker, pursuant to the provisions of Standing Order No.44(2)(c), I wish to request for a Statement from the Chair of the Departmental Committee on Trade, Industry and Co-operatives regarding the purchase of paddy rice that is grown in Mwea Irrigation Scheme by the Government.

Hon. Speaker, the President visited Mwea on 1st February 2020 where he issued a directive for the Government to buy paddy rice from farmers through the Kenya National Trading Corporation (KNTC) at Kshs85 per kilogramme. Subsequently, the KNTC identified the Mwea Rice Growers Multi-Purpose Co-operative Society (MRGM) as a principal entity to collect rice from the farmers.

Currently, MRGM is holding rice worth Kshs200 million from over 1,400 farmers who are yet to be paid because the KNTC is yet to collect paddy rice from MRGM. The MRGM is unable to dispose of the rice as the current price of paddy rice is Kshs70 per kilogramme, whereas farmers delivered their rice with an expectation of receiving Kshs85 per kilogramme as per the Presidential Directive.

The harvesting for 2020/2021 season is expected to begin in mid-next month. If the paddy rice in the MRGM stores is not disposed of, there is likely to be a rice marketing and storage crisis

in the Scheme. This could also lead to a drastic reduction in paddy rice prices that could affect the farmers negatively.

It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Trade, Industry and Co-operatives on the following:

- (i) Could the Cabinet Secretary explain the plans the Ministry has put in place to ensure smooth and sustainable implementation of the Presidential Directive of 1st February 2020 on the Government buying paddy rice directly from farmers at the price of Kshs85 per kilogramme?
- (ii) Has the same Presidential Directive of February 2020 on the establishment of paddy rice revolving fund to facilitate the Government in buying paddy rice from farmers being implemented?
- (iii) When is the KNTC going to buy and pay MRGM for the paddy rice worth Kshs200 million so that MRGM Co-operative Society Limited can pay farmers?

Hon. Speaker, the Statement I am seeking is urgent because we risk closing down the said co-operative society and Lainisha Savings and Credit Co-operative (SACCO) – also a farmers' SACCO. The two SACCOs have already borrowed money to pay farmers because of the KNTC's inability to buy the rice in Mwea.

Further to that, we are just about to harvest this season's crop and we do not know where we will be taking our rice. For that reason, I want to urge the Chairperson of the Departmental Committee on Trade, Industry and Co-operatives to move with speed and give me a response to this Statement because we are in a crisis.

Thank you, Hon. Speaker.

Hon. Speaker: Let us hear from the Chairperson of the Departmental Committee on Trade, Industry and Co-operatives, Hon. Adan Haji. Has his seat also been declared vacant? I have not seen him in a long time. Does Hon. Adan Haji still come to Parliament? He is certainly not your size. Member for Funyula, do you want to speak on his behalf?

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Yes, Hon. Speaker. I am a founder Member of the Committee. The Chairperson has been around. We were with him during the morning Session. He left to attend to some urgent matters concerning the Committee. I undertake to alert him shortly so that if it is possible, we can get a response next week, knowing the urgency of the matter. Also, having had a lot of interactions in that area in a certain project, I know the urgency of the matter.

Thank you, Hon. Speaker.

Hon. Speaker: Very well. So, you will get in touch with him. Hon. (Dr.) Oundo, when the Member for Mwea rises again next week to say that he sought for a Statement and you also disappear, then the Chairman will say: "I have just heard about it today."

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Hon. Speaker, you can bank on me. I am a diligent Member of this House and I discharge my duties as provided by law.

Hon. Speaker: I know you are one of the very few Members who will always be here until 7.00 p.m.

(Laughter)

The rest are responses to Statement requests. There is a response by the Vice-Chairperson of the Departmental Committee on Education and Research, Hon. Ngunjiri Wambugu, to a Statement requested by Hon. Mwadime.

STATEMENTS

STATUS OF PREPAREDNESS OF INTERNATIONAL SCHOOLS TO OFFER EXAMINATIONS

Hon. Ngunjiri Wambugu (Nyeri Town, JP): Hon. Speaker, I rise to read a response to a Statement requested by Hon. Andrew Mwadime, the Member for Mwatate Constituency.

Pursuant to Standing Order No.44 (2)(c), Hon. Andrew Mwadime, the Member for Mwatate Constituency, requested for a Statement on 5th May 2020 from the Chairperson of the Departmental Committee on Education and Research as follows:

- (i) What steps is the Government taking to permit international schools in the country to administer end of course examinations in October-November 2020 to learners in the country, alongside other candidates in international schools in other countries?
- (ii) When is the Government intending to assess the physical and logistical capacity that international schools have put in place to guarantee suitability of facilities and compliance with COVID-19 prevention protocols issued by the Government ahead of the examinations?

Hon. Speaker, the Committee transmitted the request for Statement to the Cabinet Secretary for Education, who provided the following response:

In regard to the steps taken by the Government to permit international schools in the country to administer end of course examinations, the Cabinet Secretary submitted that the Ministry of Education held a consultative forum with the Kenya Association of International Schools on 25th July 2020, where it was decided that in order to facilitate the conduct of the said examinations, exam centres were to provide the Kenya National Examination Council (KNEC) with the following:

- (i) A list of all candidates, including foreign nationals, who have been entered by centres for foreign examination latest by 22nd September 2020.
- (ii) Names and qualifications of nominees for supervision and invigilation.
- (iii) Copies of individual centres' timetables for examinations.

The provision of the aforementioned details is on-going. In light of the decline of COVID-19 cases and fatalities, and following two education stakeholders' meetings held on 14th and 21st September 2020, the Teachers Service Commission (TSC) made a pronouncement on the return of teachers to school on or before 28th September 2020 to prepare for face-to-face learning and assessment in academic institutions. This is expected to support the conduct of examinations across the entire education spectrum.

With regard to when the Government intends to assess the physical and logistical capacity that international schools have put in place to guarantee suitability of facilities and compliance with COVID-19 prevention protocols issued by the Government ahead of the examinations, the Cabinet Secretary submitted that inspection of all schools has already begun and is on-going. The inspection seeks to confirm whether the schools have implemented the guidelines issued by the Ministry on re-opening amid COVID-19 pandemic. The pronouncement on return-to-school is expected to further accelerate preparations by schools to re-open for learning and assessment.

I beg to table the response.

(Hon. Ngunjiri Wambugu laid the document on the Table)

Hon. Speaker: Let us hear from the Member who sought the Statement; that is, Hon. Mwadime. Is that Hon. Mwadime? You are wearing very long hair. I thought you were Hon. Shollei.

(Laughter)

You can proceed.

Hon. Andrew Mwadime (Mwatate, ODM): Thank you, Hon. Speaker. I am satisfied with the response given.

Thank you.

Hon. Speaker: Very well. There is a response to Statement by the Chairperson of the Departmental Committee on Health.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you, Hon. Speaker. I just want to make some clarification on what I was to table today on a Petition by Hon. Shollei. I was also to table the Report on the Kenya National Blood Transfusion Service Bill. That is what I was to table this afternoon, and not what I had said earlier.

STATUS OF IMPENDING EVICTION OF LASER EYE CENTRE FROM SARIT CENTRE

Hon. Speaker, this is the response to the Petition by Hon. Gichuki Mugambi on the Laser Eye Centre. I will not go to the details because when we received the matter, as a Committee, we also noticed at that time that, this matter was also taken to court by some patients and also the owner of the Laser Eye Centre. However, we discovered that this was a matter of public interest. So, we invited the Ministry of Health, the Laser Eye Centre and the Sarit Centre. We observed that the services offered by Laser Eye Centre could not be offered by any other comparable facility. Therefore, it was imperative that the Sarit Centre would allow Laser Eye Centre to handle its patients in the meantime until it is practicable to move to another building. This is because they were ready to move to another building but then, they had engineers who were out of the country. Also, because of the COVID-19 pandemic times, the engineers could not have been allowed to travel back. Some of them were from India, where we know they are still on lockdown.

So, despite that, the matter was taken to court and there was a ruling where Laser Eye Centre obtained an order from the court to handle its patients in the facility at the Sarit Centre. That is what they are currently doing until they are able to bring their engineers. So, that is the matter.

I beg to table the Report.

(Hon. Sabina Chege laid the document on the Table)

Hon. Speaker: Very well. Do you have another one?

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Yes, Hon. Speaker.

Hon. Speaker: Is it the one by Hon. Jude Njomo?

INACCURATE COVID-19 TEST RESULT OF LATE MRS. MARGARET NJOMO

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Yes, Hon. Speaker. I will also do a summary because this is also a matter whose time has lapsed. This matter was brought in by Hon. Jude Njomo, who sought a Statement regarding the false COVID-19 test result of the late Mrs. Margaret Njomo. Since Hon. Jude Njomo has gone through the Statement and we also heard him with the Laser Eye Centre and the Ministry, I would not want to go into the details of the answers because he had asked many questions – eight questions.

The Committee discovered that despite the Government having several facilities that are able to do the test, the issue of reagents was a challenge. At the same time, we requested the Ministry to come up with a clear policy on testing, especially when somebody dies and the result does not show COVID-19 and where a facility decides to do a COVID-19 test without consulting the family. Basically, this matter of Hon. Jude Njomo's mother was mishandled from the facility where she was taken that is, the Mater Hospital. The results from Lancet differed from those obtained from a Government facility. So, we urged the Ministry of Health to quickly come up with a policy on COVID-19 testing, especially when somebody is deceased.

Secondly was the issue of handling bodies of COVID-19 patients. I think the Ministry has already given clear guidelines on the funerals of COVID-19 patients where initially there were a lot of restrictions. They have given new guidelines.

Thank you, Hon. Speaker. I would like to table both Statements.

(Hon. (Ms.) Sabina Chege laid the Statements on the Table)

Hon. Speaker: The people who had sought the Statements: James Mugambi, Member for Othaya and Hon. Jude Njomo, Member for Kiambu Town. Both of them not being present, the matter rests there.

The Leader of the Majority Party.

BUSINESS FOR CONSIDERATION ON 13TH AND 15TH OCTOBER 2020

Hon. Amos Kimunya (Kipipiri, JP): Pursuant to the provisions of Standing Order No. 44(2) (a), I rise to give the following Statement on behalf of the House Business Committee which met on Wednesday, 7th October 2020, to prioritise business for consideration:

On Tuesday, 13th October 2020, the House Business Committee has prioritised a Motion on the Report of the Departmental Committee on Defence and Foreign Relations on the Agreement between the Government of the Republic of Kenya and the Government of the Italian Republic on the Luigi-Broglio Malindi Space Centre. Thereafter we shall consider Senate's amendments to the Independent Electoral and Boundaries Commission (Amendment) (No.3) Bill (National Assembly Bill No. 35 of 2019).

We shall also continue with a Motion on the Report of the Public Investments Committee on a Special Audit Report of the Kenya Bureau of Standards and Second Reading of the following Bills should they not be concluded today: The Public Fundraising Appeals Bill of 2019, it is just about to begin; the County Governments (Amendment) Bill (Senate Bill No. 13 of 2018); the County Statutory Instruments Bill (Senate Bill No. 21 of 2018); the Statutory Instruments (Amendment) Bill (Senate Bill No. 24 of 2018), and the Impeachment Procedure Bill (Senate Bill No. 15 of 2018).

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In accordance with the provisions of Standing Order No. 42A(5) and (6), I wish to convey that the following Cabinet Secretaries are scheduled to appear before the Departmental Committees as follows:

The Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development will appear before the Departmental Committee on Transport, Public Works and Housing on Tuesday, 13th October 2020, to respond to Questions from the following Members: Hon. Sharif Athman Ali, MP; Hon. (Dr.) James Murgor, MP; Hon. Jeremiah Lomorukai, MP; Hon. Beatrice Adagala, MP; Hon. Samuel Atandi, MP; Hon. William Chepkut, MP; Hon. Kipsengeret Koros, MP; Hon. Titus Khamala, MP and Hon. Beatrice Nkatha, MP.

The Cabinet Secretary for Foreign Affairs will appear before the Departmental Committee on Defence and Foreign Relations on Tuesday, 13th October 2020, to respond to Questions asked by Hon. Kubai Iringo, MP.

The Cabinet Secretary for Water, Sanitation and Irrigation will appear before the Departmental Committee on Environment and Natural Resources on Monday, 12th October 2020, to respond to Questions from the following Members: Hon. Aisha Jumwa, MP and Hon. Githinji Gichimu, MP.

The Cabinet Secretary for Tourism and Wildlife will appear before the Departmental Committee on Sports, Culture and Tourism on Tuesday, 13th October 2020, to respond to a Question by Hon. Walter Owino, MP.

The Cabinet Secretary of Agriculture, Livestock, Fisheries and Cooperatives will appear before the Departmental Committee on Agriculture and Livestock on Wednesday, 14th October 2020, to respond to Questions from the following Members: Hon. Walter Owino, MP; Hon. Kabinga Wachira, MP and, Hon. Rashid Amin, MP.

The Cabinet Secretary for Labour and Social Protection will appear before the Departmental Committee on Labour and Social Welfare on Wednesday, 14th October 2020, to respond to Questions from the following Members: Hon. Walter Owino, MP; Hon. Kabinga Wachira, MP and Hon. Rashid Amin, MP.

The Cabinet Secretary for Education, Science and Technology will appear before the Departmental Committee on Education and Research on Wednesday, 14th October 2020, to respond to Questions from the following Members: Hon. Gideon Keter, MP; Hon. (Ms.) Dennitah Ghati, MP; Hon. Titus Khamala, MP; Hon. Adan Haji Yusuf, MP; Hon. Arbelle Marselino, MP; Hon. Stanley Muthama, MP; Hon. Samuel Atandi, MP and Hon. Adan Duale (EGH), MP.

Hon. Speaker, you had requested that we also bring a list, today, on Members who have not attended Committees to receive responses to their Questions. I ask that I bring that next week so that it comprehensively covers the people who have not attended this session—people who have not come to ask their Questions.

So, Hon. Speaker, it is important for Members to note that the House is scheduled to proceed on a short recess next week in accordance with the Calendar of the House. In this regard, any other urgent business that arises will be scheduled so as to be concluded by the end of next week.

The House Business Committee will reconvene on Wednesday, 14th October 2020, to schedule the business of the House for the remainder of the week.

Before I lay this Statement, I also wish to report that there is extracurricular activity that is being planned within the House next week. It is the Bunge *Jerusalem* Challenge. Members have been practising. I witnessed the practice session today. I can see Members are in very good shape. The next practice session is on Monday then on Tuesday. The final shoot will be on Wednesday.

So, we want to encourage as many Members as possible to come and be part of showing the solidarity and showcasing the work of Parliament by participating in this global challenge that is really showing solidarity with the war on COVID-19 and bringing harmony and unity in the world. There is a practising session on Monday and Tuesday and then final shoot on Wednesday. The honourable Speaker will be leading the troops in the dance.

(Applause)

So, it is very important I bring that so that Members who are not aware can see Hon. Millie Odhiambo who is the chair of the taskforce and Hon. KJ who is the co-chair and a very active member.

Hon. Speaker, I now lay this Statement on the Table of the House. Thank you.

(Hon. Amos Kimunya laid the Statement on the Table)

Hon. Speaker: Member of Emuhaya, you appear agitated.

Hon. Omboko Milemba (Emuhaya, ANC): I am not agitated, Hon. Speaker. Last time I was being challenged for being number one, but today I wanted to ask that the Leader of the Majority Party elaborates what this challenge is all about. I and maybe a few of us do not know what you are doing and we could also be talented. I do not know if it is a talent show or whatever it is, so that we are all involved in this thing. We should showcase together with the rest of the Members when that time comes.

Thank you, Hon. Speaker.

Hon. Speaker: Member of Suba North.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Speaker. I want to thank the Leader of the Majority Party for highlighting the issue of *Jerusalem* Challenge. That is a bipartisan initiative for the House to show that there can be peace in diversity. We are all from different political parties and from different parts of the country and we want to demonstrate that there is peace in diversity. I want to communicate that we will have part of the shoot on Monday afternoon. It is a good workout and we encourage as many Members as possible to come. I want to thank your office for the support you have accorded us. This is a theme song of encouragement and has been a hope in the COVID-19 pandemic. We will be seeing you later because we do not only want the National Assembly to participate, but the whole of Parliament, and the Senate has agreed to join us. If possible, I want to request that the entire formation of Parliament joins us. We will do a letter to that effect.

On the parliamentary business raised by the Leader of the Majority Party, I want to thank you for the Statement you read last week regarding Private Members' Bills. I want to request for consideration, if the Departmental Committee on Health is not ready with my Bills. I have three Bills, namely; Assisted Reproduction Technology Bill, Reproductive Healthcare, that I was willing to let go because there is a similar one in the Senate, and the Child Justice Bill that disappeared into thin air. I was told that it was with the Departmental Committee on Justice and Legal Affairs, but they said they do not have it. It had already been dealt with by the Budget and Appropriations Bill. I want to request that the Assisted Reproduction Technology Bill could be prioritised for next week because it has been more than a year.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members that is why I always encourage Chairpersons to remain here. I am sure the Chairperson of the Departmental Committee on Health has assumed that she is done for the week and has taken off. She should have been here to hear Hon. Millie make that request. On the *Jerusalema* Challenge, it is good that everyone has been notified. Please invite the Member for Emuhaya to do some little gym and I am sure he will enjoy it. Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Speaker, for allowing me to contribute to the *Jerusalema* Challenge. I would like to encourage Members to be with us on Monday, Tuesday and the shooting on Wednesday. I was here today, we danced and I am sure I have lost some weight. I encourage persons living with disabilities to join us. I was dancing with my crutches. I am sure you would have enjoyed the dance, if you were here. I want to encourage you to dance alongside me during the shoot. Since I have practised, I will teach you some important moves.

Hon. Speaker: Hon. Sankok, you want to engage me in some gym? Hon. Oluoch, you have the Floor.

POINT OF ORDER

GUIDANCE SOUGHT ON HANDLING OF PRIVATE MEMBERS' BILLS

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Speaker. I rise to seek guidance on a matter that concerns Members. I want to state that the role of Parliament, in particular the National Assembly, under Article 95 of the Constitution, include; legislation, representation and oversight. The fact that Members bring Private Member' Bills is contemplated both under the Constitution and the Standing Orders. It is a good thing that Members would want to inundate and clog the system with Private Members' Bills because it means that they take seriously the role of representation and solving problems affecting the citizens.

The context against which I bring this, and I apologise if I will be repetitive in terms of a ruling you have given in this matter, is the background that Committees of Parliament as established under Article 24 of the Constitution and also the Standing Orders...

Hon. Speaker: It is Article 124, not 24.

Hon. Anthony Oluoch (Mathare, ODM): Well guided. The Committees are established as tools that are intended to aid and exercise delegated powers of the Members in plenary. Under Article 94(5), the Constitution states that no person can make any provision that has any force of law other than this House. The reverse of that must be read into that provision to say, no person or body can reject a proposed legislative proposal other than this House.

When Members bring Private Members' Bills, I say this out of experience, and I have listened to Hon. Millie and other Members raise this issue, the Committees intended to aid us in the legislative process have not done as much. I say this with utmost respect to the Chairs of Committees. It has been three months since the Leader of the Majority Party was appointed and I hope that during his term, more Private Members' Bills will be brought here. I want to confirm that some changes have been noted and more Private Members' Bills have found their way here. A lot of Bills are either stuck somewhere or have found themselves in the graveyard somewhere and Members end up losing direction.

Hon. Speaker, I bring this matter because under the Constitution and Standing Order No.114, there is a clear path in which Government Bills and Bills originated by the Majority Leader go through. When this House makes a decision, either in the affirmative or in the negative, those

Bills end there with the only proviso that they can be brought back after six months. We do not have a similar provision for Private Members' Bills. When I bring a Bill and the Committee decides in the negative, it is not known whether a report has been written and it has not been brought to the House and therefore, the House has not made a decision, either in the affirmative or the negative.

I want to persuade the House that the Committees of the House cannot arrogate themselves the role under Article 94, that only this House can make a provision that has the force of law, and reading the reverse to it that a decision to negative a legislative proposal rests with this House. I want to propose that all reports including those that the Committees disagree with come before the plenary so that they can decide whether they should die or not. I am saying this conscious of the powers of the Speaker, under the Standing Orders in regard to money Bills and other provisions.

Hon. Speaker, I want to pose this question: what is House business? It is a hypothetical question. In my view, it is the business of the House as contemplated under Article 95 of the Constitution. The Standing Orders also contemplate that business may be Government business, those originated by the Majority Leader or Committee Chairs, or those originated by Members. Whereas we are allowed to ask Questions and seek Statements, there is little room for Members to originate Bills which come to this House. I am not saying this so that Members come up with Bills and end up taking the role of Government, but to the extent that the public that elected us to this House expect that we think through the problems that affect them, propose and bring legislation, whether they are defeated or passed, there is a record of the House that such an attempt was made.

I want to highlight two particular instances. We are now struggling with how to deal with questions of unemployment and how to empower young people.

I presented a legislative proposal which died in the Budget and Appropriations Committee. How I wish that the Committee's report was brought to the House, so that a decision as to whether the Bill will occasion expenditure – the amount was quantified as Ksh47 billion – from the Exchequer would be made. That decision ought to have been remitted to this House to decide whether it is a money Bill that we want to impose upon the Exchequer. It was a Bill that was going to empower young people to allocate 5 per cent of the revenue that is...

Hon. Speaker: Sorry! Hon. Oluoch, you are giving us the substance of your Bill. I thought you are raising the issue about... You know, on that one I was going to tell you that you are wrong to say that the House should... Article 114 of the Constitution says that the House may only proceed upon the recommendations.

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Speaker, I am guided. In light of the many Bills that are stuck at the Committees, I want to urge that you give us a ruling on how we can unlock, unclog or give space to Members of Parliament so that pieces of proposed legislations may find their way to the House. So long as a Bill is committed to a Committee, the Committee's report on the Bill, even if the Committee disagrees with the Bill, ought to be brought to the House for the House to make a decision either in the affirmative or in the negative. I delivered a letter with more details requesting for your ruling on 6th October, 2020. Thank you, Hon. Majority Leader because at least we are seeing light. A few of Private Members' Bills are coming to the House. I hope that, that door will be more open.

Thank you.

Hon. Speaker: Well, Hon. Oluoch...

(Loud consultations)

Hon. Members, do not bother addressing me more on this. Hon. Oluoch has submitted a letter raising most of these issues but, in order for it to attract a ruling from me, I had to allow him to raise some of the issues.

The first, second and fifth items of the matters you have raised in your letter, will get a written response from the Clerk. On these others, I have allowed you to raise them so that I can give a ruling. If our own Standing Orders are the impediment then we, as a House, have a duty to ensure that we deal with those impediments. I know they are quite a number. Since you wrote your letter yesterday, I have caused some preliminary investigations and now it looks like it is close to 100. I am still combing through to see what more is there but, I will be addressing this issue. It could be that some provisions in our Standing Orders might have been misunderstood by some of the departmental committees as a result of which there has been this delay. I know there are quite a number of reports. Today I have seen a number of reports that have been tabled. I am sure next week many more Committees will be tabling more reports. I will be making a detailed communication relating to these because I have checked our own rules and there could also be some hindrance there. Some of them may have been misunderstood by Members.

Am I seeing an intervention from Hon. Kaluma?

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Speaker, you have taken words from my mouth. The fact of the matter is that Standing Orders expected, especially the departmental committees, to facilitate Members. The understanding the departmental committees ought to have beyond the limitations of the provisions of the Standing Orders is that when you have a legislative proposal... The Parliamentary Legal Directorate has assisted us to a substantial extent in originating them. I am one Member who has up to seven legislative proposals stuck in departmental committees for over two years now. I started pursuing these legislative proposals in the last Parliament.

In some cases, if you go before these Committees, beyond just looking at whether your proposal contravenes public policy or some law, they start debating with you on its merits and consult the relevant ministries to give views.

I had one legislative proposal before the Departmental Committee on Defence and Foreign Relations where I got a long letter from the Cabinet Secretary saying it is dangerous for the court martial. I thought he would not allow me to have my day before the House to persuade it on these legal issues because they may be legal to me. You are largely in defence of people here and there is nobody who understands the court martial and how it should be structured.

So, as you give your ruling, the lapse I personally see in the Standing Orders is that we did not prescribe the time within which Committees should transact that matter of legislative proposals or Bills before them. A Committee can sit on a Bill for eternity. I was reminded today by Hon. Millie Odhiambo that, even in the Justice and Legal Affairs Committee that I sit in, there is a Bill concerning children which has been pending for over one year that I am not aware of. When the Procedure and House Rules Committee sits, I believe this will be one thing you will be recommending. Where we are requiring these Committees to intervene, let us time them so that the legitimate expectation of Members can be met. I am saying this because I fear the experience of the last Parliament. The Leader of the Majority Party, if we will not be able to transact Private Members' Bills by June next year, those Bills will die.

Hon. Speaker, some Members come to this Parliament because they want to pursue some policy or legislative agenda then they are done with their business in Parliament. It is

frustrating. I request that this matter be addressed more substantively. I know that you have given some rulings before. Those limitations of the Standing Orders in terms of prescriptions of time and the mandate of Committees in pre-publication scrutiny needs to be clarified so that they know what to look at. If a Bill passes the test, it goes. The Committee on Delegated Legislation that deals with regulations has a benchmark, for example, it tests whether the regulations that contravene the Constitution are unlawful or lawful and if there is a public policy. If they pass this test, they go into operation. With such, we will be able to transact Private Members' Bills.

Thank you.

Hon. Speaker: Of course, we know that. When a Bill has been referred to a Committee, it has 21 days to consider legislative proposals. The timeline is 21 days. It appears that, maybe the Standing Orders have – I do not know if we should adopt the practice of doing induction at the commencement of every Session to remind ourselves like Muslims who go for worship on Fridays, and Christians who go to worship on Sundays and others on Saturday. Even those Christians who tell you that they got covenanted, confirmed and saved in the year of our Lord 1946, they still go just to be reminded that there is one God they serve and He protects them. Maybe we may need to adopt that. It was assumed that the people who come to Parliament pick things very quickly so that once we do induction at the beginning of the parliamentary term, they pick up and take off like the Member for Funyula. He took off immediately.

I will be delving into those areas to see where it is that perhaps we may need to relax some of the requirements. The route to go, in all fairness, just like Hon. Kaluma has suggested, may be to relax some of the requirements in the Standing Orders which have not been understood by those who examine proposals. A Committee is at liberty to bring a report to the House and ask it to reject it. The House will see whether to agree with it or not to agree with it but, when they just sit there, we do not know what is happening.

Like I was telling Hon. ole Sankok, I receive very many requests from Members seeking to introduce legislative proposals on this or another matter. All the requests are channeled out to the Legal Department to assist the Members. So, I think it is a matter that we have to examine before the end of this Session. There are too many proposals by Members which have not seen the light of day; yet you know virtually 99.99 per cent of the Bills that come from the other House are Private Members' Bills. As we prioritise those Bills, we must remember we have proposals from our own Members here. I mean, there must be a balance. When we consider one Bill from the Senate, we should consider five from Members of this House. That should be the ratio; not one to three or one to two. No, it is 67 versus 349. That should be the ratio. If we did that, I am sure we would have passed very many Bills here, many of them from Private Members' proposals. I will deal with the matter, Hon. Oluoch, next week.

Next Order.

PROCEDURAL MOTION

EXTENSION OF TIME FOR CONSIDERATION OF A PETITION

Hon. Speaker: Chairman of the Departmental Committee on Agriculture and Livestock.

(An Hon. Member sneezed)

That sneezing does not appear like it is a chairman. Hon. Kevin Wanyonyi, are you the one to move the Motion?

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Yes, Hon. Speaker.

Hon. Speaker: Proceed.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Speaker, I beg to move the following Motion:

THAT, notwithstanding the provisions of Standing Order 227(2) (Committal of Petitions), this House resolves to extend the period for consideration of the public petition regarding restoration and revival of the Kenya Cashew Nuts Factory presented by the Hon. Owen Yaa Baya, Member for Kilifi North Constituency, by the Departmental Committee on Agriculture and Livestock by a further period of sixty (60) days with effect from 8th October 2020.

Thank you, Hon. Speaker.

Hon. Speaker: Who is seconding you?

(Hon. Ferdinand Wanyonyi walked to the Table)

No, it is not done that way. Oh, gosh. You have not even moved anything. You thought moving is walking to the Table? No.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Speaker, most members of my Committee are in a meeting. I will ask anyone to second.

Hon. Speaker: Can you move the Motion first or just ask somebody else to do it for you? Hon. Maanzo, can you help him? Just take the Order Paper. The Motion is there.

Hon. Daniel Maanzo (Makueni, WDM-K): Hon. Speaker, this is a Procedural Motion on extension of time for consideration of a petition, as moved by Hon. Wanyonyi. I do second.

Hon. Speaker: It has not been moved.

Hon. Daniel Maanzo (Makueni, WDM-K): Let me move it for him, Hon. Speaker, with your kind permission. I beg to move the following Motion:

THAT, notwithstanding the provisions of Standing Order 227(2) (Committal of Petitions), this House resolves to extend the period of consideration of the public petition regarding restoration and revival of the Kenya Cashew Nuts Factory presented by the Hon. Owen Yaa Baya, Member for Kilifi North Constituency, by the Departmental Committee on Agriculture and Livestock by a further period of 60 days with effect from 8th October 2020.

Hon. Speaker, I beg to move.

Hon. Speaker: Anybody seconding?

Hon. Daniel Maanzo (Makueni, WDM-K): I ask Hon. Wanyonyi to second.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): I second, Hon. Speaker.

Hon. Speaker: You have done well, considering you are in unfamiliar territories.

(Question proposed)

Hon. Members: Put the Question.

(Question put and agreed to)

Hon. Speaker: Hon. Wanyonyi, if you are a member of that Committee, you have 60 days from today to table. I know Hon. Owen Baya has been raising issues about this Petition, so you owe it to him to conclude. Remember, once you conclude a petition like this one, you table a report here, with no debate unless the House desires to. You give the Member the report. So, please move with speed.

Next Order.

MOTION

REPORT ON IMPLEMENTATION STATUS OF REPORT ON PETITION ON THE INQUIRY INTO THE CRISIS FACING THE SUGAR INDUSTRY IN KENYA

(Hon. Richard ole Kenta on 6.10.2020)

(Debate concluded on 6.10.2020)

THAT, this House adopts the Report of the Committee on Implementation on Implementation Status of the Report of the Departmental Committee on Agriculture and Livestock on Petition on the Inquiry into the Crisis Facing the Sugar Industry in Kenya, laid on the Table of House on Thursday 20th June 2019.

Hon. Speaker: Hon. Members, debate on this Motion was concluded on Tuesday. What remained was the Question to be put, which I hereby do.

(Question put and agreed to)

Next Order.

BILL

First Reading

THE NARCOTICS, DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL) (AMENDMENT) BILL

*(Order for First Reading read – Read the First Time and
ordered to be referred to the relevant Departmental Committee)*

Next Order.

MOTION

APPROVAL OF NOMINEES TO NG-CDF CONSTITUENCY COMMITTEES

Hon. Speaker: The Chairperson of the Select Committee on National Government Constituencies Development Fund (NG-CDF). I do not see Hon. Wamunyinyi here. Who is moving the Motion? Hon. Kapondi, proceed.

Hon. Fred Kapondi (Mt. Elgon, JP): Hon. Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of section 43(4) of the National Government Constituency Development Fund Act, 2015 and paragraphs 5(2) and (10) of the National Government Constituencies Development Fund Regulations, 2016, this House approves the list of nominees for appointment to the following three (3) Constituency Committees of the National Government Constituency Development Fund, laid on the Table of the House on Tuesday, 6th October 2020—

1. KURIA EAST CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Nchagwa Ravasco Mutundi	Male Youth Representative	Re-appointment, pursuant to Sec. 43(8)
2.	Moris Wambura Magaiwa	Male Adult Representative	Re-appointment, pursuant to Sec. 43(8)
3.	Mwita Elevian Boke	Female Youth Representative	Re-appointment, pursuant to Sec. 43(8)
4.	Beatrice Chacha Getang'enyi	Female Adult Representative	Re-appointment, pursuant to Sec. 43(8)
5.	Mwita Paul Koroso	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec. 43(8)
6.	Vincent Kerario Otaigo	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec. 43(8)
7.	Mary Gati Waichoka	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec. 43(8)

2. SHINYALU CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
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1.	Benard Isindu Siritiabayi	Male Representative	Youth	Re-appointment, pursuant to Sec. 43(8)
2.	Faith Khamali Gitira	Female Representative	Youth	Re-appointment, pursuant to Sec. 43(8)
3.	Florence Masitsa Isaac	Female Representative	Adult	Re-appointment, pursuant to Sec. 43(8)
4.	Jaune Achesa Shidzugane	Representative Persons Living Disability		Re-appointment, pursuant to Sec. 43(8)
5.	Jamin Mugangayi Lumiti	Nominee Of Constituency (Male)	the Office	Re-appointment, pursuant to Sec. 43(8)
6.	Adelaide Deveney Mbuya	Nominee of Constituency (Female)	the Office	Re-appointment, pursuant to Sec. 43(8)

3. **EMGWEN CONSTITUENCY** *(Re-submitted to complete list of Nominees as earlier submissions had only six nominees)*

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Getrude Sugut	Female Youth Representative	Re-appointment, pursuant to Sec. 43(8)

The earlier names were passed by this House.

Hon. Speaker, I urge the House to approve these nominees because these are the only three remaining constituencies that require the names of their Committees to be approved so that the constituencies can function normally as per the Constitution.

With those few remarks, I beg to move and ask Hon. Ferdinard Wanyonyi to second.

Hon. Speaker: Hon. Wanyonyi, kindly have the Floor.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): I second.

Hon. Speaker: He has now become an expert.

(Question proposed)

(Question put and agreed to)

Next Order!

BILL*Second Reading*

THE PUBLIC FUNDRAISING APPEALS BILL

Hon. Jeremiah Kioni (Ndaragwa, JP): Hon. Speaker, I move that the Public Fundraising Appeals Bill (National Assembly No.66 of 2019) be read a Second Time.

It is important to let the House know that as a Committee, we had a total of 20 sittings. Seventeen of the sittings were for gathering public views through what we call public participation while three sittings were in-house meetings to consider the memoranda that came from the stakeholders. We had public hearings in Kakamega, Bungoma, Vihiga, Kisumu, Siaya, Kericho, Laikipia, Nyandarua, Nakuru, Garissa, Embu, Kitui, Mombasa, Kwale, Kilifi, Lamu and Nairobi.

I would like to thank members of the public who came and participated in a very useful manner. We had interesting views from members of the public. The views were captured in the Report we tabled in this House. I am sure they are views that can be read by Members, if they were to go through the Report.

The principal object of this Bill is to regulate public collections we have been referring to as *Harambee*. The other purpose is to align the Public Collections Act of 1960 with the current Constitution. We gave ourselves the current Constitution back in 2010, but this is one of the pieces of legislations that had not been aligned. I can report to the House that I have quite a number of such Acts that have not been aligned to the 2010 Constitution. We will continue doing so as part of our mandate. This is one piece of legislation that we seek to align to the Constitution. The Bill proposes to repeal that Public Collections Act of 1960 and in its place put a better legal framework to address pertinent issues that are bedevilling the public collections activities in the country today.

One of the things that we noticed in the Act of 1960 is that it still refers to the Provincial Administration and not the devolved structures as we have them in our Constitution. It still talks of divisions, districts and provinces. Public fundraising is done in the spirit of *Harambee* or a movement that was coined by our founding fathers. It has helped in a big way to deal with development issues in our country. There is need to ensure that we streamline the legal framework on how we conduct fundraising activities. By doing so we will protect that useful activity from the abuses that we have continued to see in some quarters. This will ensure that the country continues to benefit from the same movement or from the same spirit, but this time round aligned to the Constitution of Kenya, 2010.

Therefore, this Bill seeks to ensure that public fundraisings are undertaken in a properly regulated environment by, among others, providing a structured process for conducting fundraising appeals. It will also make contributions in relation to the appeal be undertaken properly and provide a regulatory framework to ensure transparency and accountability so that the monies raised are used for purposes for which fundraising was requested. It came to the notice of the Committee that we have many fundraising appeals that continued being undertaken in this country.

However, in quite a number of occasions, the funds raised are not used for the intended purpose. The Bill seeks to address such issues. It seeks to put to notice those who may be misleading the public. It seeks to protect the public from fraudulent, misleading and even coercive fundraising appeals. It requires that fundraising are conducted with some form of licences. It provides a platform for provision of physical incentives such as a means of engaging voluntary contributions in relation to *Harambees*. For example, the Bill seeks to give tax incentives to those

who contribute in *Harambees* so that we can attract more of such donors or givers to help in activities that require fundraising. Those activities are, again, specified in the Bill.

It addresses instances, as I may have mentioned, of a request that has come for *Harambees* with people who have some ulterior motives. For instance, when money is raised for purposes other than what people were called for. We also have instances where money has been raised for causes that do not exist. The Bill seeks to address such issues. Crucially, this happens everywhere. We have fundraising activities after which the fundraisers fail to disclose the amount of money that has been raised. They always cite the issue of security and that allows people to misuse the money that has been raised because people leave the venue without knowing how much money was raised and that hinders oversight or scrutiny as to what is done thereafter.

Hon. Speaker, the Bill also seeks to regulate the amount of money that is used in terms of funding the process of fundraising. This is because, there are instances where funds are raised and all the money goes into the cost of fundraising and nothing goes to intended purpose, in the first place. So, expenses for planning take a big percentage of the money collected and this Bill seeks to address that anomaly.

We also have instances where we have individuals in our society who call for fundraising for purposes of changing their lifestyles and this Bill also addresses that issue. Members will be free to look at that and see what else can be done. The Bill proposes a fundraising abuse committee. There is also the issue of a county policing authority that already exists which is required to have this extra responsibility. If we were to allow the County Policing Authority (CPA) to have this extra responsibility of licensing those *Harambees*, it would mean that we are not forming another organ at the county level. We will use the existing structure, which the Committee thought it would be a cost-saving measure.

The Bill also seeks to exclude some activities from falling within the definition of public fundraising. Private fundraising appeals are confined to members of a family, relatives or close friends of a beneficiary. In other words, if you are seeking for money from members of the family, relatives or close friends of a beneficiary, that may not fall within the definition of public fundraising. Money for rotary and gambling, and property collected by registered religious associations such as tithes and offerings are also excluded. Also, membership fee for clubs is also excluded. I think it is also important to mention that while there is a 21 days' notice that is required for you to give to the authority before you do the fundraising, there is adequate law for you to undertake urgent fundraising activity. The licensing authority has room to allow for urgent fundraising without subjecting the applicants to the 21 days requirement.

There are also conditions that are contained in the Bill that would call for failure for a licence to be issued such as, giving misleading information, like when the application contains false information or the fundraising appeal is unlawful. The Bill also seeks to bar Members of Parliament (MPs) and Members of the County Assembly (MCAs) from fundraising. In the amendment, there is also those who are engaged in fundraising activities endlessly. It also makes it an offence for those who have been given the authority to issue licences, to deny the applicant a license without a good reason.

It will be important for Members to pay attention to the whole Bill particularly the issue of record-keeping. In the last Parliament, Sen. (Prof.) Anyang-Nyong'o moved this kind of a Bill. It had been passed by the Senate, but it collapsed in this House.

Hon. Speaker, Part V of this Bill requires that records of accounts are kept by the fundraiser manager. These accounts should contain details of the persons who made contributions, relations to the fundraising appeal and they should contain the amounts contributed. They should have the

name, address and bank account number in which the monies contributed is banked and full details of all the funds and assets received as a result of the appeal. It is important to note that the money that at times is contributed in public places through these public fundraising appeals, the public never gets to know whether the money is banked or shared among those who are present. For purposes of ensuring that accounting procedures are followed, we are asking that this money be deposited in known accounts and details of those accounts must be disclosed to the licensing authority.

There should be full details of the money distributed. It is also important to indicate how much money is being sought from the public and how it was distributed. The person conducting an appeal shall ensure that the records are kept in a way that enables them to be conveniently and properly audited.

Hon. Speaker, that is key. As it is today, public funds raised through *Harambee* are not subjected to audit. However, the Bill now calls for audit when the Auditor-General may consider it important to audit such funds.

Clause 42 talks about the storage of the records and the time it should be stored. The duty to provide those reports is also provided for under Clause 43, as mentioned about the audit. We have it under ...

Hon. Speaker: The yellow should come when there is one minute remaining, but she put the yellow colour when it was remaining 18 seconds. I am always very alert. So, give him the remaining minute. It was supposed to have been a warning. When you see the yellow coming, it means you have one minute remaining. The red means you have 30 seconds.

Hon. Jeremiah Kioni (Ndaragwa, JP): Hon. Speaker, I apologise. I did not see it. Perhaps, I have a problem with my eyesight, but I did not see the yellow colour.

Hon. Speaker, I move that the Bill be read a Second Time and ask Hon. Kaluma my Vice Chair to do the seconding.

I thank you Hon. Speaker.

Hon. Speaker: Member for Homa Bay, Hon. Kaluma. Where is your card? You had it earlier and it was working.

Hon. Peter Kaluma (Homa Bay Town, ODM): Thank you, Hon. Speaker. I rise to second the Public Fundraising Appeals Bill, 2019, a Bill by the Committee on implementation of the constitution of which I am the Vice Chairman. *Harambees* have done some good things in the country. However, we also know that the idea of *Harambees* has also been exposed to some level of abuse so much so that sometimes you do not know what or where to help even if you were to be very philanthropic. You have cases, even as elected leaders where you go home and get children who need to go to school who need support through *Harambees* and churches also need *Harambees*. We get people who become opportunistic, not undertaking a serious purpose or seeking to do a serious thing, but they will call for a *Harambee*.

Since I become an MP, I have noted the constructions we were doing in schools through *Harambee* were so low, compared to the amount of work we are able to do with NG-CDF. There are situations where we would contribute up to Ksh3million. When we go back to the school and question what has been done, we get something the size of a kitchen. That is why I second and support this Bill, to the extent that it is not forbidding fundraising as an idea through which we marshal resources to help public or needy cases. If you have a real situation, you will deal with it. We should not be usurped and supped over by people who are opportunistic and abusing *Harambees*.

In my constituency, in terms of churches, there are those you would want to do *Harambees* for. I can tell you there is a particular church in my constituency which I have been fundraising for a single particular project that has never left the ground, before I become an MP. We do a *Harambee* like three or four times for that project each year, but we see nothing.

What does this mean? We need not only regulate, but make clear the cases that may require support so that needy and deserving cases are helped and resources going to them are not usurped. We also need to have an accountability system, so that when we fundraise to do something it is actually done. We did a huge fundraising a short while back, where we were doing Dr. Ida Odinga Library Research and Resource Centre at Ogande Girls High School which is her former school.

I want to thank the people who contributed money. We got over Ksh176 million in a very short span of time, some 30 minutes. What would happen to the spirit of *Harambee* and fundraising if the people who contributed to a cause like this were to see nothing put in place? It disheartens people. If we do not have those accountability measures, we will reach a situation in this country where, even for good causes, we will invite people and there will be no system.

We want a system where we are not just helping through *Harambees*. But we can also give incentives to the people who are giving. So that if you are genuinely giving, you can be exempted from particular taxes. This is the case in the United States of America (USA) and developed nations. People can marshal resources, but they are defined, there are incentives and accountability. We have a situation in the country where we do not know where people are getting money to do *Harambees*. Are they sanitising the money or laundering it thorough *Harambees* or what? You never know.

It is for this very reason that I support this Bill and know there will be an opportunity for improvement for those Members who are concerned. But it is a good thing that we have this.

Hon. Speaker, with those many remarks, I beg to second.

(Question proposed)

Hon. Speaker: I can see there are number of contributors. The first one is the Member for Ruiru. His name appears as number one on the list. He must have placed his card and then disappeared before we started.

Next on the list is Hon. (Prof.) Oduol Adhiambo.

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): Thank you, Hon. Speaker for giving me an opportunity...

Hon. Speaker: Sorry just hold on. Your time is not going to be lost. In the process of giving you, I kind of interfered with her placing. She was next to you, Hon. Millie Odhiambo your name was next, but somehow the machine went off. So, you should be the next after her. That is the way the list is. Proceed Prof. and ensure her one minute is not lost.

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): Thank you, Hon. Speaker for giving me an opportunity to speak to this Bill. Indeed, as has been clearly indicated, it is addressing a very key area of concern. We need to find ways by which public collections and *Harambees* as they are known in the country, give the causes for which they are collected.

I support this Bill and state that I am happy to note we are talking about a key concern, which is curbing corruption. In the Bill, it has been indicated that it is important to look at the architecture. This is to ensure there are ways in which the monies fundraised are not only seen to be put to good use, but the process of raising the funds will need to adhere to the set premises.

As a House, we recall recently it was pointed out that we need to recognise as we come up with Bills, how they address issues, the context or culture of engagement in the country or other existing frameworks. There could be Bills which are passed and then later we are told they cannot be implemented. Therefore, it is extremely important as the Bill seeks to indicate, we not only immediately align it. Since we are talking about a Public Collection Act of 1960 we clearly need to see how it is addressing the devolved government.

As we look for incentives and seek to get good practice from the USA, I would like to urge that we look at the manner in which these particular incentives will work. There are quite a number of cases where the very people who sometimes come together to raise these funds; in terms of their engagement, may be those whom something like tax incentive or encouragement might not really apply.

I support the Bill because it is truly discussing and addressing an area that is requiring a desirous action. I am not sure that legislation will handle this, especially given the architecture and culture of practice and the needs that so far arise, some of which encourage we engage in fundraising.

As I support the Bill, I think we need to address the culture of practice and not just stop at legislation because there are a number of issues that require behavioural change, attitudinal change and also change in how to deal with corruption and loopholes that exist. It might not be those that will be handled in this way, but I thank the Committee and I hope we will go beyond legislation and pick practises that are culturally relevant.

Thank you, Hon. Speaker. I support.

Hon. Speaker: Hon. Millie-Odhiambo, you have the Floor.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Speaker for giving me this opportunity. I wish to support this Bill in principle. I am saying in principle because I have not had time to look at it in detail, but if there are issues, I will look at them and perhaps make suggestions on amendments. When I was listening to the Mover, he said that one of the things the Bill seeks to do is to ensure that Members are not doing fundraisers throughout. I do not know what throughout means in law, unless he is the one that has put it loosely. You must put a timeframe. I know there was a Bill that Hon. Anyang' Nyong'o had brought that indicated that fundraisers would stop eight months to election. That was very difficult to adhere to because if you stop Members of Parliament and elected leaders, but you have people vying against you who continue with fundraising, then it totally becomes impossible. So, if you wanted to stop fundraisers, it should be across the board. It cannot only apply to Members of Parliament when you have competitors doing fundraising all over.

I want to suggest that there used to be something called DDC, which was assisting in development in the community. I think we need something like that, but not sort of what we had which was executive heavy. You need one that also has Members of Parliament. I am saying that because I have noticed in my constituency that when you have church fundraisers, you sometimes find in one weekend you have about ten fundraisers and the next two weekends you have one or none. If there was a way people could coordinate how fundraisers are done, so that you do not overwhelm elected leaders, and people now feel like they need to start finding different ways of making money, then Members of Parliament and other elected leaders would not be called corrupt when there is actually a pull or a push from the ground.

(The Speaker (Hon. Justin Muturi) left the Chair)

*(The Temporary Deputy Speaker
(Hon. Christopher Omulele) took the Chair)*

I would also like to indicate that one of the reasons that I would support this Bill is that I have seen in the last terms that I have been in Parliament and even now, that there are many beautiful initiatives that have started through fundraisers. For instance, I started the Chamakoa Dispensary, which I first did with Hon. Junet. He took me as a guest of honour. We did a fundraiser that time we were still allowed by the CDF to put in some money. The county has now finished it and it is the first dispensary there that was started with fundraiser.

I started the first ever fundraiser at Rusinga Girls which is now a very big school. It is now a very good school. One school tricked me and called me to do a fundraiser for them. When I went there, I discovered they named it Hon. Millie Odhiambo-Aringo School and now it is picking up as a good school, but it was started with the spirit of fundraiser. What I would want us to note is that with the issue of technology, the issue of abuse of fundraisers is becoming more evident because people can reach you from across and not only your constituency, but across the country and sometimes people call you for fundraisers even when you do not know them. As I speak, somebody has spoken to me and tried to add me to a group. They do not come from my constituency and I do not know who they are. You are just added to a group upon groups. There must be a way to regulate and ensure there is accountability. Just like Hon. Kaluma said, I have a Catholic Church in my constituency that we have fundraised for, year in, year out and it does not move from the lintel since we started fundraising. I think I have put in more than Kshs200,000. But it does not move. Even my little money should have shown that there is some progress. I know the church is very hesitant when we try to talk about issues touching on them, but even the Bible calls on the issue of accountability. I would look at it in depth and see whether I can find areas that can strengthen it. Otherwise, I support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Kingara Ng'ang'a, the Member for Ruiru, you have the Floor. He is not there. Let us have Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker for giving me this opportunity to also inject my voice on this very important Bill. Let me start by congratulating Hon. Kioni for bringing this Bill. It indicates that people mature with age and Hon. Kioni, having been in this House for a long time, has come up with a Bill that will assist this country.

We will not overemphasize the importance of fundraising in our country. It is very important for some of us who are from peasant families and have benefitted from it in our education. For some of the peasant farmers to access medical attention especially when crops are still on the farms, it is a problem and fundraising comes in handy to assist them. To take your child to school when your crops are still on the farm and you have buried all your money on the ground through farming, is really challenging, but fundraising assists. We have seen schools, hospitals, churches being built through fundraising.

However, the issue of accountability is very important. This is what this Bill is trying to address. When you go to churches and ask why we have been fundraising for a church every Sunday, every Wednesday when there is a *kesha*, when there is *panda mbegu*, every day and it is not bearing fruits, they tell you that you want to amend the Bible. Because you are scared of the powers above, you just keep quiet, but you know they are misusing the money.

This Bill will control such instances.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Sankok, did I hear you say that when you question, you are told that you want to amend the Bible?

Hon. David ole Sankok (Nominated, JP): Yes, Hon. Temporary Deputy Speaker. When you are told you want to amend the Bible, you get scared because you do not want to conflict with the powers above. You do not know how they will strike you.

It is not only in churches where money is misused. When you see money that is set aside by the NG-CDF, even Kshs1 million, you will see the product of it. But when you see about Kshs3 million from fundraising, you may not see what has happened with it. They say they have been paying bills or come up with something.

There is also political conmanship in fundraising. You remember people raising funds through Paybill No.672672 to pay striking teachers. These are public funds. Most of the teachers went back to school because Hon. Sossion negotiated. No teacher was paid that money. I have never heard about it. I have asked all teachers with disabilities and they reported to me that they were never paid. We do not know where that money went to. There was also money raised through Paybill No.991444 for a repeat election which was actually boycotted. We do not know because this money was raised by citizens of this country to assist in elections. If elections were boycotted, then that money should have been returned or put into another project.

We want the Auditor-General to audit these mega fundraisers because these are public funds. We raise funds with an intention. If it is of the intention to build a school, we need to give this money to the accounting officer. Hon. Peter Kaluma raised the issue of raising funds in a hotel, “170 something million”, and I think it should have been in a school compound. Again, if you raise funds, let us hand it over to the principal or the accounting officer of the school, but not to individuals, because it will bring conflict of interest.

With those very many remarks, I really support this Bill. Hon. Jeremiah Kioni, congratulations. Let us control and have the Auditor-General audit most of these funds because they are public funds, and there is the intention of raising the funds. If it is for a hospital, let it go to the hospital.

I thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Wilberforce Oundo, you have the Floor.

Hon. Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker. The speaker before has really amazed us about amending the Bible. But nevertheless, as the substantive speaker has said, he offers a lot of relief in times of stress.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Wilberforce Oundo, before you go on, I thought I heard him wrong, but it pricked my mind because over the weekend or two weeks ago, I was sitting with some gentlemen and they were proposing that they would also like to amend the Bible. So, I thought he was part of that movement.

Proceed, Hon. Wilberforce Oundo. You will have your minutes.

Hon. Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker. I will not participate in such kind of a venture.

I stand to support the Bill. But I support with a bit of split mind in the sense that *Harambee* spirit, as introduced by our founding fathers, has had tremendous impact in this society. Some of us, at a personal level, are direct beneficiaries of the *Harambee* spirit. When I was admitted to join Starehe Boys Centre in January 1986, I did not have bus fare to bring me to Nairobi from the dusty

village of Budenge in Sio Port. I stood at the local shopping centre with a bowl. Luckily enough, I collected some tiny sum of money, by then, to bring me to Nairobi with the support of the then area Member of Parliament, Hon. Moody Awori. That is the spirit of *Harambee*.

Hon. Deputy Speaker, I am reluctant to join the fray that generally regulates and controls the process to an extent that we miss the spirit of *Harambee*. But nevertheless, over time, and granted all of us accept, the *Harambee* spirit has been misused, manipulated and watered down to an extent that a number of *Harambee* or public appeal for public collections are extortionist in some way. So, to that extent, we need some kind of regulation. This will review and make the relevant amendments that could categorise *Harambee* or public funds appeals that require regulations and those that do not require regulations.

Yes, they have suggested that those involving close family friends, relatives and the family, but honestly speaking, that exclusion needs to be expanded to include some kind of activities that are traditional in nature. For example, if we went to a cultural activity and each is requested to contribute a certain amount of money so that a certain function is undertaken, would that amount to *Harambee* that requires licensing? So, those are the kind of debates that we require as a country.

Hon. Temporary Deputy Speaker, I totally agree that we must regulate the *Harambee* movement, so that we do not use it as a form of money laundering, and we do not perpetuate corruption. We are indebted with news on television, newspapers and radio on Mondays where individuals contribute Kshs30 million in one weekend, yet when you look at their tax returns, probably, it could easily be compared to USD750, like that one of President Donald Trump. On that score alone, I would support these regulations.

On the issue of licensing, as I said, we need to be very pragmatic. Many are times that the appeal comes as a result of an emergency. Getting the administrators to provide that licence might be onerous and cumbersome and the entire thing will be defeated. Yes, it is a good idea, but good ideas should always be ready for further improvements. On that score, I support, but with reservations.

I thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Wilberforce Oundo, you will have an opportunity at the Third Reading to do an amendment, but do not bring the other one that Hon. David ole Sankok had alluded to.

Let us now have Hon. (Dr.) Tecla Tum, the Member for Nandi.

Hon. (Dr.) Tecla Tum (Nandi CWR, JP): Hon. Temporary Deputy Speaker, I rise to support the Public Fundraising Appeals Bill (National Assembly Bill No.66 of 2019). It is talking about transparency and accountability. We need to know the use of the money that is given for various fundraisers. We need to know that the money is used in the right way and there is no misuse. This Bill talks about investigations of complaints and misuse that will be carried out by those in charge of the fundraiser. The other issue is giving people sufficient time before they fundraise, so that somebody can organise him or herself, so that you are not called to a *Harambee* just now and you are told that in one hour you are to contribute. People have to be given sufficient time.

The Bill also talks about tax incentives to those who keep their money. In other countries like the United States of America (USA), when you contribute towards a course, you are exempted from paying a certain amount of tax. So, if this is introduced, this country will develop more and more because people will give towards the courses. Tithes and offerings are exempted from this Bill. The *Bible* tells us that it is blessed to give than to receive. We have to continue giving our

tithes and offerings because it is a command in the *Bible*. So, this Bill is very nice because it is not touching on tithes and offerings.

Hon. Temporary Deputy Speaker, I object to Clause 44 which says that a person who contributes in a fundraiser has to specify the source of contribution and declare such contribution in the Income Tax. It can be a fundraiser which is required. For instance, if somebody has had a road accident, when are you going to declare your Income Tax? Every year, we are required to fill our tax returns. It is going to kill the morale of people who want to contribute towards fundraisers which are accident related. When somebody's house has been burned or destroyed by floods, when are you going to fill the tax returns and specify the source of your income? This will kill the ideology of *Harambee* as per the Act of 1960. So, my prayer is that there is need for an amendment in this one.

But I support the rest.

The Temporary Deputy Speaker (Hon. Christopher Omulele): I saw the Chair of the Constitutional Implementation Oversight Committee nodding as you made that contribution. I hope he is in agreement with you.

Next is Hon. Oduor Ombaka, the Member for Siaya.

Hon. (Dr.) Christine Ombaka (Siaya CWR, ODM): Thank you, Hon. Temporary Deputy Speaker for the opportunity to contribute to this Bill.

First, I am a Member of the Committee that worked on this Bill. My Chair has ably explained how we found out what the public wishes to hear. It is very important to note that the Bill does not remove fundraising as such. It allows it to go on only that it needs to be regularised to make sure that it is within the law and that people are disciplined enough in collecting funds.

The good thing about this Bill is that those who seek to do *Harambee* will have to go through a process. They have to get permission from authorities at the county level wherever they are by applying for a certificate in order to carry out fundraising. That makes it more serious. When you look for a certificate or seek permission to carry out fundraising, you become a little bit more serious. The collection will also be controlled so that nobody misuses the money.

There is also the bit about people collecting funds but making sure that they do not overspend on administration of the collection. Sometimes you find that a *Harambee* is done and there is a lot of food cooked. You spend a lot of money renting tents, cooking, bringing drinks but what you collect is far much less than what you spend. This Bill controls that. Do not spend too much on administration of the collection, but instead contribute more to the *Harambee* itself.

The last point that I want to highlight is the fact that Members of Parliament or politicians generally, including aspirants, are out of this because they are constantly the guests of honour. There are so many *Harambee*. In one week, you might be invited to 20 *Harambee* all asking you to be the guest of honour and there is no notice. You just wake up in the morning and find a card with your name stating that you are the guest of honour. You are never told prior to that.

The Bill is controlling everybody. Members of Parliament may not participate in *harambee*. At least, there will be breathing space in which Members can play some role. However, it should not be that every time a *harambee* is held a politician is the guest of honour. It gives a chance to other people and businessmen within the community to be members of the *Harambee* committee or guests of honour.

The mission for which a *Harambee* is done will also be checked by the authorities and that will control *Harambee*. How much are you collecting? How much do you really need for the project you want to undertake? What will you do with the balance if you collect much more than

what you needed? Those are some of the issues that came up. As we deliberated on it, we realised that a lot of issues were still emerging. What does the *Harambee* committee do when they collect much more or much less? Do they hold another *Harambee* immediately? When can they hold it? It is putting us in check.

The most important thing about the Bill is that money will not be misused. Currently, everybody holds a *Harambee* even for things that do not require one. There are some *Harambee* that are not necessary. They are family related. You can hold *Harambee* within the family for a wedding. Some people still hold big *Harambee*. *Harambee* are good for school or hospital construction, school fees or hospital bills. Those are good reasons for holding *Harambee*. There are some that are not necessary. The Bill will control some of that. We should continue to listen to more ideas as we amend and improve on the Bill.

I support the Bill.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Let us have Hon. Mohamed Sheikh, the Member for Wajir South.

Hon. Mohamed Mohamud (Wajir South, JP): Thank you very much, Hon. Temporary Deputy Speaker. I support the Public Fundraising Appeals Bill. It is very important that we all understand the importance of public fundraising. It contributes to various needs in the country. That is where we are.

I support the Bill.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Let us have Hon. Thuku Kwenya, the Member for Kinangop.

Hon. Zachary Thuku (Kinangop, JP): Thank you, Hon. Temporary Deputy Speaker. I do not wish to contribute to this particular Bill. My interest is in the Public Investments Committee Report.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well. Let us have Hon. Mule, the Member for Matungulu.

Hon. Stephen Mule (Matungulu, WDM-K): Thank you very much, Hon. Temporary Deputy Speaker. I rise to contribute to this Bill with some reservations due to some grey areas coming up in the Bill.

The first grey area we need to look at is where we are saying that we should create incentives for those who give during *Harambee*. This country requires resources. I cannot imagine sitting here to reduce collection of taxes from people who make a lot of money and want to give. That is a bad directive. We cannot sit here and make a law to create incentives for somebody who is giving. You are not giving because it is a must. It is voluntary.

First and foremost, we have to be sure. What incentive are we talking about? Are we saying that this person should not pay bills? I heard Hon. Oundo say that some people give Kshs30 million. That would mean that the person requires an incentive immediately. It is an abuse of the law.

Secondly...

(Hon. Mohamed Mohamud consulted loudly)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Order Members! The Member for Wajir South, you have just walked in. You spoke and now you are shouting across the Chamber. Surely, you must have some respect for this House.

Hon. Stephen Mule (Matungulu, WDM-K): Thank you, Hon. Temporary Deputy Speaker. Maybe he is concerned about this Bill.

I cannot understand the import of the Committee when it was coming up with Clause 20 of this Bill. It states that elected or nominated Members of Parliament should not participate in fundraising. Surely, we need to be realistic. Fundraising is voluntary. It is not a must. If I feel that I need to go and fundraise in Millie Odhiambo's constituency, I should be at liberty to do that. I should be at liberty to give when God has given me a chance to do so.

There are several issues coming up in this Bill. We need to be very clear that we will propose serious amendments to this Bill during the Committee of the whole House to make sure that we align the entire Bill to the realities on the ground. As a Member of Parliament, you need to be alive to the realities in your constituency and country. You cannot be left out of this noble idea. How can you leave leaders out of a noble idea?

I will support this Bill on the issue of accountability where people must show cause as to why they need a fundraiser. They need to account for the money we give them. I will support all that. I will support the Committee at the county level. It should even go all the way to the ward level. You find that some *Harambee* which are done cheekily are held down there. The common *mwananchi* who is trying to raise a few coins within his locality is conned within the system. It is not a must we go all the way to the county level. We must go down to the constituency level, so that we can regulate the conmanship within the spirit of *Harambee*. It is good to state very clearly that those who give large amount of money must declare the source of their money to the Kenya Revenue Authority (KRA), so that we can tax them more. If they have more money, they need to pay more taxes to this country, so that it can grow.

As I finish, I will work out with some colleagues and put some very serious amendments to sanitise this Bill.

(Hon. Stephen Mule spoke off-record)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Member for Matungulu, do you want to sanitise the Bill? I interrupted you. I will add you one minute.

Hon. Stephen Mule (Matungulu, WDM-K): We must bring amendments to make sure that the Bill carries the spirit of *Harambee*, but not corruption.

Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well. Hon. Abdisalan, you have just come in. I will not give you this opportunity to contribute. The Member you are seated next to is ahead of you by far. Hon. Maanzo will be the next one to contribute. The record here is clear, Hon. Abdisalan. However, you will have an opportunity to contribute. Do not worry.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I will make a short contribution on this Bill. Fundraising in Kenya is a very serious and historical matter. It is the African way of doing things. There are very many fundraisers which are in good faith for good cause. Fundraising is voluntary.

According to the way things have turned out politically, it seems that in every single fundraiser, the key people who are looked for or put under pressure to participate is the political class. That still does not kill the spirit of *Harambee* or free and voluntary giving. What we have to be very careful with in this particular law is to make sure that fundraising is not used where there is no proper need and mainly to do criminal activities such as transferring money in a way. There

must be a way of making sure that there is transparency. Clearly, there are a lot of occasions where there is need for fundraising. For instance, in case of an emergency, sickness and when individuals want to come together and assist someone.

Fundraising has also gone digital today. People are in *WhatsApp* groups. They give what the Lord has blessed them with in building churches or assisting people. In a lot of occasions, one can account for the fundraising money, for example, in a funeral arrangement. I have one in my constituency where a young man was shot by unknown criminals this week. The family did not expect it. It is a shock to everyone. Because he is from my village, I have to participate to make sure that he has a decent send-off just like what Joseph of Arimathea did. He was a good-natured man who gave assistance to make sure that Jesus Christ had a decent funeral. He did not know that he was doing such a great thing to a great personality and saviour of the world in those days. Therefore, when people fundraise or do good things to others, it has a good cause.

I believe we will have a lot of work to do in this law in the Committee of the whole House. We need to check whoever is trying to do money laundering through *Harambees*. We need to make sure that we do not lose the spirit of giving, *Harambee* or assistance. In Islam, Christianity and many faiths in the world, it is a virtue which is entrenched in the Bible and Quran. As we drive-by, we assist people for free in a lot of occasions. You find a situation where you need to do something. When you find a beggar on the streets who has a deformity or no legs, you give him something since God has blessed you. That particular policy has not been dealt with over a long time. This is the time we are dealing with it. We have to make sure that there is no conflict of laws. Under the Independent Electoral and Boundaries Commission (IEBC) Act, there is a certain period when *Harambees* are not allowed during the elections to avoid corruption and voter buying. Members of Parliament or people who seek elective positions are stopped from conducting *Harambees* at specific given periods by this Act.

I believe we need to make sure that there is no conflict of laws. We need to make sure that the right purpose is served. This is a law that we need to relook at very keenly and make sure that we make it so good and attractive to Kenyans during the Committee of the whole House, so that they can continue doing the good things that they do. We should make sure that there is accountability.

I thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Yussuf Halima.

Hon. (Ms.) Halima Mucheke (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute. I also want to support the Public Fundraising Appeals Bill, 2019 which was brought to the Floor of this House by the Constitutional Implementation Oversight Committee.

I am a Member of the Committee. I was part of the Members who went out during public participation. Members of the public raised a lot of concerns. Amongst them is that the spirit of fundraising is abused. During funerals, people fundraise not only to bury the departed, but also to buy new clothes which is very unfair to those people who raise the funds. Some people fundraise for luxurious lifestyles. Members of the public were very concerned. They brought it out as we went round.

This Bill seeks to promote accountability and transparency in carrying out of fundraising. I am sure this Bill will ensure that there is prudent use of public funds that are collected in future.

With those few remarks, Hon. Temporary Deputy Speaker, I support the Bill.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Abdisalan.

Hon. Ibrahim Ahmed (Wajir North, ODM): I also rise to support this Bill which is timely. The principal object of the Bill is to regulate public collections which is quite timely. In the light of what is happening in the country, there is need to regulate fundraisings or public collections.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Give me one minute. Hon. Mwambire, you are next on the list, but I can see that you have given up. If you hold your horses for a few minutes, you are next on the list.

Hon. Ibrahim Ahmed (Wajir North, ODM): It is good because he will wait for the next Order because he is a Member of that Committee.

This Bill is very important because we witnessed loss of two lives recently in Murang'a County. I believe people have planned for fundraising during all Sundays in places of worship which are supposed to be for prayers, devotion, bringing people together and building peace. We saw what happened in church recently. The religion I belong to does not do a lot of politics in Mosques which lead to loss of lives. This Bill is timely. There is need for people to disclose the collections they make. We really need to understand what the collection is meant for. Is it spent for the purposes it is meant for? There is the tendency of sometimes using huge amount of administrative costs which is more than the money collected. Is that happening? You cannot be doing a lot of collection whose source is unknown and then take it to church. There is need to confirm that the money collected is clean money.

Above all, close coordination and collaboration is important. The Bill says that, that is supposed to be between the County Policing Authority but where I come from, it is important... Hon. Sankok looks a little bit uncomfortable because he could be an expert in that field.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Abdisalan, please, hold your horses. Hon. Sankok seems to have a point of order.

Hon. David ole Sankok (Nominated, JP): Hon. Speaker, the Member is out of order because our faith and the Bible allows us to give donations, but does not give us spiritual eyes to know which money...

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Sankok, you are out of order. You are now arguing with Hon. Abdisalan. What is out of order?

Hon. David ole Sankok (Nominated, JP): He is actually misleading the House by saying that we should have spiritual eyes to determine what is clean money and what is not.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Sankok, that is argumentative. Let Hon. Abdisalan also have his say.

Hon. Ibrahim Ahmed (Wajir North, ODM): Hon. Temporary Deputy Speaker, maybe the Member subscribes to the *Tanga Tanga* squad who are good in... But that is on a light note. There is need to have closer coordination, collaboration and networking between the county security teams and whoever is conducting the fundraiser. Of course, the licence should not be meant to hinder conducting of the exercise, but it is important that there is that close coordination, collaboration and networking to ensure that we do not have insecurity issues reported during the fundraisings.

The aspect of giving 21 days' notice could be a long period of time. There is need to reduce that period. That notwithstanding, it is also important that we do not discriminate against Members of Parliament and MCAs. If it is all elective offices to avoid fundraising, then so be it. But if certain elective groups will be participating in fundraising, then everybody should participate. What about the aspirants? Should they be participating in fundraising? Indeed, we have the obligation to attend to issues affecting our constituents. I think that should also be amended.

That said, the safety and security of our people supersedes...

The Temporary Deputy Speaker (Hon. Christopher Omulele): Let us have Hon. Mwambire Ngumbao.

Hon. Teddy Mwambire (Ganze, ODM): Thank you very much, Hon. Temporary Deputy Speaker. I rise to support the Bill.

Looking at what is happening in the public, there are many flaws that we make as elected leaders. There is a regulation that says that, if for instance, I participate in a fundraiser and I am given something as an appreciation for participating, I am supposed to declare it. But if you look at records for the last three years, I have not heard anybody declaring anything including those who are known to participate in fundraising every time.

It is time for us to have regulations on how we conduct fundraisings because sometimes you just wake up in the morning and find that you have been added to five or 10 *WhatsApp* fundraising groups. As I speak, I have just received four invitations for fundraisings next weekend. There must be set guidelines for these fundraisings so that, at least, we know we are fundraising for something and the target for the fundraising is a certain amount. In case it surpasses, there must also be a regulation to make it clear. I have heard my colleagues say that 21 days are few. I know there will be some exceptions, for instance, burial fundraisers do not take 21 days, but there must be some clear guidelines on how we are going to conduct every fundraising. We do not want to leave everything open.

I have participated in a number of fishy fundraising. There was a time I was in my office in my former position when a young man came with a girl and they wanted to be assisted with school fees. We converged and had a fundraiser knowing that we were taking that girl to school. We even gave responsibility to one of us to go to the school to wait for the girl so that more payments could be done. In the evening, we discovered that out of that fundraiser, the money was used for abortion. The girl was pregnant and we felt very bad. It was not easy to trace the boy who was introduced to us as the cousin. This happened because we did not have a clear guidance. We must have a guide because whatever is happening is not clear.

In other areas, we are told that in every fundraising, there at least have to be an administrator. The administrators do not attend those fundraising because they are also expected to give to the fundraising. So, they shun away from such gatherings. Now you are left with the public and there are no clear guideline.

In another scenario, I went to a wedding fundraiser. There were two different functions last Sunday and when I sent my contribution, I received a call in the evening that the lady had refused to get married because the man had failed to buy the best suit for the wedding and yet the money had not been returned. You can imagine such a scenario where you contribute to a wedding which never occurs and people are not given their money back. This happened to me in 2008 and it happened again last Sunday.

Therefore, regulation is very important. As much as we want to assist, there must be clear regulations. There is no way we can leave it open because we have been raised through fundraisings among other issues. I support the initiator of this Bill and the arguments he raises and when time comes we will panel beat it and critique it, but we cannot, at any time, think of killing this spirit of having a regulation.

I support the Bill.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Ngumbao, I sympathise with you because you contributed and the money you gave was used to further criminal enterprise in procuring an abortion, which is a criminal offence. So, you could actually have been

an accessory for abetting that terrible activity. So, it is good that the young man disappeared and I hope the young girl survived to live a good life.

We shall have contributions from Hon. Ngugi Nduati.

Hon. Joseph Nduati, (Gatanga, JP): Thank you very much, Hon. Temporary Deputy Speaker, for giving me a chance to also make a contribution. From the outset, I support. This is a very important Bill because it talks about how we are going to license and regulate *Harambees*. I have participated in *Harambees* in my constituency where you think it is a very serious matter then in the evening, the money is shared.

Hon. Temporary Deputy Speaker, it is a big challenge especially for churches. People like us who come from Nairobi and its environs are made to suffer a lot because every morning by 7.30 a.m., I am in the constituency to attend a function which starts at 7.30 a.m., then at 9.00 a.m., I join another church; at 11.00 a.m., I am in another one. It is a big challenge because these things are not regulated and you know the intimidation that goes on in churches. Even in some of the churches we have participated in *Harambees*, one in January, another in June and another in December, a particular project is not completed.

It is important that we also involve the Government especially the public works office. We want to know how much buildings cost because Christians cannot determine the cost of projects and it is left to church leadership. You will agree with me that the ordinary church members do not know this. It is not that we refuse to participate in *Harambees* especially for noble causes. I have participated in fundraisings for medical bills and school fees. If we are to overcome this challenge, we need to have clear regulations, so that when fundraising cards are brought to you and you are the guest of honour, you know what to do.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): We shall have, finally, Hon. Koyi Waluke.

Hon. John Waluke (Sirisia, JP): Thank you, Hon. Temporary Deputy Speaker for giving me a chance to contribute on this one.

The *Harambee* spirit was started by the first President of the Republic of Kenya, Hon. Jomo Kenyatta. It assisted many, mostly, vulnerable families and poor children who did not have school fees. Of late, people have started misusing the *Harambee* spirit. As many contributors have said, we fundraise for issues such funerals. I have witnessed here in Nairobi fundraising for funerals where up to Kshs3 million or Kshs5 million was realised. You wonder how a dead body can consume Kshs3 million when it is just a send-off. Muslims use around Kshs15,000 but we, Christians, can collect as much as we can, even to the tune of Kshs5 million for a dead person. This happens in Kenya and not abroad. We need to change and regulate, as we have heard from my friend there. Regulations must be put in place. I thank the Member who brought this Bill and support it. Of late, the way we do *Harambees* is not for genuine issues.

The spirit of *Harambee* is good. The other day, I was assisted by Members of this House. I did not divert the money to something else. They contributed to pay for my bond to come out of prison. The money was used for what it was intended for. I thank the Members of this House who contributed. We need to be honest with *Harambees* because as one donates, one denies oneself the use of the money for something else. We all have families. One contributes in fundraising only for some people to divert the money to luxurious things. Let us not kill the *Harambee* spirit because we need it like I did. It is good that the people we fundraise for are honest and the money fundraised is used for the purpose it is intended for.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Those are the Members who had interest in this debate. I now call upon the Mover to reply.

Hon. Jeremiah Kioni (Ndaragwa, JP): Thank you, Hon. Temporary Deputy Speaker.

First, I take this opportunity to thank the Members of the Committee who sat and took quite a bit of time to come up with this Bill. I also thank the Members who have made contributions. We have keenly listened to their ideas.

I agree that this is a spirit that has been there, but there is a bit of misuse or abuse that is currently going on. We will be more than happy to receive amendments or be part of the Committee of the whole House, so that we can take in the amendments to improve the Bill. It is not an easy area to pass a law on, but as Members of Parliament, we have that responsibility. I thank, once again, each and every Member who made a contribution. We will be happy to have them during the Committee of the whole House, so that we can improve this Bill to become useful on encouraging members of the public on the issue of *Harambees*, but now in a structured manner because we have come a long way since it was introduced back in the 1960s.

With those remarks, I beg to reply.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Chair of Committee on implementation of the Constitution, you were not giving a vote of thanks in a *Harambee*. You are replying to comply with the rules of the House. Well done.

I direct that the next necessary action in this particular regard will be taken when the matter will be on the Order Paper again for a good reason.

I, therefore, direct that we move to the next business on the Order Paper.

(Putting of the Question deferred)

MOTION

SPECIAL AUDIT REPORT ON PROCUREMENT OF PRE-EXPORT VERIFICATION OF CONFORMITY TO STANDARD SERVICES BY KENYA BUREAU OF STANDARDS

The Temporary Deputy Speaker (Hon. Christopher Omulele): Let us have the Chairperson of the Public Investments Committee (PIC).

Hon. Joseph Nduati (Gatanga, JP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): What is out of order, Hon. Nduati?

Joseph Nduati (Gatanga, JP): Hon. Temporary Deputy Speaker, the matter about to be discussed is a very serious one. I wonder whether we have the necessary quorum.

(An Hon. Member spoke off record)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Nduati is within his rights. At any point, any Member rising in his place may raise the issue of quorum.

Let me just confirm the numbers that we have.

(Loud consultations)

Order, Hon. Members! I confirm that we do not have the requisite quorum. The Member is well within his rights. I, therefore, direct that the Quorum Bell shall be rung for 10 minutes.

(The Quorum Bell was rung)

*[The Temporary Deputy Speaker
(Hon. Christopher Omulele) left the Chair]*

*[The Temporary Deputy Speaker
(Hon. (Ms.) Soipan Tuya) took the Chair]*

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Order, Hon. Members! It seems like we are not able to gather the necessary quorum. So, the time now being 5.58 p.m., this House stands adjourned until Tuesday, 13th October 2020 at 2.30 p.m.

The House rose at 5.58 p.m.