

PARLIAMENT OF KENYA**THE NATIONAL ASSEMBLY****THE HANSARD**

Thursday, 25th June 2020

The House met at 2.30 p.m.

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

PRAYERS

Hon. Speaker: We can start.

PAPERS LAID

Hon. (Ms.) Fatuma Gedi (Wajir CWR, PDR): Thank you, Hon. Speaker.

I beg to lay the following Paper on the Table of the House.

Report of the Committee on Delegated Legislation on its consideration of the Public Procurement Asset Disposal Regulation 2020, Legal Notice No.69 of 2020.

Hon. Speaker: Very well, Chairman Departmental Committee on Administration and National Security. Hon. Wachira, are you the one doing it?

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Speaker. On behalf of my Chairman, who has been called for an urgent task, I would like to lay the following Paper on the Table of the House.

Report of the Departmental Committee on Administration and National Security on the Inspection Tour of Police Stations in Nairobi and Kajiado counties to assess their preparedness in the management of COVID-19.

Thank you, Hon. Speaker.

Hon. Speaker: Very well. Next Order!

NOTICES OF MOTIONS**ADOPTION OF REPORT ON THE PUBLIC PROCUREMENT
AND ASSET DISPOSAL REGULATION 2020**

Hon. (Ms.) Fatuma Gedi (Wajir CWR, PDR): Hon. Speaker, I beg to give Notice of the following Motion:

That this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Procurement and Asset Disposal Regulation 2020, Legal Notice No. 69 of 2020 laid on the Table of this House on Thursday 25th June 2020, and pursuant to provisions of Section 180 of the Procurement and Asset Disposal Act 2015,

approves the Public Procurement and Asset Disposal Regulation 2020, Legal Notice No.69 of 2020.

Thank you, Hon. Speaker.

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

ALTERATION OF CALENDAR OF THE HOUSE

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to give Notice of the following Motion:

THAT, aware that in accordance with the Calendar of the House for the Fourth Session, 2020 as adopted on 18th February 2020, 17th March 2020, 14th April 2020 and 2nd June 2020, the House is scheduled to proceed on a short recess in respect of the Second Part of the Session on Friday, 3rd July 2020. Therefore, pursuant to the provisions of Standing Order No.28(4), this House resolves to further alter the Calendar by varying the resumption date of the short recess from Tuesday, 21st July 2020 at 2.30 p.m., to Tuesday, 28th July 2020 at 2.30 p.m.

Hon. Speaker: Very well. Next Order.

QUESTION BY PRIVATE NOTICE

Hon. Speaker: The first Question is by the Nominated Member, Hon. Sankok. Nominee 001. It is a Question by Private Notice. Proceed.

Question No.009/2020

AVAILABILITY OF DRUGS TO MANAGE EPILEPSY AND CEREBRAL PALSY

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Speaker. Pursuant to the provisions of Standing Order No.42(a)(5), I rise to ask Question No.009:

- (i) Could the Cabinet Secretary give the status of availability of drugs used to manage epilepsy and cerebral palsy conditions such as Phenytoin, Phenobarbital among others, in the country?
- (ii) What steps is the Ministry taking to ensure constant availability of the said essential drugs so as to stop further deaths of children with these categories of disabilities/conditions?
- (iii) Are there drugs classified as essential or lifesaving that may be in short supply in the country, and if yes, what urgent measures are in place to ensure they are available within the reach of all citizens?

Hon. Speaker: Very well. The Question is referred to the Departmental Committee on Health. The Committee should appreciate that the Question is by Private Notice, and so a response is needed next week.

ORDINARY QUESTIONS

Hon. Speaker: Under Ordinary Questions, the first Question is by the Member for Wundanyi, Hon. Dan Mwashako. I have received your request that you want the Question deferred

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for purposes of having it asked in the Swahili language. The request has been acceded to. The Question will be deferred, so that you can have it drafted in the language that you best understand.

Question No.084/2020

MEASURES TO ADDRESS HUMAN-WILDLIFE CONFLICT
IN WUNDANYI CONSTITUENCY

(Question deferred)

The next Question is by the Member for Matuga, Hon. Kassim Tandaza.

Question No.089/2020

PAYMENT OF COMPENSATION TO RESIDENTS OF TIWI LOCATION

Hon. Kassim Tandaza (Matuga, ANC): Thank you, Hon. Speaker. I beg to ask Question 089/2020 to the Cabinet Secretary for Energy:

- (i) Could the Cabinet Secretary explain why residents of Tiwi Location in Matuga Constituency who were awarded compensation on 26th January 2012 by the Kenya Power, following the installation of the proposed 132KV transmission power line - Rabai-Galu high voltage power line - have not been paid the said compensation to date?
- (ii) When does the Ministry intend to effect the said payments, factoring in the inflation rate from 2012 to date?

Hon. Speaker: The Question is referred to the Departmental Committee on Energy to prioritise.

The next Question is by the Member for Laikipia County, Hon. Catherine Waruguru.

Question No.092/2020

STATUS OF CONSTRUCTION OF KAHURURA DAM

Hon. (Ms.) Catherine Waruguru (Laikipia CWR, JP): Thank you, Hon. Speaker. Pursuant to the provision of Standing Order No.42(a)(5), I wish to ask Question No.092/2020 to the Cabinet Secretary for Water, Sanitation and Irrigation:

- (i) Could the Cabinet Secretary give the status of construction of Kahurura Dam in Laikipia County?
- (ii) What measures is the Ministry taking to ensure that the contentions between the Kenya Forest Service and other Government agencies regarding the construction of the project are resolved, and that the project is implemented as scheduled?

Hon. Speaker: Very well. The Question is referred to the Departmental Committee on Environment and Natural Resources.

The last Question is by the Member for Kilome, Hon. (Eng.) Thuddeus Nzambia. It is a Question not a Statement. Member for Kilome, do you not have your card?

Question No.095/2020

PAYMENT OF SALARIES TO SUPPORT PERSONNEL IN SCHOOLS

Hon. Thuddeus Nzambia (Kilome, WDM –K): Thank you, Hon. Speaker. I rise to ask Question No.095/2020 directed to the Cabinet Secretary for Education:

- (i) Could the Cabinet Secretary explain why over 100,000 support personnel in various schools are yet to be paid their salaries since March 2020 following closure of schools as a result of the COVID-19 pandemic?
- (ii) When will the operational funds meant for payment of salaries of the said personnel in schools be released?
- (iii) Could the Cabinet Secretary explain the measures the Ministry has put in place to ensure timely release of the said funds to ensure payment of staff salaries on time?

Hon. Speaker: The Question is referred to the Departmental Committee on Education and Research.

The next segment in that Order is Request for Statements. The first request is by the Member for Soy Constituency, Hon. Caleb Kositany. Do you not have a seat? It was resolved by the House Business Committee that it does not matter if a Member had booked a seat. If by 2.45 p.m. any Member who had reserved a seat is not in the Chamber, other Members who desire to come into the Chamber may be allowed in. Those other Members would lose their right to be in the Chamber.

Proceed, Hon. Kositany.

REQUEST FOR STATEMENTS

RAPE AND KILLING OF CHILDREN IN SOY CONSTITUENCY

Hon. Caleb Kositany (Soy, JP): Thank you, Hon. Speaker. Pursuant to Standing Order No.44(2)(c), I request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding child rape and killings in Soy Constituency in Uasin Gishu County.

For the last five months since February 2020, there have been rampant killings, kidnappings and raping of young girls ranging between the ages of eight and 12 years in Moi's Bridge area in Soy Constituency.

It is of great concern that a minor named Sarah Njeri aged 11 years went missing on 21st May 2020. On 18th June 2020, her body was found cut into pieces and dumped in Moi's Bridge area. Unfortunately, the victim's mother was arrested by police officers on patrol on the same night while searching for her missing daughter on claims that she had violated the curfew time. Other children who have lost their lives in this manner include Emma Wayoto aged 21 years, Stacy Nabisu aged 11 years, Lucy Wanjiru aged 13 years and Grace Njeri aged 13 years.

Hon. Speaker, it is on this background that I seek a Statement from the Chairperson, Departmental Committee on Administration and National Security on the following:

- (i) Why are young girls targeted, and what is the status of investigations into the rape and killings of the minors in Soy Constituency?

- (ii) Could the Cabinet Secretary consider increasing the number of police officers and police stations in the affected areas and facilitate the police with vehicles and other essential equipment, especially in Ziwa Police Station, which does not have a police vehicle?
- (iii) What measures has the Ministry taken to ensure that there is lasting security in Soy Constituency, and in particular in areas where rape and killings are rampant?
- (iv) What measures is the Ministry putting in place to ensure that the affected families are duly compensated for the loss of their loved ones?

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Wachira Kabinga is holding brief for the Chair of the Departmental Committee on Administration and National Security. Your card is not showing on the screen. It is showing now.

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Speaker. I have listened to the Statement that is being sought by the Member for Soy, which is very weighty. He has raised very serious matters. This is something that I will communicate to our Chairman and the relevant State Department for serious investigation. We will give the status of that Statement in two weeks, but we may require more time.

Hon. Speaker: Very well. The next request is by the Member for North Mugirango, Hon. Joash Nyamache.

RECRUITMENT OF CEO FOR YOUTH ENTERPRISE DEVELOPMENT FUND

Hon. Joash Nyamoko (North Mugirango, JP): I thank you, Hon. Speaker. I rise to seek for a Statement regarding the recruitment of the Chief Executive Officer (CEO) of the Youth Enterprise Development Fund (YEDF). Pursuant to the provisions of Standing Order No. 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Labour and Social Welfare regarding recruitment of Mr. Josiah Arabu Moriasi as the CEO of the YEDF.

Mr. Josiah Arabu Moriasi was recruited competitively to the position of CEO of YEDF with effect from 1st November 2016 for a term of three years renewable once. His first term contract ended on 31st October 2019. Consequently, the board made a resolution to extend the same for a period of six months to allow the newly appointed members of the board to review the CEO's first term performance which would inform their resolution for re-appointment.

It is against this background that I seek for a Statement from the Chairperson of the Departmental Committee on Labour and Social Welfare on the following:

- (i) Whether the board considered the CEO's performance evaluation in consideration with a view to renew his contract or re-appointment as provided for in the Executive Order No.7, Mwingozo, relevant Government circulars on CEOs' re-appointment and the Fund's Human Resource Policy and Procedures Manual?
- (ii) Whether the extension of the CEO's contract for a period of six months after successfully serving his first term was legally justifiable?
- (iii) Whether there existed possible conflicts of interest among the board chairperson and the members during voting in the matter of contract renewal or re-appointment for Mr. Moriasi?
- (iv) Whether the board ignored the advice from the Inspectorate of State Corporations and the National Treasury on procedures in re-appointment of public entity CEOs?

- (v) Whether the current board complied with the YEDF Order L.N. No.63 of 2007 and the relevant Government circulars or guidelines regarding appointments of board chairpersons and independent members, and if it was, indeed, competent to make an objective resolution regarding Mr. Moriasi's request for re-appointment?

I thank you, Hon. Speaker.

Hon. Speaker: Sorry. Which committee do you seek a Statement from?

Hon. Joash Nyamoko (North Mugirango, JP): The Departmental Committee on Labour and Social Welfare.

Hon. Speaker: Very well. Departmental Committee on Labour and Social Welfare. I do not see any Member from that Committee. The request will be channeled through the Office of the Leader of the Majority Party.

The next request is by the Member for Mvita Constituency, Hon. Abdullswamad Nassir.

ULAZIMISHAJI WA KUSAFIRISHA MIZIGO KUPITIA RELI

Hon. Abdullswamad Nassir (Mvita, ODM): Asante sana, Mhe. Spika. Kupitia Kanuni za Kudumu Nambari 44(2)(c), naomba kuuliza na kusesitiza tena kupitia Kamati ya Uchukuzi, Kazi za Umma na Nyumba kuhusu ulazimishaji wa kusafirisha mizigo kupitia reli maarufu Standard Gauge Railway (SGR).

Tarehe 2 Juni, 2020, nilileta ombi hili kuhusu ulazimishaji wa kusafirisha mizigo kutumia SGR. Ilipofika tarehe 16 Juni, Mwenyekiti wa Kamati ya Uchukuzi, Kazi za Umma na Nyumba akaleta Ripoti ambayo inatofauti kubwa na vile hali ilivyo mashinani. Alisema huu ni mpangilio wa Marais wa nchi za Jumuiya ya Afrika Mashariki ya tarehe 12 May, 2020. Alisema kwamba mizigo yote ya nchi za nje lazima itumie reli kwa sababu ya kuzuia mripuko na mchipuko wa maradhi ya Korona. Jawabu lake likaendelea kusema kwamba Mawaziri wa nchi za Jumuiya ya Afrika Mashariki wamepatiwa amri kutekeleza agizo hilo.

Ripoti ambazo ziko zinaonyesha kuwa nchi ya Uganda imekataa ulazimishaji wa kutumia reli. Pili, gharama alizozitaja Waziri za usafirishaji wa mizigo hazilingani na zinatofauti kubwa mno na zile wahasika wanazolipa na kutumia. Tatu, Waziri anasema kutumia SGR ni jambo ambalo nchi zote zimekubaliana kuwa litazuia uenezaji wa Korona. Nchi jirani ya Uganda imekataa jambo hilo. Nne, kusema kuwa Naivasha Inland Container Depot (ICD) iko tayari inaenda kinyume na ripoti ambayo iliwekwa sahihi na nchi ya Uganda, Rwanda na Sudan Kusini ya tarehe 22 May.

Hakuna utafiti wowote ambao umefanywa wa athari ya kiuchumi kwa watu wetu wa Mombasa na wanaofanya kazi na kuishi kwa njia ya reli.

Bw. Spika, kupitia hayo, ningepomba uweze kutoa amri kwa Kamati husika walete ripoti ya undani na ukamilifu ikizingatia yafuatayo –

(i) Ni sababu ipi imemlazimisha Waziri kutoa amri hii bila ya idhini ya Bunge wala ufuataji wa sheria?

(ii) Tukisubiri ripoti hiyo, kutolewe amri kwamba Bunge lisimamishe agizo hili mara moja mpaka watu waweze kuwasiliana, na hususan waliohadhirika.

(iii) Ripoti hiyo ieleze kinagaubaga adhari za hali ya kiuchumi ya watu wa Mombasa na wale wengine wanaoishi na kufanya kazi katika njia ambayo mizigo hii hupitia, ikiwa mpangilio huu utaendelea.

Ahsante, Bw. Spika.

Hon. Speaker: The Chairman of the Departmental Committee responsible for roads and transportation, given the enormity of this matter, I would suggest to you and your Committee that you should not just go and get a Statement from the Cabinet Secretary. Rather, you should invite the Cabinet Secretary to a meeting as soon as possible. You should also invite Hon. Abdullswamad, the Member for Mvita, and any other person who might be interested to come and discuss the matter, so that the report which you table before the House will not just be by way of a Statement, but seeking a resolution of the House, so that whatever agreements are reached are enforceable, if not by any other person, by this House.

(Applause)

Hon. Pkosing, that should be the way to go, so that we do not keep receiving the same issues to which you bring Statements that are then disputed. Go and get everybody so that you can get proper evidence based on facts, so that this matter can be put to rest. It should be addressed with finality and then this House can discuss your report and, if need be, adopt it as a way of a resolution of this House. That way, this issue can be resolved, so that we do not get all manner of busy-bodies coming to complain about it. What Hon. Abdullswamad has done is the formal way to deal with the matter.

Hon. Pkosing, what is your comment?

Hon. David Pkosing (Pokot South, JP): I thank you, Hon. Speaker. We will oblige to your directions, so that we can address this matter conclusively as you have said in your able guidance. My Committee will ask for one month. I do not want to delve into it because I am going to adjudicate. So, I want to be a fair adjudicator, but as the Member for Pokot South, may be, during the debate of the report, I will raise serious issues. You will then guide the House and us, as committees, for us to conclude this matter. If you look at what is going on and what has been going on, you can almost see the direction.

Hon. Speaker, because I am going to be an adjudicator, let me not give my opinion. Let me remain an adjudicator as you have guided me, but during the debate on the report, I will say what I want to say today.

Hon. Abdullswamad Nassir (Mwita, ODM): Bw. Spika, ikiwa Mwenyekiti ameomba muda wa mwezi mmoja, basi ni sawa. Hatuwezi kukaa na watu wanaendelea kuwa walala hoi na huku inaonekana kana kwamba Bunge halifanyi kazi yake. Tukianza kuzungumzia muda wa mwezi mmoja ni sawa. Kabla ya ripoti ya Kamati, Waziri muhusika anapaswa kutoa amri ya kuwa agizo alilotoa ambalo halina kanuni yoyote ya kisheria, lisitekelezwe kwa sasa. Tungelipinga, lingelikuwa limeletwa hapa Bungeni. Ili kuonyesha kwamba Serikali iko na nia nzuri na watu wa Mombasa na wale walioko kwenye maeneo mengine yaliyoadhirika, agizo hilo liwekwe kando mara moja. Baada ya kuliweka kando, ripoti ya Kamati inapowasilishwa hapa, kila mmoja atakuwa amehusika. Wenye kuzungumza kwenye vibaraza ambao hawaleti malalamishi Bungeni na wale wenye kuzungumza Bungeni, wote waweze kuleta maoni yao.

Lakini, kuanzia sasa hadi wakati huo, ninaomba kwa unyenyekevu tuweze kuelewana kwa sababu nchi nzima inatuangalia kama Bunge. La sivyo, wiki ijayo, kabla ya Bunge kwenda mapumzikoni, aweze kutueleza mahali ambapo Kamati imefika ili tujue hali halisi ilivyo.

Hon. Speaker: Hon. Pkosing, are you able to have a meeting in the course of next week?

Hon. David Pkosing (Pokot South, JP): Yes, we can have a meeting, but with your guidance, Hon. Speaker, I will guide my Committee properly in order for us to address this matter comprehensively. We will set a date for the Cabinet Secretary to appear before the Committee. I invite all our colleagues from the coastal area, and not just one person. We have to address this issue as a House, as a country, and as the leadership of this country. If you guide us, we can meet with the Member next week for preliminaries. In order for us to address this issue comprehensively, give us one month, so that we can invite the entire leadership of the Coast region. I urge Hon. Nassir to be present in our meetings, so that we can address this issue as a country and as the leadership. This is our country.

Hon. Speaker: Can you do a preliminary meeting next week, so that the issues he has just raised can be addressed even at that point?

Hon. David Pkosing (Pokot South, JP): Yes, we can do that on Wednesday.

Hon. Abdullswamad Nassir (Mwita, ODM): Sawa sawa, Bw. Spika. Naona kana kwamba wengi wanataka kulizungumzia suala hili chini ya amri yako.

(Hon. Raphael Wanjala spoke off record)

Hon. Speaker: No! The Member for Budalang'i has been out of Parliament for some time. You need to put an intervention. There is a column for interventions. I do not see any other name other than that of the Leader of Minority.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Speaker. I have two issues that are related to the matter before us. The first one, which I think you have almost settled, is that this matter has been so politicized. It is important that the Chair holds a meeting as early as possible for immediate intervention because there are people who are crying for their livelihoods and are already being deprived of their way of life. It is important that the Chair prioritises this matter because I can see that there is politicisation of this matter, which if not managed properly, innocent people may suffer consequences.

Hon. Speaker, I do not know whether you can allow me at this stage to raise another matter related to this one, in line with our Standing Orders. I do not know whether I can do that at this stage or we finish the Statements first?

Thank you, Hon. Speaker.

Hon. Speaker: Can we clear with this Statements first? The only person I can see has an intervention is Hon. Kingola Makau, the Member for Mavoko.

Hon. Patrick Makau (Mavoko, WDM-K): Thank you, Hon. Speaker. Indeed, I support the Member. The Port of Mombasa and the SGR have a trickle-up effect, if not a trickle-down effect. Following the Cabinet Secretary's directive, all the towns along...

Hon. Speaker: There is no debate, the Member for Mavoko. What is your point of order? Your intervention must be on a point of order.

Hon. Patrick Makau (Mavoko, WDM-K): Mr. Chair...

Hon. Speaker: I am not a Mr. Chair. You must have just come from Mavoko.

Hon. Patrick Makau (Mavoko, WDM-K): Hon. Speaker, this matter touched my heart. I thought we were contributing. That is why my mind was in it and I was feeling, according to your ruling, that the Cabinet Secretary should come and tell us what measures he is taking or as you said, as a House, we are going to take a position on this issue. This directive is really killing

economies. Townships like Mlolongo, Athi River, Chumvi, Konza and others along Mombasa Road...

Hon. Speaker: What is your intervention? Hon. Members, look at Standing Order No.83. When you press the intervention button, you must rise on a point of order then you state on which Standing Order you are standing.

Hon. Patrick Makau (Mavoko, WDM-K): I stand guided, Hon. Speaker. Thank you.

Hon. Speaker: Member for...

(Hon. Raphael Wanjala raised his hand)

You cannot raise your hand here. You are in the stone-age.

(Laughter)

Every Member was taken through how to handle these gadgets. It looks like for some of you, these things did not stick in your minds! You must know how to press the intervention button.

(Hon. Raphael Wanjala spoke off record)

No! On whose authority? You cannot just start raising your hand.

(Hon. Raphael Wanjala spoke off record)

Hon. Wanjala, I have just confirmed that you are misapplying it.

Hon. Raphael Wanjala (Budalangi, ODM): Thank you, Hon. Speaker. First of all, I congratulate Hon. Kimunya for being appointed the Leader of the Majority Party.

Hon. Speaker: You rose on a point of order.

Hon. Raphael Wanjala (Budalangi, ODM): My point of order is this, Hon. Speaker. I am so happy that the Chairman is the Leader of the Majority Party. This House has really demoralised some of us who sat in Parliament when ministers used to be in the House.

The Member for Kisii stood on a point of order and was told that her Question will be answered in two months. The Member for Mvita's answer will be provided after one month. Hon. Speaker, Kenyans have a lot of issues that need to be addressed. You, Hon. Speaker, Hon. Kimunya and I, were in this House when the Speaker sat on that Chair and everything was solved within a week. For how long will Kenyans keep waiting? Is it two months, three months or four weeks? Some Cabinet Secretaries do not even come here. This House should intervene for the Building Bridges Initiative (BBI) to come, so that we have CSs here to deal with our issues.

That is my point of order, Hon. Speaker.

(Laughter)

Hon. Speaker: That is lamentation. It is not a point of order! Hon. Wanjala the governance structure you adopted when you got the Constitution of Kenya, 2010 is a presidential system and

there are no CSs in the House. They always say that choices have consequences. You now see the consequences. As you lament, I have sympathy with your lamentation because of what used to happen in the past, in the former dispensation. Answers were given in real time. Today, many Kenyans think that you are not doing anything because you ask Questions and you get those kind of responses.

On the other hand, chairpersons of committees cannot come here and start committing themselves about things that are out there. Just as the Member for Mvita has said, a Statement was read and he says that it was not satisfactory and several Members have said the same thing. But what do you do? It is the governance structure that you gave yourselves that is to blame. So, you live with it until such a time, as you say, perhaps, you will persuade Kenyans to change the structure. I have sympathy with what you have said, Hon. Wanjala, because you and I know how efficient the other system was. If a Minister gave an undertaking here, we could direct that the response be given even the following week on a Monday or a Tuesday. But now, how do you tell a chairman of a committee that we want an answer the following day? Where will it come from? So, it is a problem. Of course, many Kenyans do not understand that that is where the problem is.

The intervention I see is by Hon. Chris Wamalwa.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Thank you, Hon. Speaker. My concern pertaining what has been raised is that we have had a lot of issues on this matter of the SGR. We also discussed it the whole of last week. I remember there was a response to be given, but the Member, my chairman, was not in the House. By then the Leader of the Majority Party mentioned that the matter, according to your direction, a preliminary meeting should be held for purposes of inclusivity, so that it is resolved once and for all.

Thank you.

Hon. Speaker: The Member for Lugari who had withdrawn his card is now back.

Hon. Ayub Angatia (Lugari, ANC): Thank you, Hon. Speaker. I just want to concur with you that, as a Member of the Committee, I support the Chairman. We are ready to start interrogating this matter as soon as possible, so that we can resolve this crisis.

Thank you, Hon. Speaker.

Hon. Speaker: The Member for Laikipia, you have the Floor.

Hon (Ms.) Catherine Waruguru (Laikipia CWR, JP): Thank you, Hon. Speaker. I also wish to raise my concern because a number of Members have made it a habit to address the media and state things which they cannot substantiate and that cannot be proved in any court of law. It is important that we need to have a hearing and a substantive sitting on this matter, so that we can bring it to a stop.

We have colleagues in this House who have a habit of saying things both in the mass and social media and addressing press conferences on false allegations, which cannot be substantiated and end up maligning names of their colleagues. We should deal with that. One matter is that of the SGR. We must bring it to a conclusion, so that the people who peddle lies, take advantage to play partisan politics with CSs and Principal Secretaries and other individuals are punished. The Powers and Privileges Committee should take action against Members who take advantage of their colleagues by calling them names.

Thank you, Hon. Speaker.

(Applause)

Hon. Speaker: Hon. Members, there is no debate on this. I see too many interventions. We have agreed that there is going to be a preliminary meeting. Hon. Chris Wamalwa got it right that there will be a preliminary engagement next week, then after that you can craft and style your report on the form of seeking a House resolution, so that whatever you would have gathered, you bring it out here for your colleagues to go through it, interrogate it, debate it and make a decision in one way or another. Let us not dwell on this one. Let us get to the next step.

On this segment, there is a request for a Statement by the Member for Funyula.

HARASSMENT OF KENYAN FISHERMEN BY UGANDAN POLICE

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Speaker. I am lucky that my neighbour, Hon. Wanjala, is here because the issues I want to raise could touch on him.

Hon. Speaker, pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairpersons of the Departmental Committee on Defence and Foreign Relations and the Departmental Committee on Administration and National Security on the continued harassment of Kenyans, particularly fishermen, by authorities from the Republic of Uganda in Lake Victoria.

On 16th June 2020, three Kenyan fishermen namely, Messrs Victor Ouma, Godfrey Sande and Douglas Wandera were ambushed and their fishing gears confiscated by policemen from the Republic of Uganda approximately 200 metres from the Kenya-Uganda border on the Kenyan side at Sio Port, Funyula Constituency.

Mr. Ouma, who had earlier undergone a harrowing experience in the hands of the said foreign policemen, jumped into the lake in a bid to evade the illegal arrest, but unfortunately drowned. His lifeless body was retrieved two days later and buried thereby compelling the Ugandan authorities to release the other two fishermen and their fishing gear.

Hon. Speaker, it is on the account of this alarming and most unfortunate incident that I request for a Statement from the Chairperson of the Departmental Committee on Defence and Foreign Relations and the Chairperson of the Departmental Committee on Administration and National Security. With respect to the Departmental Committee on Defence and Foreign Relations, the Chairperson should inform the House the specific measures the Government of Kenya has put in place to address the continued harassment of Kenyans, particularly fishermen in Lake Victoria by authorities from the Republic of Uganda. Two, secure the international border on Lake Victoria and the marine resources on the Kenyan waters considering that this House passed the Kenya Coast Guard Services Act in 2018, which mandates the service to enforce maritime security and safety in the Kenyan territorial waters.

With respect to the Departmental Committee on Administration and National Security, the Chairperson should inform the House whether there are any compensations and relief mechanisms in place to cater for victims of such harassment or illegal and wrongful arrests, and their dependents such as the family of the late Mr. Victor Ouma.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, do not bother. I can see your interventions. I will not allow it because I will not allow debate on the excuse of interventions. When the Statement comes, you can raise whatever issues you want to raise in your place and say that even me, I have had a similar case and not now when he has just put his request. Those kinds of things do not work. This is Parliament. Let us just go by our rules.

That Request of Statement is directed at two Committees. Hon. Kabinga, there is an aspect to a Committee you belong to. Hon. Katoo or Hon. Tong'i, who is the Vice- Chair, there is a matter of foreign relations. Is any of them in the House? Yes, Hon. Tong'i.

Hon. Richard Tong'i (Nyaribari Chache, JP): We undertake, as a Committee, to get a response in the next two weeks if it is possible. We will engage as much as we possibly can.

Hon. Speaker: Very well. Hon. Kabinga Wachira?

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Speaker. We also undertake to respond in the next two weeks.

Hon. Speaker: Well. They are not the ones to respond. They will have to get information from some other people who are not in the House.

There were some responses to Questions. I would like to request the Chairs to be brief. The first response is by the Chairperson of the Departmental Committee on Health. Have you gone to bed? You are asleep. Or you are planning how to be brief?

STATEMENTS

MANAGEMENT OF COVID-19 ALONG BUSIA AND MALABA BORDER

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you, Hon. Speaker. I would like to respond or read a Statement regarding a Question raised by Hon. Mwikali Mutua, the Member of Parliament for Busia County, regarding the COVID-19 pandemic.

One of the issues raised was the contingency plans the Ministry is putting in place to prepare for partial opening of the economy and easy movement. The Ministry in conjunction with the stakeholders has come up with guidelines for different sectors of the economy and social-cultural interaction so as to guide the conduct during work and social interactions. Every sector is required to develop protocols and SoPs based on these guidelines and submit them for approval by the Ministry of Health.

Counties have been empowered through health and other agencies to ensure compliance to these guidelines. Counties have also been facilitated to increase their COVID-19 bed capacity to a minimum of a 300 bed capacity, so that they are able to handle any upsurge of cases which may be occasioned by the partial reopening of the economy. Members will appreciate that there is money which has been appropriated in the Supplementary Budget III. There is money which has been sent to the counties for the same.

On implementation of the home-based care policy for COVID-19 patients, the launch of the home-based isolation and care guidelines was done on 10th June 2020. The decision to develop the guidelines came as a result of 78 per cent of the confirmed cases being asymptomatic or patients having mild symptoms that can safely be managed at home, and the potential upsurge of COVID-19 cases based on the epidemiological modelling. The implementation of the home-based care will leverage on the existing Nyumba Kumi Initiative, estate management committees and other local administrations. Following the launch, modules and power point presentations have been developed and trainings are to be conducted to the community health volunteers who will in turn educate the caregivers. Coincidentally, some of the community health volunteers may happen to also be the caregivers. The arrangement of human resource and structure of care is as follows:

One community health volunteer will take care of 10 households and will be reporting to a healthcare worker, preferably a community nurse who will supervise five community health volunteers. The healthcare workers will be reporting to the link healthcare facility and onwards

hierarchy of management for future reference. However, an immediate reporting system by the Jitenge System of monitoring will reach the national level immediately and data will be interpreted for further management. There is an electronic alert response system which is known as the Jitenge System. This is an application that guides through the process of reporting daily defined conditions of a COVID-19 exposed individual during the 14-day quarantine or isolation period. Jitenge is developed as a module within the National Electronic Alert System in response to the uniqueness of the COVID-19 pandemic. All persons meeting the case definition of exposure to COVID-19 are eligible to use this application. The main objective of this system is to provide critical data for self-quarantine isolated cases at national and county levels for decision making and quick intervention.

In a nutshell, the Jitenge System can be used in designed quarantine or isolation facilities or homes and for special interest groups such as truck drivers. A client is prompted, every 24 hours, to report on symptoms and/or changes in health condition with multiple reminders in case of default in reporting. It is available as a mobile phone application and as a USSD session by dialing *299#. This can be done both on a smartphone and a *mulika mwizi* mobile phone. Notification to healthcare workers in the event of change to asymptomatic or default in reporting, the Jitenge System allows remote management of many clients at the same time with their records digitalised. It also allows geo-mapping and geo-fencing. Reports can be aggregated from quarantine or isolation facilities and specific interest groups such as truck drivers at the county and national level.

On enforcement of various protocols on social distancing in all active sectors in the country, every sector has a chain of management and it is the role of management to ensure compliance to these laid down protocols bearing in mind that the organisations were heavily involved in coming up with them. Before reopening, inspections are done by a team of specialists who check on the level of compliance. Once opened, further routine inspection shall be done from time to time for continuous compliance and corrective action when necessary. Health information education will be continuous to serve as a reminder on the need for social distancing as well as the proper use of masks, hand washing and other methods of disease control.

Inter-agency collaboration will be key in social distancing, especially where there are issues of crowd control, for example, in demonstrations, burials and other social gatherings. There is the use of Cap.242 to prosecute the offenders.

On the status report on mass testing countrywide, testing started since the beginning of the outbreak. The World Health Organisation (WHO) has emphasised the importance of testing in the early stages of this pandemic. The target of testing in Kenya was of persons with symptoms of the virus and international travelers returning from COVID-19 affected countries. All this has changed with evidence of established local transmission in the country, where 57 per cent of the current confirmed cases are local. Public health approaches in breaking the chain of transmission of any epidemic is hinged on testing and its extent. Ideally, mass testing of either the entire or a large population for COVID-19 allows for the true extent of the epidemic in a country to be determined with a level of accuracy. This enables prompt intervention of case identification, isolation, treatment, contact tracing and quarantine to be taken to contain spread of the virus. For this COVID-19 pandemic, this ideal approach cannot be attained by many countries, particularly the low-medium income countries like ours because of the cost, technology and expertise required to conduct the current gold standard test of Real Time-Polymerase Chain Reaction (RT-PCR) on high-throughput automatic platform. Further, the global demand and scramble for equipment and

test reagents has resulted in scarcity making it more difficult for the low-medium to secure these commodities even if the resources were available.

It is, therefore, important for Kenya to choose its strategy of testing within its means in response to COVID-19. Based on the above reason, the Ministry of Health (MOH) has chosen the strategy of Expanded Targeting Testing (ETT). This strategy will expand testing beyond the current one of testing case alerts, hospital admissions, travelers, those in quarantine, and contacts. It will now cover testing at risk groups in emerging high risk regions in the country. This will inform timely and effective public health response to break transmission of the ongoing COVID-19 pandemic.

On the testing plan, laboratory testing for COVID-19 is critical to tracking the virus, understanding epidemiology, informing case management and breaking the chain of transmission. Currently, laboratory testing utilises molecular method based on PCR to detect COVID-19 Ribonucleic Acid (RNA). Testing resources are still limited to a few laboratories that run manual real time PCR and those within high-throughput platform that routinely support HIV reference laboratory testing.

As at mid-April 2020, these existing laboratories capacity can test up to 2,000 sample cases daily if all the platforms are utilised and reagents are available. Networks of the testing laboratories have been developed with each assigned particular county that they support. This expanded network is harnessing the existing national laboratory specimen referral programme to ensure counties are covered. To save time, I will table on the Floor all the laboratories being used as testing labs in Kenya.

The following target population have been prioritised for testing high risk/priority group, which include individuals meeting the MOH case definition, all contacts of confirmed cases at conclusion of quarantine period as per the MOH guidelines, health facilities conducting influenza like illness (ILI), namely, severe acute respiratory infections (SARI) surveillance in counties without evidence of ongoing transmission in order to provide information on the true geographical scope of COVID-19 transmissions in Kenya. All frontline health workers working as rapid response team in quarantine and testing laboratories, regardless of whether they are contact of a confirmed case, are undergoing testing. A frontline healthcare worker includes a healthcare professional, cleaners, personnel like clerks, admission receptionists, patients and transporters. All these are undergoing testing.

All hotel institutions workers where COVID-19 returnees and high risk contacts were mandatorily quarantined have been tested. Truck drivers and crew crossing international boundaries and those seeking accommodation in areas with ongoing community transmission have been tested. Mass testing for both health and non-health staff working at airports, seaports, ground crossings and checkpoints is ongoing.

In areas of confirmed transmissions, prioritised staff at supermarkets, PSV crews, market vendors, security personnel and any other individual within the vicinity are tested. Geographic areas and sub-population or institutions that have reported clustering of cases for example the port institutions and airlines are being tested.

There is the health facility based testing where all patients requiring admission for severe respiratory disease or medical attention for influenza like illness at all the 47 counties referral hospitals and selected private and faith based hospitals are being tested. Persons with COVID-19 compatibility illness attending specialised clinic like HIV and those seeking treatment for diabetes, hypertension, renal, cardiac, cancer and TB are also going through testing.

We also have community and population based testing. Clusters of severe respiratory illness or death identified through ongoing community event based surveillance, those identified in the Health and Demographic Surveillance System (HDSS) platform and geographical hotspots are tested.

Hon. Speaker, on the status of testing of all Kenya's border points, the current guidelines for the border points dictate that all truckers are required to be in possession of COVID-19 negative attestation letters having been tested at least 48 hours before beginning their journey. However, most truck drivers present themselves at the border points without the document necessitating sample collection to be conducted at this point. This has resulted in huge traffic snarl ups at the major border points. To avert this, teams have been deployed in the most affected areas like Busia County border to ease the situation. Their task has been to collect samples and take them to the regional labs for processing in liaison with the county governments. Traffic is now flowing normally at the Busia and Malaba borders. So far, over 20,000 tests have been carried out and drivers cleared to cross the borders on all Kenyan border crossings. Sample collection is still ongoing in the designated points of entry.

Hon. Speaker, as I mentioned earlier, I will be tabling the laboratories available in Kenya and money that has been allocated by the national Government. Next week, we will table the counties and the amounts they have received.

Today, my Committee received a letter from Hon. Jude Njomo. We will investigate a case where a test was carried out and the wrong test result given. Since Jude Njomo is our colleague, we will be investigating the matter where they were given the wrong test result.

Hon. Speaker, I submit.

Hon. Speaker: We may appreciate the information contained in your very long Statement. The Question by Hon. Florence Mutua related only to the measures taken by the national Government to manage the spread of COVID-19 amongst truck drivers at the Busia border. The information on Jude Njomo is not part of the Question. I am sure Members would be happy to see your Statement. It is only because it touches on COVID -19 that I allowed you to rumble on and on.

Is Hon. Florence Mutua in the House?

Hon. (Ms.) Florence Mutua (Busia CWR, JP): Hon. Speaker, I am not happy with the response given by the Chairperson, Departmental Committee on Health. The issue at hand is that we already have too many trucks in the county. She has handled the issue of testing before departure. I am sure that will address the issue at the Busia border. I did not hear her response on the truck drivers who have been there for the last two months. How are we going to help Busia County carry out mass testing?

I want to appreciate the national Government for allocating Kshs107 million to Busia County. I hope the procurement process will be fast-tracked, so that we can acquire the 300 bed capacity. I want to tell the House that Busia County is a time-bomb. We have a lot of problems in Busia because of the many trucks and truck drivers. I am sure we all understand what is going on there.

Hon. Speaker: Especially those who know the tiny town of Busia. The Statement was sought by Hon. Florence Mutua. It looks like this is a debate for Busia and Ugunja. It will certainly not get to Homa Bay at this rate.

Hon. Opiyo Wandayi, what is it? You see, at this point, you may seek clarification.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, I got the response clearly. However, it was confined to Busia Town yet we know there are spill over effects of this crisis in Busia Town

to as far as Ugunja Town in my constituency. As we speak, there is no open space available in Ugunja because many trucks...

(An. Hon. Member Spoke off-record)

Ugunja is the capital city of my constituency.

Hon. Speaker: Are you sure you are using a language that is understood by the majority of Members?

Hon. Opiyo Wandayi (Ugunja, ODM): I am sure they will understand in a little while. We need a more comprehensive approach to this matter. If we try to address Busia Town in isolation in this matter and forget other towns along the main highway, then we are not doing anything useful. As we speak, apart from the COVID-19 risk that is being posed to my people in Ugunja, there is also the social aspect. When drivers troop into a small area like Ugunja Town, you know the consequences. This has to be addressed.

Hon. Speaker: Why are you saying that I know the consequences?

(Laughter)

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, the country is already grappling with the menace of teenage pregnancies yet we are having strangers trooping into my serious town, Ugunja. We have a lot of children and young girls at home. We will have a problem. So, we need to implore the Ministry of Health to develop a more comprehensive approach to this matter, so that we do not come back and start lamenting five months down the road.

Thank you.

Hon. Speaker: Member for Budalang'i.

(An. Hon. Member sneezed)

That is risky.

(Laughter)

That is a person who should be identified and whisked out of the Chamber.

Hon. Members: Yes!

Hon. Speaker: Now, the way you are dressed...

Hon. Raphael Wanjala (Budalang'i, ODM): Hon. Speaker, the issue of Busia is touching on the lives of the people of Busia, Siaya and Bungoma. Two weeks ago, I led a delegation of six Members of Parliament to the Office of the Inspector-General of Police to enforce a rule, that from the source, every driver must have a COVID-19 negative certificate. I led another delegation to the Ministry of Health, where we met the Cabinet Secretary. They both promised to act to ensure that no truck driver will leave the Coast, the source, to Busia, without a COVID-19 certificate. As you have been told, this issue is not just touching Busia. Siaya, Bungoma and Busia are all in danger. Now that the police have turned road blocks into Automated Teller Machines (ATMs), the people of Busia have been left helpless. The Government is not working. If you empower us, as Members of Parliament, we swear to protect our people using this House. Why can you not authorise us to use our own militias at home to deal with this issue? It is a serious issue. The

Government has not been able to do mass testing of our people. Sometimes it is good to create a problem to solve a problem. We are being taken for a ride. So, it is an issue that needs to be addressed urgently or else...

Hon. Speaker: Very well, that is over now. You cannot advocate for anarchy and say that you want to be authorised. If that is the way we are going to seek clarifications... What clarifications have been sought? No more on that one. Let us hear Hon. Melly. While responding, Hon. Melly, I will request that you address the issue raised by Hon. Omboko Milemba. Hon. Wangwe is not in the House and he has given notice of his inability to be in the House.

PAYMENT OF BOM TEACHERS ACROSS THE COUNTRY

Hon. Julius Melly (Tinderet, JP): Thank you, Hon. Speaker and Hon. Members. On 6th June, Hon. Omboko Milemba sought a Statement regarding the non-payment of teachers across the country recruited by schools Boards of Management (BOM); namely, BOM teachers. He also sought, among other things, to clarification on the following:

- (a) What is the full budget of co-curricular activities that includes music, sports, games and drama?
- (b) What amounts have been refunded to the Ministry as per the circular MOEACC135 VOLUME5 190 and how much was used and for what purpose given that schools closed early before the activities took off?

The Cabinet Secretary made a Statement and I want to skim through it because it is long. I will table it, so that Hon. Omboko and other Members can look at its details. The co-curricular budget for Financial Year 2019/2020 that caters for co-curricular activities such as music, sports games and drama is as stipulated below. The Cabinet Secretary has given the budget. He says that for co-curricular activities, it was Kshs767 million; Free Primary Education (FPE) and Free Day Secondary School activities is Kshs2,095,068,615. The total expenditure for co-curricular activities is Kshs2,862,068,615.

On the issue of the circular, a total of Kshs725,325,990 was refunded as at 12th June 2020 to the Ministry as per the circular that I quoted earlier on. The funds were then used as indicated on the table below. That is the money that was refunded. That is what the Member was asking about. The Cabinet Secretary has given a long table. It has the Kenya Institute of Curriculum Development (KICD) that used Kshs353,771,892 for the fourth quarter grants; the Kenya Institute of Special Education (KISE), Kshs49 million; the United Nations Educational, Scientific and Cultural Organization (UNESCO), Kshs73 million, and the Kenya National Examinations Council (KNEC), Kshs44 million. The sub-total there is Kshs520 million.

Teacher Training Colleges (TTCs) also received part of these refunded funds. For example, Aberdare TTC got Kshs2 million for the fourth quarter grants; Asumbi TTC, Kshs4,000,654; Baringo TTC, Kshs3,665,000; Bondo TTC, Kshs2,000,992 for the fourth quarter, and Borabu TTC, Kshs2,270,000. The list goes on and on. The total is Kshs105,125,000. On Authority to Incur Expenditure (AIE) holders, Sub-County Directors of Education got Kshs38 million; Regional Directors of Education got Kshs927,000, and County Directors of Education got Kshs55 million.

Hon. Omboko also sought to know what measures the Ministry is putting in place to ensure that workers and teachers employed by BOMs are continuously paid during the COVID-19 Pandemic. Hon. Members know well that these are young men and women who are dependent on these meagre salaries. The funds that the Ministry disbursed to public primary and secondary schools and TTCs are not inclusive of BOM employed teachers' salaries. This is mainly because

the policy on recruitment of teachers is the constitutional mandate of the Teachers Service Commission (TSC). Recruitment of BOM teachers is independently done by the respective boards without the involvement of the Ministry. However, as explained below, the Ministry has already facilitated public primary and secondary schools and public teacher training colleges to enable them to continue paying wages to their support staff engaged by BOMs for the period ending 30th June 2020.

The next question was whether the Ministry could consider utilising part of these funds to pay the schools' or institutes' support staff, who have also not been paid for the last three months. The response is that the Ministry of Education caters for support staff wages, both in public primary and secondary schools, through Free Primary Education (FPE) and Free Day Secondary School (FDSE) funds. For the teacher training colleges, part of the funds for co-curricular activities that were recently returned to the Ministry were reallocated and disbursed to the colleges to enable them to pay wages for the institutions.

Last question was the measures the Ministry is putting in place to ensure that workers and teachers employed by BOMs are continuously paid during the period of the COVID-19 pandemic. The response is, as explained above, the Ministry of Education only has the mandate to pay support staff in public primary and secondary schools and teacher training colleges. This does not, however, include provision for payment of BOM teachers, as recruitment and employment of teachers is the mandate of TSC and BOMs in their respective capacities. The Ministry will continue remitting the requisite funds to the public schools and teacher training colleges to ensure that support workers continue to be paid.

Hon. Speaker, there is a response from Hon. Wangwe. I think he is not in. Can I table both responses so that Members can have access to both?

Thank you.

(Hon. Julius Melly laid the documents on the Table)

Hon. Speaker: Member for Emuhaya.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker. I am happy with the answer. We sought to know the reason for budget for co-curricular activities in schools which was followed up by the circular to refund the same. I want to appreciate the fact that the CS has been able to list how he spends this money. But we would wish to get a clarification on the fact that this money goes towards payment of fourth quarter grants to institutions and education SAGAs that ordinarily are budgeted for in the normal Budget. And that includes the Kenya Institute of Curriculum Development and the colleges, which again have received their fourth quarter disbursements. These also are ordinarily budgeted for. Therefore, that clarification is important.

I also become a victim of not having the CSs in the House. The questions would require that *Waziri* is here to clarify. These monies were budgeted for, including the last bit which is the second-half Authority to Incur Expenditure utilities to sub-county directors. This is all budgeted for. We would want to get a clarification on where this money goes to once they have received their budgetary allocations for the vote heads that this money has actually gone to.

Secondly and lastly, on the issue of payment of BOM teachers, I would want to get a further clarification on the fact that the calendar of funding schools is not aligned to the country Budget, the country Budget ends in June but the school terms proceed up to December. There should be a clarification on how we can align these budgets. In first term, schools receive 50 per cent of their allocations, second term is 30 per cent and third term is 20 per cent. As it is right now, the schools

have not received any monies for second term, which is 30 per cent, and the 20 per cent for third term. But let me talk about the 30 per cent because this is second term. These monies, in a further circular that was given to schools on re-organisation of the implementation of funding of schools, school heads were asked to use part of these monies to pay BOM teachers. So the fact that the 30 per cent for second term has not been released to schools, and today I confirmed with school heads around the country because I have the capacity, puts them in an awkward position to pay not only the workers but also the BOM teachers. So that clarification would be important for these useful workers of Kenya who fill the gap due to lack of enough teachers in our schools because we are unable to employ.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Melly, are you able to clarify any of the issues raised?

Hon. Julius Melly (Tinderet, JP) Thank you, Hon. Speaker. Hon. Milemba is a member of my Committee and the CS is coming to the Committee next week. Therefore, these are some of the issues the CS will personally clarify and be able to put to rest.

I thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, there is no debate please. I also have to manage time. Inasmuch as I can see your hands up, none of you is going to say anything useful. Hon. Melly has said that the CS is appearing before the Committee next week. Why would you want to seek clarifications? Hon. Melly is saying you should appear at that time for the CS to answer all your concerns. Maybe you just want to spend some time here lamenting and then sit down, for purposes of being heard in the village that you said something but no response. The person to respond is the CS or such like functionary in the Ministry. Hon. Melly will not respond. He has said you should appear before the Committee and seek clarifications from the CS. Hon. Pukose, please go before the Committee when the CS is appearing so that you may bombard him with whatever issues you may have, so that you can spare Hon. Melly the agony of appearing like he is the one who is responding. Since he has disclosed that the CS is appearing before the Committee next week, please just appear there.

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

Sorry, Hon. Mbadi. I am sure you will be doing those same consultations. I was just getting a brief.

POINT OF ORDER

GROSS DISORDERLY CONDUCT BY HON. MOHAMED ALI

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Speaker. The people of Kenya in 2010 decided, through the provision of Article 124 of the Constitution, to provide this House with powers to create Standing Orders to guide orderly conduct of proceedings in this House and the conduct of Members. We actually created Standing Orders based on that Article of the Constitution.

In addition, one of the things that we provide for - having foreseen that some Members may act in a manner that would not give dignity and honour to this House- was to provide within the Standing Orders what we call the "disorderly conduct" under Standing Order 107.

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Hon. Speaker, we even went further to amend that Standing Order 107 to create Standing Order 107A, which talks about the gross disorderly conduct of a Member of Parliament. Among the provisions, what constitutes gross disorderly conduct is that and I quote:

“(1) A Member commits an act of gross disorderly conduct if the Member—

(a) defies a ruling or direction of the Speaker or Chairperson of Committees...”

It goes ahead to say:

“(h) acts in any other way to the serious detriment of the dignity or orderly procedure of the House.”

Hon. Speaker, on Tuesday, you actually made a ruling regarding the Motion that was filed for the impeachment of the Cabinet Secretary for Transport, Infrastructure, and Roads. Forgive me for not mentioning the Ministry correctly. However, the bottom line is the possible impeachment of Cabinet Secretary Macharia.

Moreover, you clearly cited reasons for disallowing that Motion. I remember you cited Standing Order Nos. 64 and 66. For avoidance of doubt, I just want to repeat something which you said should be clear to anyone. Not even just a Member of Parliament, but also anyone who has basic primary education can understand. That is, for any Motion for impeachment to be admissible one of the conditions that you must fulfill is provided for under Standing Order 64 (1A) (c) and this is what it says:

“(1A) the grounds specified in a motion under this Standing Order shall be admissible if—

(c) accompanied by necessary evidence, including annexures or sworn testimonies in respect of the allegations.”

Therefore, the way I listened to your ruling, you did not create your own interpretation, but you simply picked what was in our Standing Orders and communicated to us. Moreover, you clearly stated that looking at what was provided to you, this requirement was not fulfilled.

In addition, the Member of Parliament, the Hon. Ali, who brought the Motion, was seated in the House because I was at the entrance. Additionally, he did not rise from his chair- I saw him seated there- to challenge that he had provided this information, these annexures, the evidence and someone probably plucked them out. Therefore, I took it that it is true that he did not provide this information.

Hon. Speaker, why do I raise this matter? I watched a media briefing by Hon. Ali and he clearly brought the Office of the Speaker to disrepute.

(Applause)

He actually tried to imply that you, Hon. Speaker, colluded with some cartels to defeat justice. By bringing you to possible collusion with cartels out there - he mentions so many names of people who are cartels at the Kenya Ports Authority (KPA) forgetting that the Motion was not about Kenya Ports Authority (KPA). It was not just about cargo. There were so many other issues that were raised in the Motion for impeachment. In fact, that particular issue was item numbers 3 or 4.

Hon. Speaker, by declaring that you did not rule in an honest manner and that you did not apply justice, the dignity and reputation of this House has been compromised. This is something we cannot let go as a House because otherwise, I was asking myself, if today I go to court and present a case and it is dismissed for lack of evidence... Even if everybody saw me being shown publicly on television being beaten or molested or whatever it is; I take the matter to court and

there is lack of evidence, will I call a press conference and start castigating the High Court or whatever court or even Magistrate's Court? Will I start implying that that court is working with cartels? The bare minimum expected of us as a House is to respect our own rules, Standing Orders and the authority of Parliament.

Everywhere in the world, the seat of the Speaker is respected. Even if it is not you the substantive Speaker sitting there, any other Member allowed by our Standing Orders and laws to sit on that seat exercises that authority and we must respect that authority. This is not *Jicho Pevu*.

(Laughter)

This is now Parliament. I think probably we did not do proper induction.

This is a House where you canvas, where you persuade. Many times, rulings have been made that I am not happy with. However, I have to respect the authority of Parliament.

Finally, some of our Members need to be educated. Even if you want to play politics, there is a more civilized way of playing it. If you ask me, if you want to fight for your people... All of us agree that we must protect the livelihood and welfare of the people at the Coast and of course anywhere in this country. However, there is a platform. I have just seen Hon. Abdullswamad has sought for a statement here. We expect to have a Motion in this House by the Chairman of the Committee to debate and discuss this issue of transportation of cargo. This is where now I expected the MP for Nyali to come to this House and use the platform of this House and prosecute his case. In addition, he is very eloquent in Kiswahili- I doubt English- but he is very eloquent in Kiswahili.

(Laughter)

That is one of those languages that are accepted in this House. I am also not eloquent in Kiswahili. However, why can he not come here now and bring all those cartons of documents and present them here and then we will deal with it? Otherwise, if you want to play politics for whatever reason or push the agenda of whoever you want to push, no one stops you. Do not bring this House to disrepute.

Therefore, I was almost going a step further to ask under Standing Order 108, but I am looking at the young man and...

(Loud consultations)

Hon. Speaker, it will be the decision of this House to decide if this Member does not deserve naming. However, I want to say that I am standing on a point of order to invite you the Speaker to name the Hon. Member for Nyali in this House.

(Hon. Junet Nuh spoke off record)

This is because he cannot put this House to unnecessary disrepute when he wants to play politics. Hon. Speaker, with those many remarks, I rest my case.

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

Hon. Speaker: Hon. Millie Odhiambo, what is your point of order?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Speaker for giving me the opportunity.

Hon. Speaker, I have listened to Hon. Mbadi and even though he just wanted to bring to your attention the matters that have been raised by the Member for Nyali, he was a bit reluctant to go to the extent of calling on you to name the Member. I urge Hon. Mbadi to refrain from going that direction. What is very apparent is that this Hon. Member came into Parliament on the platform of sensationalism, because of *Jicho Pevu*. He came to this House and discovered that people conduct serious business here. He is lost and has no clue what to do. When you name him, you will be giving him unnecessary mileage. Let him make the noise he wants to make outside there. Members can express themselves to it, but let us encourage the Hon. Member for Nyali to understand that if he wants to prosecute matters that have to do with his own constituency, this is the place to do it.

My concern was the issue of fisheries. In the last Parliament, I was in the Departmental Committee of Agriculture and Livestock; I chaired the subcommittee that came up with a law on fisheries. So, you are not going to do *Jicho Pevu* and bring the name of the Hon. Speaker in disrepute in order to get mileage and then re-elected on such baseless accusations. I urge that, even as much as we want to name him, we will be giving him unnecessary credit and mileage that he will go and use as a victim. He is not a victim; he is just not doing his work. He should go back and do work for the people of Nyali. He should not use his colleague Members, the Hon. Speaker and the House by bringing them to disrepute in order to raise his own profile.

I thank you, Hon. Speaker.

Hon. Speaker: Let us have the Deputy Whip.

Hon. Maoka Maore (Igembe North, JP): Thank you, Hon. Speaker. I also agree that when a person, of whatever nature, be it *Jicho Pevu* or *Jicho Povu* happens to be a Member of the National Assembly... This is a hallowed House. When you are within the precincts of Parliament, there are many things you cannot get prosecuted for saying. This Member is not semi-literate. He came a week earlier and stated that he was going to use the Floor of the House to name those he fears to name outside because of the consequences. Now using that kind of knowledge, he came to the Floor of this House and was very eloquent in bringing what he brought which did not have evidence. When it was ruled by the Hon. Speaker as being insufficient and inadmissible, he went out and exploded not on the substance, but on the issues of the proceedings of this House by the presiding officer who is Hon. Speaker.

Hon. Speaker, we should discourage those other Members who might have the temptation of engaging in such bad manners, thinking that they can hold bad manners as a crown of honour - that is what this Member for Nyali wants to do. He must be named to serve as an example to others. When I feel aggrieved by your ruling, the procedure is clear on what to do with a bad ruling by the Hon. Speaker. You do not do what he has done. He has abused people and they are going to deal with him. We need to start here by cleansing the name of Parliament from the foul mouth of the Member for Nyali.

I thank you, Hon. Speaker

Hon. Speaker: Hon. Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, I want to associate myself fully with the sentiments expressed by my three colleagues who have spoken before me. It is a principle that one can disagree with the ruling of the Hon. Speaker. However, you have to respect it. I have gone through Article 152 of the Constitution and the relevant Standing Orders. I have not seen anywhere where it is written there are a maximum number of times you can bring an impeachment Motion against a Cabinet Secretary.

Given the elaborate ruling that you gave, I would have expected the Hon. MP for Nyali to go and put his act together, collect relevant evidence and bring back the impeachment Motion. What we see is someone trying to play activism. What I saw is not even opposition politics. We have played opposition politics before. In the Coast where Hon. Ali comes from, when we required him most to join his colleagues in agitating for the rights of those people he is talking about, he was nowhere to be seen. Therefore, I agree with Hon. Mbadi and Hon. Maoka Maore that the Hon. Member for Nyali must be named to serve as an example. Whether he gets mileage out there or sympathy is neither here nor there. What is important is that the dignity of this House must be upheld and safeguarded. You cannot continue to drag everybody's name out there in the mud, thinking that somehow you will get away with it.

Hon. Speaker, I support.

Hon. Speaker: Let us have the Member for Kangema.

Hon. Clement Kigano (Kangema, JP): Thank you, Hon. Speaker. I want to share what the Leader of the Minority Party said and, earlier on, Hon. Waruguru also alluded to, regarding the conduct of this Member. We will be failing in our duty as Parliament if we do not scrupulously enforce the rules made by this House. When I watched this clip last night, I wondered whether I was seeing a village *baraza* or a Member of Parliament duly elected by Nyali people. Nyali is a fairly prominent area. An MP is not a quasi-Member. He is a full Member of this House and so there is no reason, even if he is a *Jicho Pevu*, to be excused. He is just but a Member of this House for that purpose. These rules were not made for a one-term Member or a ranking Member. They apply to all Members, whether one has been here for six months or less. He is a full Member bound by the rules.

Other than ridiculing the Hon. Speaker, he went ahead and mismatched names of prominent Members of society who were not before the House and have no connection with the Standard Gauge Railway (SGR). It is only that their land was invaded by the SGR and the consequence is compensation. They have no choice. So, to prevent future excuses...I knew even before coming to this House that debate is not extendable outside the Chamber. That I knew. Even a primary school child in this country knows that debate is confined to this House and does not go beyond.

Therefore, I support that this Member be named.

I thank you.

Hon. Speaker: Let us have the Whip

Hon. Junet Nuh (Suna East, ODM): Thank you, Hon. Speaker. In my last contribution when you made a ruling on political parties, I said it on record here that there are no proper independent Members in the House. When I was talking on that matter, I was specifically referring to the same Member. This is because, he came to this House as an independent Member, but he has turned out to be more dangerous than even Members who are in serious political parties.

Hon. Speaker, this Member, in the last general election, came and sought our party ticket as the Director of Elections and we denied him the chance. We denied him the chance because we knew he could only do his best in the streets and not in the House. Now, we have been vindicated. From the way he is behaving in town, my party has been vindicated for denying him the ticket. This is because we would have given our ticket to the wrong person.

The Standing Orders are very clear that for you to impeach a State officer under Standing Order 64 (1A) (c), you must produce the evidence you want to use against the State officer. This Member has just collected documents from River Road. He could not produce evidence in Parliament and is now trying to malign the names of Kenyans out there. He has been saying the Speaker has denied him the opportunity to impeach a Cabinet Secretary in this House.

This is not the first time a Member has filed a Motion against a Cabinet Secretary. For those of us who were in the last Parliament we discussed Prof. Kaimenyi a whole afternoon and the Speaker approved it. Hon. Speaker, we even discussed you. Remember somebody brought a Motion against you and we discussed you a whole afternoon. That is how transparent this Parliament is.

We have a Member who was a former journalist. You know the rules of journalism and those of Parliament are totally different. You cannot apply the rules of journalism here. In journalism you look for information by all means. But here you use the Standing Orders, procedures and traditions to execute your mandate. This Member qualifies to be taken back for an induction course. This is because he does not look like somebody who understands how Parliament operates.

Yesterday he was accusing me for whipping Members not to append their signatures in his fake signature collection list. He was standing in front of the gate telling people it was a SACCO loan form instead of an impeachment Motion. That is how untruthful he is. Around six Members of my party told me they signed that Petition thinking it was a Bunge SACCO loan form. They never knew they were signing an impeachment of a Cabinet Secretary. This is because he did not have grounds to impeach the Cabinet Secretary.

Honestly, Members are here and they can speak for themselves. We cannot allow a Member to impute improper motive on this House. This is a House of dignity and should be respected. If he feels he cannot survive in this House under the rules, he has no option but to get out.

Lastly, I do not know whether to share this with the Members. I went to visit the speaker in his office and I saw him bringing documents and some of them were Court of Appeal judgement. For judgements that have been made, what has Parliament got to do with them? He should go and appeal in the Supreme Court.

Hon. Speaker, your ruling was timely and it defended the Constitution, the Statutes and Standing Order. You have no apologies to make. I want you to agree with the Leader of the Minority Party that this Member must be named because his behaviour is unbecoming. This is not *Jicho Pevu* but Parliament. Now, he has become *jicho pesa* and stopped being *jicho pevu*. He is looking for money by smelling for it everywhere like a rat.

With those few remarks, that MP must be named.

Hon. Speaker: Member for Nyeri Town.

Hon. Ngunjiri Wambugu (Nyeri Town, JP): Thank you very much, Hon. Speaker. A few weeks ago, I brought a Motion in this House which I was very passionate about, but it did not go the way I wanted. I understand that things do not always work the way you want. I did not go out there to cast aspersions on anyone, build stories or create narratives to support what I wanted. I want to agree with my seniors, including the Leader of the Minority Party, and those who have insisted it is important to have consequences for mistakes made.

Hon. Speaker, if you do not name this Member what will stop another Member from doing something worse, if you pass a decision in this House and they do not agree with? I want to strongly urge you because I am also a first-time Member. I understand the things I can do and those I cannot. One of the things you cannot do is to cast aspersions on the Speaker. This is because the minute you do so, it means everything we do in this House can be challenged. This is because you are saying there is a possibility of compromising the Speaker and the Members.

He has made such a strong allegation. In this House, we know that allegation is baseless. But because he is a journalist and is able to call journalists to give him free media coverage, he thinks he can say whatever he wants. It is the responsibility of this House to teach him a lesson

and any other Member who might think they can do something like that. There are consequences of doing such things and breaking the rules. Otherwise, we will not have discipline.

If we allow this to pass on the basis that he is a first-time Member, a journalist or did *Jicho Pevu*, what will stop the next person from doing something similar and creating their own background and context? I understand and see where Hon. Millie Odhiambo is coming from. That it is possible for him to use this to build a victimhood narrative. That is his business and for him to do whatever he wants. As for this House we saw what he did and disagree. The only way for people to understand that we disagree with what he did, is for you to name him.

Thank you very much.

Hon. Speaker: Member for Kathiani.

Hon. Robert Mbui (Kathiani, WDM-K): Thank you very much, Hon. Speaker for this opportunity. I watched and was appalled by that video clip. I saw this Member in the company of a few political rejects. I am not being rude because these are former Senators who were removed by the public in the last elections. Those are the people who were seated there cheering him on.

Hon. Speaker, I have listened to you a number of times speaking about Members prosecuting their issues in the media. A lot of times you have said there are Members who purport to have a Bill in the House, while they do not have. Many times, you have warned us against that. We have agreed that choices have consequences and so it is important that some punishment be meted out against this Member.

You will remember in the last Parliament we had issues here. I am happy that Hon. Opiyo Wandayi is here because he crossed the line. There were consequences and punishment meted out. We will lose track if we allow this Member to get away with this situation. It is important that we ensure he gets punishment for his behaviour.

I would like to add the fact that even when you read that ruling, you talked about the number of Members who had asked to withdraw their signatures from his Petition. Many of those Members belong to Wiper Democratic Movement-Kenya (WDM-K). Majority of them will tell you that they were cheated into signing that Petition. So not only is he continuing to besmirch the name of the House, but he also collected signatures by false pretense. This is a conman and we need to deal with him.

Thank you, Hon. Speaker for the opportunity.

Hon. Speaker: Hon. Members, I am looking at the geography of the country. Let me give a chance to Trans Nzoia.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Speaker. I was here when you gave your ruling on the impeachment Motion brought by the Member for Nyali. That ruling will go a long way in forming part of the standards for which impeachment Motions should be brought into this House. I think this is something that will be historical.

Many times, in this House you have also ruled on matters that concern Hon. Members. That, if you want to discuss Hon. Member, you should bring a substantive Motion. We cannot discuss an honourable Member through a point of order. Having listened to the issues that were raised, there are issues which you have also ruled on many times. You have said that the issues that are discussed out there in the media and newspapers should be prosecuted in those places. They are not issues that should be brought to this House. If there was an issue that we needed to prosecute in this House that the Member had brought... You also made the ruling that some of the Members who signed cannot withdraw their signatures. What is the point of you signing a document that you do not understand? We expect that every Member who is in this House must understand what he/she signs. You cannot say that you were cheated to sign a document that you

did not know. I think that is discrediting the Members who signed that document. That is something we should also desist from. We are discrediting some of our colleagues by saying they signed a document through cheating.

Some of us have not watched what the Member has said. We do not watch television and social media. It is something that should be discussed out there and if there are people who would want to respond to them, let them respond to them out there and not here in the House. If you want to bring something here in the House, let it be a substantive motion that we can debate and we can agree on. All of us are elected to represent our constituencies. Please, do not put us at your level. Do not put us at that level where you are able to come and discuss issues that are not brought before this House. Please! If it is before the House, we can discuss. If it is not before the House, please do not put us in that level. All of us are not in that level of discussing issues that were not brought before the House.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, remember Hon. John Mbadi rose seeking that the Member be named, but I think the route we are going – and I want to agree with Hon. Pukose – is one which will also breach our own Standing Orders. I was also buying time so that you can do some other work. I know the House has a lot of business to do. If you recall, Hon. Mbadi correctly began by stating the obvious that our own Standing Orders are anchored in Article 124 of the Constitution. He proceeded to refer to the said Standing Orders most specifically for purposes of what we are discussing now, that is, Standing Order Nos.107 and 107A, which are the Standing Orders that govern this particular aspect. There is also Standing Order No.108. You can go on and on up to Standing Order No.112.

However, one issue is very clear about naming a Member. For avoidance of doubt, I want to read to you. It is not that I do not hear what you are saying, but remember we cannot also fall prey into breaking the Standing Orders ourselves. Standing Order No.108 (1) says:

“Any Member may at any time, on a point of order, invite the Speaker or the Chairperson of Committees to name another Member for gross disorderly conduct, but the decision whether or not to do so shall remain with the Speaker or Chairperson.”

Gross disorderly conduct is covered in Standing Order No.107A. More importantly, I will read sub-section (2). That is the reason why sometimes you find me selecting some people who are versed with the Standing Orders.

Standing Order No.108 (2) states as follows:

“Whenever a Member shall have been named by the Speaker or by the Chairperson, then –

- (a) if the breach has been committed by such Member in the House, a Motion shall be made by any other Member present “That, such Member (naming the Member) be suspended from the service of the House,” and the Speaker shall forthwith put the question thereon, no amendment, adjournment, or debate being allowed;”

Up to now, no Member has brought a Motion and the breach, which is why I have allowed you to ventilate, complained of was not... Even if we all feel aggrieved, it was not in the House. So, it suffices to say that, yes, certain comments and statements that sometimes we make out there lower the dignity of the House. That is a fact and it could easily infuriate many of us like it appears to be that the majority of you are infuriated. However, such anger should not be the reason for us not to follow our Standing Orders. It has happened in the past and past speakers have on numerous occasions left such decision as to whether a Member who misbehaves out there would come and

apologise to the House to the conscience of those Members. Unless there is a substantive Motion which then every Member will be at liberty to contribute –if we proceed in the manner that we are about to, we will ourselves be guilty of not following the same Standing Orders and by extension breaching the Constitution which is the anchor of the Standing Orders.

As for me, I am not worried about it. People are at liberty to say what they want. You have even seen cartoons. In fact, it is not even lost on me that just this week a Member who spends very little time in the Chamber here – I will not name him – mistakenly this Tuesday went to comment that all Bills and Motions have been moved by the new Leader of the Majority Party and seconded by the Leader of the Minority Party and, therefore, the National Assembly is dead and the Speaker is the mortician.

Remember that the Member is very rare in the House, but those are not things we should really worry about. We just encourage the Member to come here a bit, so that he can make a difference when the Leader of the Majority Party is contributing.

On that day, the main Bill which was before this House – I am sure Hon. Kimani Ichung’wah, Hon. Odhiambo-Mabona and many of you can attest to that – was the Finance Bill, 2020. Who was moving that Bill? It was the Chair of that Committee, Hon. Joseph Limo, but that Member did not see.

Hon. Members, even though we may feel very infuriated by what was said out there by the Member for Nyali, since there is no substantive Motion before the House to discuss his conduct and proceed to name him because of certain behaviour which we may not be happy with and which happened outside the Chamber, we will also be in breach of our Standing Orders. Therefore, I want to plead with you and urge you that we do not go that route of naming the Member because if we do so – it is not that I have not heard the pleas that you have made, Hon. Opiyo Wandayi; I have heard what you have said – we will also be guilty of subverting the Standing Orders. As your Speaker, I would want us to avoid that route.

Hon. Members, Standing Order No.108 is very clear. The decision to either name or not name still rests with the Speaker, is it not? I am trying to explain to you why I do not want to exercise that discretion and make the decision to name. Let us just forget that. I encourage the Member for Nyali to also begin coming to the Chamber more frequently and spend a little bit of time. I am sure he will learn from many of you. Many of you are very experienced, including those who are doing their first term like him. A very good example is the Member for Funyula. I really admire his participation. Other examples are the Members for Mathare, the Member for Nyeri, and the Member for Mwea, the Member for Dagoretti South and so many of you because you spend time here. So, all we need to do is to appeal to them, because he is not alone. Come and spend more time here like the Member for Kimilili does very religiously. Come to the House and you will obviously be able to say some of those things and follow the example of the Member for Mvita, if you have an issue with anybody out there.

Remember, the decision to impeach still lies with you Members, but you must provide annexes - as Hon. John Mbadi stated - in the rules so that you do not come and take us on a wild goose chase, when you have something as serious as this. Bring all the evidence and particularize the breaches that you are complaining about, including sworn testimonies where necessary, if you do not have documents, so that the Speaker can be able to say that, with all these, proceed to the Floor. We have done that in the past, have we not? So there is nothing special about the intention. But the Member for Nyali would need to be advised that, following the ruling on Tuesday, that matter now is dead, but he does not have to wait for six months as it was not a resolution of the House. That is a procedural decision that the Speaker had to make. He is at liberty to collect as

many signatures as he is able to, but signatures alone are not the only requirement. Bring the evidence that is required as per the rules.

Hon. Members, I wish to request that we put the matter to rest. Let us leave it at that.

(Hon. Kimani Ichung'wah spoke off record)

Has he come to the Chamber? Hon. Kimani Ichung'wah, what is your point of order?

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Speaker. I cannot concur more with you in that Solomonic ruling relating to that matter, but as you have said, we must be a House of procedure and we must follow our own Standing Orders. Indeed, Hon. Speaker, you remember that during the 11th Parliament, I did move a Motion to name the then Member for Nyando, who is now the Senator for Kisumu, Sen. Fred Outa. We did debate that Motion and we, as a House, named the Member for gross misconduct.

However, my point of order is in relation to what you were saying. I am trying to ignore the Leader of the Minority, or is it the leader of the real minority? Let me not get into that. The Deputy Minority Leader, in his contribution to the earlier discussion, referred to the Member for Nyali as a conman. According to Standing Order No.107 (a), that is indeed un-parliamentary. Therefore, I beg the Member for Kathiani to withdraw. We cannot be disparaging a Member who is not even seated in this House, unlike Hon. Junet Nuh, who the other day referred to himself as a cow. It is not another Member who referred to him as a cow and it is within the rights of Hon. Junet Nuh to refer and describe himself as a cow. However, you cannot attempt to call another Member a conman or purport that other Members should be called a cow. Some of us will never be cows or sheep. We are here to represent our people and we will do so without being cows, sheep or even pigs, even though I rear pigs.

Hon. Speaker, I want to beg that the Member for Kathiani withdraws the reference he made to the Member for Nyali as a conman.

Hon. Speaker: Member for Kathiani, if you are willing to do exactly that, please, proceed.

Hon. Robert Mbui (Kathiani, WDM-K): Thank you, Hon. Speaker. It is true that it is un-parliamentary. So, I replace the word "conman" with "conmanship", which is an act and not a person. I withdraw the word "conman". He is not a conman but his act was conmanship.

Thank you.

(Laughter)

Hon. Speaker: Hon. Members, let us leave that matter at that point because we have some very serious business.

(Hon. Kimani Ichung'wah spoke off record)

Please, there is serious business here and the Members of the Budget and Appropriations Committee are ready.

(Hon. Abdullswamad Nassir spoke off record)

Order, Hon. Abdullswamad Nassir! What is the issue?

Hon. Abdullswamad Nassir (Mvita, ODM): Mhe. Spika, katika Jumba hili, kama kuna watu ambao wanajulikana kwa hekima zao, wewe ni mmoja wao na utaingia kwenye kumbukumbu za historia kwa sababu ya hekima ambayo umeweza kuitumia hususa hivi sasa. Mmeweza kueleza lugha ya kisheria. Ningetaka tuzungumze lugha ya mtaani. Mpuuzi mpe sifa. Baadaya yote yale, hili Jumba ni Jumba ambalo rekodi zote zinawekwa. Inajulikana wazi ni nani anayeleta masuala yakutetea watu zaidi ya yeyote mwingine.

Historia ipo katika *Hansard* iliyo hapa. Inajulikana wazi ni nani. Lakini leo, nakumbuka maneno ya marehemu Mzee wangu akiniambia usihofie...Nakumbuka kauli ya kuwa pale unapooni ya kuwa ghafla, mawe yanaanza kutupwa kwa kiwewe... Ile lugha yakunikashifu mimi, familia yangu mpaka marehemu baba yangu aliyoko chini kwenye kaburi kwa sababu ya kauli za jana, nawaambia tu kama vile ulivyozungumza wewe, Bwana Spika, namsamehe.

Leo, kuna Wabunge watakaopoteza viti vyao kwa sababu Mahakama imewahukumu. Ikiwa kuna jambo lolote ambalo Abdullswamad Sheriff Nassir, kama Mjumbe wa Mvita, alikeuka na kuchukua kandarasi yoyote ya haramu, basi naomba afuate njia mwafaka ili jina langu litolewe kuwa safi kuwa kiongozi. Hivi si vita vya sasa. Vita vinapangwa kwa sababu ya mwaka wa 2022.

Lakini Jumba hili halidanganyi. Inajulikana wazi tetesi za mambo ya Poti ni nani aliyozungumzia tangu mambo ya CT2 *Privatisation*. Inajulikana ni nani alipitisha Mswada huo. Hili Jumba halidanganyi. Inajulikana ni nani aliyehakikisha kuwa Waziri aliregea nyuma kauli yake ya kwanza kuhusu mambo ya Standard Gauge Railway (SGR). Hili Jumba halidanganyi kuhusu yale yote tuliwafanyia wafanyi kazi wa Poti. Inajulikana wazi ni nani aliyewatetea.

Siku zote hizo nilikuwa sijapewa kandarasi. Lakini mnasema nimepewa kandarasi kwa sababu sitaki kukubaliana na mambo ambayo ni ya upotofu wa sheria na naona wazi kuwa njia unayokwenda wewe ni njia ya kutanga tanga kisiasa.

Nitaendelea kuhudumia watu wangu wale wale. Naomba kwa unyenyekevu, kuwa uwaambie wengine ambao unaketi nao katika lile gumzo la baraza kuwa mazungumzo yote pale yasife.

Wayachukue wayapeleke katika Mahakama. Hiyo ndiyo njia mwafaka na kisa sawa cha kusema kuwa Abdullswamad Sheriff Nassir hafai. Historia na rekodi inaonyesha wazi msimamo wangu uko vipi. Leo wengine wanasema ni kwa sababu ya Baba ndio nakataa. Siku zote nilipokuwa ninapinga mbona sikuambiwa kuwa Baba alinikataza?

Vile wamemtaja maheremu baba yangu, nitamalizia na kauli yake. Wapende wasipende tutaifanyakazi hii vile inavyotakikana.

(Applause)

Hon. Speaker: *Basi tutie kikomo hapo. Tutilie kikomo hapo hayo maneno.* Let us have the Leader of the Majority Party.

STATEMENT

BUSINESS FOR THE WEEK COMMENCING 30TH JUNE TO 2ND JULY 2020

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, 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 today, Thursday, 25th June 2020 at 10.00 a.m., to prioritise business for consideration.

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On Tuesday, next week, we will undertake the First Reading of the Mediation Bill, 2020 and the National Aviation Management Bill, 2020, as well as the Second Readings of the Refugee Bill, 2019 and the Care and Protection of Older Members of Society (Senate Bill No.17 of 2018). Also scheduled for debate in the Committee of the whole House is the Tea Bill (Senate Bill No.36 of 2018) and the Gaming Bill, 2019.

Within the same week, the House Business Committee has also prioritised consideration of mediated versions of the County Governments (Amendment) Bill (Senate Bill No.11 of 2017) and the County Governments (Amendment) (No.2) Bill (Senate Bill No.7 of 2017) should they not be concluded today.

Also scheduled for consideration in the Morning Session of Tuesday, 30th June 2020 is the processing of the Supplementary Appropriation (No. 2) Bill, 2020 to enable its consideration in all the stages. As the House is aware, this Bill ought to be passed and ready for assent by that day of 30th June in accordance with the provisions of the Public Finance Management Act of 2012. In this connection, I will be moving a Procedural Motion to discuss the Report of the Budget and Appropriations Committee on Supplementary Estimates III for the Financial Year 2019/2020 later today.

As Members are aware, 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 Thursday, 2nd July 2020, to consider business for the week beginning 28th July 2020.

I now wish to lay this statement on the Table of the House.

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

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

Hon. (Ms.) Odhiambo-Mabona(Suba North, ODM): Thank you, Hon. Speaker. First of all, I do not think I have formally congratulated the new Leader of the Majority Party. I was away when they did the handover ceremony. I also want to thank Hon. Duale as he exits.

I know we are living in exceptional times but I would like to request the Chairperson of the House Business Committee - through the Leader of the Majority Party - to also kindly consider Private Members' Bills. I have three pending Bills. I have finally ceded one of the Bills to the Senate, namely, the Reproductive Healthcare Bill because each time we move a Bill up to a point, the Senate comes with another. We then end up almost doing nothing. Some of us have invested years in doing work.

I also have the Child Justice Bill. This year, on the Day of the African Child, the African Union (AU) focused on the issue of child justice. This Bill has been in the House for more than 10 years.

I also have the Assisted Reproduction Technology Bill. The courts made a ruling requesting Parliament to pass that law. We do not have it. There is also the Bill that I have mentioned, namely, the Reproductive Healthcare Bill.

I know there are several other Members who also have Private Members' Bills. The House Business Committee should kindly consider that. This House has very exceptional Members with very brilliant minds. We need to motivate Members when they put in a lot of energy towards legislation.

Hon. Speaker: Very well. The Clerk is directed to ensure that when the House Business Committee meets, they give us all the pending Private Members' Bills as well so that we schedule them for debate. It is a good point, Hon. Millie. Thank you.

Hon. Members, before we move on to the next Order, I want to rearrange the business for the convenience of the House. Let us go to Order No.5. Hon. Lessonet, you have the Floor.

PAPER LAID

Hon. Moses Lessonet (Eldama Ravine, JP): Thank you, Hon. Speaker for granting me the opportunity to go back to Order No.5.

With your permission, I beg to lay the following Paper on the Table of the House:

The Report of the Budget and Appropriations Committee on the Third Supplementary Estimates for the Financial Year 2019/2020.

Hon. Speaker: Yes. Next order!

NOTICE OF MOTION

ADOPTION OF THE REPORT ON THE THIRD SUPPLEMENTARY ESTIMATES FOR THE FINANCIAL YEAR 2019/2020

Hon. Moses Lessonet (Eldama Ravine, JP): Hon. Speaker, I thank you for granting me this opportunity to go back to Order No.6.

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

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Third Supplementary Estimates for the Financial Year 2019/2020 laid on the Table of the House on 25th June 2020 and pursuant to the provisions of Article 223 of the Constitution of Kenya, Section 44 of the Public Finance Management (PFM) Act, 2012, Public Finance Management Regulation 40 and Standing Order No.243:

- (i) Approve an increment of the total recurrent expenditure for Financial Year 2019/2020 by Kshs9,232,000,000 in respect of the votes as specified;
- (ii) Approve an increment of the total development expenditure for Financial Year 2019/2020 of Kshs2,068,000,000 in respect of the votes as specified;
- (iii) Approve an overall increase in the total Budget for Financial year 2019/2020 by Kshs11,300,000,000 in respect of the votes as specified;
- (iv) Reject the re-allocations in the said Third Supplementary Estimates, including those intended to affect the ring-fenced funds under the Ministry of Health and necessary adjustments be made before publication of the resultant Supplementary Appropriation Bill, 2020.

I thank you, Hon. Speaker.

Hon. Speaker: Before we move on to Order No.8, the Leader of the Majority Party will move a procedural Motion which I had approved.

PROCEDURAL MOTION

APPROVAL OF A SECOND SITTING

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to move the following procedural Motion:

THAT, pursuant to the provisions of Standing Order No.30(3)(b), this House resolves to hold another Sitting today, Thursday, 25th June 2020 after the 2.30 pm Sitting, upon conclusion of business appearing under Order No.11.

This has been necessitated by the Budget and Appropriations Committee which has worked overtime. They managed to write a Report which was tabled in this House this afternoon. I believe that between now and Order No.11, Members will have an opportunity to look at the Report. If we can process this Report today, it will mean that the Appropriation Bill which arises there can be published over the weekend. This also means that we will not end up rushing business on Tuesday in the morning and then publish documents at lunchtime to approve them in the afternoon which can create room for errors which cannot be detected, because we need to meet the deadline of 30th June which happens to be on Tuesday.

We are living in very difficult times but we have to accommodate the business as it comes. When we give the Committee the opportunity to move the Report, I believe that they will tell us exactly what is contained in it and the circumstances under which it has come at this point. The House will make a decision at that point. Let us create an opportunity for them to present the Report to us today, so that we make a decision which will then facilitate the further processing of the Supplementary Appropriation Bill on Tuesday in the morning, so that we close the financial year and books properly to avoid unnecessary push and pull on this matter.

This is a straight forward matter.

I beg to move and ask the Leader of the Minority Party, Hon. John Mbadi, to second the Motion.

Hon. Speaker: Hon. Mbadi, you have the Floor.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Speaker. I have nothing much to say because this is a procedural Motion. We are requesting the House to sit again to consider this Report.

I second the Procedural Motion.

(Question proposed)

Hon. Members: Put the Question!

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

Hon. Members: Yes.

(Question put and agreed to)

Hon. Speaker: The Clerk is accordingly directed to prepare the Order Paper for that second Sitting. Hon. Members, when you speak at your place, I am unable to know whether you are cracking a joke. Let us proceed with business as it appears on the Order Paper. I am sure that the Member for Kiminini will have an opportunity, in his usual way, to contribute. Can we move on to the next Order now?

MOTION

APPOINTMENT OF MEMBERS TO THE COMMITTEE ON SELECTION

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to move the following Motion:

THAT, further to the resolution of the House of Tuesday, 5th December 2017, appointing Members into the Committee on Selection and pursuant to the provisions of Standing Order No.172 (1) (c), this House further approves the appointment of the Members listed under paragraph (a) here below to replace those appearing under paragraph (b) hereunder-

(a) New Members nominated for appointment:

Hon. Maoka Maore;
Hon. Jane Wanjuki;
Hon. Gathoni Wamuchomba;
Hon. Joshua Kutuny;
Hon. Maina Kamanda, EGH;
Hon. Shurie Abdi Omar;
Hon. Wachira Kabinga;
Hon. Eseli Simiyu; and
Hon. Godfrey Osotsi.

(b) The Members to be replaced:

Hon. Beatrice Nkatha Nyaga;
Hon. Khatib Abdallah Mwashetani;
Hon. Faith Wairimu Gitau;
Hon. John Kiarie Waweru;
Hon. William Kipkemoi Kisang;
Hon. Robert Gichimu Githinji;
Hon. John Paul Mwirigi;
Hon. Nicholas Tindi Mwale; and
Hon. Catherine Wambilianga.

I wish to report that these changes were approved in the House Business Committee (HBC) this morning. The HBC appoints the Members of the Committee on Selection. It gave the go ahead for the re-constitution of this Committee which will then pave way for the reconstitution of the other committees in the House.

Again, this is a straightforward matter and I want to thank the Members who have served in this Committee and who will now stand replaced and who will be obviously in other committees. This is a Committee that only sits when there is selection to be made. Members, your replacement is not because you have done a bad job, but it is an opportunity to give the wider variety of membership to also experience what it means to serve in the Committee on Selection rather than keep just one set of Members for five years. We would want to have as many Members as possible experiencing what it means to select other Members.

It is from that background that some of these changes have come about. This is straightforward and I would like to ask my colleague and counterpart, the Leader of the Minority Party, to second.

Hon. Speaker: Hon. John Mbadi.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Speaker. I am sure that Members are aware that we have indicated, from both sides of the House, the Majority and the Minority that we want to make some changes. Some of these changes are occasioned by removal of some Members from committees, where some were chairpersons while others were vice-chairpersons, and some changes will be made on the membership. But this can only be possible if the Committee on Selection can execute that job very well.

So, Hon. Speaker, when we looked at the composition of the Committee on Selection, we saw that there was need to change the membership of this Committee. I was looking at this Committee and wondering aloud how it was constituted. All the same, we have had it, having Hon. Beatrice Nkatha Nyaga, Hon. Khatib Mwashetani, my friend Hon. Faith Wairimu Gitau, Hon. John Kiarie Waweru, Hon. William Kisang, Hon. Robert Githinji, Hon. Paul Mwirigi and on my side, Hon. Nicholas Tindi Mwale and Hon. Catherine Wambilianga. This was a Committee that was not going to serve the interest of the changes that we want to make in this House.

So, these Members are to be removed and replaced accordingly with other Members. Therefore, there is no other justification. We are just enabling this Committee to do the task that is ahead of it. If we do not replace these Members, the task that we are embarking on next week will be sabotaged. That is why both the Majority and the Minority... The worst team was from the Majority Side. But from the Minority Side, we also had two Members who obviously had to be changed. The House should agree with us because we are embarking on a very serious matter of making these committees function properly.

As I second, I want to ask the Members who are joining to come with open minds and let us reform and make changes in the committees. Some changes will be very painful, but the duty calls and we have to do it.

Thank you, Hon. Speaker. I second.

(Question proposed)

Hon. Members: Put the Question!

(Question put and agreed to)

Hon. Speaker: Hon. Members, the appointment of those new Members is in addition to those others who are automatic Members, for instance, the Leader of the Majority Party and the Leader of the Minority Party, and others whose names have not been replaced. According to our Standing Orders, this Committee can only have a maximum of 21 Members. This will just complement the existing Members and the automatic Members of the Committee.

Next Order!

MOTION

APPOINTMENT OF A MEMBER OF PARLIAMENTARY SERVICE COMMISSION

Hon. Speaker: Vice-Chairperson of the Parliamentary Service Commission, the Hon. (Dr.) Naomi Shaban.

Hon. (Dr.) Naomi Shaban (Taveta, JP): Hon. Speaker, I stand to move the following Motion on the Appointment of a Member of the Parliamentary Service Commission:

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THAT, taking into consideration the recommendations of the Parliamentary Service Commission in its Report on the Recruitment of the Parliamentary Service Commissioner who is not a Member of Parliament, laid on the Table of the House on Tuesday, 16th June 2020, and pursuant to the provisions of Article 127(2) (d) of the Constitution, this House appoints Hon. Rachel Ameso Amolo as a Member of the Parliamentary Service Commission.

Hon. Speaker, Article 127 of the Constitution of Kenya 2010 establishes the Parliamentary Service Commission with functions and responsibilities as set out in Article 127 (6) (a) to (e) and the Parliamentary Service Act of 2019. These include the following:

- (a) Providing services and facilities to ensure the efficient and effective functioning of Parliament;
- (b) Constituting offices in the parliamentary service and appointing and supervising office holders;
- (c) Preparing annual estimates of expenditures of the parliamentary service and submitting them to the National Assembly for approval and basically exercising budgetary control over the service; and
- (d) Undertaking programmes to promote the ideals of parliamentary democracy amongst others.

Hon. Speaker, Article 127 (2) and (3) of the Constitution provides that the Parliamentary Service Commission shall consist of the following Members:

- “(a) The Speaker of the National Assembly as the chairperson;
 - (b) A vice-chairperson elected by the Commission from among its Members; and
 - (c) Seven Members appointed by Parliament from among its Members as follows:
 1. four shall be nominated equally from both Houses by the party or coalition of parties forming the national Government, of whom at least, two shall be women;
 2. Three shall be nominated by the parties not forming the national Government, at least, one of whom shall be nominated from each House and at least one shall be a woman; and
 - (d) One man and one woman appointed by Parliament from among persons who are experienced in public affairs but are not Members of Parliament.
- (3) The Clerk of the Senate shall be the Secretary of the Commission.”

Hon. Speaker, the position of the female non-Member of Parliament under Article 127(2)(d) of the Constitution became vacant on 18th March 2020 following the expiry of the term of the immediate former holder of the position, Dr. Lorna Mumelo on 17th March 2020 and who was not eligible for reappointment to the Commission in line with Article 250(6)(a) of the Constitution. The expiry of the term of Dr. Lorna Mumelo coincided with the declaration of the Coronavirus Disease (COVID-19) as a global pandemic. It was not, therefore, appropriate to immediately declare the vacancy for the position of commissioner and call for applications at that particular point in time.

On Tuesday, 5th May 2020, the Parliamentary Service Commission declared a vacancy in the position of the female non-Member of Parliament by placing a notice in the *Kenya Gazette* and an advertisement in the two daily newspapers of national circulation and on the Parliament website, inviting interested qualified persons to apply for appointment as a member of the Commission

under Article 127(2)(d) of the Constitution. Considering the COVID-19 situation and the attendant safety protocols, interested applicants were required to e-mail their applications to the e-mail address provided in the advertisement within 14 days from the date of the advertisement, with Tuesday, 19th May 2020 as being the closing day for receiving applications.

Hon. Speaker, as was indicated in the advertisement, a person is qualified to be appointed as a member of the Parliamentary Service Commission under Article 127(2)(d) of the Constitution of Kenya and Sections 8 and 9 of the Parliamentary Service Act, 2019, if:

1. The person is not a Member of Parliament;
2. Holds a degree from a university recognized in Kenya;
3. Has, at least, 10 years' experience in public affairs;
4. Meets the requirements of Leadership and Integrity as set out in Chapter 6 of the Constitution;
5. The person has experience or interest in consolidating and advancing the ideals and objectives of parliamentary democracy;
6. The appointment reflects the National Values and Principles as set out in Article 10 of our Constitution; and
7. The appointment represents regional and ethnic diversity of the people of Kenya.

At the closing date for receiving applications on 19th May 2020, the Commission had received 70 applications and longlisted and shortlisted the applications; out of which the following eight applicants were shortlisted as meeting the requirements set out in the Constitution and the Parliamentary Service Act of 2019:

1. Hon. Rachel Ameso Amolo;
2. Lilian Bokeeye Mahiri-Zaja;
3. Hon. Regina Changorok Cherop;
4. Catherine Muyeka Mumma;
5. Mwanamaka Amani Mabruki, CBS;
6. Lucia Muindi Ngumbau Mulwa;
7. Susan Waiyego Mwangi Owino and
8. Hon. Daisy Kanainza Nyongesa.

Hon. Speaker, the Commission published a list of the shortlisted applicants on 24th May in two local daily newspapers and invited them for oral interviews on 29th May 2020.

In the advertisement, the Commission invited members of the public to avail signed statements on any information of interest with respect to the suitability of any of the shortlisted candidates to serve as a member of the Parliamentary Service Commission. The Commission received memoranda in respect of one of the shortlisted applicants recommending the applicant for appointment.

The Commission further *vide* a letter dated 24th May 2020 requested for an advisory from the Ethics and Anti-Corruption Commission (EACC) as to the shortlisted applicants' suitability with regard to the requirements of Leadership and Integrity as set out under Chapter 6 of the Constitution through a letter dated 28th May 2020. The EACC advised the Commission that they had not undertaken any investigations where the shortlisted candidates had been found culpable.

The oral interviews for the shortlisted candidates were conducted on 29th of May 2020. Following the interviews, the Commission resolved to recommend Hon. (Ms.) Rachel Ameso Amolo who ranked highest in the oral interviews to the National Assembly and the Senate for appointment as commissioner in the Parliamentary Service Commission under Article 127(2)(d) of the Constitution of Kenya, 2010 for a term of six years from the date of her swearing in.

Ms. Rachel Amolo holds a Master's Degree in Business Administration, Marketing from Daystar University, a Bachelor of Business Administration from Kenya Methodist University and a Diploma in Human Resource Management from the Kenya Institute of Management. She worked as a managing director at Fast-track Management Consultants from 2002 to 2013 and as a part time consultant from 2018 to date.

Hon. Members, most of you served with Hon. Ameso in the 11th Parliament, when she was the Kakamega County Member of Parliament from 2013 to 2017.

(Applause)

The Commission is, therefore, satisfied that Ms. Ameso meets the requisite qualifications and experience for appointment to this position.

Hon. Speaker, I beg to move that the Report on the recruitment of the Parliamentary Service Commissioner who is not a Member of Parliament be adopted.

Hon. Speaker, I ask the Leader of the Minority Party, Hon. John Mbadi, to second this Motion.

Hon. Speaker: Hon. Mbadi.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Speaker.

Hon. Speaker, it is my pleasure to second this Motion that seeks to have Ms. Ameso appointed to the Parliamentary Service Commission. The word is, "appointed". We are not approving, but we are appointing.

This is for two reasons. The first one is that, as I had stated here before former Members of Parliament are an endangered species in this country. Once you serve in this House, even if you are as intelligent as who, the moment you leave this House, I do not know why Kenyans assume that your intelligence disappeared here and that you cannot be considered for any other position. Therefore, when such a Member seeks appointment through this House, it would be an injustice to reject that appointment especially if there are no good reasons.

The second reason is that this lady is very patient. This lady did very well in the interviews for the position of a member of the Salaries and Remuneration Commission (SRC). But because of regional balance and county issues, she lost. She again tried her luck when we were appointing the former MP Amina and, again, she was left out. I think God had planned for this lady to be in this Commission.

(Applause)

My final remark is this: If we pass this lady here, but the Senate rejects her, then the appointment will be lost. I appeal, and I have tried to talk with our counterparts in the Senate...

(An Hon. Member spoke off record)

They have finished? Then that is super. Then I now take back what I wanted to say.

I second this Motion. Let us give Ameso the chance. She has a master's degree while the requirement is a degree and has served in this House before. We know her competence. She is a very reasonable lady. I do not know whether there is anyone who can claim that Ameso, while serving here, had issues with him or her.

I beg to second.

(Question proposed)

Hon. Members: Put the Question.

Hon. Speaker: Hon. Members, is that the desire of the House that I put the Question?

Hon. Members: Yes.

Hon. Speaker: Very well. Of course yes. I have just to bow to the pressure of the House and put the Question, is it not?

(Question put agreed to)

Next Order.

BILL

Second Reading

THE APPROPRIATION BILL

Hon. Moses Lessonet (Eldama Ravine, JP): Thank you, Hon. Speaker. I beg to move that the Appropriation Bill be now read a Second Time.

Hon. Members, this is debate on the Second Reading of the Appropriation Bill. I hope Members have heard you, that we are now doing the Second Reading of the Appropriation Bill for the Financial Year 2020/2021. The Appropriation Bill 2020 basically represents the penultimate step of a rigorous budget-making process for the Financial Year 2020/2021. It follows the approval of the Budget and a Report of the Budget and Appropriations Committee which this House adopted on Tuesday this week, including doing the Committee of Supply. So, it is important to emphasize that in these 2020/2021 Estimates, there is a lot of effort by the Executive and this House. Budget-making is a function of the National Treasury that this House, this Parliament, has put a lot of resources towards the mitigation of the COVID-19 pandemic. We all agree that COVID-19 has come with its challenges and it is impacting negatively on revenues and employment. Many youths out there have lost their jobs. Once we approve this Appropriation Bill, it is going to release resources towards such mitigation.

Like we mentioned during the Committee of Supply, there are resources to *Kazi Mtaani*. That is so that our youth who are out there can get a few jobs. There are resources towards building of dams by the communities so that, at least, everyone, despite, the impact of COVID-19, can get something to do.

This Appropriation Bill seeks the issuance, out of the Consolidated Fund, of a sum of Kshs1,456,147,560,961 which is the sum required to meet the national Government expenditure during the Financial Year ending 30th June 2021.

Hon. Speaker, this Bill also appropriates money granted for services and purposes specified in the Schedule as approved by this House during the Committee of Supply this last Tuesday. Hon. Speaker, because this House has already spoken to the Estimates of 2020/2021, I just want to highlight a few allocations by sector.

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

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

Hon. Speaker, in these Estimates, despite the impact of COVID-19, this House has already, through our Report and the Committee of Supply, approved Kshs505 billion towards the education sector.

Hon. Speaker, this House has already approved Kshs363 billion towards....

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Lessonet, you need to look at the Speaker as you address the Speaker. Then you will be able to do a proper address.

Hon. Moses Lessonet (Eldama Ravine, JP): Thank you, Hon. Temporary Deputy Speaker.

This House has already approved Kshs363 billion towards infrastructure, energy and ICT; Kshs289 billion towards public administration; Kshs197 billion towards governance, justice, law and order; Kshs154.5 billion towards national security and Kshs112 billion towards health. There is a further Kshs268 billion allocated to other sectors which you will allow me not to enumerate, for purposes of time.

In this Bill, one schedule is sub-divided into two parts so that it is very easy for Members to see allocations to the Central Government. The second part makes allocations to constitutional commissions and independent offices. I am alluding to the Bill already in the hands of Members. The Central Government has a total discretionary expenditure amounting to Kshs1,066,819,226,722. That sum comprises Kshs684,932,212,705 in Recurrent Expenditure. That amount is close to 70 per cent of the entire amount being appropriated with Kshs381,887,014,017 in net Development Expenditure. We are calling upon the implementing agencies, sectors and departments of Government to put all required effort so that they can absorb the entire amount allocated to the Development Expenditure. A further Kshs430,282,334,796 will be collected through Appropriations-in-Aid comprising of Kshs184,903,085,570 under the Recurrent Vote and Kshs245,379,249,226 under the Development Vote.

This Bill also grants supplication for the several services and purposes specified as Appropriations-in-Aid amounting to Kshs431,514,434,796 as money directed to be applied as Appropriations-in-Aid under Article 206(1)(b) of the Constitution of Kenya.

This brings the total ministerial discretionary expenditure to Kshs1,887,661,995,757. The passage of this Bill will authorise the issue of a sum of money out of the Consolidated Fund to meet expenditures for the national Government, Parliament and the Judiciary during the year ending 2021.

Hon. Temporary Deputy Speaker, Members have already spoken on our Report and they also contributed during the Committee of Supply. I do not wish to spend more time on this, considering the business before us for the rest of the evening and into the night.

With those remarks, I beg to move and request the Leader of the Minority Party, Hon. Mbadi, who is a member of the Budget and Appropriations Committee (BAC), to second.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Leader of the Minority Party.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Temporary Deputy Speaker. This is the first time that Article 221 of the Constitution has been followed more strictly. Article 221 (6) of the Constitution is clear. It states that when the estimates of national government expenditure, and the estimates of expenditure for the Judiciary and Parliament have been approved

by the National Assembly, they shall be included in an Appropriation Bill, which shall be introduced in the National Assembly to authorise the withdrawal from the Consolidated Fund of the money needed for the expenditure, and for the appropriation of that money for the purposes mentioned in the Bill.

Since 2010, we have passed reports of the BAC on Estimates but, when it comes to the Appropriation Bill, the figures are changed after further consultations. For the first time, I am proud to note that what we have in the Appropriation Bill is exactly the amounts that the BAC recommended to the House for approval. It went to the Committee of Supply and, therefore, there is no need to spend much time to discuss this year's Appropriation Bill because we took enough time to discuss the Report of the BAC, and went line by line while in the Committee of Supply.

With those remarks, I second.

Hon. Members: Put the Question!

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Members, we have to propose the Question before we put it.

(Question proposed)

Hon. Members: Put the Question!

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Is it your position that I put the Question?

Hon. Members: Yes!

(Question put and agreed to)

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

COMMITTEE OF THE WHOLE HOUSE

(Order for the Committee read)

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

IN THE COMMITTEE

[The Chairman (Hon. Moses Cheboi) took the Chair]

THE APPROPRIATION BILL

Hon. Chairman: Hon. Members, take your seats. We are now dealing with the Appropriation Bill. After that, we will have another Bill to consider in the Committee of the whole House.

(Clause 3 agreed to)

Schedule

Hon. Chairman: We have a proposed amendment on that one by Hon. Lessonet. Do you have an amendment to the Schedule? What number is your seat?

Hon. Moses Lessonet (Eldama Ravine, JP): It is No.145, Hon. Chairman.

Hon. Chairman: I have picked it.

Hon. Moses Lessonet (Eldama Ravine, JP): Hon. Chairman, I do not have an amendment to the Schedule. I have amendments to a few votes; R1252...

Hon. Chairman: But they are on the Schedule. These should be Vote R1252 – State Law Office and Department of Justice; and Vote D1109 – Ministry of Water, Sanitation and Irrigation. You have an amendment to which one?

Hon. Moses Lessonet (Eldama Ravine, JP): I have amendments to those two Votes.

Hon. Chairman: There is even a third one. Prosecute your amendments.

Hon. Moses Lessonet (Eldama Ravine, JP): Hon. Chairman, under Vote R1252 – State Law Office and Department of Justice...

Hon. Chairman: Just a minute, Hon. Lessonet. For purposes of good order, I want you to move all your amendments on State Law Office, Ministry of Water and Sanitation and State Department for Regional and Northern Corridor Development. Members will contribute to all these and then we will put the Question.

Hon. Moses Lessonet (Eldama Ravine, JP): Hon. Chairman, I beg to move:

THAT, the Schedule be amended as follows –

VOTE R1252: STATE LAW OFFICE AND DEPARTMENT OF JUSTICE

1. Programme 0221000 (Film Development Services)-

(a)THAT, the proposed allocation under the Programme in respect of Recurrent Supply Estimates of Ksh. 124,000,000 be deleted; and

(b)THAT, the proposed allocation under the Programme in respect of Recurrent Appropriation in Aid Estimates of Ksh. 3,000,000be deleted.

2. Programme 0606000 (Legal Services)-

(a)THAT, the proposed allocation under the Programme in respect of Recurrent Supply Estimates, Ksh. 2,007,710,826 be deleted and substituted thereof with the figure Kshs. 2,131,710,826; and

(b)THAT, the proposed allocation under the Programme in respect of Recurrent Appropriation in Aid Estimates, Ksh. -be deleted and substituted thereof with the figure Kshs. 3,000,000.

VOTE D1109: MINISTRY OF WATER, SANITATION AND IRRIGATION

Programme1022000 (Water Harvesting & Storage for Irrigation)-

THAT, the proposed allocation under the Programme in respect of Supply Estimates, Ksh. 1,778,000,000 be deleted and substituted thereof with the figure Kshs. 2,308,000,000.

VOTE D1222: STATE DEPARTMENT FOR REGIONAL & NORTHERN CORRIDOR DEVELOPMENT

Programme 1013000 (Integrated Regional Development)-

THAT, the proposed allocation under the Programme in respect of Supply Estimates, Ksh. 1,367,450,000, be deleted and substituted thereof with the figure Kshs. 837,450,000.

Thank you, Hon. Chairman. The amendment on Vote R1252 – State Law Office and Department of Justice – is aimed at realigning the provisions in the Appropriation Bill to Government changes that were communicated through an Executive Order while we were in the Committee of Supply during the budget-making process.

This is to re-designate the Kenya Copyright Board from the State Department for Information and Communication to the right programme under the State Law Office. Basically, that is the import of the amendment under Vote 1252.

Under Vote D1109, Ministry of Water, this development expenditure is under the policy recommendations of the the Budget and Appropriations Committee. We stated that the implementation of construction of water pans, wells and underground tanks should be moved from the Department of ASALs to the right department and agency that has the right mandate and expertise to roll out that programme. Basically that is the Ministry of Water and Sanitation. That is the import of the amendments with regard to Vote D1109 and Vote R1252. The other votes are consequential amendments which will affect the Department of ASALs in the Ministry of Devolution and the State Law Office. That is the import of this amendment. I beg to move.

(Question of the amendment proposed)

Hon. Chairman: We normally give two Members an opportunity to speak on each amendment, but on this one, we will give four Members. We will start with Hon. Nyasuna. What is the number of your seat? Is it No.304?

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Thank you, Hon. Chairman. I would like to support, especially the realignment that has been done by the Budget and Appropriations Committee of moving money for water pans and shallow wells from ASALs to the State Department for Water. Sometimes, if you spread out money for one item to many ministries... For example, the expertise that is needed to do this work is not within the ASAL Ministry. This is important not just for today. As we move forward in budget-making, we should consolidate all our items within departments that have the expertise to do them and not spread them out since that leads to corruption at the end of the day.

Thank you.

Hon. Chairman: Member for Kathiani. What is your seat number?

Hon. Robert Mbui (Kathiani, WDM-K): Thank you, Hon. Chairman. It is No. 36. I rise to support this amendment. The Committee had told us earlier that money for water was scattered all over in different departments. That obviously could have led to a possible double funding and money being lost. This is a brilliant idea. I support.

Hon. Chairman: Hon. Kisang.

Hon. William Kisang (Marakwet West, JP): Thank you, Hon. Chairman. I rise to support these amendments, especially the one on consolidating money that is going to water pans. On field development services, in the last Executive Order, Kenya Copyright Board was moved from the

State Law Office to the Ministry of Information, Communication and Technology (ICT) and that is why the money was removed from here and taken to the right department under the State Department of ICT and Innovation.

Hon. Chairman: Hon. Mwathi, do you want to speak on this?

Hon. Peter Mwathi (Limuru, JP): Yes, Hon. Chairman. To support what my colleagues have said, consolidation is the best thing. I remember in the RDS where I oversee, we found there were many of those water pans in many departments and we were not able to coordinate how they were going to be done. So, to be effective, it is best that they are done in the line ministry and put in one department. I support.

Hon. Chairman: Very well. Therefore, you will make your decision. I can see there are still many Members who want to speak to this. I will give two more Members. Unfortunately, if I was to follow this, I would not be able to identify you because the intervention slot is filled. Who is that Member? Hon. Makali, proceed. You are actually top on the list here.

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Chairman. I want to support the Chair of the Budget and Appropriations Committee for this amendment. I like what Hon. Kisang has said. As you know, there was a new Executive Order. So, most of these changes are just to realign the budget items to the new Executive Order. So, overall, the Chairman is adding the changes. I support.

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

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

(The Schedule as amended agreed to)

(Clause 2 agreed to)

(Title agreed to)

(Clause 1 agreed to)

Hon. Chairman: Let us have the Mover to move reporting. Hon. Lessonet, kindly do not be distracted at all. The Hon. Member for Wajir, kindly take your seat in the proper manner. You are interfering with my direct interaction with Hon Lessonet

Hon. Moses Lessonet (Eldama Ravine, JP): Hon. Chairman, I was distracted. I want you to take me back.

Hon. Chairman: Move reporting. You should be having a document there. Proceed. I can see you are severely distracted.

Hon. Moses Lessonet (Eldama Ravine, JP): Yes, Hon. Chairman. Thank you for understanding me.

I beg to move that the Committee doth report to the House its consideration of the Appropriation Bill (National Assembly Bill No. 19 of 2020) and its approval thereof with amendments.

Thank you.

(Question proposed)

(Question put and agreed to)

Hon. Chairman: Hon. Members, we are now moving to the next Bill, which is the County Outdoor Advertising Control Bill (Senate Bill No. 19 of 2018).

THE COUNTY OUTDOOR ADVERTISING CONTROL BILL

Clause 3

Hon. Chairman: Hon. Kisang, you have an amendment. Do you want to prosecute it?

Hon. William Kisang (Marakwet West, JP): Hon. Chairman, I beg to move:

THAT, Clause 3 of the Bill be amended –

(a) by deleting the expression “(1)”;

(b) in paragraph (c) by inserting the words “that has a licence from another county” immediately after the words “a moving vehicle” appearing in subparagraph (iv).

The essence of this amendment is to avoid double taxation of businesses from one county to the other. If a business has a branded vehicle and the vehicle is moving from one county to another county, it should not be taxed if it has already paid tax in one county.

(Question of the amendment proposed)

Hon. Chairman: Hon. Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Chairman. Even though I agree with what Hon. Kisang is saying in principle, what he is doing in his amendment does not equate to what he is saying. If you look at Clause 3(c), it says that this Act does not apply to an advertisement displayed on or in any vehicle normally employed as a moving vehicle. But when you add ‘between counties’, it means you are limiting. What is provided right now is not to levy any charges for any vehicle that has anything assigned to it. But you are actually limiting the exemption to only vehicles moving from one county to another county. That, therefore, means you can actually charge a vehicle within your own county. You are actually doing the exact opposite with your amendment.

Hon. Chairman: I am trying to look out for another Member who wants to speak to this. Let us hear from Hon. Wamuchomba.

Hon. (Ms.) Gathoni Wamuchomba (Kiambu, JP): Thank you, Hon. Chairman. I want to support the amendment that the Chair of ICT, Hon. William Kisang, has brought to the Floor of this House. Ideally, moving vehicles that bear advertisement content are licensed and pay the county of origin. If the vehicle belongs to, say, Nairobi or Kiambu County, the owner pays in the county of origin. The amendment from the Departmental Committee on ICT is trying to ensure that the same vehicle that has paid for advertisement content in one county does not pay the same levies when it moves to the next county. Therefore, I support the amendment.

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

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

(Clause 3 as amended agreed to)

Clause 4

Hon. Chairman: On this particular clause, we have two sets of amendments. Let us start with the one by the Chair of the Committee, Hon. Kisang.

Hon. William Kisang (Marakwet West, JP): Hon. Chairman, I beg to move:

THAT, Clause 4 of the Bill be amended in sub-clause (2) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) the written consent of the owner of the site or any other person with an interest in the site entitled to give consent.”

The essence of this amendment is to ensure that county governments are able to carry out this mandate as provided for in Article 186 and the Fourth Schedule of the Constitution. There was a proposal that one should get consent from Kenya National Highways Authority (KeNHA). Basically, this is a county government function. Without the KeNHA consent, it means a licence cannot be issued. Clause 7 of the Bill already provides for consultations among various entities.

(Question of the amendment proposed)

Hon. Chairman: The Member for Dagoretti South.

Hon. John Kiarie (Dagoretti South, JP): Thank you, Hon. Chairman. I rise to support the amendment that has been brought forth by the Chair of the Departmental Committee on Communication, Information and Innovation. When we gave ourselves the Constitution in 2010, roles were well defined as to who takes the mandate of the national Government and who takes the mandate of county governments. The amendment here seeks to ensure that outdoor advertising remains a county government function. The moment we open another layer of taxation or even consent at a higher level, which is the national Government, then we are going against the Constitution that clearly directs that outdoor advertising is a county government function.

Some information that this House might not have is that the court has already pronounced itself three times that the matter of outdoor advertising is fully a county government function and not a national Government function. We very well know that KeNHA is a national Government entity.

I support my Chairman’s amendment.

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

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

Hon. Chairman: We will now move to Hon. Osotsi’s amendment, which seeks to insert a new paragraph. He is not present. His amendment is dropped.

(Proposed amendment by Hon. Godfrey Osotsi dropped)

(Clause 4 as amended agreed to)

Clauses 5

Hon. Chairman: There is a proposed amendment by Hon. Osotsi. In his absence, I drop the amendment.

(Proposed amendment by Hon. Godfrey Osotsi dropped)

(Clause 5 agreed to)

(Clauses 6, 7, 8 and 9 agreed to)

Clause 10

Hon. Chairman: Hon. Kisang.

Hon. William Kisang (Marakwet West, JP): Hon. Chairman, I beg to move:

THAT, Clause 10 of the Bill be amended in sub-clause (2) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) the written consent of the owner of the site or any other person with an interest in the site entitled to give consent.”

Clause 10 speaks to the same issue as Clause 4, and we are saying this is a purely county government function. They can consult as provided for in Clause 7, which we have already passed, so they do not need to have consent. The justification for this is the same. This is purely a county government function. The Association of Advertisers of Kenya has already gone to court and won three times and KeNHA has not appealed.

I beg to move.

(Question of the amendment proposed)

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

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

(Clause 10 as amended agreed to)

(Clauses 11, 12, 13 and 14 agreed to)

Clause 15

Hon. Chairman: Hon. Kisang.

Hon. William Kisang (Marakwet West, JP): Hon. Chairman, I beg to move:

THAT, Clause 15 of the Bill be amended by inserting the words “regulate and” immediately after the words “government entity shall.”

This clause aims to ensure that county governments are the only one-stop shop that regulates and controls outdoor advertising. The county governments will come up with enabling legislation that will ensure that businesses are served at one point as opposed to one moving from one office to another looking for different regimes of licensing. Outdoor advertising is a function of county governments, as I have said. This is just a framework. Some of the counties, actually about 10, already have their own legislation on this matter.

(Question of the amendment proposed)

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

(Clause 15 as amended agreed to)

(Clauses 16, 17, 18, 19 and 20 agreed to)

Clause 21

Hon. Chairman: Hon. Kisang, what is wrong with your microphone?

Hon. William Kisang (Marakwet West, JP): Thank you, Hon. Chairman. I beg to move:

THAT, Clause 21 of the Bill be amended in sub-clause (2) by deleting paragraph “b” and substituting therefor the following new paragraph-

“(b) a rate card that shall be reviewed every seven years stating the fees and charges to be paid in respect of any matter required for the purposes of this Act.

Hon. Chairman, the reason for this is to mandate counties to come up with rate cards after every seven years, which will allow for, at least, as you know, the business community to have a predictable rate. This is so that you know for the next two, three, four, five or seven years, this is the amount you are going to pay for this particular space instead of different counties charging different rates.

(Question of the amendment proposed)

Hon. Chairman: The Member slightly in front of Hon. Millie. Who is that Member?

(An Hon. Member spoke off record)

That is Member 48? That is Funyula? You know you are in a completely different area from where you normally sit.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Yes, Hon. Chair. When I came in, the chair on which I normally sit had been occupied. However, I support the predictability brought about by the amendment. However, my only point of concern is that seven years looks inordinately too long in view of the changing economic situations, inflation and the rest. Probably *(inaudible)*

fine could be too late in the day. But just to go on record, seven years period is a little too long. We have a cycle of five years and probably we could have considered five years.

Thank you, Hon. Chairman.

Hon. Chairman: Okay, we have Hon. Kabinga. Absent. Hon. Kioni, are you interested to speak on this one? He is present.

Hon. Jeremiah Kioni (Ndaragwa, JP): No, Hon. Chairman.

Hon. Chairman: You have something else? So, then I will give Hon. Mbui. I am trying to follow the list here.

Hon. Robert Mbui (Kathiani, WDM-K): Thank you, Hon. Chairman. I also want to support this change. Because we have noticed the tendency by county governments to constantly change rates, I think it is important that a rate card is given for seven years. I think seven years is stable enough because if it is about advertising, people have to budget and they have to budget properly. So, I support this.

Hon. Chairman: Okay.

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

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

(Clause 21 as amended agreed to)

(Clauses 22 and 23 agreed to)

Clause 2

Hon. William Kisang (Marakwet West, JP): Hon. Chair, I beg to move:

THAT, clause 2 of the Bill be amended by inserting the following definition in its proper alphabetical sequence—

“rate card” means a document containing prices and descriptions for various advertisement placement options available from a service sector, which sets out the minimum and maximum price of a service.

Hon. Chair, this is basically to define. We have used the words "rate cards" in the Bill and in the definition section of the Bill, it is not defined. Therefore, we are basically putting it here and defining it so that as you go through the Bill, you know what a rate card means.

(Question of the amendment proposed)

Hon. Chairman: The Member for Dagoretti South.

Hon. John Kiarie (Dagoretti South, JP): Thank you, Hon. Chair. I stand to support the proposal by our Chairman. Rate card is actually an industry practice and because advertising, in general, has gone the route of a rate card, it is in order for us to include this new term on outdoor advertising so that we bring some sanity into how people justify the charges that they put out there for outdoor advertising.

I support, Hon. Chairman.

Hon. Chairman: Hon. Millie Odhiambo-Mbona.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Not ‘Mbona’, it is ‘Mabona’. Thank you, Hon. Chair.

Hon. Chairman: Oh, yes.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Chairman. Even as I support, I think I want to raise an issue of concern, which I had wanted to raise with the earlier one that also has to do with the rate card. My concern is that in an earlier amendment, we had actually put the issue of regulations. We have also added and given the same to counties. I am just wondering and being cautious that constitutionally, I do not think that would be the role. If for instance you have counties that allow people to advertise the entire town green or red or yellow... I think if you look at the Constitution, at some level, that role of standardization is a duty of the national Government. Otherwise, on this, I think it is the role of the county. There is need for definition. I support.

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

(Clause 2 as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

Hon. Chairman: That marks the end of that Bill and I, therefore, ask the Chair to move reporting. That is the Mover of the Bill.

Hon. William Kisang (Marakwet West, JP): Hon. Chairman, I beg to move that the Committee doth report to the House its consideration of the County Outdoor Advertising Control Bill (Senate Bill No. 19 of 2018) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Chairperson what is your seat number?

Hon. William Kisang (Marakwet West, JP): It is number 65. I thank you, Hon. Temporary Deputy Speaker.

**REPORTS, CONSIDERATION OF REPORTS
AND THIRD READINGS**

THE APPROPRIATION BILL

Hon. Moses Cheboi (Kuresoi North, JP): Hon. Temporary Deputy Speaker, I will start with the Appropriation Bill and so, I beg to report that the Committee of the whole House has considered the Appropriation Bill (National Assembly Bill No. 19 of 2020) and its approval thereof with amendments.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Mover.

Hon. Moses Lessonet (Eldama Ravine, JP): I thank you, Hon. Temporary Deputy Speaker.

I beg to move that the House doth agree with the Committee in the said Report. I request Hon. Gichuki Mugambi, Member of Parliament for Othaya, to second the Motion for agreement with the Report of the Committee of the whole House. I thank you.

Hon. Gichuki Mugambi (Othaya, JP) seconded.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Are we in agreement that I put the Question.

Hon. Members: Yes.

(Question put and agreed to)

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Let us now call upon the Mover of the Bill to move for the Third Reading of the Bill. Hon. Lessonet.

Hon. Moses Lessonet (Eldama Ravine, JP): Hon. Temporary Deputy Speaker, I beg to move that the Appropriation Bill (National Assembly Bill No.19 of 2020) be now read a Third Time. I also request Hon. Mugambi Gichuki to second. I thank you.

Hon. Gichuki Mugambi (Othaya, JP) seconded.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Order, Members.

(Question proposed)

Do I hear Members say that I put the Question?

Hon. Members: Yes.

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Members, we now move on to the next Bill, which is the County Outdoor Advertising Control Bill (Senate Bill No. 19 of 2018). Let us have the Chairperson to report to the House.

THE COUNTY OUTDOOR ADVERTISING CONTROL BILL

Hon. Moses Cheboi (Kuresoi North, JP): Hon. Temporary Deputy Speaker, I beg to report that the Committee of the whole House has considered the County Outdoor Advertising Control Bill (Senate Bill No. 19 of 2018) and its approval thereof with amendments.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Mover. Hon. Kisang.

Hon. William Kisang (Marakwet West, JP): Hon. Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report. I also request Hon. John Kiarie Waweru to second the Motion for agreement with the Report of the Committee of the whole House.

Hon. John Kiarie (Dagoretti South, JP) seconded.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Do I have Members interested in contributing? If not, I will proceed to put the Question.

(Question put and agreed to)

I will now call upon the Mover to move the Third Reading of the Bill.

Hon. William Kisang (Marakwet West, JP): Hon. Temporary Deputy Speaker, I beg to move that the County Outdoor Advertising Control Bill (Senate Bill No. 19 of 2018) be now read a Third Time. I also request Hon. John Kiarie Waweru to second.

Hon. John Kiarie (Dagoretti South, JP) seconded.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Should I proceed to put the Question?

Hon. Members: Yes

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Order, Hon. Members. You are aware that we have a resolution of the House to the effect that we will have a second Sitting. This marks the end of our first Sitting this afternoon. Hon. Members, we will adjourn for 15 minutes and that should take us to 6.45p.m.

The House rose at 6.30 p.m.