

PARLIAMENT OF KENYA

THE NATIONAL ASSEMBLY

THE HANSARD

Tuesday, 9th February 2021

The House met at 2.30 p.m.

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

PRAYERS

COMMUNICATION FROM THE CHAIR

REINTRODUCTION OF BUSINESS THAT LAPSED AND COMMITMENT OF DIFFERENT PROVISIONS OF BUSINESS LAWS (AMENDMENT) (NO.2) BILL, 2020, TO VARIOUS DEPARTMENTAL COMMITTEES

Hon. Speaker: Members who are coming in, please make your way in.

(Several Hon. Members walked into the Chamber)

Hon. Members, I wish to welcome you back to the august House following the long recess, and hope that you have sufficiently rested and rejuvenated in readiness for the commencement of the Fifth Session of the Twelfth Parliament, which, obviously, will be a busy one.

Hon. Members, as we commence the Session, I wish to bring to the attention of the House that going by our practices and the Standing Orders, certain businesses that were not concluded at the end of the last Session, such as Motions as well as Questions and Statements which had not been responded to, have now lapsed. To this end, every Chairperson of a Committee or individual Member who wishes to reintroduce such business is advised do so by contacting the Table Office to revive that business.

I am happy to report that I have already seen quite a number of Members and some Chairpersons who have already taken advantage of this practice. This, however, does not apply to Bills and Petitions which were saved by way of a resolution of the House on 3rd December 2020.

Hon. Members, I also wish to draw the attention of the House to the fact that the term of Sessional Committees has come to an end, and therefore, they will be reconstituted afresh as per the usual practice. These include the Committee on Parliamentary Powers and Privileges and the Committee on Members' Services and Facilities.

Further, certain other Committees with set term limits also require to be reconstituted afresh, that is, the Committee on Appointments and the Budget and Appropriations Committee. As such, the Committee on Selection is required to expedite the process of nominating Members to serve in the said Committees.

Hon. Members, as you may also recall, the Business Laws (Amendment)(No.2) Bill (National Assembly Bill No. 50 of 2020) was published on 14th December 2020 and read the First Time during the Special Sitting of the House on 22nd December 2020. The Bill, which is sponsored by the Leader of the Majority Party, seeks to make amendments to various statutes which do not warrant the publication of separate Bills to facilitate ease of doing business in Kenya.

Hon. Members, the Bill proposes amendments to 10 statutes. In accordance with the provisions of Standing Order No. 127, the said omnibus Bill has been referred to the various relevant Departmental Committees for consideration and public participation. I wish to clarify that the Committees shall consider the Bill in the following manner:

- (1) The Departmental Committee on Justice and Legal Affairs will deal with the provisions of the Bill touching on the following laws:
 - (a) The Law of Contract Act (Cap. 23 of the Laws of Kenya)
 - (b) The Companies Act (No. 17 of 2015);
 - (c) The Insolvency Act (No. 18 of 2015); and
 - (d) The Small Claims Court Act (No. 2 of 2016).
- (2) The Departmental Committee on Labour and Social Welfare will deal with the provisions of the Bill touching on the following laws:
 - (a) The Industrial Training Act (Cap. 237 of the Laws of Kenya); and
 - (b) The National Social Security Fund Act (No. 45 of 2013).
- (3) The Departmental Committee on Finance and National Planning will consider the provisions of the Bill proposing to amend the Stamp Duty Act (Cap. 480 of the Laws of Kenya).
- (4) The Departmental Committee on Health will consider the provisions of the Bill proposing to amend the National Hospital Insurance Fund Act (No. 9 of 1998).
- (5) The Departmental Committee on Lands will consider the provisions of the Bill proposing to amend the Land Registration Act (No. 3 of 2012).
- (6) The Departmental Committee on Transport, Public Works and Housing will consider the provisions of the Bill proposing to amend the National Construction Authority Act (No. 41 of 2011).

Hon. Members, the cited Committees should facilitate public participation as they consider their relevant portions of the Bill, following which they should file their respective Reports with the Departmental Committee on Justice and Legal Affairs which I have appointed to be the lead Committee on the Bill. The lead Committee is thereafter expected to table the Consolidated Report in the House prior to commencement of the Second Reading on the Bill.

The House is accordingly guided. I thank you, Hon. Members.
Next Order.

(Hon. Members consulted loudly)

Order, Members. I appreciate that we are still observing the COVID-19 protocols. I can see we are almost a full House in that respect.

There is one more Communication which has been delayed but it will be coming. So, I will proceed with the next Order. We will come back to further Communication.

MESSAGES

REFERRAL OF THE EMPLOYMENT (AMENDMENT) BILL, 2019 BY
HIS EXCELLENCY THE PRESIDENT

Hon. Members, you may recall that towards the end of the last Session the National Assembly passed the Employment (Amendment) Bill (National Assembly Bill No. 15 of 2019). The Bill was sponsored by the Member for Gilgil Constituency, the Hon. Martha Wangari, MP. Following its passage, I did present the Bill for assent to His Excellency the President in accordance with the provisions of the Constitution and our Standing Orders. However, in exercise of the powers conferred under Article 115(1)(b) of the Constitution, His Excellency the President, by way of a memorandum, has since referred the Bill back to the National Assembly for reconsideration.

In his Memorandum, the President has expressed reservations on sub-clauses (4), (5) and (6) of Clause 3 of the Bill which sought to insert a New Section 29A to provide for pre-adoptive leave to parents of a child born as a result of a surrogate motherhood agreement. The proposed new section provides that a parent of a child born through surrogacy shall be entitled to parental leave with full pay. It thereafter sets out the procedure for applying for such leave.

Amongst the reasons for his reservations, His Excellency the President notes that amending the law in the manner proposed in the Bill will lead to surrogacy agreements operating in a vacuum in terms of absence of a substantive legal and regulatory framework governing surrogacy in Kenya. While noting that surrogacy is a novel reproductive science, His Excellency the President observed that it touches on children, reproductive rights and the concept of family. Therefore, there is need to first put in place a rigorous substantive legal and regulatory framework to protect all parties within the surrogacy agreements.

His Excellency the President also objects to the proposal on grounds that the provisions relating to surrogate motherhood agreements are of a substantive nature hence necessitating the formulation of a comprehensive policy arrived at after broad public participation and stakeholder engagements that will inform legislative positions. Consequently, the President recommends deletion of sub-clauses (4), (5) and (6) of Clause 3 of the Bill.

Hon. Members, Standing Order 154(2) requires the House to consider the President's Reservations within 21 days upon receipt of the Memorandum. In this regard, the Reservations of the President, as contained in his Memorandum, now stand committed to the Departmental Committee on Labour and Social Welfare for consideration. The Committee should table its Report soonest to allow the House to consider the President's Reservations within the said timelines.

The consideration of the President's Reservations will be done in accordance with the provisions of Article 115 of the Constitution as well as the Speaker's Communication of 28th July 2015 relating to consideration of the President's Reservations to a Bill and amendments thereto.

I now direct that the Clerk circulates the Memorandum of His Excellency the President on the said Bill to all Members so that they familiarise themselves with its contents.

I thank you.

(An Hon. Member walked in the aisle)

The Member who is trotting in, take your seat.

APPROVAL OF THE TEA BILL AND THE ANTI-DOPING (AMENDMENT) BILL BY THE SENATE

Hon. Members, this is a Message from the Senate.

As you are aware, Standing Order 41(4) of the National Assembly Standing Orders requires the Speaker to report to the House any Message received from the Senate. In this regard, I wish to report to the House that last month, I did receive two Messages from the Senate regarding its passage of the following two Bills which had also been considered and passed by the National Assembly towards the end of last year:

- (a) The Tea Bill (Senate Bill No. 36 of 2018); and,
- (b) The Anti-Doping (Amendment) Bill (National Assembly Bill No. 51 of 2020).

In summary, the Messages convey that the Senate, by resolutions made on 21st and 29th December 2020 respectively, passed the two Bills in the form passed by the National Assembly. This action concluded the bicameral processing of the two Bills. Subsequently, following presentation for assent in accordance with the requirements of Articles 110(5) and 112(2)(a) of the Constitution, His Excellency the President did give his assent to both Bills on 31st December 2020.

The two have since become part of the Laws of Kenya. The House is accordingly informed.

I thank you.

Next Order.

PAPERS LAID

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

- i) The Supplementary Estimates I for the FY 2020/21 that includes:
 - a) FY 2020/21 Supplementary Estimates I (Programme-Based Budget);
 - b) FY 2020/21 Supplementary Estimates I (Recurrent Estimates, Volumes I and II);
 - c) FY 2020/21 Supplementary Estimates I (Development Estimates, Volumes I, II and III); and
 - d) Memorandum on the Supplementary Estimates No.1 for the FY 2020/21.
- ii) Legal Notice No. 212 of 2020 relating to the Standards (Verification of Conformity to Standards and Other Applicable Regulations of Imports) (Amendment) Order, 2020 and the Explanatory Memorandum from the Ministry of Industrialization, Trade and Enterprise Development;
- iii) Legal Notice No. 224 of 2020 relating to the Public Health (COVID-19 Indoor Meetings) Rules, 2020 and the Explanatory Memorandum from the Ministry of Health;
- iv) Legal Notice No. 3 of 2021 relating to the Warehouse Receipt System Regulations, 2021 and the Explanatory Memorandum from the Ministry of Agriculture, Livestock, Fisheries and Cooperatives;
- v) Legal Notice No. 4 of 2021 relating to the Civil Aviation (Regulatory Fees and Charges for Unmanned Aircraft Systems) Regulations, 2020 and the Explanatory Memorandum from the Kenya Civil Aviation Authority;
- vi) National Government Budget Implementation Review Report for the First Quarter FY 2020/21 from the Office of the Controller of Budget;

- vii) First Quarter County Governments Budget Implementation Review Report for the FY 2020/21 from the Office of the Controller of Budget;
- viii) Report of the Auditor-General in respect of the State Department for Housing, Urban Development and Public Works for four (4) months ending 31st October, 2018 and the certificate therein;
- ix) Report of the Auditor-General in respect of the Railway Development Levy Fund on Operations Account Financial Statements for the year ended 30th June, 2019 and the certificate therein; and
- x) Recommendation on the Basis for Equitable Sharing of Revenue between the National and County Governments for the Financial Year 2021/2022 from the Commission on Revenue Allocation.

NOTICE OF MOTION

Hon. Speaker: There are two Members who brought their requests and I had approved them. Let us first have the Chairman of the Departmental Committee on Environment and Natural Resources, Hon. Kareke Mbiuki.

ADOPTION OF REPORT ON SESSIONAL PAPER NO.1 OF 2020 ON WILDLIFE POLICY

Hon. Kareke Mbiuki (Maara, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Committee on Environment and Natural Resources on Sessional Paper No. 1 of 2020 on the Kenya Wildlife Service Policy, laid on the Table of the House on Thursday, 3rd December 2020, and further approves Sessional Paper No. 01 of 2020.

Hon. Speaker: Very well. Where is Hon. Halima Mucheke? Are you aware that your Motion was approved? You are just reviving it. Are you ready or do you want to do it tomorrow morning? Once Motions come to my office, they do not take long because there is no reason for them to remain in my place. Please check it in Room No. 8.

Next Order!

REQUEST FOR STATEMENT

Hon. Speaker: Hon. Osotsi, where are you? I thought I had seen you on the corridors.

CRACKDOWN ON BODA BODA RIDERS

Hon. Godfrey Osotsi (Nominated, ANC): Hon. Speaker, pursuant to Standing Order No. 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding the recent directive by the Inspector General of Police on crackdown by the police on motorcycle riders commonly referred to as *boda boda* operators in the country.

Hon. Speaker, the recent operation by the police on the *boda boda* riders who do not have licences should be done within the confines of law and in liaison with the National Transport and

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Safety Authority (NTSA) who are the key stakeholders. As it is now, the police are harassing *boda boda* riders including those with licences and there seems to be no coordination between the two bodies.

Hon. Speaker, the major challenge is that the NTSA has been slow in issuing licences to *boda boda* riders who have complied with all the requirements as per the law including acquisition of requisite documentation and undertaking relevant trainings geared towards adherence to traffic rules and behaviour change.

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

- (i) Could the Ministry provide the number of licences issued to *boda boda* operators in the country since 2019?
- (ii) What measures are in place to ensure proper coordination in handling of *boda boda* operators by the police, the National Transport...

(An Hon. Member crossed the Floor without bowing)

Hon. Speaker: Who is this Member? Where are you? You are in the National Assembly. You cannot cross the Floor like that.

(Laughter)

Hon. Members, I hope the recess period has not been too long to make you forget the Standing Orders.

Proceed, Hon. Osotsi.

Hon. Godfrey Osotsi (Nominated, ANC): Thank you, Hon. Speaker.

- (i) What measures are in place to ensure proper coordination in handling of *boda boda* operators by the police, the National Transport and Safety Authority and other relevant agencies?
- (ii) Why have there been inordinate delays in issuance of licences to *boda boda* operators despite meeting all the requirements?

Thank you, Hon. Speaker.

Hon. Speaker: The Statement is directed to the Departmental Committee on Administration and National Security. Hon. Koinange, how long do you need to provide a response to this? Will two weeks be enough? Please go on record because the future generations of this country will want to know what Hon. Koinange said. We do not take photographs of gestures as part of the record, including the one of raising one finger. Hon. Koinange, is that to suggest that you do not have your card?

(Loud consultations)

Please activate that microphone for him. What is happening?

Hon. Paul Koinange (Kiambaa, JP): Hon. Speaker, we will deliver the Statement within the next two weeks.

Hon. Speaker: I doubt whether that is also... Has it been captured?

Hon. Paul Koinange (Kiambaa, JP): I have said that in two weeks' time, we will be able to give a statement.

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Hon. Speaker: Thank you, Hon. Koinange. Next is Hon Richard Tong'i.

DEMISE OF HON. SIMEON NYACHAE

Hon. Richard Tong'i (Nyaribari Chache, JP): Thank you, Hon. Speaker. It is with profound sorrow that I issue a Statement regarding the untimely passing on of the former Member of Parliament for Nyaribari Chache Constituency and Cabinet Minister, Hon. Simeon Nyachae, on the afternoon of Monday 1st February, 2021, while undergoing treatment at the Nairobi Hospital. The late Hon. Simeon Nyachae was born in February, 1932. He attended Nyanchwa Seventh Day Adventist School in 1941 and in 1947, he joined Kereri Intermediate School. He later joined Kisii Government School from 1949 to 1953. He also attended Torquay Academy and Churchill College, a constituent college of Cambridge University, both in the United Kingdom (UK). He later on went to study Public Administration in London before returning to Kenya.

Hon. Nyachae began his career in the Civil Service as a revenue clerk. He was later posted as a District Officer in Ukwala, Siaya. He served in that capacity in Kajiado, Machakos, the Central Kenya region and Makueni. He became District Commissioner in December 1963 in the then Nyandarua District and, thereafter, served as a Provincial Commissioner from 1965 to 1979 in the then Nairobi extended Province, Rift valley Province and Central Province. He also served as a Permanent Secretary for Cabinet Affairs in the Office of the President. He served as the Chief Secretary and Head of the Civil Service under his Excellency the late President Daniel Arap Moi. In 1992, the late Hon. Nyachae left the Civil Service to join politics. He was elected as the Nyaribari Chache MP. He was appointed Minister for Agriculture, Minister for Finance and Minister for Trade. The late Hon. Nyachae was a presidential candidate under the Ford People Party ticket in the 2002 General Elections, but he lost to his Excellency President Mwai Kibaki. Thereafter, he served under the Kibaki regime as Cabinet Minister for Energy and later as Minister for Roads.

Hon. Nyachae retired from active politics in 2007. He was an astute civil servant, a respected family man, an admirable politician, a successful businessman, my personal mentor and a mentor to many persons who had a chance to interact with him. On my own behalf and on behalf of my family and the people of Nyaribari Chache, who I represent as an MP, I take this opportunity to condole with the family of the late Simeon Nyachae, the people of Kisii County at large, all his friends, relatives and the people of Kenya during this difficult time.

Hon. Speaker, with your indulgence, I request that we all stand to observe a minute of silence in honour of our departed colleague and hero, who is one of the founders of this nation. He stood with Kenya when he was most needed.

Fare-thee-well. Fare-thee-well *Omogaka*.

Thank you.

(Hon. Members observed a minute of silence)

Hon. Speaker: May his soul rest in eternal peace. The Member for Kipipiri, who is also the Leader of the Majority Party, you have the Floor.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to associate myself with the statement by Hon. Tong'i. I take this opportunity on my behalf, and on behalf of my family and the people of Kipipiri, to send my condolences to the family of the late Simeon Nyachae, the great people of Kisii that he represented and, indeed, the people of Kenya that he served with dedication

during his time as a provincial administrator, in Parliament and in the Cabinet. I knew the late Nyachae when he served in Nyandarua as a public administrator. When we were young in school, we had to go and line up every time the administrators visited and I could see his discipline. I eventually met him as the Minister for Finance when I was a Member of the Institute of Certified Public Accountants of Kenya (ICPAK) and in the leadership of the ICPAK. He supported some initiatives of ICPAK. I met him in this House when I became an MP in December, 2002 and we served together as MPs. He joined me in the Cabinet from 2005 to 2007.

Therefore, I have seen him in many facets including administration, Parliament, Treasury and as a colleague in the Cabinet. He was not only a friend to me but a mentor to many. He was a dedicated Kenyan who was proud to be Kenyan and proud to serve the national course. I know we will all miss him. When he retired from politics in 2007, he never stopped his farming activities. I visited his home in Kisii and he was a great supporter of culture in Kisii through the cultural week that he invited me to attend. I believe he is an example of the kind of people we need in this country to create change. We will miss him. I join Kenyans who are wishing that his soul rests in eternal peace. May his family find solace and comfort to bear the loss. The people of Kisii should know that the rest of Kenya stands with them to mourn this great son.

Thank you.

Hon. Speaker: Let us now have Hon. Mbadi.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Speaker for giving me this opportunity. Let me also take this opportunity to express my condolences, together with those of my family, the constituents of Suba South that I represent in this House, the Orange Democratic Movement (ODM) Party which I chair, and the minority side of the House to the family, friends and relatives of the late Simeon Nyachae. I want to say a few things regarding this fallen hero. All of us would attest that Simeon Nyachae was a great leader in this country. There are certain characteristics that he had that were admired by many. He was the first Cabinet Minister to publicly say that Kenya was broke while in office at a time when the Kenya African National Union (KANU) was the *baba na mama* party. At that time, the power of KANU could not allow anyone to have divergent views from within. No one can attest to this fact better than you, Hon. Speaker, because you were a prominent member of the *baba na mama* party. So, to gather courage at such times to tell Kenyans the truth was not very easy.

Something else to say about Nyachae is that when we remember the title Chief Secretary, the only name that comes to mind is the great Simeon Nyachae. He served this country diligently, although towards his sunset years we heard little about him because of his failing health condition. This goes a long way to challenge us as leaders that when leaders make contributions to this nation, there is need to always keep them in the public limelight, so that we do not only hear about them when they pass on. That is something to think about. I do not know how well this can be done, but I think something can be done about it. We heard about Kenneth Matiba just when he passed on, after making immense contribution towards the democratisation of this country. The same has now happened with Simeon Nyachae. It is not just Nyachae but many other Kenyans who have made a contribution and a difference in the lives of Kenyans. Some of the benefits that we enjoy today are as a result of some of the Kenyans who came ahead of us and led this nation.

Hon. Speaker, with those few remarks, I want to also join in sending condolences following the death of Simeon Nyachae. May the Lord rest his soul in eternal peace. Amen.

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

Hon. Aden Duale (Garissa Township, JP): Thank you, Hon. Speaker. Let me join the rest of Kenyans and this House in sending my condolences and those of the people of Garissa Township

to the family of Simeon Nyachae and the entire leadership and people of Kisii and Nyamira counties, following the death of a celebrated public servant and a respectable politician.

I did not have the opportunity to serve with Simeon Nyachae in Parliament, but he worked with great people from my community and region. He worked with Sen. Yusuf Haji and Gen. (Rtd.) Mohamed during their days. Simeon Nyachae is well known and respected in the northern part of Kenya. People like Simeon Nyachae and Amb. Francis Muthaura are people who, when they are in critical positions in government, that government is very stable. I am sure Kenyans listening to me agree that today in the Jubilee Administration, we miss the character and persons of Amb. Muthaura and Simeon Nyachae - astute public servants with great leadership qualities who understood the communities and regions in this country. I hope that, going forward, President Uhuru Kenyatta will look for men and women of those characters.

As we celebrate him, Simeon Nyachae will be remembered when history is written. I was a young politician and a member of the Liberal Democratic Party (LDP) in 2002. The politics of deceit and backstabbing did not start the other day. When the National Rainbow Coalition (NARC) was coming together, at some stage, some people promised Simeon Nyachae that he would be the presidential flag bearer, only for him to be short-changed at Uhuru Park. When we were at Serena, he was our candidate. But when we came to Uhuru Park, things changed. That is what led to the 'Kibaki Tosha' declaration. We did not make a mistake because Kibaki became a great man and Kenyans will remember him for the rest of their lives. But the politics of deceit will also be remembered. When somebody will write the history of the politics of deceit and betrayal, Simeon Nyachae will have a chapter and the 2002 politics will be replayed. I pray that his soul rest in peace.

Hon. Speaker: Let us hear the Member for Kiminini.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Thank you, Hon. Speaker. On my behalf and that of the great people of Kiminini Constituency and Trans Nzoia County at large, I bring our message of condolence to the family of the late Simeon Nyachae. The late Simeon Nyachae was a no-nonsense and very principled politician. He rose through the ranks in Public Service. We will remember him when he was the Party Leader of Ford People, with the slogan "*Watu wengi sana*". At this difficult moment, we pray that may the Almighty God give the family of Nyachae strength and comfort.

Thank you. May his soul rest in peace.

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

Hon. Shadrack Mose (Kitutu Masaba, JP): Thank you, Hon. Speaker, for giving me a chance to also pass my condolences, those of my family and of the people of Kitutu Masaba, following the untimely demise of this great son of Kisii. Simeon is an icon. Simeon Nyachae was a great leader not only of the Kisii community, but one who transcended boundaries and jurisdictions and became an international character. The late Simeon Nyachae was a great disciplinarian. I recollect when we were at the university, Nyachae's name was all over the place. Indeed, Nyachae was one of those leaders that we, as young university students then, would always aspire to emulate. He was industrious and enterprising. His position as an administrator, politician and businessman will go down in the annals of history. We want to convey our deepest condolences to the family, the Kisii community and the entire country for losing a leader who has left a mark in the history of this country.

Thank you, Hon. Speaker.

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

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Hon. Speaker, thank you for giving me this opportunity. On behalf of the people of Funyula Constituency and Busia County, I send our sincere condolences to the family of Hon. Simeon Nyachae. Many of us remember him during his days in the Public Service, ranging from being a District Officer to a District Commissioner and a Provincial Commissioner. His way of doing things was legendary. Many provincial administrators, right from the chiefs and assistant chiefs, would tremble on hearing his name being mentioned anywhere. He was part of the discipline that characterised the two regimes of the First Republic of this country. Indeed, we will miss his discipline and hard work. As a politician, he held sway all over the country. For sure, those are the things we remember him for. Such respected statesmen and leaders in the community deserve all the respect they require at the time of their death.

With those few remarks, Hon. Speaker, I send my sincere condolences to the family and the entire Gusii community.

Hon. Speaker: Hon. Limo.

Hon. Joseph Limo (Kipkelion East, JP): Thank you, Hon. Speaker, for giving me this opportunity to add to the messages of condolence to the family of the late Simeon Nyachae and the entire Kisii community. On behalf of myself, my family, the people of Kipkelion East and the entire Kericho County, which is a neighbour to Kisii County, we are really sorry for the loss of Mzee Nyachae.

He is both a representative of successful politicians who went through the long process of development in this country. He was also a successful civil servant.

Hon. Speaker, he is a representative of civil servants who stood firm to ensure there was discipline in how the affairs of this country were run.

One time, the late Mzee Moi said there was a difference between dictatorship and discipline. What he meant, I think, was representation of people like Nyachae. He was very strict because he wanted people to work in a very strict manner and ensure delivery of services to the people. We have lost somebody who is worth emulating as a young generation of leaders in this country.

I also wish to take this opportunity to join the family of the late Amb. Agnes Langat from Kericho, a career civil servant who we lost this week. She followed in the footsteps of Nyachae.

Thank you very much for giving me this opportunity.

Hon. Speaker: Nominee 001, kindly have the Floor.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Speaker, for giving me this opportunity to also send my sincere condolences on my own behalf and that of the 6.5 million people living with disabilities who I represent in this House, to his family and the great people of Abagusii for losing such a great hero.

Hon. Nyachae was a resident of Narok, a neighbour to most of us and a great wheat farmer. He loved the environment and we learnt a lot as a community from him. He was genuine and friendly to all the people who interacted with him in Narok. His farm borders on our gemstone called Purko Development Authority where Maasais keep livestock and grow wheat and barley for the sake of the future generation.

The late Hon. Nyachae was of assistance to the people of Narok. Together with the people of Narok, I send my sincere condolences to the family. May his soul rest in peace and may he fly with the angels. I believe he was one of the angels who was sent to earth.

Thank you very much.

Hon. Speaker: The Member for Kanduyi, kindly have the Floor.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): *(Inaudible)*

Hon. Speaker: Kindly, give him the microphone. We may need to cut you down to size a bit and allow others who are not as tall as you.

(Laughter)

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Thank you, Hon. Speaker for giving me the opportunity. On my behalf and that of the people of Kanduyi and the larger Bungoma County, I convey our condolence message to the family and friends of the late Hon. Simon Nyachae.

Besides being a dedicated career civil servant, Hon. Simon Nyachae left a mark in this country's leadership. I had the privilege of serving with him both in the Civil Service and this arena.

He also led one of the offshoots of FORD (K) party which is the FORD-People Party, as he vied for presidency of this country. We lost him at a time when we are struggling to strengthen our democracy in the country with our FORD (K) party counterparts in this country.

I would like to send my message of condolences to the family, friends and the people of Gusii. I pray that God gives them strength at this time. May his soul rest in eternal peace.

Thank you.

Hon. Speaker: Let us have the Member for Bomachoge Borabu,.

Prof. Zadoc Ogutu (Bomachoge Borabu, Independent): Thank you, Hon. Speaker for giving me the opportunity to share my memories about the late Hon. Nyachae.

Hon. Speaker: Hon. Members, the person we are eulogising is somebody well known to many of us. He is not a villager and so, do not make it a village matter. Some of you are just arriving and coming here to seek my intervention. Be informed that we are ending this matter in the next three minutes and so, do not even bother. Please, I will always look with discrepancy anybody who comes to campaign for a slot to speak from here. If you are here, please, just take leave because you will not speak. For example, the Member to my immediate left, I am sure may be used to walking into podiums. Hon. Osoro, do not worry! The late Hon. Simon Nyachae is a nationalist. It is only fair we allow a spectrum of Members from all corners of the country to condole with the family. Hon. Momanyi says he was not a boxer but I am not too sure about that.

Prof. Zadoc Ogutu (Bomachoge Borabu, Independent): Thank you, Hon. Speaker for that clarification to the rest of the Members. The man we are eulogising is a person who has left a lot of footprints in the lives of Kenyans.

As one of the civil servants, he demonstrated what it means to grow on merit within Government ranks. He was a well-educated person who earned his promotions based on his credentials. He is a good role model to the rest of Kenyans who are working for this country and have done a lot and, perhaps, have not been recognised.

At the county level, the late Nyachae left a lot of memorable landmarks. He set up cultural villages that speak about Gusii lifestyle. At the national level, he was a world mover. Many people have emulated him. Even as a political leader, he stood tall...

Hon. Speaker: Member for Alego-Usonga.

Hon. Samuel Atandi (Alego-Usonga, ODM): Thank you, Hon. Speaker. On behalf of my family and the people of Alego-Usonga, I wish to pass my condolences to the family of the late Simeon Nyachae. I met the late Simeon Nyachae through his family members. I know a number of his siblings and children. During my previous career life, I had an opportunity to interact with the business interests of the late Simeon Nyachae. He was one politician who did clean business. He was in the tea industry and also did milling. At one point I presided over his banking business.

Unlike most of us politicians who form companies or briefcase companies purely to fleece government, this man was doing clean business. Moreover, his businesses have withstood the test of time.

Secondly, Simeon Nyachae was a polygamous man. He had four wives and more than 35 children. I know that is a big challenge to most of us. A number of us have tried to have even two wives, but have been unable...

(Laughter)

You know, I have read reports that wives are beating a number of politicians for trying to introduce second wives. Therefore, I want to tell the men here, who are trying to have two wives, please, go and learn from the family of Nyachae. We have seen that family grow. It is a very large family, but you never hear any conflict. Colleagues, I know most of you are trying to get second wives. Please, go and learn from there. I thank you, Hon. Speaker.

Hon. Speaker: You know, Hon. Atandi, it was reported recently that you were missing and I wanted to hear your voice.

(Laughter)

I hope that is not why you were missing.

Hon. Samuel Atandi (Alego-Usonga, ODM): Hon. Speaker, I have not been missing. I have been in the constituency serving the great people of Alego-Usonga. Thank you.

Hon. Speaker: Member for Emurua Dikirr.

Hon. Kipyegon Ng'eno (Emurua Dikirr, KANU): Thank you, Hon. Speaker. I also wish to convey my condolences to the family of the late Simeon Nyachae, a great man indeed with whom I interacted in my younger years when I joined politics in 2001. He is one great man. I read so much about him especially when he was in the Civil Service serving this country with diligence. Simeon Nyachae, as a Cabinet Secretary (CS), told us the truth about what was happening in the country. Remember also that he was the only one who served as a Chief Secretary. That position was introduced at his time and removed after he exited. He was a great man. We need to remember his deeds. We need to learn from him and appreciate what he gave us as a society.

Hon. Speaker, Simeon Nyachae, like I said, was my first party leader when I first tried to contest in Kilgoris in 2002 on his Forum for the Restoration of Democracy (FORD)-People ticket. He actually introduced me to serious politics. Up to now I have been moving from one party to the other. However, I think I learned some good things from Simeon Nyachae. Hon. Tuwei, the late Kipkalya Kones and I are among those, in that part of Kenya, who followed Nyachae vehemently.

Hon. Speaker, I wish to say *pole sana* to the family.

Thank you.

Hon. Speaker: Hon. Shamalla.

Hon. (Ms.) Shamalla Jennifer (Nominated, JP): Thank you, Hon. Speaker. I rise to pay tribute to the late Hon. Simeon Nyachae. His stunning career in the Civil Service and as a politician takes us back to a time of a disciplined society, especially against the backdrop of what we have witnessed in the last year, that is, consequences of the Coronavirus pandemic and the increased societal pressure manifesting in gruesome murders and gender-based violence. It reminds us that strong families, like that of Hon. Simeon Nyachae, are the units and the bedrock of sound societies.

Over and above that, he was an accomplished career public servant. Hon. Nyachae was a patriarch and an anchor to his family.

May he rest in eternal peace. My sincere condolences to his entire family and to us the nation of Kenya.

Hon. Speaker: Hon. Passaris.

Hon. (Ms.) Esther Passaris (Nairobi CWR, ODM): Thank you, Hon. Speaker. I rise to pay tribute on my own behalf, my family, and the County of Nairobi to the family of the late Simeon Nyachae and the people of Kisii and, indeed, the entire country.

Hon. Simeon Nyachae was not just a politician and a civil servant, but also an astute businessman. In addition, he made his mark in this country. I believe that everybody who will care to look at the history books will realise that there was a man called Simeon Nyachae who played a big role in this country. He also vied for presidency. That means he cared about this country and its future. Therefore, what we can learn from him as citizens is the discipline that he had as a leader; the discipline and commitment that he had as a family man; and, the discipline that he had in terms of working and transforming himself by creating business opportunities.

May his soul rest in eternal peace and we say *pole* to everyone who has been affected and impacted by the loss of this great leader of our country, Simeon Nyachae.

Hon. Speaker: Member for Kangema.

Hon. Clement Kigano (Kangema, JP): Thank you, Hon. Speaker. I also rise to give tribute to Simeon Nyachae. He has left an indelible mark in this country that should be emulated by us all. I want to mention one fact that has not been mentioned by my colleagues here. Simeon was so principled in his career that at a time when he felt that he could not work with the government as a Minister, he resigned. He had been transferred from the Ministry of Finance to the Ministry of Industry, but he decided to resign from that government. That is a mark that we should all learn from. When we differ with a government that we serve in, we should have the honour and courage to leave that government and go serve elsewhere. The other indelible mark he has left is that he chose when to retire instead of being forced to retire.

With those few remarks, I beg to pay that tribute.

Hon. Speaker: Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, ODM): Thank you very much, Hon. Speaker. I also would like to join colleagues to pay tribute to the great leader, Simeon Nyachae, who is one of the nationalists that have lived in our time. Simeon Nyachae brought great impact in Civil Service and actually showed this country how honest leadership within the Civil Service could actually bring out a civil service that could deliver services. I remember his history because he was one of the most effective District Commissioners (DCs) and Provincial Commissioners (PCs) in terms of service delivery to the people. This country, right now, lacks such leadership in the provincial administration and in the Civil Service.

When he was the Chief Secretary, I think we saw a government that was working and delivering services. He was a dedicated man who worked for the sake of the people of this country. Moreover, these are lessons we are learning from such a great nationalist. I never had an opportunity to work with him, but I think history will let our children and grandchildren know that in this country, once lived Simeon Nyachae who contributed immensely to the development of this country.

I thank you and condole with the family.

Hon. Speaker: Let us have Hon. Kubai Iringo.

Hon. Kubai Iringo (Igembe Central, JP): Thank you, Hon. Speaker for this opportunity. I send my heartfelt condolences, those of my family and those of the great people of Igembe Central to the family of the late Hon. Simeon Nyachae. I thank God for a life very well lived, for the work he did for this country, the mentorship he gave to many people in the Civil Service and also here in this august House. He has also left a big mark in the people of Kisii and the nation at large. Ours is to thank God for his life and wish his family well.

May his soul rest in eternal peace. I thank you.

Hon. Speaker: Hon. Momanyi.

Hon. Ben Momanyi (Borabu, WDM-K): Thank you, Hon. Speaker, for giving me this chance to also pay tribute to the great son of the Abagusii. On my own behalf and that of the people of Borabu, we wish to convey our condolences to the family and friends of the former Minister, the late Hon. Nyachae.

As other Members have said, he was very dedicated to any position that he was given in any government. He was honest enough to tell the former late President Daniel Toroitich arap Moi the truth when it was not possible for anybody to face the former President and tell him the truth.

As a community, we have lost a great man and a great leader not only for the Kisii community, but the whole country.

May the Almighty God rest his soul in eternal peace.

Hon. Speaker: Let us have Hon. Beatrice Kones.

Hon. (Ms.) Beatrice Kones (Bomet East, JP): Thank you, Hon. Speaker. On my own behalf and that of the people of Bomet East and the greater Bomet County, I take this opportunity to convey my sincere condolences to the family of the late Hon. Simon Nyachae. I remember him for the great work that he did for this country. The late Nyachae convinced my husband, the late Kipkalya Kones, to ditch the Kenya African National Union (KANU) in the year 2002 and vied on FORD-People ticket. The late Simon Nyachae was a true friend because when my husband lost the seat, he nominated him back to Parliament.

Therefore, the late was an astute politician, a true leader and a servant of the people.

May his soul rest in eternal peace.

Hon. Speaker: Let us have the Hon. Member for Kitutu Chache South.

Hon. Richard Onyonka, (Kitutu Chache South, FORD-K): Thank you Hon. Speaker. Ningependa nizungumze kwa Kiswahili. Pole kwa kuanza kuzungumza kwa Kiingereza.

Ningependa kusema kuwa Mzee Nyachae ni mzee ambaye anaheshimika kwa jamii ya Mkisii. Mzee Nyachae alifanya kazi na hayati Mzee Moi na bahati yangu ni kuwa Mzee Nyachae alifanya kazi pia na baba yangu ambaye alikuwa Mbunge hapa; Mzee Dkt. Zachary Onyonka.

Wakati mke wa Mzee Nyachae alifariki mwaka uliopita, niliona ni heshima kubwa kwenda pale nimzungumzie huyu mzee. Hii ni kwa sababu nilikuwa sijamzungumzia tangu miaka kumi na mitano iliyopita. Nilipoenda kumzungumzia kabla ya mazishi, aliniambia kuwa: “Unajua mimi na baba yako tulikuwa na mvutano wa vuta nikuvute, lakini ule ulikuwa ni mvutano wa kiume lakini wa kiheshima. Hatukuwa na matusi. Tulikuwa na njia na fikira tofauti vile Kenya inafaa kuendelea ama hata jamii ya Mkisii. Lakini heshima nilimpa baba yako naye alinipa heshima ijapokuwa tulikuwa wapinzani.”

Mhe. Spika, juzi nilikuwa na furaha yule mzee kuniambia kuwa kwa maisha yake ya mwisho hakuwa na shida na familia ya Mhe. Dkt. Onyonka. Kwa hivyo, ningependa kusema hapa katika hili jumba ya kwamba Mzee Nyachae aliheshimika Kenya nzima.

Ninyi viongozi mlioko hapa haswa wakati huu ambapo nchi yetu inahitaji watu ambao wana roho safi, akili timamu na wana nia njema kwa nchi yetu, tujaribu kujadiliana na kuzungumza kati yetu ili tusije tukasukuma nchi yetu ikaenda mrama.

Ningependa kusema kuwa Mungu amuweke mahali pema peponi huyu Mzee. Tutaiombea familia yake. Tunatarajia kuwa hata kama watakuwa na mambo fulani mazito mazito, mzee alikuwa na marafiki chungu nzima. Kwa hivyo, familia yake waendelee kuzungumza wakubaliane kwa sababu jina la Mzee Nyachae lataka liachwe kule juu ambako mashujaa wa nchi ya Kenya...

Hon. Speaker: Let us have the Hon. Member for Bomachoge Chache.

Hon. Alfah Ondieki (Bomachoge Chache, KNC): Thank you, Hon. Speaker. My family, I and the good people of Bamachoge Chache condole with the family of the late Mzee Nyachae. He was a very good *Mzee*. We have lost an important person as a country. In Kisii, he made our community shine across the country. I remember in 2002, he formed a party called FORD-People which was very popular in the region. He was a unifying factor in the region. He was a very successful politician and civil servant. What we can learn from the death of Mzee Nyachae is that, if we live a life that is transparent, we will live to harvest good deeds ahead of us.

Otherwise, let *Mzee* rest in peace and we say *pole* to the family.

I thank you, Hon. Speaker.

Hon. Speaker: Member for Tharaka.

Hon. George Gitonga (Tharaka, DP): Thank you, Hon. Speaker. Allow me to convey my sincere condolences to the family of the late Hon. Simeon Nyachae, the son of Senior Paramount Chief Musa Nyandusi. On my own behalf and that of the people of Tharaka, it saddens the country to lose such an astute leader, a leader acknowledged from all spheres of life that he was a great man. I may not have met the late Nyachae, but I met him by proxy through his son, Charles Ayako Nyachae, another great man sired by a great man who has also rendered great services to this country. It is in view of that that I stand to say *pole* to that family. May the old man rest in eternal peace.

I thank you.

Hon. Speaker: Very well. That concludes that matter. May his soul rest in eternal peace. Next Order. Let us have the Hon. Leader of the Majority Party.

MOTION

APPOINTMENT OF MEMBERS TO THE HOUSE BUSINESS COMMITTEE

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

THAT, pursuant to the provisions of Standing Order 171(1), this House approves the appointment of the following Members to the House Business Committee in addition to those specified under paragraphs (a), (b), (c), (d) and (e)-

- (i) The Hon. Joyce Akai Emanikor, M.P.
- (ii) The Hon. Shadrack John Mose, M.P.
- (iii) The Hon. Kawira Mwangaza, M.P.
- (iv) The Hon. Mohamed Abdikhaim Osman, M.P.
- (v) The Hon. (Dr.) Makali Mulu, M.P.
- (vi) The Hon. Mishi Juma Khamisi Mboko, M.P.
- (vii) The Hon. Godfrey Osotsi, M.P.

Hon. Speaker, as Members are aware, this is a Sessional Committee that is appointed for each and every Session to guide the business that will be coming before the House. These Members have been in this Committee and have acquired the necessary experience.

As the leadership of the House, we saw no point of changing them as we move towards the tail end of this parliament. We needed experienced hands and they have proved themselves in terms of attendance and participation. Therefore, we would like to urge the rest of the House to approve this membership so that we can immediately move into Committee and generate business for the rest of the House. Until we have appointed these Members, there will be no business appearing on the Order Paper.

This is a very important step and I know the membership has never disappointed anyone. I want to move and ask the Leader of the Minority Party to second.

Hon. Speaker: Hon. John Mbadi.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Speaker. As I second, I want to say that this is a very crucial Committee because it prioritises, arranges and plans the business and affairs of this House in general. The Members we are proposing to sit in this Committee are the same ones who were in the last Session.

As the Leader of the Majority Party has said, it is true that these Members demonstrated commitment to their work. This is one of the Committees that have the highest attendance in terms of regularity of Members attending the meetings.

Looking at the names, there is not even a single Member we would have issues with. That is why both the Leader of the Majority Party and I have decided to retain the same membership of the HBC. I ask this House to approve these Members to sit in this Committee so that we can have business going forward.

Hon. Speaker, with those remarks, I want to second.

Hon. Speaker: Hon. Members, I will propose the Question.

(Question proposed)

Hon. Members: Put the Question.

Hon. Speaker: I put the Question? But I can see the Member for Kisumu who is also the local chapter Chairman of African Parliamentarians Network against Corruption (APNAC).

Hon. Shakeel Shabbir (Kisumu East, Independent): Hon. Speaker, thank you for allowing me to comment. This is a Sessional Committee so I think the very purpose of it is to allow participation from a number of Hon. Members so as to have them trained.

In as much as I understand these Members have been there and have performed well, I think we should not go against the whole aspect of training others by way of succession planning. Otherwise, I have no other comments in respect to this.

Hon. Speaker: Well, you may wish to note that there is both an independent Member and nominated Member. I think both the Leader of the Majority Party and the Leader of the Minority Party have tried as much as possible to ensure there is representation of various shades.

Hon. Shakeel Shabbir, you have a point except that, of course, in this Fifth Session, the moment we remove Members from one Committee to another, we may require to shake the entire Committees. If you move a Member from one Committee, you must replace with another one and then you may have to do a lot of reconstitution. You have a point and are at liberty in this Motion to even propose substitution.

Hon. Members: Put the Question.

Hon. Speaker: Is there unanimity? Very well, Hon. Members. Just talk to the Member you are comfortable talking to.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon. Members, the time being 3.57 p.m., this House stands adjourned until Wednesday, 10th February 2021 at 9.30 a.m.

The House rose at 3.57 p.m.