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THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Tuesday, 28th November 2023

The House met at 2.30 p.m.

[The Speaker (Hon. Moses Wetang'ula) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Hon. Members, there is no quorum. You may ring the Quorum Bell.

(The Quorum Bell was rung)

Hon. Members, we now have a quorum to transact business. I have a communication on the issues you raised on the dress code. I will issue it just before you go to the Committee of the whole at Order No. 12. For the Leader of the Majority Party, when you get to Order No. 12, I have received a request by senior counsel, Hon. Otiende Amollo to raise some preliminary constitutional issues regarding Order No. 12(iii). Therefore, before we go into the Committee of the whole, I will hear Hon. Otiende Amollo, the Leader of the Majority Party and whoever else will want to speak on the issue. I will then give you the communication on the dress code, and then we will proceed to the Committee of the whole House.

Thank you. Next Order!

PAPERS

Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Hon. Speaker, I beg to lay the following papers on the Table:

Reports of the Auditor-General and Financial Statements for the years ended 30th June 2021 and 30th June 2022, and the certificates therein in respect of:

1. Kisayani Secondary School;
2. Vulueni Secondary School;
3. Nthangu Mixed Day and Boarding Secondary School;
4. Muhu Secondary School;
5. Kinyui Boys High School;
6. Kamondo Secondary School;
7. Fr. Kevin Kelly High School;
8. St. Francis of Assisi Kwatombe Secondary School; and,
9. St. Francis Girls High School (Mang'u).

Thank you very much, Hon. Speaker. I beg to lay.

Hon. Speaker: Next, Chairperson, Departmental Committee on Energy.

Hon. Vincent Musau (Mwala, UDA): Thank you. Hon. Speaker, I beg to lay the following papers on the Table:

Reports of the Departmental Committee on Energy on:

1. The Budget Implementation Monitoring for FY 2022/2023 for the following votes:

- (a) Vote 1152 – State Department for Energy; and,
 - (b) Vote 1193 – State Department for Petroleum.
2. Study visit to the Energy actors in South Africa from 3rd to 8th October 2023;
 3. Study visit to the Energy Sector actors in Ghana from 3rd to 9th October 2023; and,
 4. Delegation to East African Petroleum Conference and Exhibition 2023 (EAPACE '23) held in Kampala, Uganda from 9th to 11th May 2023.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Vice Chairperson, Departmental Committee on Sports and Culture.

Hon. Githua Wamacukuru (Kabete, UDA): Thank you. Hon. Speaker, I beg to lay the following Paper on the Table:

Report of The Departmental Committee on Sports and Culture on its consideration of the National Lottery Bill, (National Assembly Bill No. 69 of 2023).

Thank you, Hon. Speaker.

Hon. Speaker: I thought you had two. The National Lottery Bill and the Gambling Control Bill.

Hon. Githua Wamacukuru (Kabete, UDA): Hon. Speaker, I request that you allow me to Table it later in the day.

Thank you.

Hon. Speaker: Okay. Before we go to Order No. 6, Hon. Members, allow me to acknowledge and recognise a delegation from the Nandi County Assembly.

Hon. Members, I wish to introduce a delegation of eight staff from the County Assembly of Nandi seated in the Speaker's Gallery. The delegation, led by Mr. Philemon Maiyo, the Director of Human Resources, is on a benchmarking visit to the National Assembly's Directorate of Hansard and Audio Services to learn about the innovative practices and successful methods deployed by the Directorate in producing timely, accurate and credible Hansard reports of plenary and committee proceedings.

Hon. Members, on my behalf and that of the National Assembly, I welcome them and wish them a fruitful exchange of ideas and knowledge.

Thank you. Next Order.

NOTICE OF MOTION

ADOPTION OF REPORT ON THE BUDGET IMPLEMENTATION MONITORING FOR FY 2022/2023 FOR VARIOUS VOTES

Hon. Speaker: Chairperson, Departmental Committee on Energy, Hon. Vincent Musyoka.

Hon. Vincent Musau (Mwala, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Energy on its consideration of the Budget Implementation Monitoring for FY 2022/2023 for the following votes, laid on the Table of the House on Tuesday, 28th November 2023:

1. Vote 1152 – State Department for Energy; and,
2. Vote 1193 – State Department for Petroleum.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Member for Nyeri County, Hon. Rahab Mukami. Leader of the Majority Party, where is your Member? Go to the next Order.

QUESTIONS AND STATEMENTS

Hon. Speaker: We have some responses to statements. Is Hon. Kuria Kimani here? He was to respond to a statement sought by Hon. David Kiplagat. Is David here? They are not here. Hon. Irene Mayaka? Neither those who sought statements nor the person to give the statement are in the House.

(Hon. Joseph Makilap stood in his gangway)

Hon. Makilap, what is it?

Hon. Joseph Makilap (Baringo North, UDA): On the statement sought by Hon. David Kiplagat of Soy Constituency, we asked the Cabinet Secretary to give us a statement on Tuesday next week.

Hon. Speaker: So, you are not ready?

Hon. Joseph Makilap (Baringo North, UDA): No! We shall be ready by Tuesday.

Hon. Speaker: Deferred to Tuesday next week. Now that you have allocated yourself the power to answer on behalf of your Chairman, what about the one by Hon. Irene Mayaka?

(Hon. Kuria Kimani walked into the Chamber)

I see your Chairman dashing in. He probably has a different brief. Hon. Kuria Kimani, we have just put off the statement sought by Hon. David Kiplagat, who is not here. Neither were you. We are told you are not ready for today. You also have two statements to respond to Irene Mayaka, who is not here. I know the statements are the property of the House, but are you ready with them?

Hon. Kuria Kimani (Molo, UDA): Thank you Hon. Speaker. I am ready for the statement by CPA Mayaka on taxes at the airport.

Hon. Speaker: Pardon?

Hon. Kuria Kimani (Molo, UDA): I am ready with the statement sought by CPA Mayaka on the harassment of passengers at the airport. I am trying to catch my breath.

Hon. Speaker: She asked for two. Are you ready with both? One on cryptocurrencies.

Hon. Kuria Kimani (Molo, UDA): I am ready with one. For the one on cryptocurrencies, the Central Bank of Kenya (CBK) and the Treasury had requested for more time. We will be ready with that next week.

STATEMENTS

Hon. Speaker: Go ahead and give the one on the Kenya Revenue Authority (KRA).

CLEARANCE BY KRA AT JKIA

Hon. Kuria Kimani (Molo, UDA): Hon. Speaker, on November 8, 2023, Hon. Irene Mayaka, requested a statement from the Chairperson, Departmental Committee on Finance and National Planning on the directive seeking to tax travellers or passengers arriving into the country from international destinations to Jomo Kenyatta International Airport (JKIA) with items worth USD 500 and above. In particular, the Hon. Member wanted to know:

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1. What was the legal basis and framework for customs and duties directives, particularly the USD 500 or its equivalent in Kenya shilling value cap for any used and personal items?
2. What steps have been taken to ensure that the customs and duties directive is enforced within the boundaries of existing laws and regulations, and what legal safeguards are in place to prevent arbitrary actions by authorities?

Hon. Speaker, I wish to respond as follows:

Hon. Speaker, from the onset, I wish to state that, besides revenue collection, KRA is mandated to facilitate trade and secure the borders. This is done in line with relevant tax regulations, written laws and specified provisions of the written laws.

Hon. Speaker, customs management in Kenya, a member State of the East African Community (EAC), is guided by the East African Community Customs Management Act (EACCMA), 2004. EACCMA 2004 is a regional law applicable to all the EAC Partner States. The Kenya Revenue Authority is an implementing body of this Act and facilitates the movement of people and goods in line with the various provisions of EACCMA, 2004.

Hon. Speaker, the matter in question relates to customs management, particularly regarding passengers arriving in the country and the concessions and entitlements available to them. The Fifth Schedule of EACCMA, 2004, makes provisions for the categorization of passengers arriving in the country and the concessions and entitlements available to them. Sections 44, 45 and 46 of the EACCMA, 2004 provide how passenger clearance processes at the member State port of entry shall be conducted and the obligations of the passengers in each category.

Section 44 provides as follows:

"(1) A person shall not disembark from any aircraft or vessel except at a place appointed in accordance with Section 11 of this Act.

(2) The following persons on landing at any port or place from an aircraft or vessel which has arrived from or called at a foreign port shall, subject to section 46, proceed forthwith to the baggage room or other place set aside for the examination of baggage and there remain until they receive the permission of the proper officer to leave that room or other place-

- (a) any person who is disembarking at that port or place;
- (b) any person, including any person who is returning ashore, who has any uncustomed goods in his possession, whether upon his person or in his baggage;
- (c) the crew of an aircraft or vessel who are leaving that aircraft or vessel either temporarily or for and other reason, and wish to remove their baggage or part thereof, from that aircraft or vessel;
- (d) any passenger who is temporarily leaving that aircraft or vessel and wished to remove therefrom his baggage, or any part thereof;
- (e) any other person who may be required by proper officer to do so.

(3) The Commissioner may require the owner or agent of an aircraft or vessel conveying passengers to provide advance passenger information prior to the arrival of such aircraft or vessel.

(4) Any person who contravenes this section commits an offence."

Hon. Speaker, the import of these provisions gives the category of persons who are required to report to customs as follows:

- (a) A person who is disembarking at that port or place.
- (b) Any person returning ashore who has any uncustomed goods in his possession, whether upon his person or in his baggage.

(c) The crew of an aircraft or vessel who are leaving that aircraft or vessel either temporarily or for any other reason and wish to remove their baggage, or part thereof, from that aircraft or vessel.

(d) Any passenger temporarily leaving that aircraft or vessel and wishing to remove there from his baggage, or any part thereof; and,

(e) Any other person who may be required by proper officer to do so.

Hon. Speaker, for ease of implementation, passengers are divided as presented in the table below:

No.	Category	Description.
1.	A	Diplomatic and first arrivals to Kenya who intend to change their residence to Kenya for various reasons such as military and aid agencies among others.
2.	B	These are visitors to Kenya on temporary visits not exceeding three months.
3.	C	These are returning residents and passengers not included in categories A or B.

Hon Speaker, these categories of persons are given the allowable concessions under the provisions of Part B of the 5th Schedule to EACCMA 2004, Item 5 sub-paragraphs (1) to (9). For purposes of payment of customs duty, passengers are exempt on goods up to the value of USD 500 when imported by the traveler in his or her accompanied baggage or upon his or her person and declared to the Customs officer.

In addition to the above, passengers are allowed to import duty-free the following with limited quantities of the following items:

No.	Item	Limit
1.	Spirits/Liquor	1 litre
2.	Wine	2 litres
3.	Perfume	1/2 litre
4.	Cigars/Cigarettes	250 grams in total

Hon. Speaker, only passengers who have attained the age of 18 years are eligible to import the listed items and taxes will be payable for quantities in excess of the above.

In case the passenger has customs goods that do not meet the criteria above, the taxes payable are determined based on the tariff classification and value of goods. The passenger is also required to demonstrate the actual price paid for the goods.

A passenger, upon arrival to Kenya, should declare the following:

1. Items purchased and carried with them upon return to Kenya.
2. Items bought in duty-free shops, on the ship, or on the plane.
3. Repairs or alterations to any items you took abroad and then brought back, even if the repairs/alterations were performed free of charge.
4. Items brought home for someone else, including gifts.
5. Items intended for sale or use or trade, including business merchandise taken out of Kenya on your trip.
6. Currency and monetary instruments above US\$10,000 (or foreign equivalent).
7. Items that are brought in as temporary imports.
8. Goods for the exhibition which are to be returned in an unaltered state.

9. Filming equipment is allowed into the country on a temporary basis.

Prohibited items as per the Act include:

1. False money.
2. Counterfeit money.
3. Pornographic material and media.
4. Narcotic drugs.
5. Used tires for light commercial vehicles, among others.

Hon. Speaker, for restricted items, one is required to have a permit, and those restricted items include arms and ammunitions, historical artefacts and medicaments for sale, among others.

Section 45 of EACCMA 2004 provides a dual channel clearance system: a green channel for passengers with nothing to declare and a red channel for passengers carrying dutiable or restricted goods.

Section 45 (1) specifically provides that there shall be established at every place of arrival and within the baggage room at every major port a dual channel system which shall consist of:

(a) Green channel for passengers with nothing to declare or with baggage consisting of only goods within the prescribed passenger allowance as provided for in Part B of the Fifth Schedule of this Act; and,

(b) Red channel for passengers carrying dutiable or restricted goods: provided that crew members of vessels or aircraft shall use the red channel.

Hon. Speaker, this provision establishes the channels that passenger categories should follow when passing through the Customs:

(a) Green channel for passengers with nothing to declare or with baggage consisting of only goods within the prescribed passenger allowance as provided for in Part B of the Fifth Schedule of the Act;

(b) Red channel for passengers carrying dutiable or restricted goods: Provides that crew members of vessels or aircraft shall use the red channel;

(c) A person with uncustomed goods in his/her possession should take them to the appointed place for examination of baggage; and,

(d) A person shall not remove any baggage or goods from the baggage room without the authorisation of the proper customs officer.

Hon. Speaker, to enhance the efficiency of passenger clearance at terminals, KRA has stationed non-intrusive scanners across all ports of entry to aid in the verification of goods to ensure that goods imported into the country are correctly declared not only for taxation purposes, but also for the safety of Kenyans.

Hon. Speaker, where imported goods are subject to customs duty, passengers are required to declare the actual price of the items as the valuation of the tax to be paid is based on the actual price paid for the imported goods. Passengers have a right to query the assessed customs duties and may seek an explanation from the Customs Officer.

Hon. Speaker, customs duties are paid at appointed banks located within the terminals or through a mobile banking platform after an electronic payment slip is generated. Customs Officers at the airport will generate the payment slip, which is available at the bank for ease of payment.

In case the passenger is not able to make payment on the spot for dutiable goods or obtain the relevant authorisation for restricted items, the same goods are deposited in the customs warehouse to allow the passengers to take the necessary steps to comply with the legal requirements, failure to which the goods shall be disposed of in the manner prescribed under EACCMA, 2004.

Hon. Speaker, through its surveillance at the border points, KRA has reduced the smuggling of restricted and prohibited goods, including counterfeit, substandard goods and narcotic drugs, among others. Illicit trade is known to deprive the Government of the much-needed revenue. Illegal trade also kills local industries and jeopardises consumer's health and safety.

Hon. Speaker, to enhance compliance with these provisions of the Act, KRA has implemented the following measures:

1. Non-intrusive scanning of goods at the passenger terminals.
2. Awareness and sensitisation of tourists, passengers and the general public through diaspora webinars, Frequently Asked Questions (FAQs), website content <https://www.kra.go.ke/individual/diaspora-affairs/learn-about-kenyans-living-abroad/guidelines-for-returning-residents>, media tours, and other publicity material.
3. Stakeholder engagement with specific agencies and interest groups to enhance awareness of such requirements, for example, the Kenya Film Classification Board and Kenya Film Commission.
4. Deploying Customer Satisfaction Surveys to enhance customer experience.
5. Institutional collaboration with the Ministry of Foreign & Diaspora Affairs to reach Kenyans living abroad and tourists intending to travel to Kenya with relevant information on requirements for travel to Kenya.

Hon. Speaker, consequently, the Committee will be bringing a motion in the House seeking to cause the Cabinet Secretary for the National Treasury to request the amendment of the EACCMA 2004 concerning the US\$500 value cap to bring it to the current economic reality. The Committee has implored the KRA to undertake and retrain their staff at JKIA and other ports of entry on customer feeling and deploy the use of non-intrusive technology for scanning for efficiency of customs management.

Hon. Speaker, it is worth noting that KRA has issued several public notices to sensitize the public on the passenger entitlement and concession, hence reducing the complaints at the port of entry.

In summary, we engaged the relevant authorities. It is an issue of law, but the EACCMA 2004 is outdated. The limit of US\$500 is too little and needs to be changed to come to reality with the current situation. The KRA staff at the airport should refrain from harassing passengers. They should refrain from collecting very little revenue at the expense of harassing our men and women from the diaspora and tourists.

Consequently, the revenue collected by being a marketable destination globally would be more than the Ksh8 million they collect monthly on this particular tax. Since we implored the KRA on this, customers arriving in JKIA are talking about improved customer experience and harassment of passengers has substantially reduced. Now that they are implementing this Act, we have also implored them to provide the Green and the Red Channels so that they are clear to the passengers.

Hon. Speaker: Wind up.

Hon. Kuria Kimani (Molo, UDA): With those remarks, I submit.

(Loud consultations)

Hon. Speaker: Thank you, Chairman. Hon. Members, your conversations are above average today. Can you reduce your conversations?

(Hon. Raphael Wanjala consulted loudly)

Hon. Wanjala, I am asking Members to reduce their conversations, and you are increasing your volume.

(Hon. Raphael Wanjala consulted loudly)

Order, Hon. Wanjala!

Hon. Members, I have just received a letter from Hon. Irene Mayaka that she is away on duty. She had nominated Hon. Zamzam to seek clarification on the matter. I am not seeing Hon. Zamzam Mohammed in the House. They will find that Statement on the Hansard.

Hon. Kimani Kuria, will you issue the other two Statements on Tuesday? Will you have them ready this week or next Tuesday? Give him the microphone.

Hon. Kuria Kimani (Molo, UDA): For the other two Statements, the Cabinet Secretary has been out of the country on official duties. We started that engagement today. We will have the other two Statements ready next week.

Hon. Speaker: Next Tuesday. That is all right. The next Order is by the Leader of the Majority Party. Do you have something to say?

REPORT OF THE 16TH MEETING OF THE BUREAU OF THE
EAST AFRICAN COMMUNITY SPEAKERS

Hon. Kimani Ichung'wah (Kikuyu, UDA): Yes, Hon. Speaker. I have a Statement that I wish to read. First, allow me to thank you for leading the Kenyan delegation to the 16th Meeting of the Bureau of Speakers of the East African Community (EAC) and the East African Legislative Assembly (EALA) held on 16th November 2023 in Juba, in the Republic of Southern Sudan.

It is also not lost on us that the meeting resolved that the Republic of Kenya will assume the chairmanship of the Bureau next year after the current Chair, the United Republic of Tanzania. In addition, it is noted that the Republic of Kenya was accorded the opportunity to host next year's edition of the EAC Inter-Parliamentary Games. We congratulate you on those twin achievements. You are now going to be the next Chairperson of the Bureau. The use of the word Chairperson on the Speaker was intentional since we do not know whether it is male or female Chairpersons in other countries. We can confidently say that the next Chairperson will be a Chairman. That is none other than Honourable Dr Moses Masika Wetang'ula.

(Applause)

As I congratulate you, allow me to inform the region that they will enjoy your chairmanship as a Chairman of the Bureau. Like the Kenyan people, they will have to share in your wisdom as you lead the Bureau starting next year.

I congratulate you for leading in lobbying for the Republic of Kenya and the Kenyan Parliament to be the host of next year's EAC Inter-Parliamentary Games. I know Members are gearing up for this year's games in Kigali, Rwanda. Probably, your Deputy, Hon. Gladys Boss and I will have an opportunity to patronise those games. For the last 10 years, we have never had an opportunity to patronise those games. At least, with the games being hosted in Nairobi next year, we are certain we shall patronise those games. We shall play on the same team as my sister, Hon. Gladys Boss Shollei.

Hon. Speaker, as the Chairperson of the Parliamentary Service Commission (PSC), you oversee the construction of the ultra-modern Centre for Parliamentary Studies and Training (CPST) in Karen. Again, with this background, we know that the meeting of the Bureau of Speakers also resolved that the Republic of Kenya will host the East African Parliamentary

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Institute (EAPI). This will enhance the recognition of the CPST as a centre of excellence in matters of parliamentary training within the region and, indeed, offer a great opportunity not just to Kenyans, including our county assemblies, but also to our national and other regional assemblies.

Lastly, allow me to take note of the resolution made relating to the annual EAC Inter-Parliamentary Games. First, it was resolved that the games commence on the 7th of December 2023, the day we are scheduled to commence our last recess at the end of this Session. I urge honourable Members to put in extra effort to process all our critical pending business before this day to allow for ease of participation in the games without prejudicing parliamentary business. On that note, I plead with Members and remind them that we have Thursday morning sittings this week and next week to conclude all our pending business. I urge Members to be patient and stay within the precincts of Parliament for us to conclude business. That is so that those participating in the games can leave on the 7th of December 2023.

Secondly, I note that the Bureau resolved that participating teams in this year's games will be composed wholly of Members of Parliament. Allow me to repeat that for the benefit of those who are consulting. The Bureau has resolved that participating teams this year will be composed wholly of Members of Parliament. Given that this is a departure from the past, where staff had been allowed limited participation in the games, it is a wake-up call for our Members to take the games seriously in terms of preparation and participation.

On a light note, I challenge the Committee on Sports and Culture. I know the Chair is here. I challenge the Committee to strategically plan around this decision so that we do not end up participating in games in which we become a walloping bag for our neighbours. That is especially true for those like Hon. Gladys Boss, Hon. Junet Mohamed, and I, who have never participated in those games. We want to ensure we do not hear that those games are strictly for Members of Parliament, and that we end up unprepared on a football pitch. You know the Hon. Junet may not be able to finish the first 45 minutes.

(Laughter)

I know I can do at least 45 minutes, but not the 90 minutes. I am also certain that Hon. Junet Mohammed cannot go beyond 45 minutes.

(Laughter)

The staff have been allowed limited participation in the athletics games only. That is why, on a light note, I used the example of Hon. Junet and me on football. This should not discourage our staff. The Joint Planning Committee has been empowered to review staff participation in future games. It is also worth noting that staff participation will be limited this year. In the future, we should plan to restore greater staff participation in more disciplines to enhance the greater goal of the games, which is to foster regional integration in all spheres. Again, congratulations on your nomination as the next Chairperson of the Bureau of Speakers and on lobbying for our country not only to host the games next year, but also to host the EAPI.

Thank you, Hon. Speaker.

I wish to lay before the House the Report of that meeting in Juba in which you participated to come up with those very commendable recommendations for our country. Thank you.

Hon. Speaker: Thank you. Yes, honourable Member for Nyando. Give him the microphone.

Hon. Jared Okello (Nyando, ODM): Thank you for the opportunity. In the same breath, allow me to join my brother, Honourable Ichung'wah, in congratulating you on

ascending to the position of Vice-Chairman of the Bureau as you await to become the Chairman.

Hon. Members: Chair.

Hon. Jared Okello (Nyando, ODM): Sorry. It is the Chair. I take that back. You are the Chair of the East African Community Bureau of Speakers.

I happened to have joined you last year in Juba. In the opening ceremony, you gave a very prolific and scintillating speech that caught everybody off-guard. Indeed, you are full of wisdom. In general, East Africa will benefit immensely from your knowledge, know-how and experience in matters of Parliament. Most importantly, the main idea of last year's EAC Inter-Parliamentary Games was to strengthen, widen, deepen and tighten our collaboration within States in East Africa. You have all that it takes to ensure that all those qualities and positive objectives will be added to the EALA and the Parliaments of East Africa.

As a participant in athletics, we have had many trainings lately. Even though the number of Members who participate in this is shrinking, I want to bring to your attention that members of staff are very dedicated to this endeavour. Therefore, it pains us that we may have their numbers thinned as they leave for Rwanda. I urge you to re-look into this issue of members of staff so that those who took their time and sacrificed their sleep are part of the entourage that will be participating in this event in Rwanda.

Once again, I congratulate you.

Hon. Speaker: Thank you. Yes, Member for Manyatta. Take two minutes.

Hon. Gitonga Mukunji (Manyatta, UDA): Thank you, Hon. Speaker.

I also take this opportunity to congratulate you. We are very happy that East Africa will experience your leadership as the Chair. We, as Members, are encouraged to participate in sports. Many of the Members who came in last year have developed tummies as they continue to enjoy the privileges of being Members of Parliament. I hope the Chair of the Departmental Committee on Sports and Culture should organise things so that, while we are preparing for the East Africa games, we also prepare to have our games internally and have our ways of relaxing and ensuring that we enjoy sporting activities.

I am concerned with the decision not to have staff members participate in those games. One of the most important things is that the staff have always dedicated themselves to sporting activities. They even encourage Members to hit the gym and go to Nyayo Stadium in the morning. I believe we should either have their category or accommodate them. I am proud to be a silver medalist in the 400 metres. This time, I am going for the gold.

Thank you very much.

Hon. Speaker: Thank you. Hon. Jematiah, two minutes. After you will be Hon. Nyikal, and then the Chairman of the Departmental Committee on Sports and Culture will close that.

Hon. Jematiah Sergon (Baringo County, UDA): Ahsante sana, Mhe. Spika, kwa nafasi hii uliyonipa. Mwanzo, nakupa kongole kwa kuchaguliwa kama Mwenyekiti wa Maspika katika Jumuiya. Kwa kweli, waliokuwa wakifanya uchaguzi walielewa weledi wako katika uongozi.

Pia, nachukua fursa hii kuhimiza kuwa wananchi wa Jumuiya watafurahia katika uongozi wako na kuona tofauti kulingana na uongozi wako. Kama mmoja wa waliokuwa Wajumbe wa Jumuiya ya Afrika Mashariki, Jumuiya yetu inakua kwa kasi kubwa sana. Tuko na nchi saba ambazo zinaweza kukabiliana na mambo yote kwa sasa: uchumi na rasilimali za nchi. Kenya, ikiwa mstari wa mbele, najua uongozi wako utapeana mwelekeo thabiti. Mimi ni mmoja wa viongozi ambao watashiriki kwenye michezo ijayo huko Kigali. Mimi ni mchezaji wa kutegemewa sana.

(Laughter)

Nitakuwa pale ili nilete medali katika nchi hii ya Kenya.

Shukrani, Mhe. Spika.

Hon. Speaker: Ahsante, Mama Jematiah. Tutakutegemea. Jumuiya ya Afrika Masharaki sasa ina nchi nane, sio saba kama ulivyosema.

Hon. Nyikal. Give him the microphone.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Speaker, for giving me this opportunity to contribute. I take this opportunity to congratulate you on being elected as the Chairman of the East African Bureau of Speakers. I know you have the capacity. It has always been my wish that we should make the East African Community (EAC) what it should be and what it has been. Many of us grew up knowing that it was one unit. We had one currency, railway, harbour, airways, university and road services. People were moving across without any barriers. That is where we should be. You should take it back there.

When we go to the EAC, we should not do it as individual countries trying to fight each other. We should go there to create one unit that works together for all of us. I know you are capable of doing that. It will be a great thing for this area. Now that it has expanded, it will be a huge market with one infrastructure. It will extend from the Indian Ocean to the Atlantic Ocean across Zaire.

I feel that excluding staff from participating in the games is discriminatory. They are part and parcel of the legislative bodies. Excluding them or anything that brings a barrier between the staff and legislators should be discouraged. I know you can reconsider that.

Finally, we should also extend the games. The leader of the Majority Party said that some people cannot play some games. There are new games that we should bring in, and that can bring people in, particularly the elderly. A game like *Bao*, which I do not know what it is in English, can be brought in. You know better English than me. We can also bring in the *Ajua* Game so that when we go there, everybody has a contribution to make.

With these remarks, I thank you, Hon. Speaker.

Hon. Speaker: Thank you. Hon. Kawayu.

Hon. Vincent Musau (Mwala, UDA): Thank you, Hon. Speaker. Let me also join the rest of the Hon. Members in congratulating you. You have grown a special liking along the EAC corridors. We had our East Africa Joint Parliamentary Committee a couple of weeks ago. I remember every other country referencing your powerful speech during the last games in Juba last year.

There are benefits for participating in the games. As a Member of Parliament and the Chairman of the Bunge Sports Committee, I am a beneficiary of those particular benefits in terms of health and winning the special gold medals. I am the gold medalist in 100 and 200 metres for the seventh consecutive year. Usain Bolt is only 1.5 seconds faster than me. Some think that my body size is due to witchcraft, but that is not the case. It is simply by participating in those games. It has health benefits. I have a few comments.

Hon. Speaker: You have one minute to go.

Hon. Vincent Musau (Mwala, UDA): Firstly, I invite Members, starting with Hon. Kimani Ichung'wah and the rest, to begin preparing to host the games next year.

Secondly, regarding staff participation in these games, I sit in the East African Joint Parliamentary Committee. The idea was not to exclude staff in these games, but to separate the involvement of Members from the staff. As Hon. Members participate in their games, staff can participate parallelly. There is a miscommunication that the staff will not participate in these games.

Through your chairmanship, I request this honourable House... We have a lot of issues with the budget, which is completely unfair. We thank the East African Bureau of Speakers because they allowed the participation of 45 members of staff under athletics, which we believe will be spread across the different disciplines. This is only so because we have budget

limitations. Because we have always had an insufficient budget, I request that the Hon. Speaker and Hon. Members consider reviewing or supporting us in reviewing the budget allocation for sports in the next supplementary budget because it is barely enough.

As I conclude, we have always had scenarios where the Speakers rule that the games participation will be for 12 days. Because of budget constraints, team Kenya, which is supposed to be a super economy, participates in those games, and ends up leaving before they are concluded. We have scenarios where the games are continuing...

Hon. Speaker: Wind up, Hon. Kawayu.

Hon. Vincent Musau (Mwala, UDA): We have scenarios where the awards are given out while the games are continuing. We need ample time to participate in the games to get the most out of them. This can only happen if we get a proper budget allocation. I seek this House's support so that we can review our sports budget in the next supplementary budget.

Thank you, Hon. Speaker.

(Loud consultations)

(Several Members stood up in their places)

Hon. Speaker: Thank you. Next Order. Order, Hon. Members. Members on their feet, take your seats.

MOTIONS

RATIFICATION OF THE 1970 UNESCO CONVENTION ON CULTURAL PROPERTY

THAT, this House adopts the Report of the Departmental Committee on Sports and Culture on its consideration of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, laid on the Table of the House on Thursday, 12th October 2023 and, pursuant to the provisions of Section 8 (4) of the Treaty Making and Ratification Act, 2012, approves the ratification of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

(Moved by Hon. Daniel Wanyama on 21.11.2023)

(Debate concluded on 23.11.2023 – Morning Sitting)

(Question put and agreed to)

Hon. Speaker: Next Order.

ADOPTION OF REPORT ON LOANS CONTRACTED BY THE NATIONAL GOVERNMENT BETWEEN MAY 2022 AND APRIL 2023

THAT, this House adopts the Report of the Public Debt and Privatisation Committee on its consideration of the loans contracted by the national Government between May 2022 and April 2023, laid on the Table of the House on Thursday, 28th September 2023.

(Moved by Hon. Abdi Shurie on 23.11.2023 – Afternoon Sitting)

(Debate concluded on 23.11.2023 – Afternoon Sitting)

(Question put and agreed to)

Hon. Speaker: Hon. Members, before we go to Order No. 10 and 11, I will now allow Hon. Otiende Amollo, Member for Rarieda, to raise the issue he wanted to raise on the Conflict of Interest Bill. I will give you a maximum of 10 minutes and then give the Leader of the Majority Party equal time to respond. Any Member who may want to join in, I will not allow extensive debate on this. You will be given three minutes each. I want this particular matter to take no more than the next 30 minutes.

Give Hon. Otiende Amollo the microphone.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Speaker. I will take a shorter time.

Hon. Speaker: Wonderful.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): I wrote to your good Office on 21st November, raising 15 different points on why, in my opinion, the Conflict of Interest Bill stands unconstitutional in its present form. I will highlight just three points because I took the liberty to copy the letter to the Leader of the Minority Party and the Leader of the Majority Party. I am sure they are seized of it.

I am aware that the Departmental Committee on Justice and Legal Affairs only finished its deliberations on the Bill this afternoon. They have produced an addendum Report, part of which agrees with some of the points I raised.

We raised the issue in the definition in Clause 2 of the Bill. It brings a definition of a public officer that will conflict with the Constitution. Strangely, it seeks to include volunteers, consultants and persons who render Government services as public officers. The implication of that is immense.

Paragraph 4 in Clause 2 of the Bill directly contradicts the separation of powers, the Powers and Privileges Act, and our Standing Orders that have made this House self-regulating. In its wisdom, this House passed an Act of Parliament - National Assembly (Powers and Privileges) Act – and the Standing Orders. It also gave the Committee of Powers and Privileges power to deal with conflict of interest. This Bill seeks to yank that from Parliament and assign it to the Ethics and Anti-Corruption Commission (EACC) so that it will end up regulating what we, as Members of Parliament, do in this Parliament. That is wrong. Every arm of Government must be self-regulating. The Judiciary is regulated by the Judicial Service Commission (JSC). We are self-regulating through yourself, Hon. Speaker, as the Chairman of the Parliamentary Service Commission and then the Committee.

Clause 11 of the Bill does something which is very strange. Besides trying to regulate all public and State officers, this Bill singles out only Members of Parliament. It does not single out Cabinet Secretaries, Principal Secretaries or judges, but only Members of Parliament. It is as if this Bill is tailored to focus on Members of Parliament in a very unfair way.

There is something very strange in Clause 11(2) of the Bill, which is in paragraph 8 of my letter. Other than requiring Members of Parliament to declare whenever there is any issue of conflict of interest, it says that whenever such a declaration is made, no Member of Parliament can participate in any debate or discussion where they will benefit. The implication of that is that there will be no one to legislate on any issues affecting Members of Parliament because we will all be in a conflict of interest. We will not even deliberate on the National Government Constituencies Development Fund (Amendment) Bill as we are doing it today.

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There will be no one to discuss the question of salaries, pensions, or car grants because we will all be declared to be in conflict under Clause 11(2) of the Bill. Therefore, we would be unable to discuss anything around that.

In paragraph 10, we raised the issue of the declaration of income, assets and liabilities. This Bill not only requires a public officer like a Member of Parliament to declare their income, assets and liabilities, but also extends to their spouse and dependent children. So that the Hon. Wanjala, who I think has just walked out and who by his admission is a serious polygamist, would then be required to ask his wife for full disclosure of what they owe and own and to include in that declaration. This is a breach of Article 31 of the Constitution because, once you have declared it, it becomes information held by the State which anyone can access.

Hon. Speaker, I have raised 15 different points. I do not need to re-read them because you are well seized of them. I urge that you consider it in addition to the report of the Department of Justice and Legal Affairs Committee (JLAC) so that we can seriously reconsider this Bill. This Bill has the potential of harming ourselves. Self-preservation has always been the most basic human instinct. Let us not be a House that is given to self-infliction of pain.

Thank you.

Hon. Speaker: Thank you, Hon. Otiende Amollo. Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. Let me first thank Senior Counsel, Hon. Otiende Amollo, for those issues and, indeed, confirm that Hon. Otiende Amollo wrote a very detailed letter with all those 13 or 14 issues. He copied my Office, and I remember Hon. Speaker discussing the same with you and the Chair of the JLAC, who unfortunately is not here. But the Vice-Chair, Hon. Mutuse, is here. We have further discussed all the issues Hon. Otiende raised in his letter with the Chair and Vice-Chair of JLAC. Given an opportunity, since the Chair is away, the Vice-Chair should be able to apprise us of where they are first, in terms of looking at those issues among us. Many other issues came up during public participation, which the Senior Counsel has indicated. JLAC is already addressing some of those issues.

It is also worth mentioning to Hon. Otiende Amollo that in the House Business Committee (HBC) this morning, we agreed to stand down the Conflict of Interest Bill from this afternoon sitting for the Committee of the Whole House. First, to allow JLAC to complete the work they were already doing, maybe tomorrow or the day after, whenever time will allow, and when the HBC can schedule business.

Just to note that I agree with Hon. Otiende on a number of things, especially on the definition of a public officer, because that is explicitly provided in the Constitution, and we cannot seek to redefine it in a statute. This is because the Constitution is the supreme law of the country. When I was studying commercial law for my Certified Public Accountant (CPA), I was told that any other law we enact that conflicts with the Constitution becomes *ultra vires*. Therefore, any such definition that goes against what is provided in the Constitution will be *ultra vires* to the Constitution and thus, becomes null and void. However, the Constitution does not define who your relative is. But then it begs a moral question as to how far you can define who your relative is as a public officer. Your mother-in-law, your sister-in-law and some that you may not even know. If they are doing business and do not eat in your house, they do not depend on your pay as a public officer. They have no direct relation with you. Can you then say there is a conflict of interest between that distant relative and yourself as a public officer? Those are issues already before the JLAC, of which I believe the Hon. Otiende Amollo is a member. I hoped he would indicate where they are as a Committee, but I was informed he was not in the meeting this morning. I believe that JLAC will be able to apprise us of the addendum that they are doing that touches on major amendments that will touch on some of these provisions that Hon. Otiende has pointed to.

More importantly, what is this Bill seeking to do? Hon. Speaker, this Bill is breathing life into Chapter Six on Leadership and Integrity, especially on matters of integrity. Therefore, I disagree with Senior Counsel on issues that touch on integrity, and I think they do sit well when discussing corruption and conflict of interest.

Article 75 (1) of the Constitution, states that:

“75. (1) A State officer shall behave, whether in public and official life, in private life, or in association with other persons, in a manner that avoids—

- (a) any conflict between personal interests and public or official duties;
- (b) compromising any public or official interest in favour of a personal interest; or,
- (c) demeaning the office the officer holds.”

Therefore, the long objective of this Bill is to actualise that particular provision of Article 75 (1) (a). Therefore, there are many other issues without even belabouring the point. As Hon. Otiende has said, we do not need to go through all the 13 or 15 items that he listed. But there are some that I would agree with and many others that I will strongly disagree with because they intend to actualise and breathe life into Article 75 (1) (a) of our Constitution.

If we are genuinely intent on slaying the monster or dragon of corruption that we all talk about, which spreads far and wide — and I have heard the issues that are being raised on self-preservation and how we must seek to self-preserve — we must be careful not to self-preserve in a way that we entrench conflict of interest in public office. We must lead from the front as lawmakers in ensuring that public officers have no conflict of interest.

I agree with Hon. Otiende Amollo that being a public officer does not necessarily mean an elective office or people holding elective offices. It is not just Members of Parliament or Members of County Assemblies. We have governors, the Executive from the President to the Cabinet Secretaries and Principal Secretaries, who are in appointive offices. We must hold them to account using this Bill and ensure that even as you seek to self-preserve, we also enact laws that will hold everybody — Members of Parliament, Members of County Assemblies, governors, presidents and deputy presidents who are elective — to account and to ensure there is absolutely no conflict of interest in the way they conduct public office. There is a clear demarcation between their public affairs and their private business interests. If we are left in a situation where there is a blurred distinction between private and public, the era of what we have been speaking about of State capture will never end. This is our opportunity as a House and the country, and history will judge us based on what we do with this Bill. Every time a scandal is mentioned here, the political class is usually the first to speak against corruption.

Let us not just speak against corruption, but also enact laws that will ensure that there is no corruption or conflict of interest. We should actualise the provisions of Chapter 6, specifically Articles 75 (1) (a) and (b) of the Constitution, which is the supreme law of our country. We should also hold our horses as we wait for the Departmental Committee on Justice and Legal Affairs to table the addendum so that we can see what they have proposed for amendments. If they do not carry any amendment, nothing stops an Hon. Member from moving an amendment to the Bill. If it makes sense without diluting the objectives of the Bill, we shall support, although in a cautious manner. With that I beg that we allow the Departmental Committee on Justice and Legal Affairs to finish their work and apprise the House accordingly.

Thank you, Hon. Speaker.

(Hon. Jared Okello spoke off the record)

Hon. Speaker: I will come to you. Next is Hon. David Ochieng’.

Hon. David Ochieng’ (Ugenya, MDG): Thank you, Hon. Speaker. I also want to add my voice to this particular matter and agree with Hon. Otiende that there are issues...

Hon. Speaker: Give Hon. David Ochieng' the microphone.

Hon. David Ochieng' (Ugenya, MDG): There are issues we need to address going forward. I was worried when I saw the Bill in the draft Order Paper this morning. I thank you and the House Business Committee for seeing sense in putting the Bill.

Hon. Speaker: What is happening to the microphone?

Hon. David Ochieng' (Ugenya, MDG): But Hon. Speaker, the biggest issue...

(Loud consultations)

(Hon. Irene Kasalu consulted with other Hon. Members)

Hon. Speaker: Order, Hon. Members. Order, Hon. Irene Kasalu and your team. I am being called upon to make a ruling on the Bill that is before you. Give me an opportunity to hear.

Hon. David Ochieng' (Ugenya, MDG): Hon. Speaker, the reason I believe this Bill is very urgent is that sometimes we think about things in a very pedantic way. Kenya is in its present state because we have allowed every Government official to conduct business in every corner. As I said last week, the reason we are experiencing issues of liquidity is that we have allowed everyone, including Members of Parliament, to conduct business. Since this Government came to power, because of fear of the Ethics and Anti-Corruption Commission (EACC), you will not find any safety deposit boxes in Kenyan shops. People intending to loot have bought them all. We cannot allow Government officials to conduct business, convert the money into dollars, and keep it in their homes. The Kenya shilling is depreciating against the dollar due to lack of circulation.

Hon. Members in this Parliament want to decide who constructs their roads and NG-CDF projects. I do not think it is wrong to discipline this Parliament. I believe that the weakest link to corruption in this country is this Parliament. I, therefore, do not think we should fear a law that is going to decide how we conduct business as parliamentarians. I request that this be the last time you give Hon. Members an opportunity to bring amendments and ensure that the final law will not have room for circumvention. I also hope that the amendments we bring will ensure that the EACC is not stripped of its powers. The EACC and Directorate of Criminal Investigations (DCI) are always watching their backs for those who make calls. We should strengthen these institutions and allow them to work without intimidation or cajolment. The war on corruption is what will make this country work.

I support.

Hon. Speaker: Yes, Hon. Jared Okello. Give him the microphone.

Hon. Jared Okello (Nyando, ODM): Thank you, Hon. Speaker. I also had an opportunity to look at the fundamental and grave issues which were raised by Hon. Otiende Amollo. All the Members of this House belong to various professions, which have their own self-regulating bodies. Lawyers are regulated by the Law Society of Kenya, journalists by the Media Council of Kenya and doctors by their respective regulatory body. In the wisdom of the drafters of our Constitution, this House came up with the Committee of Powers and Privileges to help us self-regulate.

This Bill gives more powers to the EACC to rear its ugly head on the affairs of Members of this House. It is meant to give the EACC more powers to superintend this House while making Members cede their powers. Governors will tell you they have to contend with the presence of EACC officials, who are permanently seated in their offices, without any reason or recourse. I do not know whether we will also tinker with the EACC Act to give them more powers because they cannot operate in a vacuum as regards this House. These Members are

not going to kill their professions because of sitting in this House, which is exactly what this Bill is trying to prescribe.

In the wisdom of the leadership of this House, they have referred it back to the Departmental Committee on Justice and Legal Affairs Committee which will in turn make amendments. But why amend something that is tragically wrong? Let us kill it and start from scratch so that we can have something that is reflective of the wishes of the Hon. Members of this House. We have unknowingly ceded more powers to the Executive. When you are fencing your home, know that you are fencing yourself within it and you will have to contend with the consequences.

Hon. Speaker: Hon. Omboko Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker. I also thank Hon. Otiende Amollo for raising this matter, but above all I thank you for bringing this Bill at midday today so that we can at least make headway. I will talk about this issue from a position of independence of Parliament called the doctrine of Parliamentary supremacy. It rides across many jurisdictions, including Kenya and the United Kingdom. This supremacy disallows any other institution from controlling Parliament and allows Parliament to legislate freely without fear. My fear with the issues raised by Hon. Otiende Amollo is that when debating an issue that is conflicting to Members of Parliament, it will completely gag the House. Parliament will not be seized of its power to legislate without fear and, therefore, there are issues in this Bill which must be handled carefully even as the Committee concludes its work. This will ensure that the doctrine of Parliamentary supremacy is retained. Otherwise, if we lose it, we shall vulgarise the House, which will then not carry out its mandate as indicated.

Lastly, this Bill should not just isolate Members of Parliament but also cut across every public officer. The supremacy of Parliament must be retained, and that is why no Parliament can commit a future Parliament.

COMMUNICATIONS FROM THE CHAIR

HON OTIENDE AMOLLO'S OBJECTION TO THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILL NO.12 OF 2023)

Hon. Speaker: Hon. Members, Hon. Otiende Amollo, Member for Rarieda, wrote to the Speaker two letters on this Bill. In the first one, he proposes that when the Bill comes to Committee of the whole House, he will delete every paragraph, including the title and the memorandum of objects as being unconstitutional. However, after reflecting on the first letter, he wrote a second one citing several provisions that he felt, in his judgement, were not only unreasonable but unconstitutional. I shared the letter with the Leader of the Majority Party and the Chairperson of the Departmental Committee on Justice and Legal Affairs. My direction is that some of the issues he raises are not idle; they have some sense. Since the Speaker does not participate in debate, I directed the Leader of Majority Party to pass on the letter and all the myriad of issues raised by Hon. Otiende Amollo, some with merit, to the Departmental Committee on Justice and Legal Affairs to consider the matter. The matter is now before the said Committee.

I remember my good old professor of law, Justice Aaron Ringera used to tell us in class that, 'If you want to judge a good law, imagine that law in the hands of your worst enemy. If you feel safe with it, then it is a good law.' I think that is the premise and philosophy that Otiende Amollo is prosecuting. I direct that Order No.12(iii), the Conflict of Interest Bill (National Assembly Bill No.12 of 2023), be stepped down so that we get to know what the Departmental Committee on Justice and Legal Affairs is doing in response to what the Hon. Member wrote to them. In any event, he is also a Member of that Committee. He can prosecute

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some of those issues before the Committee. In the event the report and the addendum thereto come to the House and some of the issues he feels very strongly about are not addressed, I will give the Hon. Member an opportunity to revisit and thereafter give a reasoned direction on the matter.

(Applause)

Yes, Hon. Farah. Is your contribution on the same matter?

Hon. Farah Maalim (Dadaab, WDM): Yes, Hon. Speaker. I am a Member of the Departmental Committee on Justice and Legal Affairs. Hon. Otiende Amollo is one of the most brilliant legal minds we have in this country. As far as the proceedings and debates of the Committee are concerned, he has been missing in action. I want him to come and participate fully in the Committee so that we are able to deal with all the issues he has raised. He was there once and so was the Whip of the Minority Party. I agree with all that he has raised. I have serious issues to the extent which, at the committee level, I said I would take a dissenting position.

(Hon. TJ Kajwang' spoke off the record)

I am on a point of order.

The other one is Hon. Kajwang', who is equally an excellent legal mind. Please, come and help us prosecute the things that you are talking about. We are in agreement with them, but we also want to pick them up at the committee level. Thank you very much.

Hon. Speaker: Thank you. I do not want to open debate on this, Hon. Members.

Hon. TJ Kajwang' (Ruaraka, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: What is out of order, Kajwang'?

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Speaker, the speaker who has just spoken before me is casting aspersion on Members. I am a veteran and ranking Member of that Committee. He is saying that Hon. Otiende Amollo, a few other Members, and I, yesterday, were missing in action. My friend was not there! First of all, he has just come in the Chamber right now and does not even know what we have been discussing, yet he stands up and says very senior Members were missing in action. I think he is casting aspersions and needs to withdraw those remarks.

Hon. Junet Mohamed (Suna East, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Yes, Junet. What is it?

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, I am also a Member of the Departmental Committee on Justice and Legal Affairs. I bring to your attention that we are dealing with Conflict of Interest. From the word go, we must deal with the conflict of interest before the Bill is enacted by changing the venue. In his own wisdom, the Chairperson put the venue of the report writing at Weston Hotel. That already is a conflict of interest.

(Laughter)

Allow us to go to another hotel because the President will be required to assent to that Bill. There is already a conflict of interest.

Hon. Speaker: You are out of order. Member for Chepalungu, hold your horses. Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I mentioned that the Hon. Murugara, the Chair of the Departmental Committee on Justice and Legal Affairs, is not in the House. To hear one of his Members, the Hon. Junet Mohamed, who from the records never

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attends committee meetings, claim that he did not attend a meeting because the Chair scheduled the meeting at Weston Hotel, is the height of hypocrisy. Hon. Junet Mohamed, being an old Member of this House, knows the chairpersons of committees do not decide venues of such meetings. It is the office of the Clerk and the Parliamentary Service Commission that procures hotels to hold scheduled meetings. They can hold the meetings even under a tree if Hon. Junet Mohamed together with others do not want to go to Weston Hotel. Note that I have severally bought Hon. Junet Mohamed a cup of tea at the Weston Hotel. So, I do not understand what he is saying that he cannot go to the same hotel for a committee meeting.

I encourage all the Members, especially the seasoned ones like veteran Hon. TJ Kajwang, Senior Counsel Hon. Otiende, and the Whip of the Minority Party, Junet Mohamed, as the Hon. Temporary Speaker Farah has said, to please patronise committee meetings so that younger Members learn from them. They should not give flimsy excuses like the one Hon. Junet Mohamed has.

Hon. Speaker: Member for Chepalungu. I have given the Floor to Member for Chepalungu.

Sorry, Hon. Mutuse. Can you give him the microphone?

Hon. Mwengi Mutuse (Kibwezi West, MCCP): Thank you, Hon. Speaker. At the outset, I confirm that we are properly directed and we will abide by the directions you have given on the issues raised by Hon. Otiende Amollo.

Secondly, I confirm that Hon. Otiende Amollo has been attending committee meetings. That is why a lot of the issues that he had raised have been debated in the Committee. Just to inform Members without anticipating or pre-empting debate, the report of the Departmental Committee on Justice and Legal Affairs Justice is substantially ready and, latest tomorrow, the report will be before this House. Since, Hon. Speaker, you have stepped down the issue, I request Members to hold their horses. We will table the report tomorrow so that we can look at it substantially because many of the issues being debated here are already in the report.

Thank you, Hon. Speaker.

Hon. Speaker: Can we let it end there?

Hon. Shakeel Shabbir (Kisumu East, Independent): On a point of order, Hon. Speaker.

Hon. Speaker: What is it, Member for Kisumu East?

Hon. Shakeel Shabbir (Kisumu East, Independent): Thank you very much, Hon. Speaker. The African Parliamentarian's Network Against Corruption (APNAC) is very interested and involved in conflict of interest. We have been following up with the Departmental Committee on Justice and Legal Affairs and have sent our comments.

I have seen the report of the Departmental Committee on Justice and Legal Affairs. Your guidance is right. However, I request the Chairperson of the Departmental Committee on Justice and Legal Affairs to include representatives of APNAC in the conversation tomorrow, some of whom are Members of the Departmental Committee on Justice and Legal Affairs. This will enable us to finalise some major issues that we will propose during the Committee of the whole House. It would be great if we agreed beforehand.

Hon. Speaker: Next Order.

RE-COMMITTAL OF THE STATUTORY INSTRUMENTS (AMENDMENT) BILL AND THE
NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL

(Loud consultations)

Hon. Speaker: Order, Hon. Members. Hon. Njeri, please, reduce the volume of your conversations and tell the man next to you to keep his cool.

(Laughter)

Hon. Members, before the Clerk calls out Orders Nos.10 and 11, I wish to guide the House on the current stage at which the Motions listed under the said Orders are, and the procedure to be followed once the House decides one way or the other. For clarity, the two Orders relate to agreement with reports of the Committees of the whole House on the Statutory Instruments (Amendment) Bill (National Assembly Bill No.2 of 2023) and the National Government Constituencies Development Fund (Amendment) Bill (National Assembly Bill No.13 of 2023) respectively. The two Bills were considered in the Committee of the whole House on Wednesday, 8th November 2023.

As you may recall, when the Committee of the whole House on the said Bills was concluded and before the Third Reading, several Members sought to re-commit certain clauses in both Bills. Accordingly, notices of re-committal motions were made pursuant to the provisions of Standing Order 136A (Re-committal Procedure) and disclaimers thereof are indicated in the Order Paper.

With respect to the Statutory Instruments (Amendment) Bill, 2023, two notices for re-committal have been filed by the Vice-Chairperson of the Select Committee on Procedure and House Rules, Hon. Gladys Boss, EGH, MP, and the Member for Mathare Constituency, Hon. Anthony Oluoch, MP. Of note, both Members are seeking to re-commit Clause 2 and New Clauses 4 and 5.

With respect to the National Government Constituencies Development Fund (Amendment) Bill (National Assembly Bill No.13 of 2023), the Member for Ainabkoi, Hon. Samuel Chepkonga, CBS, MP filed a notice to re-commit Clause 8.

Having approved the notices of re-committal, I will separately propose afresh the Questions under Order Nos.10 and 11 in order to allow Members who filed notices of re-committal to move appropriate amendments in terms of Standing Order 136A. For greater certainty, the amendments will be in the following terms:

“THAT the Motion for agreement with the Report of the Committee of the whole House be amended by inserting the following words at the end: “subject to re-committal of clauses x, y and z.”

If the proposed amendments in respect of either of both Bills are agreed to, the House will dissolve into Committee of the whole House under Order No.12. The Committee of the whole House will only dispense with the re-committed clauses. If the Questions for the proposed re-committal are negatived, the two Bills will proceed to Third Reading.

The Member for Ainabkoi will move the House to re-commit specific clauses of the Statutory Instruments (Amendment) Bill, 2023. On the other hand, I have been guided that the Leader of the Majority Party will move the House to re-commit specific clauses of the National Government Constituencies Development Fund (Amendment) Bill, 2023, when I propose the respective Questions.

Hon. Members, having guided the House, I will now proceed to propose the Questions again, starting with the Motion under Order No.10 and, thereafter, the Motion under Order No.11.

MOTIONS

CONSIDERATION OF REPORT ON THE STATUTORY INSTRUMENTS (AMENDMENT) BILL

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Statutory Instruments (Amendment) Bill (National Assembly Bill No. 2 of 2023).

(Moved by Hon. Samwel Chepkonga on 8.11.2023 – Afternoon Sitting)

(Resumption of consideration interrupted on 8.11.2023 – Afternoon Sitting)

Hon. Speaker: Leader of the Majority Party, I am told that this one will be handled by Hon. Chepkonga.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Speaker, I beg to move:

THAT, the Motion for agreement with the Report of the Committee of the whole House be amended by inserting the following words at the end: “subject to re-committal of clauses 2, 3 and 4.”

I request the Deputy Speaker to second because she has proposed a number of amendments.

Hon. Speaker: Deputy Speaker.

Hon. Gladys Boss (Uasin Gishu County, UDA): I second.

Hon. Speaker: Members on their feet, please, take the nearest seats.

(Question of the amendment proposed)

Hon. Speaker: Do I put the Question?

Hon. Members: Yes.

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

Hon. Speaker: Order, Hon. Members. Hon. Farah, take the nearest seat.

(Resumption of debate on Motion as amended)

(Question of the Motion as amended proposed)

(Question put and agreed to)

The House resolved accordingly:

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Statutory Instruments (Amendment) Bill (National Assembly Bill No. 2 of 2023) subject to re-committal of clauses 2, 3 and 4.

Hon. Speaker: Next Order.

CONSIDERATION OF REPORT ON THE NATIONAL GOVERNMENT
CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the National Government Constituencies Development Fund (Amendment) Bill (National Assembly Bill No.13 of 2023).

(Moved by Hon. Musa Sirma on 8.11.2023 – Afternoon Sitting)

(Resumption of consideration interrupted on 8.11.2023 – Afternoon Sitting)

Hon. Speaker: Mover.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg to move:

THAT, the Motion for agreement with the Report of the Committee of the whole House be amended by inserting the following words at the end: “subject to re-committal of Clause 8.”

I request Hon. Samwel Chepkonga to second.

Hon. Speaker: Hon. Chepkonga.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Speaker, I rise to second. I do not want to anticipate debate when it gets to re-committal. After extensive consultations between the leadership of the House, the Chairperson of the Select Committee on National Government Constituencies Development Fund (NG-CDF) and I, we have agreed that my amendment be substantively carried in the NG-CDF (Amendment) Bill that has already been published and is under consideration by the Select Committee on National Government Constituencies Development Fund. The reason is that we need to move expeditiously so that we can get the funds released, particularly for bursaries. We do not want to go for recess without this money. The Chair has assured me that he is going to release the money and I have agreed. We wanted to ensure that everybody gets Ksh201million. He has agreed that he will carry that amendment as it is. We want to carry the whole House. We want everybody to agree with us.

(Applause)

So, I want to thank you, Hon. Speaker for conceding to have this amendment recommitted.

(Question of the amendment proposed)

(Question put and agreed to)

The House resolved accordingly:

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the National Government Constituencies Development Fund (Amendment) Bill (National Assembly Bill No.13 of 2023) subject to re-committal of Clause 8.

Hon. Speaker: Order, Hon. Members! Following the direction that I gave you, it means that when you go to the Committee of the whole House, the withdrawal of Hon. Chepkonga’s amendment will then be effected at that stage.

COMMUNICATION FROM THE CHAIR

DRESS CODE, ADMITTANCE OF VISITORS TO

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PARLIAMENT AND SECURITY MEASURES

Hon. Members, before we go to the next order, I have a Communication to make. It is in relation to dress code, admittance of visitors to Parliament and security measures.

You may recall that during the afternoon Sitting of the House on Tuesday, 26th September 2023, the Minority Party Whip and Member for Suna East, Hon. Junet Mohamed, Member of Parliament, rose on a point of order and sought the guidance of the Chair on whether the Member for Kimilili, Hon. Didmus Barasa, Member of Parliament, was appropriately dressed. For greater clarity, at the time, the Hon. Didmus donned a collarless coat popularly known as Kaunda suit.

You may also recall that, in my preliminary response, I decried the emerging tendency by certain Members of the House to breach the rules on the dress code. I indicated that the breaches were occurring in plenary, in committees, and in controlled Members' facilities within Parliament, particularly the lounges and restaurant.

There are several Hon. Members, both ladies and gentlemen, who have on various occasions, approached the Chair to point out how indecently or inappropriately some of their colleagues are dressed. As your Speaker, I have resisted the temptation to name and shame any Member because I feel and know the devastating effect it can have on Hon. Members, especially first-term Members. Consequently, I undertook to guide the House on this matter. In this regard, Hon. Members, in my Communication, I will guide on the rules on dress code, admittance of visitors to Parliament and security measures within the precincts of Parliament, since they are all related.

Let me commence with the matter of dress code. As you may be aware, Hon. Members, this is not the first time the Speaker has been invited to determine the appropriateness or otherwise of Members' dress code. I have gone through the Speaker's Rulings from 1963 to 2022 and established several instances where presiding officers were called upon to rule on the dress code.

The decisions made by my predecessors are clear on what would pass as appropriate dress code for Members while attending parliamentary business. Now that there is no lacuna, I will refrain from delving into the substance of the point of order raised by the Minority Party Whip and the other issues attendant thereto. Instead, I will focus on what the rules and the precedents of the House expect of Hon. Members on matters of dress code.

Hon. Members, prescription of a parliamentary dress code is important as it not only establishes the sartorial standards of the House but also preserves its honour and dignity as an august House. It is for this reason that parliamentary dress code has been jealously guarded and defended over the years not only in our House but in Houses all over. To this end, Parliaments, the world over, have anchored descriptive provisions on the dress code of Members of Parliament, staff and other persons admitted to the precincts of Parliament.

In the case of this House, appropriate dress code is described in Rule No.9 of the Speaker's Rules. The rule provides as follows, and I quote:

“Members of Parliament, members of the press and guests should not enter the Chamber, Lounge, Dining Room or Committee Rooms without being properly dressed. A proper dress for men means a coat, collar, tie, long-sleeved shirt, long trousers, socks and shoes or service uniform. For the ladies, business, formal or smart casual wear applies. Skirts and dresses should be below knee-length and decent. Sleeveless blouses are prohibited.”

(Applause)

Hon. Members, whereas the rule is clear, determination of the Speaker has been sought on various occasions owing to the variants that the described dressing has assumed over time. Of interest to the matter at hand is the appropriateness of religious regalia, Kaunda suits, hats and caps for men and traditional or cultural wear in the context of Rule 9.

With regard to Kaunda suits, I need not belabour the fact that several Members of the 13th Parliament and past Houses have donned Kaunda suits. For the record, donning of Kaunda suits has somehow gained acceptance in the House since the 8th Parliament when the then Member for Runyenjes, Hon. Njeru Kathangu, always wore the attire.

In subsequent Parliaments, including in the 12th Parliament, certain Members have seemingly been following in Hon. Njeru Kathangu's footsteps. Senior Counsel, the Hon. (Dr) Otiende Amollo, Member of Parliament, the Member for Rarieda stands out as having a particular taste for collarless coats. The same was the case for the former Member for Kisumu Town West, the Hon. Olago Aluoch, among others.

My predecessors have had no issue with the Kaunda suit. The records of the House, including a ruling made on Wednesday, March 13th 2019 on 'Appropriate Dress Code for Members in Parliament', in which my immediate predecessor, Speaker Justin Muturi, who also loves a similar attire, re-affirmed that, "Indeed, as I ruled before in 2014, Kaunda suits and even, for lack of a better term, the Mao Ze Tung coats, worn without a tie are admissible as part of proper dressing in the House." Consequently, despite clear prohibition by Rule 9 of the Speaker's Rules, the Kaunda suit has somehow been tolerated in the House.

However, arising from emerging fashion trends that now threaten the established Parliamentary dress code, it has become necessary for me to depart from what has been obtaining regarding admittance of the Kaunda suit as appropriate dress. I do this to guard against negating the set standards, especially given the current preference by some Members to dress easy while attending Parliamentary business in plenary and Committees. This practice, outrightly, does not accord with the seriousness of the proceedings of the House and Committees. Going forward, therefore, any attire outside what is prescribed in Rule 9 of the Speaker's Rules is prohibited. This includes Kaunda suits, whether long or short-sleeved.

With respect to our gracious honourable lady Members, I have been petitioned regarding appropriate attire for the distinguished honourable Members. These concerns have largely been raised by fellow gracious honourable lady Members, who have asked me to protect the dignity of the House and its Committees. In this regard, it is instructive that lady Members must also be dressed in official attire at all times whilst in the precincts of Parliament and while attending Committee meetings, in adherence to Rule 9 of the Speaker's Rules. Honourable lady Members must also avoid tightly fitting clothes and revealing attires. The above directive is in no way meant to perfect Members, but to protect and uphold the dignity of the House and your stature as Members of Parliament.

Hon. Members, allow me now to address the second issue on the place of traditional or cultural attire in the Chamber. You will recall that on Tuesday, 15th August 2023, I exceptionally permitted Hon. Rebecca Tonkei, MP and Hon. Agnes Pareiyo, MP to momentarily be in the Chamber donned in Maasai cultural dress. It is instructive for the House to take note that the admittance to the House of the two gracious lady Members ought not be construed as having re-written or suspended the application of Rule 9 of the Speaker's Rules. For the record, I indulged the two Members and with utmost regard to the circumstances of that moment. As you may recall, the two gracious lady Members pleaded for the Speaker's permission to don the Maasai cultural attire to publicise the Maa Cultural Festival - 2023, which was scheduled to be observed at the end of that week. I, therefore, invoked my exceptional indulgence on the premise of Article 44 of the Constitution relating to promotion and manifestation of cultures. Consequently, the provisions of Rule 9 as the threshold for dress

code to protect the sartorial standards of the House, still applies. Hon. Tonkei and Hon. Pareiyo, you will not be allowed again.

Hon. Members, looking at practice, it is noteworthy that in 2009, Speaker Kenneth Marende grappled with the question as to whether to permit traditional wear in the Chamber or not. Further, the Speaker also considered whether, indeed, there was a known dress that would pass as a standard national traditional wear that could be permitted in the Chamber.

On 7th May 2009, Speaker Marende thus observed –

“... there has been clamour in the recent times for us to relax our rules on dress code and also allow traditional wear in the House, its Committees, the lounges and dining areas. Indeed, you will recall that this matter was debated at length during the all-Members retreat on review of the Standing Orders in August 2008. It was unanimously resolved that there has not been a commonly accepted traditional dress for all.”

The then Speaker observed that it was difficult to “find an agreed position, codified or otherwise, as to what is our national dress.” In the circumstances, the Speaker concluded that Members ought to uphold the dignity of the House and observe the Speaker’s Rules on dress code, not only in this Chamber, but also in Committees, the lounges and dining areas. Recently in the 12th Parliament, my immediate predecessor guided the House comprehensively on the matter of dress code. In a ruling made on Wednesday, 13th March 2019, the Speaker addressed the question of whether, in fact, it was time to depart from the traditionally prescribed dress code that the House has been accustomed to for decades and which has been used for preserving the dignity and sartorial standards of this House.

In settling this question, the Speaker left the decision on whether to depart from the traditions of the House with regard to dress code to the determination of the House. He stated: “As your servant, in fact, when time comes for the House to review its sartorial standards and to break with tradition, we shall proceed as the House shall determine.”

Hon. Members, it is clear from the foregoing that two cardinal triggers would have guided the Speaker on the issue of the dress code. First would be the existence of a national dress. On this, the Speaker observed that Kenya does not have a standard national dress which manifests the multiplicity of its cultures. Consequently, as was then, it still is untenable to permit all manner of cultural wear in the Chamber and in Committee sittings without compromising the sartorial standards of the House.

The second trigger would be a definitive decision of the House to vary its rules on dress code. Considering that the House had not varied its rules, my predecessor was of the considered opinion that the House was yet to find it appropriate to review its sartorial standards and break from its long-held tradition that is codified in the Speaker’s Rules.

In view of the foregoing, I am inclined not to depart from the practice which disallows cultural wear in the House so as to uphold the sartorial standards espoused in the Speaker’s Rules. With regard to Committee meetings and activities, you will recall that in my Communication dated 11th May 2023, I guided the House on the appropriate dress code in Committees. To this end, the Rules on dress code also apply to the Committees in the same manner it applies in the Chamber. It is noteworthy that the foregoing directions will also apply to parliamentary staff and visitors as a pre-requisite for admission to the precincts of Parliament. All staff, without exception, are required to dress appropriately and display their badges at all times. Indeed, I hasten to remind parliamentary staff that Section 9 of the Public Officer Ethics Act, 2003 requires all public officers to maintain an appropriate standard of dress and personal hygiene.

In addition, all accredited media representatives who report parliamentary proceedings and visitors shall strictly be admitted only if properly dressed and shall be required to display their accreditation or visitor badges throughout their stay within the precincts of Parliament.

As the Chairman of the Parliamentary Service Commission, I hereby instruct the Clerks of the Houses of Parliament and the Director-General, Parliamentary Joint Services to ensure that staff, parliamentary reporters and visitors strictly comply with the dress code and display of badges. Further, in dealing with cases of non-compliance, the Clerks of the Houses of Parliament and the Director-General, Parliamentary Joint Services are hereby directed to take immediate disciplinary action under the Parliamentary Service Commission Code of Conduct and Regulations governing admittance of visitors to the precincts of Parliament.

Hon. Members, with regard to the admittance of Member's visitors to the precincts of Parliament, Rule 4 of the Speaker's Rules places responsibility for the conduct of visitors on the Member. For clarity, the said Rule states as follows –

“4. Members are responsible for the selection and conduct of all visitors whom they introduce to the precincts of the Assembly, and are required to assist in enforcing these Orders.”

Hon. Members, I have cited this Rule which governs access by visitors to the precincts of Parliament because it has constantly been breached. The violations have also led to access by visitors to places exclusively reserved for sitting Members, albeit in the company of Members. Owing to our numbers against the limited capacity of our facilities, no Member will be admitted in the Members' Restaurants if accompanied by more than one guest at a time, except with prior notice to the Clerk of the National Assembly. The guests must be properly dressed and shall display their visitor badges at all times. Further, no Member shall take a guest to an area of the restaurant reserved for Members only, unless permitted by the Speaker.

Hon. Members, to safeguard your comfort and privacy, I have instructed the Chief Serjeant-at-Arms to ensure that no visitor accesses areas designated as 'restricted' in the Speaker's Rules. Further, I have directed the Clerk, who is also the Officer Administering the Catering Fund, to alienate clearly designated and marked areas in the restaurant for Members only. This is a provisional measure awaiting the comprehensive consideration and recommendations of appropriate Membership Rules by the Parliamentary Catering Fund Management Committee. Many times, the Catering Fund Management Committee has come to the Speaker protesting that there are Members who sometimes come with as many as 10, 15 or 20 guests. When they are told that the facilities are available for a limited number of people... Some have even attempted to assault officers who tried to advise them otherwise.

Hon. Members, there shall be no exemption with regard to the exclusion of non-Members from areas designated for exclusive use of yourselves. The Chief Serjeant-at-Arms, under the guidance of the Clerk is directed, pursuant to Rule 23 of the Speaker's Rules, to expel any visitors from the stated places or any part of the precincts of Parliament if he considers such exclusion necessary for the convenience of Members or for preservation of order.

Permit me to also address a concern raised by Members about the conduct of security checks at the gates and entry to the Chamber. Some Members have objected to being physically frisked by our security personnel and Serjeants-at-Arms. They request that we apply a more decent approach.

As you may have noticed, the installation of the Integrated Security Management System is nearing completion. Upon completion, the system will offer contactless security screening. In the interim, I have directed the Director-General of the Parliamentary Joint Services to procure security-scanning gadgets for use at all entry points immediately. Additionally, all entries and exits to Parliament are and shall continue to be manned by parliamentary security officers with the support of officers from the National Police Service. The officers should be vigilant at all times and must enforce security measures without exception. With respect to frisking Members at the entrance to the Chamber, as you may have noticed, the Clerk has already made available hand-held screening gadgets for contactless screening. This follows a resolution of the House Business Committee.

Permit me also to speak to the manner of handling firearms within the precincts of Parliament. I wish to remind you of Rule 8 of the Speaker's Rules which states as follows: "Members and visitors who are duly authorised to hold firearms must deposit them with the Serjeants-at-Arms at the time of entry and collect them at the time of leaving." From where I sit, I may also wish to tell you that I have seen and been informed by some Members whom I believe that some Members licensed to bear firearms have been coming to this Chamber with them. It is a violation. Through the Leader of the Majority Party or the Leader of the Minority Party, whoever does that will be called upon and named to get appropriate discipline.

Currently, a majority of Members dutifully comply with this Rule. However, it has been reported that a number of Members have on occasion failed to comply with the Rules. I want to repeat for those licensed to bear arms: when you enter the precincts of Parliament, your first point of call is the office of the Chief Serjeant-at-Arms who will take your firearm legitimately and hold it for you until the time when you leave. You can then retrieve it to go and use it wherever you want. It is quite distasteful for any Member to attempt to carry a firearm into the Chamber, a Committee sitting, the lounges, or dining areas at any time. For the security of all Members whilst within the precincts of Parliament, firearms must never be brought into these cited areas. The Chief Serjeant-at-Arms is hereby instructed to strictly enforce this directive at all times. In any case, the Government has given each one of you a security officer who bears arms. Why would you carry a secondary arm when you have an armed security man or woman with you?

In summary, Hon. Members, I direct as follows:

1. That, all Members must observe Rule 9 of the Speaker's Rules on dress code— not only in this Chamber but also in Committees, lounges, and dining areas.
2. That, Kaunda suit is not permitted in the Chamber, Committees, lounges and dining areas.
3. That, hats and caps for men are not permitted in the Chamber and in Committees.
4. That, traditional and cultural attire is not permitted in the Chamber, Committees, the lounges, and dining areas until such a time as—
 - (a) There is an agreed standard national dress that manifests national cultures.
 - (b) The House reviews its sartorial standards to define the bounds applicable to traditional or cultural attire in the dress code.
 - (c) The Hon. Speaker may otherwise direct.
5. That, staff, accredited media representatives, and visitors to Parliament must be appropriately dressed and shall display their identification badges throughout their presence within the precincts of Parliament.
6. That, the Clerk of the National Assembly delineates and clearly marks areas in the restaurant for exclusive use by Members of Parliament. For the convenience of Members, no person other than a sitting Member of Parliament shall be permitted to areas designated for exclusive use by sitting Members, except with the leave of the Speaker.
7. That, the Clerks to the Houses of Parliament and the Director-General of the Parliamentary Joint Services implement the directives in this Communication without exception in their respective services.
8. That, the Catering Fund Management Committee hastens the process of putting in place Membership Rules to govern the use of Members' restaurants.
9. That, the Clerk of the National Assembly circulates the Speaker's Rules to all Members.

Hon. Members, I give these directions conscious of the fact that they might bring some discomfort to some of you. However, as I said sometime early this year, the discomfort is necessary for the convenience and security of Members and for good order.

The House is accordingly guided and let us all abide by this. Thank you.

(Applause)

Before I come to you, let me start with Hon. Junet who fired this.

Hon. Junet Mohamed (Suna East, ODM): Thank you, Hon. Speaker. I take this opportunity to thank you for your well-thought-out ruling on the matter I raised on the Floor of the House concerning dress code and other related matters.

This ruling will go a long way in bringing back the dignity and decorum that we needed to operate in within the precincts of Parliament. The way things were moving, we were almost losing it. Members were coming dressed in all manner of ways they wished. This is a timely ruling that is going to help this Parliament move forward for the next five years.

Members here were coming dressed in a manner of attires that looked like they were donated by the Chinese or by other institutions. I thank you for your considered ruling.

(Loud consultations)

Hon. Speaker: Order, Hon. Members.

Hon. Junet Mohamed (Suna East, ODM): I thank you for your considered ruling. We will abide by it. I wish all Members adhered to this Ruling. The Serjeant-at-Arms must enforce this ruling. Members who come here armed have ulterior motives. They must be searched and frisked so that they do not bring out their guns to shoot us when we raise emotive issues here. The Leader of the Majority Party must take note of that. I do not know whether he owns a gun but I do not think he has one. He can come with his knife, the one he uses in the butchery in Kikuyu. Otherwise, thank you for your ruling.

Hon. Speaker: Leader of the Majority Party.

(Loud consultations)

Order, Hon. Members.

(Hon. Irene Kasalu consulted with other Hon. Members)

Hon. Kasalu, today, you are very mobile in the House. Order!

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. Let me also commend you for that very well-reasoned ruling. You have touched on other very critical issues like Members who carry firearms. Indeed, it is worrying if any Member would even fathom walking into the Chamber with a firearm.

Hon. Speaker: Yes.

Hon. Kimani Ichung'wah (Kikuyu, UDA): At times tempers flare up here, especially between Hon. Junet and me. I am not sure I could be trusted with a firearm nor can I trust Hon. Junet carrying a firearm into the Chamber. You have also touched on dress code, which is very critical. I hope that the Office of the Clerk will also enforce the same dress code with members of staff, especially the ones serving Members in various areas within the precincts of the Assembly.

Hon. Speaker, the other issue of concern is how we conduct ourselves in the Members' Lounge next to the chamber. Members invite non-Members in the lounge in one or two

occasions. In the tea lounge, there is an area that is designated for visitors and another area that is strictly for sitting Members of Parliament. Members invite their visitors there. That place is designated for sitting Members of Parliament because that is where they go to caucus and lobby each other. You may not do that comfortably when you have strangers seated next to you. I also want you to guide Hon. Members to maintain the dignity of the House not only within the precincts of the chamber, but also outside at the tea place. The place that is designated for Members should strictly be for them.

One of these Wednesday evenings when the House sits until 9.00 p.m., I walked into the Members' Bar and I was shocked. I will not name the two Members who had invited female visitors.

Hon. Members: Name them!

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I will not name them. However, should the same be repeated, I will relay the names to your office so that you can also act. If the same happens again, let me just say it loud and clear that I will name you on the Floor of the House. For those who patronise the bar, it is strictly for sitting Members. I do not patronise it because I do not drink anything there other than a soda. I have a few friends - some of whom are salivating while looking at me - who know that I pass by occasionally and do the necessary to quench their thirst.

(Laughter)

You can imagine the embarrassment you face when you walk into that bar to socialise with fellow Members and you find female strangers who are aliens to us in the House. I also seek that you guide Members that we respect the areas designated for only sitting Members and allow only them to patronise them, be it the tea place, Members' Lounge or Members' Bar.

Thank you, Hon. Speaker.

(Loud consultations)

Hon. Speaker: Order, Hon. Members. Hon. Robert Mbui.

Hon. Robert Mbui (Kathiani, WDM): Thank you, Hon. Speaker. The ruling you have given is quite important. There are times we travel out of the country for business and if you go to many jurisdictions, even designated lifts for Members of Parliament cannot be used by visiting Members of Parliament. In the lifts that lead to our offices, you find all manner of people. As the Leader of the Majority Party has said, some of the ladies he found in the bar were skimpily dressed, which is very unfortunate.

There is something I want to point out. We have talked about our dress code within the precincts of Parliament. Sometimes we have meetings outside Parliament for whatever reason. We can be doing some investigations in the north eastern part of the country, which is very hot, and sometimes we go to a region that is very cold. We should also have certain basic limits even when we are outside Parliament. It is true that you can go to a hot area. However, how would we look when Members go into a meeting with vests, shorts or slippers because it is hot? We may also need to look at how to dress when we have official committee meetings outside the precincts of Parliament even though the weather in certain parts of the country may not be appropriate for the kind of dressing for business in this chamber.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Robert. The Committee Chairpersons will enforce those rules strictly. I saw Hon. Members in committee meetings looking like street fighters on television. They wore some very shabby clothes that do not give this House the dignity it deserves.

Hon. Ruku.

Hon. Ruku GK (Mbeere North, DP): I thank you, Hon. Speaker, for your very well detailed ruling on the dress code for Members.

If you go to our restaurant at the moment, you will find the ladies who serve us wearing very tight trousers and skirts. I hope this ruling will cut across all Members and the people who operate within Parliament Buildings, including the ladies who serve us at the restaurant.

(Applause)

I hope it cuts across the board. If it does not, let the Clerk of the National Assembly ensure that it is implemented even among the staff whom he supervises.

Finally, it is also important to know whether the hairstyle of my colleague, Hon. Salasya, is parliamentary or allowed in this House.

Hon. Speaker: Who?

Hon. Ruku GK (Mbeere North, DP): Hon. Salasya. We also need to know if his hairstyle is Parliamentary.

Thank you.

(Laughter)

Hon. Speaker: Hon. Mukunji.

Hon. Gitonga Mukunji (Manyatta, UDA): Hon. Speaker, as we agree on how Members are supposed to dress, I note that we lack a national attire that is supposed to define our country. I believe that dressing is something that is supposed to define Members. However, it should not alienate us from our society or community.

I request this House to come up with what can be defined as national attire, so that we can show our heritage proudly. All these rules do not augur well with our young Hon. Members because they would also like to relax. Maybe, we should have a casual Friday or a day to break the dress code.

Thank you, Hon. Speaker.

(Laughter)

Hon. Speaker: Hon. Mukunji, my dress my choice. You have the rest of the week to do that out there. Your dress is your choice on Monday, except if you are in committees. You are here only on Tuesday in the afternoon, Wednesday in the morning and afternoon and Thursday in the afternoon. We are not asking for too much. Noblesse oblige - Nobility carries obligations and responsibility. There is no young noble. Nobility cuts across ages, gender and everything.

Hon. Sunkuli.

Hon. Julius Sunkuli (Kilgoris, JP): Hon. Speaker, I want to associate myself with everyone who is thanking you for this particular ruling. It is a proclamation that we revert back to our Commonwealth tradition. No matter what we say, we emanated from the Commonwealth Parliament tradition of both the United Kingdom and the entire Commonwealth. The dress code is as you have said. Anything else is an exception which you will determine.

I would like to invite you to look a little bit on the committee meetings held in Mombasa and determine whether there is a minimum of that kind. There are some places in Kenya where it is not tenable to wear a suit. I think your ruling should be transmitted to the Executive. You and I grew up under the Moi regime and you could not go to see the President in a flowing

shirt. It was under Kibaki's administration when Ministers were allowed to appear before the Head of State wearing shirts without even tucking them in.

The discipline of this nation should emanate from this House and flow all over. When you describe a blouse without sleeves, you must be very clear whether it should be covered by a coat or not so that when it becomes airy, the ladies do not demonstrate by removing their coats and finding that their sleeves are not there.

This is a very sound ruling and we should implement it forthwith.

Hon. Speaker: Hon. Jematiah.

Hon. Jematiah Sergon (Baringo County, UDA): Thank you very much, Hon. Speaker, for giving me this opportunity. I rise to say that the ruling on the dress code is fair enough. Fortunately, no one has ever walked into this House naked. We have at all times dressed properly.

Hon. Speaker: Hon. Jematiah, you may wish to know that your Speaker, with all the years of experience, has many times sent the Sergeants-at-Arms to tell certain Members - who know themselves - that they are indecently dressed. We do not want to name and shame them. Such Members would then quietly go and change because we do not want to be draconian.

I am sure you agree, Hon. Jematiah, that certain minimum standards of decency are desirable in an august House like this one.

Hon. Jematiah Sergon (Baringo County, UDA): I agree, Hon. Speaker. I recently watched the President addressing the European Parliament. As much as we have subscribed to the Commonwealth tradition, if you watch Members of the European Parliament, you will see that they do not dress the way we do. We tend to push ourselves so much with heavy clothing.

Honestly, I think we should be more worried as Kenya to have a national attire at the expense of what or who dresses in whichever way, as much as I agree that an august House is a very respectable institution. However, it will be undesirable for Members of Parliament to be given a tailor-made dress code. I still believe in my dress, my choice, clarion call.

I listened carefully to your ruling today, and it is a good ruling, but I want to understand whose benchmark are we using. Thank you.

Hon. Speaker: I directed that you be handed the Speaker's Rules to read. They were passed by this House, not by any single Speaker.

Hon. Jane Kagiri.

Hon. Jane Kagiri (Laikipia County, UDA): Thank you, Hon. Speaker, for giving me this opportunity. I stand here to remind many of my colleagues that as small children, we watched Parliament and prayed that one day we would occupy these seats. Back then, it looked like a very serious House. I hope it still does.

On the ruling that you have issued today, I appreciate that you are restoring this House to its respectable House stature that we knew of it while growing up. Thank you for that. We are ready to dress decently, respectfully, and offer the picture that has always been held of this House.

Hon. Speaker: Thank you. Wa mwisho ni Mama Zamzam. After that, we close this matter.

Hon. Zamzam Mohammed (Mombasa, ODM): Asante sana, Mhe. Spika. Ninataka pia kuongeza usemi wangu kwenye uamuzi ulioutoa leo. Ni haki kwa Wakenya kuona viongozi wao wakiwa wamevaa mavazi rasmi, ambayo ndiyo mavazi ya Bunge.

Tusidanganyane hapa kuwa *my dress, my choice*. Kuna nguo zingine zinakuwa za mvuto. Zinasumbua watu *kufocuss* ndani ya Bunge.

(Laughter)

Tusiwasumbue hawa ndugu zetu kwa maana roho zao ni ndogo na zinapata mtihani wanapoona vitu kama vile. Kwa hivyo, mavazi hapa Bungeni ni kama ulivyosema. Wanawake nguo zipite magoti. Mkatae mkubali, hiyo ndiyo heshima ya Wabunge walioko Bungeni.

Kuhusu kauli mbiu ya *My dress, My choice*, ukiwa kwako nyumbani, hata chumbani mwako waweza kukaa hivyo hivyo ama ukavaa unavyotaka ukiwa na mume wako. Tukiwa ndani ya Bunge, tunastahili kufahamu kwamba sheria zimetungwa ili tuweze kuzifuata. Ni sheria zilizowekwa kutunza heshima ya Bunge la Taifa ili liwe katika anga za juu.

Mimi kama Mama Kaunti wa Mombasa, nimefurahi maanake mimi mwenyewe naelewa kwamba nikijifunika, sitoi mtihani kwa watu. Pengine dada zangu waliopotea njia na kuvaa spaghetti na nguo za mikono mifupi hawakuwa wanajua. Leo wamepata mwelekeo.

Kwa hivyo, tuvae kwa heshima na tuheshimu Bunge la Taifa.

Hon. Speaker: Thank you. Can we stop there?

Hon. Members: Yes!

Hon. Speaker: Thank you, Hon. Members. Let us stop there.

Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Speaker (Hon. Moses Wetang'ula) left the Chair]

IN THE COMMITTEE

[The Temporary Chairman (Hon. Peter Kaluma) in the Chair]

THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (National Assembly Bill No.2 of 2023)

(Several Members stood up in their places)

The Temporary Chairman (Hon. Peter Kaluma): Order, Hon. Members.

(Hon. Jematiah Sergon consulted loudly)

Order, Hon. Jematiah. We are in the Committee of the whole House.

(Hon. (Dr) Robert Pukose stood in his place)

Hon. Pukose, we cannot transact this business without you. Take your seat. It is just a one-line business. Hon. Julius Sunkuli, I did not hear you propose the cost of suits for order in the House. Hon. Emmanuel Wangwe and Hon. K' Oyoo, take your seats, so that we can conclude this matter in a minute.

We are going to start with the Statutory Instruments (Amendment) Bill (National Assembly Bill No.2 of 2023).

Let us proceed, Hon. Chepkonga.

Clause 2

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you, Hon. Temporary Chairman. I do not wish to move that amendment. I wish to withdraw it.

(Proposed amendment by Hon. Samwel Chepkonga withdrawn)

The Temporary Chairman (Hon. Peter Kaluma): Let us move to the next amendment by Hon. Anthony Oluoch. Is he in the House? Hon. Anthony Oluoch, is your amendment not similar to the one by the Deputy Speaker? Give the microphone to the Member, please. If the amendment is similar, I will give a chance to the Deputy Speaker to move hers first. If her amendment is carried, it will have dealt with yours as well.

(Technical Hitch)

Hon. Anthony Oluoch, do you have your card with you?

Hon. Anthony Oluoch (Mathare, ODM): Yes, I have inserted it, but it is not working. Let me use the adjacent microphone.

I have not looked at the amendment by the Deputy Speaker. If they are the same, I will defer my amendment to allow her to move hers first. However, I have not had the benefit of looking at the Deputy Speaker's amendment.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Oluoch, I have looked at your proposed amendment *vis-à-vis* that of the Deputy Speaker and I can confirm that they are similar in both substance and wording. I direct that the Deputy Speaker moves her amendment. You will sit in. In case there is any lapse, we will see what remains out of your amendment.

Hon. Deputy Speaker, move your amendment.

Hon. Gladys Boss (Uasin Gishu County, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 2 of the Bill be amended in the proposed new subsection (6) by inserting the words "and the Parliamentary website" immediately after the word "circulation".

This is just for neatness because in the modern world, websites are also a means of publication.

(Question of the amendment proposed)

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

(Clause 2 as amended agreed to)

New Clause 3

THAT, the Bill be amended by inserting the following new clauses immediately after Clause 2—

Amendment of
section 18 of No.23
of 2013.

3. Section 18 of the Statutory Instruments Act, 2013, is amended by—
- (a) renumbering the existing provision as subsection (1);
 - (b) inserting the following new subsection immediately after subsection (1)—

“(2) The Clerk of the relevant House of Parliament shall, by notice in the *Gazette* and the Parliamentary website, publish the annulment of a statutory instrument by Parliament.”

(The new clause was read a First Time)

(Hon. Gladys Boss spoke off the record)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Deputy Speaker, move Second Reading.

Hon. Gladys Boss (Uasin Gishu County, UDA): Hon. Temporary Chairman, I beg to move that the Bill be amended by inserting the following new clauses immediately after Clause 2.

The Temporary Chairman (Hon. Peter Kaluma): Mover, move for the inclusion of New Clause 3 only. You will do the amendments in different parts.

Hon. Gladys Boss (Uasin Gishu County, UDA): Hon. Temporary Chairman, I beg to move that the amended Clause 2 be part of the Bill.

The Temporary Chairman (Hon. Peter Kaluma): You should be moving New Clause 3. We are done with Clause 2. It has already been agreed to. I am sorry for the confusion.

Hon. Gladys Boss (Uasin Gishu County, UDA): Hon. Temporary Chairman, are you ready for me to move New Clause 3?

The Temporary Chairman (Hon. Peter Kaluma): Yes.

Hon. Gladys Boss (Uasin Gishu County, UDA): Hon. Temporary Chairman, I beg to move that New Clause 3 be now read a Second Time.

New Clause 3 seeks to amend Section 18 of the Statutory Instruments Act, 2013. This is to require the Clerks of the relevant Houses of Parliament to notify the public of the annulment of a Statutory Instrument. This shall ensure the timely implementation of the resolution of the House on delegated legislation.

(Question, that the new clause be read a Second Time, proposed)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Jared Okello.

Hon. Jared Okello (Nyando, ODM): Hon. Temporary Chairman, as a Member of the Committee on Delegated Legislation, I support the amendment. This is because we have been confronted by several issues pertaining to annulled regulations. For example, there are regulations which were annulled in 2019, but they are being implemented to date. This stems from the fact that members of the public may not be aware of these annulments. Therefore, having such annulments gazetted in recognisable media houses will go a long way towards enlightening the public about such quashed regulations. This amendment is, therefore, timely and important. We all need to support this amendment.

The Temporary Chairman (Hon. Peter Kaluma): Hon. (Dr) Makali Mulu, Member for Kitui Central.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you, Hon. Temporary Chairman. I also support the amendment. Kenyans must be made aware of what has been rejected by this House. At the same time, I request that we have a way in which the House is informed on regulations that are approved at the committee level. The current arrangement is such that we only get to know of what has been annulled, and not what has been approved. I hope we can find a way for that provision.

I support.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Timothy Toroitich, Member for Marakwet West.

Hon. Timothy Kipchumba (Marakwet West, Independent): Hon. Temporary Chairman, I take this opportunity to support the amendment by the Deputy Speaker. However, I have issues with the Statutory Instruments Act. Some bodies which are not mandated to make law in this country are doing so, on behalf of Parliament. Under the Statutory Instruments Act, a law in the form of regulations is proposed by the Executive and this House has only two options - either to annul the regulations or accede to them as brought by the Executive. I call upon the Committee on Delegated Legislation to look into this critically. The Chairman of the Committee is present. I hope he will take up this matter. The Act has given leeway to the Executive to make legislation for onward transmission to this House for accession or annulment only. This House has no room to propose amendments to Statutory Instruments. We have no role. I insist that the Committee considers reviewing these provisions to ensure that when a piece of secondary legislation comes to this House from the Executive, the House has a say in terms of proposing amendments to such legislations. Giving us the options of either acceding or annulling statutory amendments would, really, be testing the law-making powers of this House.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Toroitich, you have made your point. Hon. Antony Oluoch, do you want to speak on the amendment?

Hon. Antony Oluoch (Mathare, ODM): Yes, because I have a similar amendment. Allow me to, first, support the Deputy Speaker, who also chairs the Procedure and House Rules Committee. I agree there is need to gazette and place this House's resolution on annulled regulations in the parliamentary website for the simple reason that laws that have been annulled and have no force of law continue to be enforced with great consequences to Kenyans. This is a negative procedure. I agree with the Member who spoke before me that this negative procedure is very limiting to the extent that it does not allow us to exercise the full extent of our legislative powers. There should be a positive and more purposive procedure that allows Members to have a say on even those that have not been annulled so that Members become seized of such matters. Remember the Committee on Delegated Legislation exercises a secondary delegated power of the main House. So, I urge the Chairman that we relook at the provisions, particularly Section 15, even if not in this sitting, on all subsidiary legislations that come to the House.

I support.

The Temporary Chairman (Hon. Peter Kaluma): Let us make progress.

*(Question, that the new clause be read
a Second Time, put and agreed to)*

*(Question, that the new clause be added
to the Bill, put and agreed to)*

Hon. Antony Oluoch, do you still want to move your amendment?

Hon. Anthony Oluoch (Mathare, ODM): The Deputy Speaker, who is my Chair in the Procedure and House Rules Committee, has a similar amendment. If she wishes not to move hers, I will move mine with your guidance. Allow me to move.

The Temporary Chairman (Hon. Peter Kaluma): No, Hon. Oluoch. The amendment you are seeking to move is in similar terms as the one by the Deputy Speaker, which we have just passed.

Hon. Anthony Oluoch (Mathare, ODM): In that case, I withdraw my amendment.

The Temporary Chairman (Hon. Peter Kaluma): Your amendment is withdrawn.

(Proposed amendment by Hon. Anthony Oluoch withdrawn)

New Clause 4

Amendment of Section
19 of No. 23 of 2013.

4. Section 19 of the principal Act is repealed

(The new clause was read a First Time)

The Temporary Chairman (Hon. Peter Kaluma): Let us have the Mover of New Clause 4. Hon. Chepkonga to go first.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you Hon. Chair.

The Temporary Chairman (Hon. Peter Kaluma): Let me explain that there are three proposed amendments. Yours, according to the Order Paper, proposes a repeal. I hope the Deputy Speaker and Hon. Anthony Oluoch, who also have amendments to that very provision, will know the consequence of their amendments if yours succeeds. You may proceed unless you want to consult with the two other Members.

Hon. (Dr) Robert Pukose: What is the consequence of this amendment?

The Temporary Chairman (Hon. Peter Kaluma): If the amendment by Hon. Chepkonga passes or succeeds, there will be nothing upon which subsequent amendments will rest. So, the subsequent amendments will also die. That is why I am giving you not more than 15 seconds to consult on whether that is what you want to achieve.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Temporary Chairman, it will not fall. Let me clarify. I would like to refer to two sections of the Statutory Instruments Act. Section 18 reads, "When a report on a Statutory Instrument has been tabled in Parliament..."

The Temporary Chairman (Hon. Peter Kaluma): Hon. Chepkonga, the provision you seek to repeal, according to the Order Paper, is Section 19.

Hon. Samwel Chepkonga (Ainabkoi, UDA): I am explaining that when a Statutory Instrument is brought to Parliament and Parliament agrees with the Committee, it shall stand annulled. When it is annulled, it is not reported anywhere. That is the reason the amendment by the Deputy Speaker is necessary to support Section 18. We seek to repeal Section 19 and revoke it. We should differentiate two things - a revocation and an annulment. The reason as to why we seek to delete

Hon. (Dr) Robert Pukose (Endebess, UDA): On a point of order, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Peter Kaluma): What is out of order, Hon Pukose?

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairman, with all due respect, I expected Hon. Chepkonga would first move his amendment and then give explanations. He is explaining before he has moved. So, we are getting lost. Please, guide us.

The Temporary Chairman (Hon. Peter Kaluma): You are right, Hon. Pukose, but we have not reached that stage. I just guided the Movers of the amendments in respect of the New Clause 4. It appears that moving as we should, may have consequences. I thought Hon. Chepkonga was reacting to that.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Temporary Chairman, I beg to move that the New Clause 4 be read a Second Time.

*(Question, that the new clause be
read a Second Time, proposed)*

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Temporary Chairman, I notice that we have two difficulties in Section 19. If I move this particular clause and it sails through, the amendments by the Deputy Speaker and Hon. Oluoch will fall. The problem we have is that Section 19 provides that when a report of the Committee on revocation of a statutory instrument is adopted by the House, the statutory instrument making body will publish the revocation. I do not know whether the proposed amendment is going to be superfluous. You may clarify this to us. Therefore, I wish to withdraw my proposed amendment.

The Temporary Chairman (Hon. Peter Kaluma): The amendment proposed by Hon. Chepkonga is dropped.

(Proposed amendment by Hon. Samwel Chepkonga withdrawn)

Hon. Deputy Speaker, move your amendment.

New Clause 4

Amendment of section 19 of No. 23 of 2013

4. Section 19 of the Statutory Instruments Act, 2013, is amended by—
- (a) renumbering the existing provision as subsection (1);
 - (b) inserting the following new subsection immediately after subsection (1)—

“(2) The Clerk of the relevant House of Parliament shall, by notice in the Gazette and the Parliamentary website, publish the revocation of a statutory instrument by Parliament.”

(The new clause was read a First Time)

Hon. Gladys Boss (Uasin Gishu County, UDA): Hon. Temporary Chairman, I beg to move that the new Clause 4 be now read a Second Time.

The new Clause 4 seeks to amend Section 19 of the Statutory Instruments Act, which requires the Clerk of the relevant House of Parliament to notify the public of any revocation of a statutory instrument. This will ensure timely implementation of the resolutions of the House on delegated legislation. Both proposals seek to implement the resolutions made by the 12th Parliament in its approval of the 5th Report of the Procedure and House Rules Committee on amendments to the Standing Orders. They are contained in the Statutory Instruments (Amendment) Bill, 2022 currently awaiting Second Reading.

(Question, that the new clause be read a Second Time, proposed)

The Temporary Chairman (Hon. Peter Kaluma): Yes, Hon. Pukose.

Hon (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Chairman. I stand to support the amendment because when a statutory instrument is annulled by this House, we do not communicate to the public. When a Ministry gazettes certain regulations, they are very fast in implementing them. Such action might have adverse consequences on the public or might have financial implications. The gazetting of annulled regulations by the Clerk will ensure that the public is aware and nobody is taken advantage of.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Anthony Oluoch.

Hon. Anthony Oluoch (Mathare, ODM): I support the amendment to the extent that it gives clarity to members of the public, who may fall victim to revoked statutory instruments. The amendment will protect public interests similar to the amendment to Section 18.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Timothy Toroitich, do you want to speak to this amendment or are you rising on a different matter?

Hon. Timothy Kipchumba (Marakwet West, Independent): Hon. Temporary Chairman, I support the amendment to the extent that the revocation of a statutory instrument is published so that the public is notified. I pray that you hear me clearly. My problem is that the principal mandate of a Member of Parliament is to make laws in this House. It seems as if the Executive is sneaking in legislation under the pretext of the Statutory Instruments (Amendment) Bill.

We must look at the bigger picture. We should amend the Statutory Instruments Act in the near future to ensure that we are given power as the substantive law-making body to amend any delegated legislation that is brought to the House. Two things happen whenever delegated legislation is brought to the House. We either pass it as it is or we annual it as it is. Where is Parliament's law-making power to amend any legal instrument? That is my position.

The Temporary Chairman (Hon. Peter Kaluma): Do you support the amendment?

Hon. Timothy Kipchumba (Marakwet West, Independent): I fully support the proposed amendment, but I call upon the Committee to review the entire legislation in future.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Alice Ng'ang'a, do you want to speak to this proposed amendment?

(Hon. Alice Ng'ang'a spoke off the record)

You want to speak on a different one. Hon. Zamzam Chimba

Hon. Zamzam Mohammed (Mombasa County, ODM): Mheshimiwa Mwenyekiti wa Muda, ninakubaliana na Mhe. Chepkonga kwa kuliiondoa pendekezo lake kwa sababu lingelela sintofahamu katika sheria hii. Kama alivyosema mwenzangu, si vizuri sheria zinazotoka nje na ambazo zinaweza kumuumiza mwananchi zaidi, zipenyezwe ndani ya Bunge hili.

Ninamuunga mkono, Mhe. Chepkonga. Amefanya vizuri kwa kuliiondoa pendekezo lake.

The Temporary Chairman (Hon. Peter Kaluma): Lastly, Hon. (Dr) Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you, Hon. Temporary Chairman. I do not wish to comment on this amendment. I will do so on the next one.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Jared Okello, are you on a point of order or do you want to make a statement?

Hon. Jared Okello (Nyando, ODM): No.

The Temporary Chairman (Hon. Peter Kaluma): I may allow you to contribute because this is a new provision and it is being read a Second Time.

Hon. Jared Okello (Nyando, ODM): Hon. Temporary Chairman, I support the amendment. You will recall that all ministries were previously mandated to review their regulations every 10 years under the Statutory Instruments Act. By dint of an omnibus amendment Bill that was brought to this House, that provision was taken away by the Executive. Therefore, all ministries together with their Semi-Autonomous Government Agencies (SAGAs) can table reviewed regulations as and when they deem necessary.

There was a lot of fury in the last few days about certain charges that had been preferred by the State Department for Immigration and Citizen Services. One was expected to pay Ksh50,000 if one wanted to get married. This amount is over and above the dowry price. Many other punitive charges were infused into those regulations. The regulations had not been brought to Parliament for consideration.

Therefore, we need to tighten the loose ends of this law so that the public does not consume certain punitive undertakings by the Executive to the detriment of Parliament, which is the only law-making body.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Jared Okello, your point is made.

*(Question, that the new clause be read
a Second Time, put and agreed to)*

*(Question, that the new clause be added
to the Bill, put and agreed to)*

Hon. Members, the re-committed clauses were Clause 2 and New Clauses 3 and 4. New Clauses 5 and 6 had been considered before. We are now done with the Statutory Instruments (Amendment) Bill.

Mover, proceed and move reporting.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Temporary Chairman, I beg to move that the House reports its consideration of the Statutory Instruments (Amendment) Bill (National Assembly Bill No.2 of 2023) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT
FUND (AMENDMENT) BILL
(National Assembly Bill No.13 of 2023)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Members, we now consider the National Government Constituencies Development Fund (Amendment) Bill (National Assembly Bill No.13 of 2023).

Clause 8

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Temporary Chairman, as I was seconding the re-committal of this clause, I gave notice of intent to withdraw my amendment. The reason was that after very extensive consultations with the leadership of the House, including the Leader of the Majority Party, and the Chairperson of the Select Committee on the NG-CDF, it was agreed that the amendment would be carried in Hon. Musa Sirma's amendment Bill, which will be coming up for Second Reading in February, 2024.

We need to clean up Section 34 of the NG-CDF Act. It presents problems for us in court and it must be resolved. That will kill the NG-CDF Act. As you know, this amendment was sneaked into the Bill that was approved by this House in June 2022 when everybody had gone for campaigns. The person who sneaked it in lost the election. Some people do things thinking that they would benefit from them.

(A Member spoke off the record)

I do not want to mention his name because Hon. Sirma succeeded him. You cannot do some things without the participation of all Members. I have stepped down this amendment so

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that we can have general consensus on how it should be. No Member should be disadvantaged by the passage of any law. It should be supported by all Members. The principles that govern the Kenya Rural Roads Authority (KeRRA) and the National Construction Authority (NCA) should apply across the board. We should not introduce amendments that will cause the Bill to be referred to the Senate. If you want the Bill to die, take it to the Senate. We do not want it to go there.

Therefore, I drop the amendment that was contained in the amendment Bill by the Leaders of the Majority and Minority parties.

(Proposed amendment by Hon. Samwel Chepkonga withdrawn)

The Temporary Chairman (Hon. Peter Kaluma): Leader of the Majority Party, I have not proposed the Question. I do not need to propose the Question because the Chairperson has withdrawn the amendment. So, the amendment, by way of recommittal, is dropped. That means we revert to the Bill as previously passed.

(Clause 8 agreed to)

(Hon. Timothy Kipchumba spoke off the record)

There is no basis for comments. Hon. Toroitich, on what basis do you want to comment?

Mover.

(Hon. Timothy Kipchumba stood in his place)

Hon. Toroitich, the basis on which you would deliberate this proposal is if it was prosecuted. The Chairperson of the Committee has withdrawn it. I will not give you time.

Leader of the Majority Party, please, move reporting.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Chairman, I beg to move that the House reports its consideration of the National Government Constituencies Development Fund (Amendment) Bill (National Assembly Bill No.13 of 2023) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

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

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

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

MOTION

CONSIDERATION OF REPORT ON THE STATUTORY
INSTRUMENTS (AMENDMENT) BILL
(National Assembly Bill No.2 of 2023)

Hon. Deputy Speaker: Hon. Chairperson, please, move reporting.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Deputy Speaker, I beg to report that the Committee of the whole House has considered the Statutory Instruments (Amendment) Bill (National Assembly Bill No.2 of 2023) and approved the same with amendments.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Mover.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Deputy Speaker, I beg to move that the House do agree with the Committee in the said report. I also ask Hon. Musa Sirma to second.

Hon. Musa Sirma (Eldama Ravine, UDA): I second.

(Question proposed)

Hon. Members: Put the Question!

(Question put and agreed to)

BILL

Third Reading

THE STATUTORY INSTRUMENTS (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO.2 OF 2023)

Hon. Deputy Speaker: Mover.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Deputy Speaker, I beg to move that the Statutory Instruments (Amendment) Bill (National Assembly Bill No.2 of 2023) be now read a Third Time.

I request Hon. Musa Sirma to second.

Hon. Musa Sirma (Eldama Ravine, UDA): I second.

(Question proposed)

Hon. Members: Put the question!

(Putting of the Question deferred)

Hon. Deputy Speaker: Next Order. Let us have the Chairperson.

MOTION

CONSIDERATION OF REPORT ON THE NATIONAL GOVERNMENT
CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL
(National Assembly Bill No.13 of 2023)

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Deputy Speaker, I beg to move that the House reports its consideration of the National Government Constituencies Development Fund (Amendment) Bill (National Assembly Bill No.13 of 2023) and its approval thereof with amendments.

Hon. Deputy Speaker: Mover.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Deputy Speaker, I beg to move that the House do agree with the Committee in the said report. I also ask Hon. Musa Sirma to second.

Hon. Deputy Speaker: Proceed, Hon. Sirma.

Hon. Musa Sirma (Eldama Ravine, UDA): I second.

(Question proposed)

Hon. Members: Put the Question!

(Question put and agreed to)

(Hon. Owen Baya consulted loudly)

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Deputy Speaker, protect Hon. Toroitich from the Deputy Leader of the Majority Party, who is telling him to stand for Division alone.

(Laughter)

I beg to move that the National Government Constituencies Development Fund (Amendment) Bill (National Assembly Bill No.13 of 2023) be now read a Third Time. I also request Hon. Samwel Chepkonga to second.

As I request Hon. Chepkonga to second, to buttress what he said, indeed, we had very extensive consultations on the import of the earlier amendment that he proposed that we had recommitted and the further amendment he had proposed that was on the Order Paper today. We agreed with him, as he had indicated, together with the Chairman of the National Government Constituencies Development Committee, because those proposals touch on the NG-CDF.

As Hon. Chepkonga says, the amendment he was referring to was proposed by the former Chairman of the NG-CDF Committee in the last weeks of the last Parliament, when many Members were not in the House. We do not want to work that way in this Assembly. On matters that touch on the NG-CDF, all Members have an interest. It is only fair that we have extensive consultations so that at the end of the day, the people we are representing feel they are properly represented and nobody is disadvantaged on account that the time when a particular amendment to the NG-CDF is moved, several Members are either not in the chamber or are busy elsewhere.

I must thank Hon. Samwel Chepkonga for heeding that call for national dialogue. We had a very extensive dialogue with him in the interest of all Members and, indeed, he has been very amiable in having the discussion and agreeing to proposals by the Chairman of the National Government Constituencies Development Committee. I also thank the Chairman of the Committee, Hon. Sirma because he was very instrumental in this discussion to ensure that everybody at the end of the day emerges a winner. No constituency loses and none gains excessively over and above the others. Also, we managed our fiscal space so that we do not

overburden the physical framework that we have and the commitments the Government has made.

With that, Hon. Deputy Speaker, I support and request Hon. Chepkonga to second.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you, Hon. Deputy Speaker. I second and agree with the Leader of the Majority Party. He is the Leader of the Majority Party and so, these were bipartisan talks that succeeded. They did not require any signature. It was just an agreement, noted, and we prosecute.

I thank you, Hon. Deputy Speaker.

(Question proposed)

Hon. Members: Put the Question!

Hon. Deputy Speaker: The putting of the Question will be deferred to a later time.

(Hon. Peter Kaluma spoke off the record)

Yes, you can say something.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Deputy Speaker, I also support the action by Hon. Chepkonga in withdrawing this provision which had initially been recommitted. The need to consider a formula, however, other than that which mentions what is mentioned in that provision which Hon. Chepkonga was dealing with, remains.

Hon. Chepkonga is a convener of a team that was put in by the Speaker to ensure that the NG-CDF as a Fund is sustainably protected through legislation and litigation going in court - one of the challenges he has mentioned he was dealing with. I wanted to support, but urge the Chairman of the National Government Constituencies Development Committee not to go to sleep. The need for the House, through Members, to come up with a formula that will enable the allocation of the NG-CDF without mentioning what confuses people as devolved units remains and is extremely urgent. I would pray that in as much as this has been withdrawn, let us not sit back, but come up with a formula that will ensure equity, while also removing the NG-CDF from the challenges of litigation by the people who do not understand it.

I support, but urge a continuation of action. I am encouraged that the Chairman of the Committee confirms several amendments are being made. I hope those amendments will include a formula for the allocation of the NG-CDF among constituencies, which does not mention devolved units, otherwise, people who do not understand say that the matter should be transacted by the House which deals with matters of devolved units.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Member of Parliament for Kinangop, Hon. Thuku Kwenya.

Hon. Kwenya Thuku (Kinangop, JP): Thank you, Hon. Deputy Speaker, for this opportunity.

I want to join my colleagues in congratulating Hon. Chepkonga for dropping that amendment. It had far-reaching ramifications, especially for some of us who represent very big constituencies. I also want to allude to the words of Hon. Kaluma, that this is a continuous conversation so that then we align the NG-CDF with the Constitution and ensure that nobody runs to court and challenges the same to the extent that it is going to be declared unconstitutional again.

Hon. Deputy Speaker, we must come up with an acceptable formula, save for the one in place in the Act, where revenue is shared out in terms of wards, which is not a term that is allowed. We must factor in the population, and the vastness of the areas that we represent because you can imagine a constituency like Kinangop, where I have eight wards with a total population of about 300,000 people. A constituency like Ruiru with a population of 700,000

people and Thika Town with a population that is to that extent, yet the money that we get for the NG-CDF are for education. This is the money we allocate to children so that they can study. Allocating the same amount to a constituency that has a population of 30,000 or 50,000 people is completely unacceptable and unconstitutional to the extent that we will not be practising equity. We must come up with a formula that is equitable, acceptable and going to cost every single person to benefit from the proceeds of these funds.

I propose that this conversation be continuous. I know the Chairman of the Committee is listening. Bring everybody on board. Let us give our views and have a Fund that is equitable.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Member of Parliament for Soy, Hon. David Kiplagat.

Hon. David Kiplagat (Soy, UDA): Thank you very much, Hon. Deputy Speaker. I also lend my voice to the amendment. At this juncture, I thank the Mover of the amendment, Hon. Chepkonga for having seen the wider picture. I remember the other time we had a lot of struggles to ensure that he understood where some of us come from. If you look at Soy Constituency, it is a vast area with over 100,000 registered voters and seven wards. We could have been disadvantaged. This is a very fundamental amendment. Maybe I request the Chairman...

(Loud consultations)

Hon. Deputy Speaker, protect me so that I can be audible. There is a lot of movement in the House. The amendment by Hon. Chepkonga was very fundamental. It should not have been done at night. It needs many consultations. If there is such an amendment in future, maybe all Members should be informed and proper public participation done. Once we agree, let us avoid the tendency to make far-reaching amendments and meet headwinds while concluding.

With that, I support dropping that amendment. Let it remain that way until we agree on a proper formula. Thank you.

Hon. Deputy Speaker: I will put the Question now that I have confirmed that we have the requisite quorum.

(Question put and agreed to)

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

Allow me to apply Standing Order 1 while I am on my feet, to exercise my discretion. I had deferred one of the questions on statutory instruments. I will now put the Question.

BILL

Third Reading

THE STATUTORY INSTRUMENTS (AMENDMENT) BILL
(National Assembly Bill No. 2 of 2023)

(Question put and agreed to)

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

Hon. Deputy Speaker: I will exercise discretion to go back to Order 5 and allow the Chairperson to table a report before the Mover moves this Bill. Hon. Wamacukuru.

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PAPER

Hon. Githua Wamacukuru (Kabete, UDA): Hon. Deputy Speaker, I am tabling one Paper because I had tabled the other.

I beg to lay the following Paper on the Floor of the House:

1. Report of the Departmental Committee on Sports and Culture on its consideration of the Gambling Control Bill (National Assembly Bill No.70 of 2023).

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

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

The Temporary Speaker (Hon. Peter Kaluma): Next Order.

BILL

Second Reading

THE NATIONAL LOTTERY BILL (National Assembly Bill No.69 of 2023)

Hon. Kimani Ichung'wah (Kikuyu, UDA): I beg to move that the National Lottery Bill (National Assembly Bill No.69 of 2023) be now read a Second Time.

Allow me to thank the Chairman who is Hon. Dan Wanyama, the Vice-Chairman, who is Hon. Githua Wamacukuru, all the Members of the Departmental Committee on Sports Committee, including my very able Whip of the Majority Party, Hon. Naomi Waqo. As we negotiated the last bit of the National Dialogue Committee, all these Members were holed up somewhere in Mlolongo throughout the weekend until yesterday evening when they concluded the Report on both Bills that Hon. Githua Wamacukuru tabled this afternoon.

This Bill forms part of the array Kenya Kwanza is implementing to curb the ongoing vice of irresponsible gambling and betting, and the economic challenges that result from this. Gambling is increasingly recognised and managed as a legitimate consumer activity. If well leveraged, gambling can support national development. Many countries have taken betting and gambling as part of the measures to support their national development and other charitable activities. This is a situation to leverage what would otherwise have been a vice. We should make it gainful to the country's economy and the population. The United Kingdom, the Republic of South Africa here in Africa, the United States of America, the People's Republic of China, and our neighbours Uganda and Tanzania are taking advantage of this habit of gambling and betting to leverage and make money for their countries and provide certain social goods. This is the essence of this Bill.

The Bill proposes to establish the first-ever national Government lottery in Kenya. It will be licensed as an instrument for providing a legal and regulated form of gambling that pulls resources for promoting good causes. Members will see the good causes enumerated in the Bill if they peruse through. Part III of the Bill says that a national lottery shall be conducted to raise resources for the nation towards good causes in Kenya and for any other purposes provided for in this Act. Charitable causes such as facilitating the protection and rehabilitation of vulnerable of problem gamblers are some of the good causes listed. It is true that there are

people who are perpetually addicted to gambling. It becomes a problem for them, just like alcoholics and drug addicts. This becomes a problem and they need to be helped.

Therefore, part of the money raised through this national lottery can be used to facilitate their protection and rehabilitation just as we rehabilitate alcohol and drug addicts. It will also be used to promote the protection and conservation of the environment. We are in an era where we are all speaking of climate change and planting trees. We can deploy some of these resources in environmental protection and ensure that we also support animal welfare initiatives. The resources will be used to help the needy through the provision of food, shelter and healthcare services. Especially at a time like this when many families across the country are being ravaged by floods. We would have had a kitty that we could borrow from to provide food and shelter for such people.

There are also economic empowerment goods, including the support of small businesses. For instance, we just appropriated another Ksh5 billion into the Hustler Fund. We would be using this money to capitalise on the Hustler Fund if we had a Lottery Fund or a National Lottery Fund. We would use money from the lottery to provide money. There is educational support: provision of scholarships and bursaries, and education resources like libraries and laboratories, among others. All these can be provided for, including sports and recreation, culture, and national heritage. The Bill enumerates many good causes that include signature transformation projects where we can even transform our country. Housing is an example.

This morning I was engaging with Hon. Gitonga Murugara, also known as Sir George. He is an accomplished advocate of the High Court and I know he was in the High Court all morning, defending what we did here - the Housing Fund Levy. Hon. Murugara was apprising me on what went on in court. There are three judges who decided to give a stay of execution until January. We must appeal that decision. As a House, we passed a law informed on the circumstances of our economy. This House, in its own wisdom, decided that money would be deducted from people to create a Fund to build houses.

I have not had an occasion to interrogate that judgement. However, Hon. Murugara has told me they have stay of execution. This Fund employs people today in different projects across the country. Over 120,000 Kenyans are employed directly in the housing sector today. Steel and doors manufacturers, those doing timberwork, cement production and many more jobs have been created in the manufacturing industry as a result of the investment in the Housing Levy and housing sector. I appeal to our good judges. When three judges tell 120,000 Kenyans that they can be rendered jobless tomorrow, one is left wondering whether they will report to work in their chambers the following day or what happens?

As a country, we must be measured, even in new inventions like this. The National Lottery Fund can also fund such transformational signature projects as housing, the Universal Health Coverage (UHC), sustainable agriculture or energy initiatives, including emergencies, as I said in areas where people are being ravaged by either flood or famine. The Government of Kenya and Kenyans will have a fall back.

Funding of the national lottery, because I am seeking for it, is intended to support such good causes based on the principle of additionality. This means that there is no sector - for instance, if it is housing, sports, UHC or such emergencies as floods or natural occurrences that we have no control over - that money will be denied on the account that they are getting money from the National Lottery Fund. It does not mean that if the national lottery is providing funds into any of these areas, then Government is excluded from funding these projects. Whatever resources will come from the Lottery Fund will be in addition to what has already been appropriated. Therefore, the Government will deliver goods and services to its people faster, more efficiently and in a manner that we do not have to struggle to raise resources.

This Bill establishes not only the National Lottery Fund, but also the National Lottery Board. Part II of the Bill establishes a board that will consist, amongst others, a chairperson appointed by the President and the Principal Secretary for the National Treasury. However, I did not know that Clause 5(1)(c) of the Bill states that the board shall consist of the Principal Secretary in the State Department responsible for the national lottery or his or her representative appointed in writing. Let me put an indication and I have spoken to the Chairman. I hope it is one of the issues they have looked at in their Report. We need to be explicit, since we are dealing with a board handling funds that are raised from members of the public.

Gambling or betting has a security implication by the very nature of the business that goes into gambling on issues of money laundering. In many countries, drug peddlers, people who deal with illegal sale of weapons and those who want to launder money from corruption use betting or gambling companies to launder money. Because of that security aspect, including the threats of terrorism, we have seen in some areas where gambling or betting is used to launder money being used to finance terrorism. I had indicated to the Chairman of the Committee as he engaged with the stakeholders that this is one of the issues that they needed to look into, to make sure that we are explicit that the Principal Secretary to be represented in this board is the one in charge of the Ministry of Interior and National Administration. There is a national security implication in betting matters. No wonder even the Betting Control and Licensing Board (BCLB) that exists today is hosted under the Ministry of Interior and National Administration. If the Committee has not proposed that amendment, I will propose that the board shall consist of the Principal Secretary in charge of Interior and National Administration, but not the Principal Secretary responsible for the national lottery whom we do not know. It must be explicit in the Bill.

Clause 6 of the Bill...

Hon. Caroli Omondi (Suba South, ODM): On a point of information, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Leader of the Majority Party, Hon. Caroli Omondi is interested in informing you.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I know that Hon. Caroli Omondi is a very diligent Member of the Committee. He was among the people I had spoken to in Mlolongo to make sure they put that. I am certain he wants to inform me that they have already made that proposal. I was just saying that because I have not gone through the Report. I am sure he will contribute. He will inform me when he does that.

The Temporary Speaker (Hon. Peter Kaluma): Leader of the Majority Party, do you want to be informed?

Hon. Kimani Ichung'wah (Kikuyu, UDA): I do not want to be informed now. He will inform me when he will be contributing.

The Temporary Speaker (Hon. Peter Kaluma): Then proceed.

Hon. Kimani Ichung'wah (Kikuyu, UDA): This will allow him not to eat into my time and allow other Members to contribute.

Hon. Temporary Speaker, I was in Clause 6 of the Bill. Clause 6(2) of the Bill says that the board may on its own or through legal agents or in collaboration, partnership or joint venture with any person, society, association or corporate entity or through procurement of an entity or person operate the national lottery.

This clause provides for either the board to conduct the lottery itself or in a joint venture with a person or an entity, or in association with someone else, corporate entity or through procurement which is in line with the provisions of Article 227 of the Constitution and the Public Procurement and Asset Disposal Act.

Let me take this opportunity to caution those who will be nominated into this board. We know this will be a very liquid sector. We know what happens in areas where there is a lot of liquidity. We also know the clamour that will be there for this lottery. We, as a House, must be emphatic that we are not creating an opportunity for anybody to make money out of such good proposals. We were debating the question of conflict of interest earlier this afternoon. May it be known by all public officers and servants, including those in the Office of the President, that we are not passing this Bill to create an avenue for them to mint money from corporates, entities, individuals who are seeking licensing, association or joint venture arrangements with the board to conduct the national lottery. What informs us as a country is the need to have a National Lottery Bill that will help us to regulate our gambling and our betting industry in a way and derive value out of what I would otherwise say is a vice in society. We intend to make sure that whichever entity, person or joint venture partner that enters into any contractual agreements with the research board, when this Bill becomes an Act of Parliament, will be done in a very transparent and accountable manner to ensure that the national lottery derives maximum value for the benefit of the people of Kenya.

You will be shocked that countries like the United Arab Emirates (UAE) being a conglomeration of emirates which are predominantly Muslim, are not involved in such things. The dictates of the society we are living in today, have also found an opportunity to derive national revenues out of betting. They are conducting national lotteries that are generating billions of dollars. Same for countries like the USA, UK, South Africa and Nigeria. Even our good neighbours, Uganda and Tanzania, are now in it. We cannot afford to be left behind. We must take advantage of all innovative ways to raise an extra shilling, an extra dollar or an extra billion to provide for goods and services to our people. I want to avoid going into all the issues in the Bill because Members have both the Committee's Report and the Bill, and they can peruse the Bill and see all the good things that are there.

I had also noted Clause 35, which expressly prohibits the sale of lottery tickets to various categories of persons, including children, to protect them from engaging in gambling. This prohibition is critical because, as I said, gambling and betting can become a vice. We have seen people even in our own families getting addicted to gambling. Somebody wakes up in the morning and does nothing else other than gamble. We must protect our children. We must raise a generation of children who believe in engaging in active, productive economic activities to make money. There is a very dangerous culture today which is being perpetuated in our media stations, that all you need is lady luck to visit you; you do not need to work. All you need is to raise some money for bundles or for sending texts, send a text to this and that number and win half a million or a million shillings. Many of the media houses use that mass media communication and the very powerful brands they have in the media to market their betting and gambling companies. Our youth are getting to a situation where they believe they may live without working and just gamble and bet themselves to riches.

Let me take this opportunity to speak to our young men and women. Yes, there may be no jobs, but gambling and betting cannot be your job. You will spend too much money before you win. I have seen it. That is why we are saying since people will still bet, why then not take advantage as a bet to have a National Lottery Bill where we can mobilise resources, at least, to help rehabilitate our youth, and even the older generation who are already addicted and others getting addicted.

In progressive countries, and I have seen it in the UK, they have a lottery Fund and, in that lottery, Fund, they have set aside funds to finance rehabilitation centres to rehabilitate people who are addicted to gambling and betting. We are being careless here. All our media stations have SMS numbers for betting. They have things they are promoting on television and radio stations. In fact, I am told that today, all our mainstream media houses are making more money from betting and gambling than from commercial advertisements. That tells you how

delicate this situation is in our country and why this House must act at the right time even as we are informed on the needs to tap into those who are already in it and rehabilitate those who can be rehabilitated, those who get addicted, but also to tap into the innovation of using lottery as a means of mobilising resources that will help us in our national development goals.

Since we shall also be speaking to the Gambling Bill that follows, let me end there and request Hon. Naomi Waqo, who is a very diligent Member of this Committee, just like Hon. Caroli Omondi, to second. I thank the Committee Members for the dedication they showed. I was very impressed by all the 15 Members of this Committee who were holed up over the weekend working on all these provisions. I take this opportunity to commend them, including their Chairman who is away, Hon. Dan Wanyama, and request that all other committees emulate these great Members of this Committee who have worked very hard to make sure that the reports are ready for both this Bill and the Gambling Bill.

With that, I beg to move.

The Temporary Speaker (Hon. Peter Kaluma): Hon. (Dr) Naomi Waqo.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker. I rise to support the Leader of the Majority Party in moving the National Lottery Bill 2023 (National Assembly Bill No.69 of 2023) to be read a Second Time.

I acknowledge the appreciation that the Leader of the Majority Party has accorded to our Departmental Committee on Sports and Culture. Just to confirm that for sure, this is one of the very committed committees where Members turn up for the meetings and also stay to deliberate on the agenda before them.

The National Lottery Bill 2023 seeks to provide a legislative framework for the establishment and operation of the national lottery, which arises from the need to provide for legislative framework for the establishment and operation of the national lottery to be administered by the national Government whose funds shall be used to support various good causes within the country.

Until I participated fully in this, I was of the opinion that we do not have to entertain this, putting into consideration the many families that have been negatively affected, the people who have been addicted to this and ended up being poor. If you look at the positive side of this, it is proper for a Government to think of the people that we are governing because many of our citizens are involved in this. Besides the operators, the citizens, the young people, even grown-ups are mainly in this and unless we come up with a legislative framework that can guide, help and protect these people and the nation, we may not be doing very well.

I am a converted Member now. I used to think that gambling destroys our nation, breaks families hence the reason not to support it, but there are people who have grown and developed because of it. There are people who have participated and benefited. Sometimes when you watch the news, you will see the people who have benefited and see how it has transformed their lives. It transforms their lives. That is why I support the Bill.

Kenya has in the past attempted to establish a Government-run national lottery, which was hindered by the absence of a policy framework governing the gambling sector. An attempt was made in 2006, but the responsibility shifted to the Betting Control and Licensing Board. Another attempt was made in 2008, which, again, did not succeed. The Gaming Bill was introduced in this House in 2019, which proposed a State-owned national lottery operated by a private firm on behalf of the Government. The Bill lapsed at the end of the 12th Parliament.

That confirms that this is not the first time that Kenya has tried to come up with a national lottery. We have gone through different stages from 2006 to date and the dynamics have also changed. The national lottery that we are trying to introduce is different from what we tried to introduce in 2006. It has grown and many people are involved in it. There are also international investors who come to our country to gamble and if we are unable to accommodate them, they look for other opportunities elsewhere. It is high time that we put in

place proper measures and a legislative framework due to the economic hardships that we are going through, so that we can accommodate investors and also encourage our citizens to benefit from the national lottery.

The Departmental Committee on Sports and Culture lauds the efforts of the Presidential Taskforce on the Establishment of the National Lottery, which developed the Gambling Policy, which informed the initiation of the National Lottery Bill.

We have observed our President's determination to transform the country in the last one year by encouraging leaders to engage in opportunities that are open to them. We talked of the Bottom-Up Economic Transformation Agenda (BETA) during campaigns. Many people were surprised and they thought we were just talking about it then. One year and a few months down the line, we are talking about coming up with practical things that will touch people's lives. Anybody at the grassroots level can sit on his bed or sitting room in his home, participate in BETA and transform his life. Our Committee lauds the effort of the Presidential Taskforce because they have done a lot of work. We also laud the President for coming up with the Taskforce to look into the pros and cons of a national lottery and guide the nation accordingly.

The Committee noted that jurisdictions such as the United Kingdom, South Africa and many other countries in Africa have already enacted legislation on a national lottery. The Leader of the Majority Party mentioned our neighbours Tanzania and Uganda and many other countries, which already have a national lottery. Although Kenyans are ahead in many ways, you sometimes wonder why we are dragging behind when you look at what is happening around. That is why we cannot afford to be left behind. Those countries have grown through proceeds from their national lotteries and many people have supported different activities in their countries. Our thinking, imagination and plan as a country is that proceeds of the national lottery will go towards supporting good causes in the country.

Many counties are currently suffering due to floods. Many families have been displaced. Many people have nowhere to lay their heads. Many parents are wondering whether they will be able to send their children back to schools. Our young people, who are very energetic, creative and innovative, engage in various sports in every county. Kenya is known for sports. When you travel outside the country and say that you are a Kenyan, many people remember the good things that we are known for like sports and marathons. We should be proud of ourselves and the things that we accomplish. We will motivate and encourage our youth who engage in sports, arts, and music through proceeds from the national lottery. They want to grow their talents.

There are many talented youths where I come from. Others are artists while others engage in sports. Others are eagerly waiting for somebody who can hold their hand and move them from one level of life to another. The national lottery will help our nation to grow, and it will also inspire our young people to grow. It is high time we encouraged our people to take advantage of opportunities out there to grow.

The Bill provides for a national lottery that will be operated within the Republic of Kenya, and whose funds shall be used to promote good causes such as charitable causes, which may include providing care and protection for the physically and mentally afflicted, the aged, orphans and vulnerable children. The number of vulnerable people in our society is growing because many people are losing their lives either through accidents or sicknesses, and many children are left orphaned. There are also orphans as a result of ethnic clashes like where I come from. All those children and vulnerable groups need a lot of support from us. Some young people are already drug addicts and need to be rehabilitated. We may not serve our nation well unless we look for funds that can support them and push them to another level.

Second, is sports, recreation, the arts, culture and national heritage. I had already mentioned that we have many young, passionate people who have given their all to make our country proud and to progress in different ways. They all need our support.

Third, is protection and conservation of the environment, as well as efforts towards sustainable development. Climate change is greatly impacting our nation and the world. We need to take care of our environment by planting 15 billion trees in 10 years as our President said. The proceeds from that can easily go towards the establishment of a national lottery, so that we can transform our country, make it green and enjoy the environment and good health as a result.

Fourth, is response to emergencies and crises affecting communities, which includes natural disasters. There are people who are currently suffering. We cannot get food to people by road, therefore, we are using airplanes to reach them. If proceeds from the national lottery can make life easier, transform lives at the grassroots level, build hospitals where we can support people who cannot reach health centres, and build schools so that our children can get better education, we can then say we are transforming our country.

Hon. Temporary Speaker, a lot needs to be done. It is my prayer that those doing this will be mindful. They will invest and at the same time give back to the community so that our communities can be transformed through this.

Permit me to conclude by thanking the Leader of the Majority Party for introducing the legislation before this House. The passing of...

(Hon. Naomi Waqo spoke off the record)

The Temporary Speaker (Hon. Peter Kaluma): Would you end by saying, 'I beg to second'.

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Temporary Speaker, I beg to second.

The Temporary Speaker (Hon. Peter Kaluma): Thank you very much.

(Question proposed)

Hon. (Dr) Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I will support...

(Loud consultations)

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Members. What is happening at rows two and three behind the Leader of the Majority Party's seat, that is making both the Leader of the Majority Party and his Deputy move from their place?

Proceed.

Hon. (Dr) James Nyikal (Seme, ODM): I ask to support this Bill with a lot of reservations because basically lottery is gambling. Whether it is gambling or betting, it is the same thing. Taking chances with the little resources you have in the hope that you will get bigger ones without actually working for it. We know that this takes place whether we like it or not. Currently, it is going on everywhere and it is not controlled. People, including adults and school going children are all involved and there is no control. Institutions or agencies are involved and there is no control. The media, communication companies and mobile companies are all involved in one kind of betting or another, and nobody controls what is happening. With kids, it gives rights to delinquency and tarantism. Kids literally drop out of school because of this.

We also know that it is related to addiction. You can be addicted to betting or gambling because it is addictive. People have lost huge sums of money and become paupers through this.

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Betting or gambling is closely associated with drug and substance addiction because of the circumstances in which it occurs. It is also related to crime and does great harm to families. You find families that go bankrupt because the people holding their resources get into betting and gambling. That is all part of the lottery.

The only reason you need a system of regulation for it is because it will happen whether you like it or not. It is better you do it under regulated and controlled circumstances. Not only that, you actually give some protection to people who are betting and gambling. There are situations in betting and gambling like in sports, where even the machines used are fixed so that the outcome is obvious and the people trying to get money automatically lose. In that case, it is theft. Therefore, if we have some form of regulation that is desirable, then to that extent, that is something we need a Bill for.

This Bill seeks to establish a board. What is most important to me is that that board and its functions will regulate what is happening. As you proposed, put officers in place to go into places where these things happen and find out whether it is being done properly. To ensure the machines are not fixed and chances are not already fixed mathematically, that everybody loses and nobody ever wins. That board is very useful.

The Bill also establishes a Fund. The Fund is secondary to me, but it is also useful because through that the Government will raise some revenue. That Fund can be used in development and social support. To that extent, there is need to get in and establish a National Lottery, put the board and the Fund in place, and make sure the Fund is used appropriately. Ensure that all the people that are involved in the board are operating within the law and are protected.

In that context, I support with reservations, but we will look at it with a fair amount of detail. We may have to put in a lot of amendments to make sure that we do not set up a system that can be abused. The possibility of abuse is very high in this Bill. I know it is related to the next Bill that is coming that will deal directly with betting, but I support with reservations. We will look at areas where we need to make amendments so that everybody is protected; the people who are using it, the Fund that is created so that it is used well, and the people running it do not abuse it.

With that, I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. George Gitonga Murugara.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker.

Allow me to support this Bill which principally seeks to ensure that the lottery we have in the country is legalised and controlled by a statute. Lottery includes betting in various spheres of life, much of which today is left to the whims of licenced betting companies. They make unregulated and uncontrolled money without any Government involvement. We need a law and this is timely. Thank you, Leader of the Majority Party for bringing this Bill. I urge the House to support it. If there is need to make amendments as proposed by Hon. Nyikal, this is the House to do so because we need this area of life properly regulated in law.

The Bill seeks to set out the National Lottery Board which will be responsible for regulating that sector of the economy. It will be appointed in accordance with the Act. This is the board we shall hold to account if any law is breached as far as lottery is concerned. What is exciting is the creation of the National Lottery. It is interesting because the country will regulate betting and all these other things that go with lottery, and raise money. The question that quickly comes to mind is, what is this money for? The law is clear that the money will be used for a good cause. When I looked at what good causes are as set out in the provision of the law, I found that the money will be used for education purposes. This is very important. Those who have money to bet and gamble, we can take that money lawfully and use it for education purposes.

We have also been told in the Bill that the money will be used for small businesses. We must bring in the hustlers out there who require money to do small businesses to bring themselves up.

Hon. Temporary Speaker, we were in court this morning and we were told that we do not have a proper law to anchor the Housing Levy. The court proceeded to say that it is unconstitutional. As an advocate, my view is that the Housing Levy is not unconstitutional. A levy is a tax and the court has confirmed that. We possibly need a better law to anchor this levy so that the money is not just collected by the employers and other agencies, but also goes towards something. Where does this money go to? How does it come out of the place? How do we apply it out there?

It is also important to note that the Housing Levy has been used to start major housing projects across the country and there are pending contracts. In view of these decisions, what happens to those contracts? We would like to thank the courts because we now have a stay of execution up to 10th January 2024. By that time, we will have possibly moved to the Court of Appeal and we will have been given some conservatory orders to save the Fund. As the House of Parliament, we will look at the deficiencies in this law so that we are able to streamline and align it with the national policy on housing and anchor the Levy or the Fund in law.

Hon. Temporary Speaker, another good cause is trying to take care to those who are addicted to betting and gambling. This is almost an incurable disease. Addiction to betting, lottery and gambling cannot be reversed; once you get addicted to it, you may end up selling everything you own in this world. You end up a destitute because of lottery. It will be helpful if we are able to reverse that by taking part of the money from lottery. The Kenya lottery had applied to young people who are spending all their money gambling in sports and not doing anything productive, except the hope they will one day use Ksh1,000 to earn Ksh20 million, Ksh50 million or whatever other illusions they have. It is vitally important that this good cause be defined from time to time. How do we use money that we collect from lotteries, and is meant to apply to every good possible thing to be done in the country?

This is a good law. We will go through it with a toothcomb when it comes to the Committee of the whole House. In case there are areas that need a retouch, this is the House to do it. This is the House that makes laws; it guides Kenyans to ensure that their lives are guarded and protected by good law. We will be examining this in that perspective.

With those many remarks, I beg to support.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Stephen Mogaka, do you want to contribute to this?

Hon. Stephen Mogaka (West Mugirango, JP): Yes, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Please proceed.

Hon. Stephen Mogaka (West Mugirango, JP): I thank you very much for the opportunity to contribute. I support. This law seeks to regulate a one-time very small sector of our economy; it started off as the Kenya Charity Sweepstake. A small racecourse betting against horses has since grown to a multibillion sector. It is a very important sector that the country must regulate. This law comes in handy and timeously to regulate an industry that is otherwise attracting a very big population of this country. In the previous regulatory regime, Government used to second officers to go and oversee activities in lotteries and betting premises and casinos. I am happy we are instituting a board that will coordinate this sector nationally. I recall that after devolution, some counties attempted to make laws to regulate this industry. The courts ruled that this was a national Government function and, therefore, disallowed counties from legislating and creating laws to regulate this sector. I am extremely happy that the National Assembly has risen to the occasion to bring a national law that will virtually apply countrywide.

This law regulates the actors in this sector, who have been posting super normal profits and using them in illicit trade including drug trafficking. We can now monitor how much money is generated by any actor and the taxes they are required to pay. This money will then be applied to defined causes like education and positive economic development. We have been overtaxing smokers and partakers in alcoholic beverages. It is, therefore, important that as the country grapples with how to raise taxes, to include this sector. It can generate a lot more revenue than the conventionally overtaxed areas which economists tell us demand is inelastic.

I also want to celebrate that this incoming board, whose vetting will be extremely rigorous, will enforce the contractual age in Kenya so that we do not have minors participating in gambling. Above all, we will be looking forward to extreme transparency because this sector has so far been operating in a very opaque manner. Nobody knows what happens there which is why there is a rush by telecommunication companies like radio and television stations. They are attracted by the super normal profits generated in this sector. With this law, we will know who the licensed operators are and when our children are left unsupervised, they will not participate in underage gambling on their parents' mobile phones.

I beg to support.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Chege Njuguna.

Hon. Njuguna Chege (Kandara, UDA): Thank you, Hon. Temporary Speaker. I stand to support this Bill. Indeed, it will bring a lot of sanity to the industry due to the nature of the business and revenue generated. If left open, some of the characters involved can subject the nation to the unorthodox creation of businesses through tax evasion and money laundering.

This Bill also provides significant revenue generation for the Government at a time when there is need to fund infrastructure, like roads, health and education. It will also go far in aiding our social programmes. We are aware that most developed nations run their social programmes through national lotteries. The Bill will help improve our social programmes. The National Lottery Board will create direct and indirect jobs through subsidiaries to small scale customers who will start selling this lottery and, therefore, generate revenue.

I support this Bill. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Emmanuel Wangwe, are you on a point of order or you want to contribute?

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you. Hon. Temporary Speaker. At times one is forced to press the intervention so that they are seen. If you allow me to proceed, I will be happy to contribute.

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

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Temporary Speaker. I rise to support the National Lottery Bill (National Assembly Bill No.69 of 2023) on the basis of the three items that are constituted in it. It proposes the establishment of the National Lottery Board and the National Lottery Fund. This means that the Bill is well co-ordinated so that the outcome of whatever we are going to pass is feasible. It also means that the Lottery shall undertake operations, the board shall coordinate the Lottery and the funds will be co-ordinated in such a way that whatever will be collected out of the Lottery shall be put into prudent use or good cause as per the Bill. It will also be accounted for in a very orderly way.

The Bill provides for how the funds shall be used for good causes. One good cause that is provided in the Bill that has caught my attention is the ability to provide care and protection for the physically and mentally affected, the aged, orphans and the vulnerable. Anybody can get mental disability at any time. We are all mentally unstable. It only depends on the degree as prescribed by the doctor. What matters is that should such a situation happen, the Bill has provided that the funds shall be applied to support anyone who happens to be under such a situation. We have allocated resources under the social protection agenda of the Government through the Orphans and Vulnerable Children (OVC) but they are not enough. The addition of

more resources from the lottery shall be a good thing so that we can let people who are physically challenged, mentally affected and the aged get a share of the resources from this Fund.

The second issue that also caught my attention is the ability to facilitate the protection and rehabilitation of the vulnerable and problem gambler. Gambling is addictive. A person does not get into it today and expect to come out of it. It is like a chain smoker who cannot easily leave cigarette or the cigar. How do we cure a person who we have directly invited into addiction? Whereas this is a legal business, we have provided that those who will be addicted to this game shall be taken care of. There is a reason to smile because we have allowed gambling to be done wisely, but in case one of us goes astray, he can be protected. The Fund shall be regulated properly and the CEO will be the accounting officer.

The Bill proposes the establishment of a board. Two key issues that have caught my attention are, first, the chairperson of the board shall be appointed by the President of the Republic of Kenya. The qualifications of the CEO have been given.

The CEO shall also be the executive officer of the organisation. This means that we will have the role of the chairperson and that of the CEO. The qualifications of the CEO are laid down in the Bill. When you look at the separation of the two, it means there is organisation on the assignment and purpose of each. This is a good thing that we all have to support.

The issue of licensing the lottery operator is something that has caught my attention. He will not take a monopolistic approach of having one person to operate the lottery. It is open and will allow multiple coordinated operators. The Government is, therefore, going to license a national lottery operator whose license shall be valid for seven years. This means that an investor in this venture shall have time to make a return on investment and recoup it. This will enable him stay with us for a longer time rather than coming in today and exiting tomorrow. That is a good thing. That is unlike a case where we invite investors and give them three years to invest yet we may not know how long they will take to make return on their investment and recoup their capital. It is, therefore, good the Bill proposes seven years which gives an investor latitude to recoup his resources.

The role of the cabinet secretary in this Bill is well taken care of. Whereas there is provision of the board recognising the Cabinet Secretary for the National Treasury, the role of the sitting cabinet secretary in charge of the daily operations of the lotteries at the time is well taken care of.

I, therefore, consider this Bill very responsive. I urge my colleagues to join hands and support it having been brought into this House three times. Last time it lapsed at the end of the 12th Parliament. Let us approve it this time. After all, our children in the society live within the lottery systems. They are already doing it. Instead of hiding, running around with money and not being sincere about true lottery, let it be legalised. The youth should play openly without hiding where they are getting the money from.

The Bill does not propose cautionary measures to those who would want to go beyond what has been provided. When it comes to the Committee of the whole House, I will enrich it by making sure that stringent measures are put in place so that operators live within the provisions of the law.

I support the Bill. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): We only have one minute. Who would be able to contribute in one minute? Hon. Jane Kagiri.

Hon. Jane Kagiri (Laikipia County, UDA): Hon. Temporary Speaker, I rise under Standing Order 95. I propose that the Mover be now called upon to reply. We have another gambling Bill tomorrow when we will proceed with the debate.

The Temporary Speaker (Hon. Peter Kaluma): No, Hon. Jane Kagiri. I see more than ten requests. There is still interest in the debate. I will, therefore, not put the Question that the Mover be now called upon to reply.

ADJOURNMENT

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, the time being 7.00 p.m., this House stands adjourned until Wednesday, 29th November 2023 at 9.30 a.m.

The House rose at 7.00 p.m.

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