



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. II NO. 109**

## THE HANSARD

Thursday, 16<sup>th</sup> November 2023

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

**Hon. Deputy Speaker:** I direct that the Quorum Bell be rung for 10 minutes.

*(The Quorum Bell was rung)*

I direct that the Quorum Bell be stopped. We may proceed to the Orders. Why do you not give the Leader of the Majority Party the portable microphone? Just have the portable microphone on standby since that one keeps going on and off.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): No, it is on. Thank you, Hon. Deputy Speaker. Probably it is time the Parliamentary Service Commission (PSC) considered an upgrade of this system. That is why it keeps going off.

PAPERS

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): I beg to lay the following Papers on the Table of the House:

1. The Draft Parliamentary Service (Centre for Parliamentary Studies and Training) Regulations of 2023.
2. Reports of the Auditor-General and financial statements for the year ended 30<sup>th</sup> June 2023 and the certificates therein in respect of the following organisations:
  - (a) Kenya Industry and Entrepreneurship Project (Credit No.IDA 6268-KE) – State Department for Industrialisation.
  - (b) Mombasa-Nairobi-Addis Ababa Road Corridor Development Project (Isiolo-Merille-Moyale Road) – Kenya National Highways Authority.
  - (c) Timboroa-Eldoret Road Rehabilitation Project No. P-KE-DBO-019 (Loan No.2100150023344) – Kenya National Highways Authority.
  - (d) Port Reitz-Moi International Airport access (C110) Road Project (FIDIC EPC/Turnkey Based) – Kenya National Highways Authority.
  - (e) Global Fund, to ensure the provision of quality care and prevention services for all people in Kenya with TB, Leprosy and Lung diseases Programme – KEN-T-TNT, GA 2067 – the National Treasury.
  - (f) The Kenya Power and Lighting Company PLC.

**Hon. Deputy Speaker:** Next Order by the Chairperson of the Public Debt and Privatisation Committee. Is the Chairperson here? Proceed, Hon. Shurie.

*(Technical hitch)*

Give him the portable microphone if the one fixed at his place is not working. Get the portable microphone. Just have the portable microphone. The fixed one will go off again.

**Hon. Abdi Shurie** (Balambala, JP): I think we are good to go. Hon. Deputy Speaker, I beg to lay the following Paper on the Table:

Report of the Public Debt and Privatisation Committee on its consideration of the Consolidated Fund Services under the Supplementary Estimates I for Financial Year 2023/2024.

I thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Have you finished or completed it? Okay. Is there any other Paper? Next Order.

## NOTICE OF MOTION

### ADOPTION OF REPORT ON PUBLIC DEBT AND PRIVATISATION COMMITTEE ON THE CONSOLIDATED FUND SERVICES

**Hon. Abdi Shurie** (Balambala, JP): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Public Debt and Privatisation Committee on its consideration of the Consolidated Fund Services under the Supplementary Estimates I for the Financial Year 2023/2024, laid on the Table of the House on Thursday, 16<sup>th</sup> November 2023.

I thank you, Hon. Deputy Speaker.

## QUESTIONS AND STATEMENTS

**Hon. Deputy Speaker:** Let us proceed. There is a request for statement by Hon. Onyango K'Oyoo, but he is not present. I think there is another one by Hon. Gisairo. I think there is a statement. Proceed. They are bringing you a microphone.

### REQUEST FOR STATEMENT

#### HARASSMENT OF KCSE CANDIDATES

**Hon. Clive Gisairo** (Kitutu Masaba, ODM): Hon. Deputy Speaker, pursuant to the provisions of Standing Order 44 (2) (c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Education regarding the harassment of candidates undertaking the Kenya Certificate of Secondary Education (KCSE) examination in various schools within Kitutu Masaba Constituency in Nyamira County for alleged examination irregularities.

**Hon. Deputy Speaker:** Chairperson of the Departmental Committee on Education, Hon. Melly. That request for Statement is directed at you. Hon. Gisairo, you had better start again because he was not listening.

**Hon. Clive Gisairo** (Kitutu Masaba, ODM): I will do so, Hon. Deputy Speaker.

Pursuant to the provisions of Standing Order 44 (2) (c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Education regarding the harassment of candidates undertaking the Kenya Certificate of Secondary Education (KCSE) examinations in various schools within Kitutu Masaba Constituency in Nyamira County, for alleged examination irregularities.

Following reported claims of examination irregularities at Nyambaria Boys High School and St. Paul's Gekano High School, candidates in the two schools have been subjected to harassment, intimidation and victimisation. Whereas the Kenyan National Examinations Council (KNEC) is obliged to ensure proper supervision of national examinations to guarantee their integrity, the unprofessional and intimidating manner in which the supervision of the ongoing 2023 KCSE is being done completely deviates from the acceptable standards. This has subjected candidates to psychological torture – a situation that might affect their desired output in the exams.

On Monday, 6<sup>th</sup> November 2023, KNEC dispatched undercover supervisors to Nyambaria Boys High School and St. Paul's Gekano High School to invigilate examinations instead of the authorised invigilators. Subsequently, the centre managers of the two institutions were hastily suspended without adequate consideration of the merits of the claims.

On Tuesday, 14<sup>th</sup> November 2023, students at Nyambaria Boys High School, who were exasperated by the harassment, protested after security teams and invigilators ordered them to strip half-naked for frisking, which is a dehumanising and retrogressive demand.

It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Education on the following:

1. Why are the candidates being subjected to harassment during examination time?
2. State the reasons why Nyambaria Boys High School and St Paul's Gekano High School seem to be targeted as centres for possible examination malpractice in the ongoing examinations.
3. What supervisory measures have the Ministry of Education and the KNEC put in place to mitigate incidents of examination irregularities in the ongoing Kenya Certificate of Secondary Education (KCSE) examinations and recorded cases of malpractice, if any?
4. State the extent of investigations of incidents in the affected schools and give assurance to safeguard innocent candidates from the risk of examination results cancellation without following due process.
5. What is the role of officers from the National Police Service (NPS) and the Directorate of Criminal Investigations (DCI) in examination centres and the extent to which they are allowed to enforce any measures against alleged examination malpractice to avoid harassment of candidates?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Chairperson of the Departmental Committee on Education, Hon. Melly, do you want to give a way forward?

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Deputy Speaker. I will bring a response within the next two weeks. I know that the matter is important and the examinations are ongoing. I will consult with the Cabinet Secretary and bring a Statement as requested.

## COMMUNICATION FROM THE CHAIR

### DELEGATION FROM PARLIAMENT OF UGANDA

**Hon. Deputy Speaker:** Hon. Members, I wish to introduce to you a delegation from the Parliament of Uganda, who are seated in the Speaker's Gallery. The delegation comprises Members of the Committee on Science, Technology and Innovation. They are:

- |   |   |                        |
|---|---|------------------------|
| 1. Hon. Remegio Achio, MP                 | – | Chairperson            |
| 2. Hon. (Dr) Asiiimwe Florence Akiiki, MP | – | Vice-Chairperson; and, |
| 3. Hon. Patrick Bingi Nyanzi, MP          | – | Member.                |

The Members are accompanied by Ms Noeline Nakanjakko, a Research Officer.

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

The delegation is in the country for training at the African Institute for Capacity Development (AICAD) at the Jomo Kenyatta University of Agriculture and Technology (JKUAT) for purposes of learning, sharing experiences and best practices in the execution of the Committee's mandate.

On my behalf and that of the National Assembly, I welcome them to Parliament and wish them fruitful engagements during their training at the prestigious Jomo Kenyatta University of Agriculture and Technology.

Chairperson of the Departmental Committee on Agriculture and Livestock.

## STATEMENTS

### PLANNED IMPORTATION OF DUTY-FREE SUGAR

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Thank you, Hon. Deputy Speaker. On 24<sup>th</sup> October 2023, the Member for Muhoroni Constituency, Hon. Onyango K'Oyoo, requested for a Statement from the Departmental Committee on Agriculture and Livestock. I wish to report to the House that I have received a response from the Ministry, which I will proceed to read.

Hon. Deputy Speaker, pursuant to Standing Order 44(2)(c), Hon. Onyango K'Oyoo requested for a statement on 24<sup>th</sup> October 2023 regarding the planned importation of duty-free mill white/brown sugar into the country. The Cabinet Secretary for Agriculture and Livestock Development responded to the issues raised in the request for the Statement as follows.

The Member sought to be provided with a report on the volume of duty-free sugar that has been imported into the country since the beginning of 2023, and details of companies that imported duty-free sugar into the country within the stated period, including the directors of the named companies. The response is as follows.

The country has been experiencing sugar shortages and high prices of the commodity. The sugar shortages have been addressed by allowing imports of sugar into the country. A total of 163,827 metric tonnes of duty-free sugar landed in the country between January and September 2023.

Further, the Member sought to be provided with details of companies that have been authorised to import the newly-gazetted 250,000 metric tonnes of duty-free sugar into the country, including their directors. The response is as follows.

The Government issued import licences to various companies to import 250,000 metric tonnes of sugar.

The Member also sought an explanation on the measures that the relevant ministries have put in place to ensure that the importation of duty-free sugar into the country does not slow down the revival of the country's sugar industry.

The Government has adopted a policy of subsidising production through provision of subsidised fertilisers and other farm inputs to sugar growers. Other programmes initiated through the deliberate policy on promotion of local production include the following:

1. Availing good quality planting materials through setting up nurseries which will provide planting materials in bulk;
2. Development of regulations for establishment and management of sugar-cane buying centres;
3. Implementation of the recommendations of the Presidential Task Force on Regional Zoning to enable millers to plan better for cane development and facilitate the enforcement of cane supply contracts; and,
4. The Cabinet has approved the leasing of state-owned mills to private investors under management contracts.

The Member also sought to be provided with data on the country's current and projected sugar production *vis-a-vis* domestic demand that formed the basis upon which the Ministry of Agriculture and Livestock Development advised the Ministry of National Treasury and Economic Planning to authorise the importation of duty-free sugar. The response is as follows.

Kenya has been experiencing a deficit in sugar production. Over the years, the country has relied on the Common Market for Eastern and Southern Africa (COMESA) sugar supplies under the Sugar Safeguard arrangement to meet the deficit. The annual national consumption of sugar is estimated at 1,140,000 metric tonnes. This comprises of about 980,000 metric tonnes of mill brown/white sugar and an estimated 160,000 metric tonnes of white refined sugar.

The sugar industry is currently facing an acute cane shortage across all zones, with the exception of the Trans Mara catchment area. Some factories have been milling immature sugar-cane with as low as 8 per cent sucrose content as compared with the industry standard of 13.5 per cent sucrose content. The projected production for the period from January to September 2023 was 450,000 metric tonnes. The actual amount of sugar produced during that period was 373,000 metric tonnes.

The Ministry observed the following:

1. Local sugar production has drastically reduced and this is attributed to lack of adequate mature cane. Factories within the Western and Nyando regions have closed down to allow sugar-cane in the fields to mature.
2. Sugar prices have risen to unprecedented levels, which are beyond the reach of ordinary citizens. Prices have also gone up regionally due to limited production and export by major producers. Those factors have resulted in delays in shipment of approved sugar imports.
3. The depreciation of the Kenya Shilling against the US Dollar and the introduction of an Excise Duty of Ksh5 per kilo on imported sugar have pushed up sugar prices as the added costs are transferred to the consumer.
4. Sugar supplies from the COMESA and East African Community (EAC) regions are very low. Some COMESA countries have opted to supply sugar to premium European markets, which are also experiencing a supply crunch.

In view of the foregoing, and given the depressed sugar supplies from the COMESA region and the prevailing sugar shortage in the country, the Government decided to allow imports of brown table sugar from outside the COMESA region in order to make the commodity available to consumers at reasonable prices.

The Member also wanted an explanation on the measures that the Government has put in place to ensure that contraband and contaminated sugar does not infiltrate the market during the period of importation of sugar. The response is as follows:

1. Regulation of sugar importation. This is done by implementing the Crops (Sugar) (Imports, Exports and By-Products) Regulations, 2020. All sugar importers are vetted and subjected to a pre-import evaluation procedure as detailed below:
  - (a) Application for registration and issuance of import/export permits is received through the Agriculture and Food Authority Integrated Financial Management Information System (AFA-IFMIS), which is the system used by that particular Authority.
  - (b) Evaluation of the application is undertaken and approved through the following stages: Checking, Verification, Sugar Directorate, Licensing Committee and AFA Registration, and Licensing Committees. The evaluation is based on the submission of the following requirements:
    - (i) Profile of the applicant company;

- (ii) Certificate of Incorporation or Certificate of Registration of the company;
  - (iii) Business Permit;
  - (iv) PIN Certificate;
  - (v) CR 12;
  - (vi) Latest audited accounts;
  - (vii) Identity cards or passports of company directors;
  - (viii) Tax Compliance Certificate; and,
  - (ix) Directors' Certificate of Good Conduct.
2. Pre-shipment approvals to comply with the following conditions:
    - (a) Import the sugar within the stipulated days from the date of approval;
    - (b) The sugar imported must be fit for human consumption;
    - (c) The sugar must comply with Kenyan standards for brown/mill white sugar specification (KS EAS 16:2000 and KS EAS 749:2010); and,
    - (d) Seek release orders from the Sugar Directorate for each consignment at the port of entry during clearance.
  3. The Kenya Bureau of Standards (KEBS) tests and analyses imported sugar to ensure quality.
  4. Inspectors and compliance officers have been posted at all entry points to inspect and issue release orders for all sugar shipments. Inspectors work in collaboration with other Government agencies and the NPS to prevent contaminated sugar from entering into Kenya. Offenders are, therefore, prosecuted.

Thank you, Hon. Deputy Speaker

**Hon. Deputy Speaker:** Hon. Members, because the system was not working earlier on, kindly pull out your cards and re-log them so that they can be seen.

Hon. Members, I seek your indulgence that we re-arrange the Order Paper and move to Order No.12.

Next Order.

*(Hon. Deputy Speaker consulted the leading Clerk-at-the-Table)*

Leader of the Majority Party, I am told that you need to issue a statement before the next Order. Let us allow them to fix the microphones. You are safer using the portable microphone.

#### BUSINESS FOR THE WEEK OF 20<sup>TH</sup> TO 24<sup>TH</sup> NOVEMBER 2023

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Deputy Speaker, this is the usual Thursday Statement.

Hon. Deputy Speaker, pursuant to the provisions of Standing Order 44 (2) (a), I rise to give the following Statement on behalf of the House Business Committee (HBC) which met on Tuesday, 14<sup>th</sup> November 2023 to prioritise the business for consideration during the week.

Hon. Deputy Speaker, I wish to commend Members and Committees for their active participation, which has seen the consideration and conclusion of a number of key items of business in the House. The HBC truly appreciates. Members will recall that yesterday, the House adopted a Motion resolving to hold Morning Sittings on the Thursdays of 16<sup>th</sup>, 23<sup>rd</sup>, and 30<sup>th</sup> of November 2023 for purposes of considering priority business ahead of the December

recess. I, therefore, urge Committees to expedite any pending business to enable its conclusion by the House within the remaining sitting days before we proceed to recess.

Hon. Deputy Speaker, with regard to business that is scheduled for Tuesday, next week, the House is expected to consider the following Bills at various stages, some of which are listed in today's Order Paper—

1. First and Second Readings and Committee of the whole House on the Supplementary Appropriations Bill, 2023; and,
2. Second Reading of the Conflict of Interest Bill, 2023.

Additionally, debate will be undertaken on the following Motions, some of which are listed in the Order Paper, should they not be concluded today:

1. Report on 1970 UNESCO Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property;
2. Report on loans contracted by the National Government between May 2022 and April 2023;
3. Report of the Kenya Delegation to the 4<sup>th</sup> General Assembly of the Eastern Africa Parliamentary Alliance on Food Security and Nutrition (EAPA-FSN), held in Kigali, Rwanda;
4. Reports of the Auditor-General on 23 Non-Compliant State Corporations;
5. Report on the proceedings of the Second Ordinary Session of the Sixth Pan-African Parliament (PAP); and,
6. Report on the proceedings of the 2023 United Nations High Level Political Forum on Sustainable Development.

Hon. Deputy Speaker, with regard to the attendance of Cabinet Secretaries to answer Questions from Members, I wish to inform the House that due to priority business scheduled for next week, the Cabinet Secretaries who were scheduled to appear on Wednesday, 22<sup>nd</sup> November 2023 have been rescheduled to a later date.

Hon. Deputy Speaker, in conclusion, the HBC will reconvene on Tuesday, 21<sup>st</sup> November 2023 to schedule business for the rest of that week.

I now wish to lay the Statement on the Table of the House.

*(Hon. Ichung'wah laid the document on the Table)*

Thank you.

*(Hon. Deputy Speaker left the Chair)*

*(The Temporary Speaker (Hon. Martha Wangari) took the Chair)*

**Hon. Temporary Speaker** (Hon. Martha Wangari): Thank you, Leader of the Majority Party.

Hon. Members, before we go to Order No.10, for the convenience of the House, we will reorganise the Order Paper and start with Order No.12.

Next Order.

## BILL

### *Second Reading*

#### THE CONFLICT OF INTEREST BILL

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*



(National Assembly Bill No.12 of 2023)

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move:  
THAT, the Conflict of Interest Bill (National Assembly Bill No.12 of 2023) be now read a Second Time.

Hon. Temporary Speaker, allow me to, first, thank the Chairperson of the Departmental Committee on Justice and Legal Affairs, Hon. Murugara, and all the other 14 Members of the Committee who took a lot of time, including the short recess, to work on this Bill. I want to believe that even at the time we had the long recess, they had work ongoing especially on public participation in considering this Bill and for the Report they tabled before the House.

As I thank the Committee, it is good to note that Article 73(2) (c) of our Constitution provides the guiding principles of leadership and integrity. One of the guiding principles, as stipulated in that Article, is declaration of personal interest that may conflict with public duties. Further, Article 75(1) (a) (b) of the Constitution requires a State Officer to behave, whether in public and official life, in private life or in association with other persons, in a manner that avoids any conflict of interest between personal interest and their official duties or in compromising any official interest in favour of personal interest.

Conflict of interest has been identified as one of the primary and key drivers of corruption in our country and the world over. This Bill comes at a critical time when we are discussing the *mambo ni matatu* phenomenon as announced by President William Ruto in dealing with what he has described as *wakora na wafisadi*. Those are the crooks and the corrupt. When dealing with the corrupt, whether you want to deal with them through the *mambo ni matatu* approach or deal with them through a public discourse on how to wage the war against corruption, we cannot do so without the requisite legal framework that enables us, as public officers, not to have any conflict of interest as we carry out our mandates.

An analysis of all the existing policies, legal and institutional framework indicates that the various statutes and policy documents containing provisions for the management of conflict of interest are in a way conflicting and a proper framework does not exist. Similarly, the administration of conflict of interest is anchored in a multiplicity of institutions – the Ethics and Anti-Corruption Commission (EACC), and the National Cohesion and Integration Commission (NCIC), among other commissions and investigative agencies that deal with matters that touch on conflict of interest. This multiplicity of institutions that deal with issues of conflict of interest is a matter that we also need to address. It is part of the issues that this Bill seeks to address.

As I mentioned, these provisions are, however, implemented independently, leading to weak and very uncoordinated application. With the multiplicity of the provisions that exist, the fact that they are carried out by various agencies, you find that they do so independently. The EACC will do its work independently. So will the DCI, the Director of Public Prosecutions (DPP) and other agencies, including the constitutional commissions. This has led to a system where everybody does things independently and we end up with a very weak and uncoordinated application of whatever policies or laws that we want to implement. In a bid to cure this problem, this Bill seeks to have a harmonised and coordinated legal and institutional framework for the management of conflict of interest in Kenya.

If Members look at the Objects of the Bill, right at the back of the Bill, they will note that this proposed legislation seeks to promote objectivity, impartiality in official decision-making; ensuring that the integrity of the decision makers is not compromised by private interest; enhancing public confidence in the delivery of public services; providing a framework for regulation and management of real, apparent, perceived or even potential conflict of interest between public and private interest; and provide an institutional framework for the management of conflict of interest.

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

As I have mentioned, there is need for an institutional framework on how we manage conflict of interest. Just as I have said, conflict of interest is one of the key drivers of corruption and abuse of office. It is also a key driver of state capture, which we know has driven corruption to higher levels in this country and in other countries around the world. Other progressive democracies have ensured that there is absolutely no conflict of interest between individual interests while serving as a public officer. We are trying to bring our legal and institutional framework to the level where other developed democracies in the world have got their statutes to. We need to be in a situation where it is clear to any public officer what their private and public interests are. This will ensure that we do not have situations where private interests supersede public interests, especially in the discharge of duties by individuals who are serving in public offices.

In this country, we have spoken about these things since we attained our Independence close to 60 years ago. Actually, in about four weeks' time, on 12<sup>th</sup> December 2023, we shall be celebrating 60 years as a Republic. However, since the establishment of the first independence government under Prime Minister Jomo Kenyatta, and even before then under the colonial government, the talk about corruption is something that has pervaded our public discourse. Unfortunately, it has ended up just being that – simply, a talk. We talk about corruption and the ones who speak the loudest about corruption end up being the most corrupt. It is a fact. Just look at the successive governments, from Jomo Kenyatta regime to Daniel arap Moi's regime of 24 years. Years later, those who were involved in the second liberation of this country accused the Nyayo regime of being the most corrupt in Africa, but what did they do when they attained the instruments of power? You will recall that they said it was their time to eat. The same people who were telling others that they were eating were saying that it was their time to eat. The question that has remained unanswered is: What are you eating, and whose money are you eating? When you are charged with the responsibility of being a public officer, you are supposed to eat what is given to you as your salary. You should not use your public office to advance selfish personal business interests.

Hon. Temporary Speaker, look at the structure of our economy today and anybody who is worth being called somebody in the business world. Less than 2 per cent of our business community members in this country today can stand up and say that they invented certain products or they run certain industries, and that is why they are prominent and successful businesspeople. Success in business in this country has been equated to access to power. Those who have had access to political power are coincidentally the most successful people in business in this country.

It is not a coincidence. If we mean business in the fight against corruption but lack proper institutional and legal framework to deal with conflict of interest, the situation as it were during the colonial government, Kenyatta's and Moi's regimes and all successive governments will continue to be. I am saying this cognisant of the fact that we have a new administration. We are fortunate to have an administration where the President is leading from the front in addressing this issue, and not in just talking like others before him have done. He is ensuring that we have proper legal and institutional frameworks to deal with the fight against corruption. About a month ago, when this Bill was before the Committee, I had one of the rare privileges of receiving a call from him. He told me that he knew many of us were conflicted, but the Conflict of Interest Bill is for the greater interest of the public and the country. He told me to ask the Committee to expedite its consideration so that Parliament could have the opportunity to debate the issues. He heard that Parliamentarians spoke about state capture all over the country. I am guilty of speaking about it always.

Parliamentarians speak about the fight against corruption and how they intend to support the Government in the fight against it. Their tool to show their willingness and determination in supporting the fight against graft in this country is their support of this Bill. I

know there are certain small issues that we may discuss and Members may want to amend. It is okay to support this Bill with amendments, just like we do in legislation of all the other Bills. We will debate the Bill in this Second Reading stage but the actual legislation takes place during the Committee of the whole House. I invite Members to be available then.

Last week, Hon. Chepkonga moved an amendment on the National Government Constituencies Development Fund (Amendment) Bill. Close to 100 Members are now crying. Less than five of them were in the House when a matter as important as the National Government Constituencies Development Fund (Amendment) Bill was going through the actual law-making process.

I invite you to be present even during the Third Reading stage as we debate the Conflict of Interest Bill, 2023 so that we make legislation for posterity. It will ensure that in the future, whether it will be the current administration or the one that will come after it, no public officer will ever use his or her access to power and public office to advance selfish business interests.

As I said, it is not a coincidence that the most affluent or wealthy people in this country, in one way or another, are in political leadership or related to those who are in political leadership or have some affiliation of whatever nature with those who are in political leadership. I always refer to the administrations that I have seen as a parliamentarian and an adult. Hon. Junet and I were children during the Moi or Nyayo regime. However, we were grown-ups during President Kibaki's regime. We saw what he did to make our economy better. We were parliamentarians during the Jubilee regime under retired President Uhuru Kenyatta. We saw that state capture can damage a country for good. Today, we are paying the price of the excesses perpetuated through state capture during the Jubilee administration under retired President Uhuru Kenyatta.

This morning, I heard a very eloquent presentation by some of our political leaders on what they called 'dossier.' However, when I listened to them, I heard the protection of state capture of yester-years. I heard a lot of hot air and political propaganda cleverly designed to protect state capture of the last regime. The most prevalent discussion you will find in any restaurant, shopping centre or where you find people gathered today is the cost of fuel or how terrible the economy is. Many of us in political leadership are never honest enough with Kenyans to tell them that the problems that we are dealing with today are not a creation of the last nine or 12 months of the Kenya Kwanza Government, but a creation of state capture and conflict of interest of the previous regime and past regimes in this country. They used access to power to create an environment that was good for their banking businesses. They used consumer subsidies in the pretext of safeguarding consumers, but at the great expense of our economy and in advancing the private interest of oil marketers and those in the oil marketing business. They are known in this country.

The way to deal with these issues is not to shout about corruption or state capture. I will sit throughout this debate to see how many of us here today will rise to advance state capture and conflict of interest of public officers in public offices. I say this with due respect to all of us because we are also State officers. It is good because many of us are very diligent. Even those who joined Parliament when Members of Parliament were State officers and patrons of their respective National Government Constituencies Development Fund (NG-CDF) ensured that there was proper oversight when they sat in those committees.

Members of Parliament do not implement NG-CDF projects today. However, they always carry the political baggage of any audit questions that come with them. The way to protect yourselves is to ensure that this Bill becomes law and we define properly who takes responsibility over what. If there is an audit query in the NG-CDF, as much as you are expected to take political responsibility, the person who misappropriates resources will be held to account but not you, as a politician. Many Members of Parliament have lost their seats on account of misconceptions about management of NG-CDF. One of the ways to protect

yourselves is to ensure that there is no real or perceived conflict of interest in your constituency on matters to do with NG-CDF because you are a State officer.

This Bill is quite heavy. It has very many clauses and I may go on and on. I will allow other Members to contribute. I plead with all of you to support it. It will help us, as a country, in dealing with corruption, state capture and ensuring that public officers will never act in their own private interest at the expense of the greater public good.

I move and request the Chairman of the Departmental Committee on Justice and Legal Affairs to second. Hon. Junet will understand it. He wanted to second this Bill. However, the Chairman of the Departmental Committee on Justice and Legal Affairs, Hon. George Murugara, tabled the Report. I request him to second.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. Allow me to second the Conflict of Interest Bill, which has been read a Second Time in the House. I encourage Members to get copies of the Report from the Department Committee on Justice and Legal Affairs, which considered the Bill in its entirety and made certain observations that are quite informative when it comes to debating and voting on the Bill. It seeks to entrench Chapter 6 of the Constitution into an Act of Parliament.

**The Temporary Speaker** (Hon. Martha Wangari): Order, Hon. Murugara. It seems we have a problem with the microphones. I propose that you move to the Despatch Box. It will be easier for every Member to contribute from there. We have put the stand there so that you can peruse your documents in a better way.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much. This microphone is not loud enough. I hope I can be heard because now it has....

*(Technical hitch)*

I am sorry about the technical hitch. I think something is awfully wrong. I was requesting you to allow me to second this Bill and call upon the Members of this House to get copies of the Report by the Departmental Committee on Justice and Legal Affairs as regards their deliberations on the Bill and observations made. It will help all of us while debating and eventually as we vote on the Bill.

It is important to point out that Chapter 6 of the Constitution deals with ethics and other matters that govern both State officers and public officers. It is also important to note that conflict of interest, in every transaction is one of the most important declarations that has to be made before any transaction can take place in what we call arm's length situations. This is where all the parties are equal in the transaction as opposed to a situation where one or two parties are favoured in such a way that they have undue advantage.

The Conflict of Interest Bill, 2023 has several sections which have to be dealt with clause by clause during the Committee of the whole House. We have made observations on this Bill, which will call for amendments where necessary. I encourage Members to read the Bill. If there is need to amend it, the right time to do so is during the Committee of the whole House stage.

The Bill starts with what a conflict of interest is and proceeds to make instances which constitute it. All of them are there, including undue influence and misuse of power, especially when public servants or State officers are dealing with Government entities. We will move on to see what type of contexts will have prohibitions on conflict of interest. Eventually, the Bill makes it a point that we have to declare any conflict of interest, in compliance with the Act. Within given timelines, you will have to declare conflict. When it comes to property, you will also do so. This will enable the Government, especially through the EACC, to establish whether there is undue accumulation of wealth.

Then we move on to the part that deals with the complaints and ways to complain against a State officer or public officer. Once a complaint is made, how do you investigate that complaint? Eventually, what measures are to be taken? Finally, we have the miscellaneous provisions and the schedules that are supposed to apply to the Act. Very importantly, I would urge Members to read this Bill clause by clause. I would also urge you to read the Report of the Departmental Committee on Justice and Legal Affairs (JLAC). At the end of the day, the debate is going to be enriched and we will be able to make informed decisions as we vote for this Bill when the time comes.

With those very many remarks, I beg to second.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, before I propose the Question, allow me to recognise pupils from Loita Plains Academy, Narok South Constituency from Narok County, seated in the Public Gallery. Join me in welcoming them to observe the proceedings of the House.

*(Question proposed)*

Hon. Junet.

**Hon. Junet Mohamed** (Suna East, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this Bill. I support the Bill but let us be honest with each other. I have listened to the Mover, who did eloquently move the Bill. I have said, previously while dealing with other Bills, that we pass many Bills that are very good but they are never implemented. The issue of conflict of interest that is being addressed in this Bill is addressed in this House through the Standing Orders. When you are in a committee, there is a clause in the Standing Orders that says you must declare your interest if you are an interested party in a matter that is before a committee.

This country has suffered since Independence because of conflict of interest, but I strongly believe that the Bill before this House today is just for purposes of making the donors, including the International Monetary Fund (IMF), happy. It is not about addressing the real issues that this country is going through. That is my view, and that is what I think is driving this agenda.

The issue here is that as long as civil servants and State officers engage in private business; conflict of interest will never end in this country. People will use all kinds of excuses and manners to hide themselves so that they are not found guilty of the statute that we are going to pass here.

If we are passing this Bill just for the sake of it, and as I have said to make the donors happy, let us be bold enough to say that it is, indeed, for that purpose. If we seriously want to address the issues that the Mover has alluded to, when we pass this Bill, we must see action that follows its passage.

Hon. Temporary Speaker, I want the Leader of the Majority Party to listen to me keenly. We cannot have a regime in this country that is governing through lamentations and giving excuses – that, the previous regime did this or that. If they have done so much wrong, reverse it. Where necessary, act based on the law. We are now one-and-half years in the current regime. We normally have elections so that better people can come to power so that they can address the issues that have been wrongly done by the previous regime. We are stuck somewhere just looking at the side mirror. As we all know, in a car, the front view is bigger than the side mirror. You keep on reminding us that it is the previous regime that did this. Why can you not reverse it? Why can you not address it? Why can you not use the law to address those matters?

Conflict of interest is one thing that has killed this country. Do not just point fingers at other people. See the log in your own eye as well. There is a lot of conflict of interest that is happening now. We are aware of that fact. We know that edible oils, sugar and a lot of other

commodities are being imported, but Kenyans do not know who is importing them. Kenyans need to be told, in the spirit of transparency, who the people who are doing those businesses are. They are not being brought by foreigners or by people who are not known. We must make sure that we call a spade a spade. If this Bill is good for everyone, let us pass it so that this country can be saved once and for all.

The Leader of the Majority Party has said that he became an old man when President Kibaki was in power. Before then, he was walking around with pants in Kikuyu Constituency, on the streets of Kikuyu Township. I agree with him. The same was true for me in Migori Town. We have the Committee on Implementation, which is supposed to follow up to ensure the implementation of all the statutes that pass in this House. There are many statutes we have passed that are good, but they are gathering dust on some shelves somewhere. At the end of the year or every session, we will say that we passed, say, 150 Bills as a house. How many are functioning? How many are implemented? How many have not been implemented?

As I said on the issue of conflict of interest – and I will repeat – as long as civil servants and State officers engage in private businesses, conflict of interest will always be there. If we want to address this problem genuinely, when issues of butchery and meat are being discussed, for example, the Leader of the Majority Party must declare his interest and say that he is a butcher man – that, he runs butcheries in Kikuyu Town and cannot, therefore, involve himself in discussing such matters. If we know that he runs butcheries, that is the way the matter will be handled. He cannot supply meat to Parliament, for example, because we know that he runs butcheries. That is the right way to do it. I am only using him as an example.

*(Laughter)*

With those few remarks, I support the Bill.

*(Applause)*

**The Temporary Speaker** (Hon. Martha Wangari): Thank you, Hon. Junet. The next chance goes to the Member for Bomet County, Hon. Linet Chepkorir *aka* Toto.

Okay, Hon. Linet has not logged in for this debate. Therefore, this chance goes to the Member for Tinderet, Hon. Julius Melly.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Temporary Speaker. I rise to support this Bill.

The JLAC committee, led by Hon. Murugara, has done a good job. The Conflict of Interest Bill is trying to address the issue of Government officers using their positions to their advantage. It is noteworthy that many of the problems that this country is facing arise from the fact that Government officials have a lot of interest in supplying goods and services to Government institutions. In order to address this problem, we must ensure that State officials who have particular interest in particular organisations are not allowed to participate in tendering for supply of goods and services to those organisations.

There has been the issue of milk in respect of which certain regulations were brought to this House in 2021 and 2020. The issue then was that the regulations were tailored to benefit certain sectors of the economy where the influencers of those particular regulations had a lot of interest. Even with regard to the laws that regulate the sugar and coffee sectors, the regulations are normally tailored to favour certain benefactors who have a lot of interest in those areas of the economy. They are key players, especially in export and manufacture of sugar products. The same applies to the coffee sector, when you look at brokers, farmers and millers. When a law is being developed and an institution or officer has interest in it, that interest should be stopped. If such interests are not stopped, then that particular law will not

serve the interest of the general public. Therefore, what the Departmental Committee on Justice and Legal Affairs has done is to ensure that any public officer, or any other person, who has interest in any facility, is not allowed to participate in that business.

With those remarks, I support.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Member for Kinangop.

**Hon. Kwenya Thuku** (Kinangop, JP): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to the debate on this Bill. I listened carefully as the Mover initiated the debate on this Bill. I support it with reservations.

I am happy that the Leader of the Majority Party has acknowledged that there are some sections that need to be amended. During the Committee of the whole House, I will move the amendments that I am desirous of moving so that we can fine-tune and align this Bill to the facts on the ground.

More often than not, we are conflicted, whether in our duties as Members of Parliament or with our brothers and sisters who work in public offices, especially those in human resource and procurement offices. For example, in human resource, candidates apply for jobs and one is required to interview them and pick the best candidate in terms of merit but it may chance that it is a relative to the human resource officer that has the requisite qualifications. In such a case, the issue of being conflicted should not deny that person opportunity to work in any public office just because their relatives are in that office.

On the issue of procurement, I have taken time to understand the Public Procurement and Disposal Act, 2015. Public officers who take part in evaluation of tenders and other procurement issues take time to go through Form CR12 on registration of companies to find out who the real directors are. During the evaluation, the officers may innocently find out that company 'A' belongs to a relative. Coincidentally, that relative may be the only person who is qualified to do that job. What happens in such circumstances? My opinion is that we are over-legislating. This is because the Ethics and Anti-Corruption Act has set the threshold as to what needs to be done. Even in this House, like Hon. Junet has stated earlier on, Standing Order 90 has a way in which conflict of interest is dealt with. Once a Member of a Committee declares an interest, it does not stop them from carrying out their duties. It is allowed to pass. We do not want to pass a law that will give EACC a lot of fodder than is required. We must look at the merits and demerits of every law that is passed in this House. That way, we will not just legislate and give additional work to EACC, who are already over-burdened with workload and yet, we do not build their capacity in terms of budget and human resource. It is time we interrogated the kind of statutes that we pass here so that we do not over-legislate.

Hon. Temporary Speaker, allow me to read the definition of a "relative" as contained in the Bill:

"Relative" means a person who is related to a public officer by birth, marriage, common law, partnership, adoption or affinity and includes a public officer's father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother...'

The list is endless. It is dangerous for this House to pass such a law without considering the subject matter. This is a Bill that we need to revisit before we pass it. If we pass it as it is, we may make it almost impossible for any of our relatives or relatives of people in public service to engage with the Government in any way.

Let me pose a question to this House. In the example that was given by Hon. Junet of the Leader of the Majority Party being the owner of a butchery and he is the only person with quality meat that can be sold anywhere in this country, but he cannot sell it to Parliament by virtue of the office he holds. What happens in such an instance? We have not looked at the fact that, as much as there is conflict of interest given that he is a public officer, he has the requisite skills, goods and services that are required to be consumed. Therefore, we must look at this

Bill deeply, scrutinise it and bring all the amendments that we need before we pass it. Otherwise, it will be an effort in futility. I dare say that we will be shooting ourselves in the foot if we pass this Bill as it is. I support the Bill with reservations. I will move amendments during the Committee of the whole House.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Hon. Ndindi Nyoro, is your indication on this Order or Order No.10? Have you indicated to speak to this or the next Order?

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you very much, Hon. Temporary Speaker. I agree with all speakers that there has to be a clear demarcation between private enterprise and public service. Part of the reasons why countries like Kenya are not able to unlock the potential of its citizens is because we take the easy route where people interact with public resources. When people deal with public resources and enrich themselves through the same either via policy or by directly taking public resources, there is usually very little economic activity involved in making money. Whenever I rise to speak in this House, I do so to support any kind of Bill that minimises or even decimates corruption in our country.

Allow me to refer to one analogy. The reason why young and enterprising people in African countries find it easier to join politics rather than enterprise is because of extracting political rent. This is a juxtaposition of what happens elsewhere. For example, in the USA, the reason why most young people graduate from universities and either go to the Wall Street or the Silicon Valley is because private enterprise thrives there. However, in Africa and other emerging economies, especially where the State is still evolving, a majority of people go to the public sector instead of creating value in the private sector. That is because it is easier to extract political rent when dealing with a public office – something that the prevailing efficiency in the private sector cannot give room to.

Sometimes, we read in the newspapers, for example, of cases where an individual embezzled Ksh2 billion. Such money creates no economic value. You cannot compare an individual who has taken away with Ksh2 billion with a private company that makes Ksh2 billion as net profit. If I may cite listed companies, you can find a company that is making a net profit of Ksh2 billion, which has a lot of multiplier effect in the economy. It involves many people in terms of employment as well as in terms of forward and backward integration.

Therefore, this Bill will minimise conflict of interest by public servants. It will clearly demarcate the people serving in the public sector with those making money. Making money is not a bad thing. So, it is important for us to continue strengthening our laws and ensure that we zero-in on the demarcation I have mentioned.

I have a slight problem with the definition of ‘conflict of interest’, especially with the word ‘relative’. In companies, there is limited liability and the same applies to individuals. For example, my brother, Hon. Muriu, is a lawyer and, maybe, he has a brother who is a business person. You could find that he has a close friend who is not related to him in terms of kinship. Therefore, it will not be proper to load him with the activities of his brother. Going further, maybe his wife – and I am using him as an example... I do not think this is a good path to trend on. We put a lot of liability on an individual who has nothing to do with the activity of people related to them in terms of kin selection.

Hon. Temporary Speaker, conflict of interest is not just about making money but also employment. This happens as States evolve because when we look at nascent States, the only sociability which happens is kin selection. As the economy and nation grows or a State evolves, the circle of sociability grows. So, conflict of interest is not just about tendering because this is popular in Kenya. It is also about nepotism and opportunities within where we serve. So, when you are given an opportunity to serve in a State like ours, which is based on merit, the



selection should always be in terms of merit. It should not be selection in terms of who to employ but also who to do business with.

During the Committee of the whole House, I will bring amendments so as to strengthen this Bill, which clearly demarcates between public and private servants. We should not give law enforcement agencies an impossible job because people are related in one way or another. I do not know what will be happening because when I look at Hon. John Paul and Hon. Kwenya, the Member for Kinangop, they look alike.

*(Laughter)*

I do not know whether we will be doing Deoxyribonucleic Acid test (DNA) or how we will determine who is related to who. So, let us not give our law enforcement agencies an impossible job.

Lastly, we must also depart from the idea that only an elected person is a public servant. This is a confusion in Kenya in regard to many aspects. We seem to understand the circle of public servants as Members of Parliament, governors or other elected leaders even though the people who call the shots in the public service are not elected leaders but appointed public servants. The Bill has put more weight on an elected person whereas, as a Member of Parliament, I am not an accounting officer of even my NG-CDF. I only play the oversight role. Therefore, we should not continue to criminalise a person who has come out to serve and block all their spheres regarding everything they do.

I am not trying to say that politicians should do business but, if a politician is a business person, he should thrive in doing business. Also, an appointed public servant like Cabinet Secretary, Principal Secretary and Chief Executive Officer (CEOs) is the one who calls the shots. Even Members of Parliament queue at their offices as they look for opportunities to serve in terms of projects or assisting the people they serve. Therefore, we should take the law where the rubber meets the road – the accounting officers.

Thank you very much, Hon. Temporary Speaker.

*(Applause)*

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, before we listen to the next speaker, I am getting a lot of questions on whether the item appearing as Order No.10, the Committee of Supply; will be debated today. Let me clarify that it is still on the Order Paper. We have just re-organised the Order Paper. We will go back to it after this debate.

The next chance goes to the Member for Ugenya, Hon. David Ochieng'

**Hon. David Ochieng'** (Ugenya, MDG): Thank you very much, Hon. Temporary Speaker. This Bill is very timely because for this country to survive in the next five or ten years, as a growing concern, depends on how public servants behave. Conflict of interest has been a big issue and it continues to be one. So, I believe it must be addressed.

The definition of a public officer is any person who renders government services whether appointed or elected, full time or part time and permanent or temporary. It includes a State officer, member, employee, *et cetera*. These are people who are employed in any State organ, national Government or county government. It includes everybody in the Government service. For a long time in this country, in the Ministry of Roads, road contracts were given to engineers. In the Ministry of Water, water contracts were given to water engineers. In the forestry sector, contracts were given to public servants.

I support this Bill because there are many businesses in this country that are being done by public servants. They make money and keep it in their houses. The money does not circulate

in the economy since they fear being apprehended because of corruption. So, for us to live well in this country, we should ensure that every Kenyan gets an equal opportunity in business.

As the Leader of the Majority Party has said, Government spending in this country is almost 70 per cent of the money that circulates in the economy. If it is only among a few people, we will not go anywhere. In as much as I have heard my colleagues talk about selecting politicians, we are as guilty as charged. I dare say that all Members of Parliament control how roads and NG-CDF projects are procured in their constituencies. That is the truth. I do not fear saying so because we must accept the things we do, which affect the growth of this country.

You can have your say but I will have mine. This is because of our own failure to accept our laws. This law is not being made for anybody else but it is meant for us. So, we should not expect that when it is passed, we will be exempted. Let us agree that all of us, as a people, must respect our laws. We must stop interfering with tenders for roads, buildings and housing, among other projects, in our constituencies.

If we agree that this country has to grow, we must accept that all of us will play by the same rules. We cannot expect procurement officers in Government offices to comply and we do not comply. All of us must accept that this is a cancer that has messed up our country.

We will be passing the Supplementary Budget today. I can tell you for sure that there are people who already know what is in it for whom in the Supplementary Budget that we will be passing during the Committee of the whole House this afternoon. How do we build a country that way? You pass a Budget of Ksh3 trillion and people have already decided “*yangu ni hii, yake ni ile*” in that budget. It cannot work. I do not care what Members are saying. I do not care whether you are making noise or not. We have to shape up as a people. We cannot have a situation where we pass Bills but we do not want to follow them once they become laws. This country is going down because politicians are greedy. They want to have everything. I am also included in that definition. We will not go anywhere if we do not stop greed and primitive accumulation.

Hon. Temporary Speaker, we have been complaining about our Principal Secretaries and Cabinet Secretaries for the last 11 months. We are seeing Cabinet Secretaries whom we knew what they used to earn but are now vomiting on our shoes in less than one year. We can see it clearly. All of us must act within the law. We cannot have governors having apartments all over town and yet, we know they did not have even a bicycle before they became governors.

Members of Parliament, we cannot hope to exempt ourselves from this law. This law should pass. I have said several times that I believe the EACC should start with us in Parliament, if we are to fight corruption in this country. The EACC should start here. Let it start here so that we deal with ourselves. Those of us who ask Cabinet Secretaries for money when they appear before us must be dealt with. We cannot have a country where we think that we can just do things like this because we are Members of Parliament. I disagree.

*(Applause)*

This country can be cleaned up if this important law is implemented to the letter in all the segments of public service. Judges in the Judiciary, Cabinet Secretaries in the Executive, procurement officers, accountants and everyone wants to get rich by virtue of where they work. Where will those who do not work in Government get money from? How will they win tenders?

Leader of the Majority Party, I request you to fast-track this Bill. I agree with this law's definition of relatives. People are hiding money in their sons-in-law's and brothers-in-law's homes and then they cry that there is no liquidity. You cry that there is no money in the economy and yet, you have taken money in Kenya Shillings and converted it into Dollars. There are no safes in the shops in this country nowadays. If you go to any shop, you will not find a safe. Politicians have bought them so that they can keep money at home and then you

cry that we cannot afford this and that. We must shape up. We must lead the way. It cannot just go anywhere.

I support this Bill completely and request those who are concerned to do their best. You cannot tell me that it started from nowhere. The culture of police officer picking up Ksh50 from motorists has been in existence for a long time. Why does someone want to be appointed chairman of a department in Government? It is not because he thinks there is an allowance. He believes that being a chairman of a commission, committee or board gives them room to access Government tenders. That is why they want to be appointed. Very few guys want to serve.

This Bill is about public service with honour, dignity and integrity. We must agree as a people that our problems are ours and of our own doing. We have done this for the last 60 years. It has to change. If you want to serve, serve with dignity. Do not try to make money in your service and hope that someone else will not do it.

Therefore, I request those concerned - the EACC, our courts, the police system and even lawyers like myself - to be alert when this law passes. I have seen a matter that has been brought before this House and then fellow advocates in this Parliament go to court on the same matter the next day. It does not help us. We cannot work that way. We cannot hope to build a country where anything goes.

I ask the President, wherever he is today, to also talk to his Cabinet Secretaries, Principal Secretaries and all his appointees once this law is passed. He must tell them that there is a new law in town. *Ukishikwa shauri yako!*

With those remarks, I support.

**The Temporary Speaker** (Hon. Martha Wangari): Well said. Member for Dagoretti North, Hon. Beatrice Elachi.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I rise to support. I know we shall have to really look at very many clauses and try to clean the Bill so that all of us can appreciate it. It will help to change the way we think, how we look at things and how we appreciate our country.

In the history of Kenya, we killed our country the day we decided that civil servants can do business with the Ministries they work in. That was the day the culture of corruption got entrenched in our country and our minds and how we do things daily. At the same time, we have to say that it is fair if one is doing clean business and can pay their revenues. Clean business means what the late President Kibaki entrenched in this country. During his presidency, any eligible Kenyan would do a tender. One did not need to know who is who in an office. When starting the tendering process today, you are told you must give something for it to go to the next stage. We have inculcated a behaviour that will endanger even the future of our children.

As I support, we must agree that conflict of interest starts from this House because we do all these things in the Departmental Committees. More importantly, we must accept that the directors know. That is why I have always said that we must agree to go back to performance contracting, if we want to clean up all this mess. There should be a job group in the civil service for which people compete to be on contracts. Those in this cadre can do two terms and leave after their contract. It is very tough to bring in this law and say that we clean and yet, we have someone who has worked in an institution for 30 to 35 years. We have to start cleaning at a very different level.

I agree with the Member for Ugenya Constituency that it is time we asked ourselves whether we want a better country where everyone can get something and move or a country where we shall be counting numbers and saying: 'These three have made billions of shillings!' How we talk about billions of shillings surprises people in Kenya and East Africa. It is like a normal thing in Kenya nowadays. However, the most important thing is that this Bill is not

targeting anyone. It is just a Bill to clean up our mess. I believe there can be a few amendments if we, in this House, agree that we are, indeed, in a mess and there is need to deal with it.

The most important aspect is that nowadays, we hide too many things in the family. I do not need to hide if I am doing business if we can clean that up. Let me do it in a clean way. Let it be gazetted that I did a business because I am a Kenyan. Using families is where there is a disease. It is where we hide too many things. We need to look into this aspect.

I agree that we should consider the ability of public officers to act objectively. As our Chairman of the Budget and Appropriations Committee has said, these things start at very different levels. We need to ask ourselves questions from the level of directors. Let us go the Chinese way or do what the Export Processing Zones (EPZs) do – picking one thing and moving on with it. When doing cars, the Chinese move step by step. In the end, nobody has credit because everyone has touched on it. For us, you find that only a few people prepare the whole document. Therefore, they know where the nitty gritty is. They know the specs needed. They will even send you to China with the specifications before the tender is advertised in the papers. By the time the tender advertisement comes out, it is already known whom it belongs to. That is where the problem is. Can we do it the Safaricom way? Advertise the tender online such that when I apply, I do not know who is in charge. I only need to check if my documents have gone through. If my documents are correct in the first stage, they proceed to the next stage until they get to the last stage of the tender application. I would not need to know anything or anyone. The only determinant is how and when I submitted my documents.

All sectors of the Government have tried to digitise their processes. Even then, there are always manual processes here and there. That does not mean that we deny ourselves the opportunity to engage in business as Members of Parliament. It just means that we need to do things correctly. We need to be free to engage in business correctly because we are also Kenyans. We should leave it open just like it was during President Kibaki's administration, where many people were able to engage in business.

We have the Access to Government Procurement Opportunities (AGPO) for the youth. Many youths have decided to pursue AGPO but, in the end, those who have been engaging in business for the last 50 years are the ones who got the opportunities. For example, someone in the Ministry of Health, who has engaged in business since time immemorial, is still doing the same. The Bill should stipulate that if you have worked in a Ministry or company for over 20 years, you must leave. That is the real conflict of interest. What are you still doing in that Ministry? This must cut across all Government Ministries. Give young people an opportunity to also engage in businesses, not just one person. It is not fair. Those are the things we need to consider as we talk about conflict of interest.

It is not only about the EACC. You can call EACC officers and do what I saw happening in my county, where you give them something small and they go away. Some EACC officers are even being used by politicians.

We must change the culture of setting up other people just as we set up Ms Ann Njeri. We have told her that she does not have the requisite documents but nobody is saying where her fuel is. That is another conflict of interest. We have just decided to rob her. We even dare to ask her where she got all her billions from. How dare we do that to a woman? We dare to ask her such questions because she is not a Cabinet Secretary or a Government official. She is just an ordinary Kenyan who has been engaging in business. Even as they build a case of conflict of interest against Ms Njeri, you will find that the money did not belong to her. She is just a smart businesswoman. She may have decided to engage in business on behalf of a Uganda, a citizen of the Democratic Republic of the Congo (DRC), or any other country. That may be her client's money.

We must question all officers in authority. We may even find cases of conflict of interest at the Kenya Revenue Authority (KRA) and many other authorities. How many authorities do

we have to deal with? Do we need all of them? Do we also need to litigate everything? Is there a way we can just agree on our values?

I support the Bill but I hope that we will amend a few things because Members of Parliament have a right to engage in business just like any other Kenyan, but in the right way.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, I have noted that there is a lot of interest in this Bill. I know that each Member gets to speak for 10 minutes, but if we keep our contributions short, as many Members as possible will get a chance to speak. I can see some Members raising their hands. Please, do not raise your hands. I have the order of names and I will try to follow it as much as possible.

The next chance goes to the Member for Emuhaya.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Temporary Speaker, for giving me this chance. The Conflict of Interest Bill is trying to take us to level zero, which is good. I was recently talking to a young man who had just left college and I told him to try engaging in business. He said that there was no need to engage in business with his Bachelor of Arts Degree in Commerce, a master's degree and a doctorate degree. He said that the best business to engage in, in Kenya, is politics, which is the highest earner. He also added that the best business to engage in, in Kenya, is being in Government because you can get everything that you want.

The issue of conflict of interest, which the Mover and the Leader of the Majority Party, spoke about has a long history that began in the time of Sir Evelyn Baring, who was one of the first governors in the pre-colonial government, to Sir Malcolm MacDonald, who handed over Independence.

The issue also picked up during President Jomo Kenyatta's regime. That is why people often speak about developmental disparities in this country. How often do you hear people from the North Eastern part of this country like Turkana, say that they are less developed? The policies of the time favoured people who were in Government, like the late Tom Mboya, who came up with Sessional Paper No.10 of 1965, and who recommended that resources be put in places where there was capacity and potential. Those are all examples of conflict of interest because those people were in power then could make decisions that favoured them and nobody else. That is why we are now grappling with how to equalise people. We have the Equalisation Fund to try and equalise Kenyans.

The next regime was that of President Daniel Moi, which experienced the worst cases of conflict of interest. If you were in the Government, you would have resources and you could plan how to get more. That is why the Moi regime had its own side effects. You saw the political atmosphere towards the end of his regime where, by the time he was leaving Uhuru Park during the inauguration of President Mwai Kibaki, Kenyans were singing "*Yote yawezekana bila Moi.*" That was not just because President Moi was a bad political leader, but also because cases of conflict of interest during his time in power made him appear bad to all but a few Kenyans. The best leaders were during President Kibaki's regime, and they should be commended.

Cases of conflict of interest are polarising the politics of this country. Those who are currently in power feel that it is their time to eat because they have access to Government resources. The biggest entity that one can engage in business with in this country is the Government. If you are in Government, you have access to monies and, therefore, you can become rich. That is probably why the young economist who has a Bachelor of Arts Degree in Commerce thinks that there is no better business to engage in than politics. He is right to an extent. How many young people in Kenya excel in business and become respected business people? How many young Kenyans excel in innovation, become respected innovators, and grow rich? The Chairperson of the Budget and Appropriations Committee echoed similar sentiments, which I thought were very correct. The Bill addresses the fact that for one to amass

riches, they must be in governance or in power. The Bill is taking us to level zero, which is the best position to be in.

We must congratulate the President. Tabling such a serious Bill in Parliament takes courage. The effects of the Bill will cut across all institutions like a razor once it is passed in terms of what people in governance and power do *vis-a-vis* the contracts and money that they enjoy. If we want to change Kenya, and we believe in the Bottom-up Economic Transformation Agenda (BETA) model that we talk about, we must move to this direction so that everything is done clearly. People will declare their wealth and we shall clearly see who is doing what and where they are working.

When I looked at the Bill, in its first instances, it tends to some extent curtail freedoms and rights of people, and, more so, of those who are in political offices - not only the Members of National Assembly and Senators, but also Members of the County Assemblies (MCAs). According to the Constitution, Members of Parliament and other representative leaders do not only speak about their own issues, but also represent other people. It goes on to declare that if a matter is in an area where that person has a conflict, then he does not have to speak on it. This means then that he ceases to have his freedom of representing the people who gave him power. Most of the things we speak here are not for ourselves, but for the people out there. There will be serious need to do some amendments during the Third Reading so that we correct that. We should not deny the power that has been given to those who are in positions to speak and represent others simply because of the issues of conflict of interest.

I also see a duplication of the powers given to the EACC, because they are the same powers they have in their own Act. In this one, I see them being given too much power. The risk is that this same body that we are giving too much power is one that can also get corrupt by itself and run away with the conflict of interest issue. We must also guard that this will not be used to hurt other people who are not in power so that somebody is simply followed using this law. We have seen that earlier on, and then a person is put aside at the expense of the reality. This is a good law that brings sanity, clarity, uniformity, some responsibility on ourselves, but we have to begin by changing our culture, values and approach to doing things. We must accept as a nation that this is the direction we want to go. If we do this, Kenya will be a great place because there will be no worry for even those who are in the minority to say that we must go to power the next time, because power will not be associated with political and governance corruption. This will be good.

I support. Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Njeri Maina.

**Hon. Njeri Maina** (Kirinyaga County, UDA): Thank you, Hon. Temporary Speaker. As a Member of the Departmental Committee on Justice and Legal Affairs, and noting that public officers owe a fiduciary duty to citizens and the public, and that duty must be exercised to the utmost highest attainable level, I have deep-seated reservations in passing this Bill as it is. The Committee recommended that this House examines and scrutinises this Bill clause by clause.

I will refer and take Members to Clause 31, which gives the EACC powers to be the investigative body and the repository. The Constitution of Kenya gives every Kenyan citizen the right against self-incrimination. These powers can be abused. We have seen and I know that some Members of this House have been culprits of weaponisation of the law. We can never allow it to happen again. This House must pass laws for the posterity of this nation. We also need to balance and ensure that we protect against unjust enrichment through abuse of public office. We must also protect against nepotism so that we do not have people using their positions of power to influence and ensure that they have sort of a cartel where they cut out other Kenyans from accessing resources and employment opportunities because of the power they hold by dint of the fact that it is a public office.

I, therefore, request and call upon the Members of this House to examine this Bill. Let us not just make comments without information. Let us speak from a point of information so that we do not pass laws which can be used against us at any given point.

Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you for taking quite some short time. The next chance will go to the Member of Parliament for Alego Usonga, Hon. Atandi.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Thank you, Hon. Temporary Speaker for giving me this opportunity.

This is a very important piece of legislation. It is a good one because the cost of public service or politics is very high. There is a perception out there that when you join politics or public service, by way of conflict of interest, you become rich very fast. When elections come, everybody wants to join politics. The same happens when public jobs are advertised. You normally see a huge number of people who are expressing interest. Even those who hold very good jobs in the private sector want to leave and come and do small jobs in the public sector because there are opportunities to make money. I really support this piece of legislation and hope that it can be used to tame the appetite for public service.

Secondly, on the implementation of this law, I know that most colleagues have said that the law could be abused by agencies such as EACC and Directorate of Criminal Investigations (DCI). That is a fact. There are also some laws that you can make that can end up being used by those agencies to enrich themselves and harass innocent people. If the EACC and DCI are given powers to summon public officers, they can do so in a way that undermines the objective of the legislation. That is the only comment I wanted to make.

I also want to add that conflict of interest happens in many instances. For instance, a public officer may own a business that trades with the Government. There are public officers who own hotels. If you own a hotel as a public officer and you send Government officers for a meeting there, that is public interest. This is notorious even here. There are specific hotels where we go for seminars. If Parliament is going to Mombasa, you find that they are only going to one hotel. I have been informed that the hotel has a relationship with senior public officers. We need to look at this thing and say it as it is. Public officers who are in business must desist from using those opportunities to do business with the Government. I also want to give an example to show you that there are benefits for being in public service. There are Government Cabinet Secretaries who were recently buying suits along River Road but I recently met them buying suits with me in Milan. After using those offices to enrich themselves, they are now even dressing in designer suits – something which they could not do before they joined those offices. The truth of the matter is that we must allow this law to be implemented. I was joking that this law is good, but it could be bad for my friends on the left side of the House. On the right side of the House, we really have nothing. *Tumezoea*.

I support.

*(Laughter)*

**The Temporary Speaker** (Hon. Martha Wangari): I do not know whether Hon. Yusuf was protesting your statement, being your neighbour, but I will give him this chance to contribute.

**Hon. Yusuf Hassan** (Kamukunji, JP): Thank you, Hon. Temporary Speaker. I join in supporting this Bill. It is a very critical and timely Bill because it comes at a time when we want our country to move forward. We cannot fix the deeply rooted problem of corruption in our society without addressing the elephant in the room – our rotten Public Service and the

political elite sitting in this House, who are now finding excuses and reasons for not supporting this Bill.

Unfortunately, Kenya has a terrible reputation internationally. We are putting our act together. We want to be a respected developed country. Our leadership is trying to raise our profile globally. We need to deal with the negative aspect of corruption, and particularly the issue of conflict of interest that is widespread. When I came back home from abroad after many years, I raised this issue. People thought I had dropped from another planet. They thought there was nothing wrong with it. They thought it was quite normal to do business in the organisation that you work for and ask for contracts through the channels of public service and political circles.

We should really push this particular Bill, so that we can give a terrible blow to the runaway cancer that is eating into our national fabric. Corruption is a crippling disease. It not only affects us in our daily lives as a vice, but it is also costly economically. It costs our economy billions of shillings every year in terms of monetary value. It also affects how we do business. There are a lot of people who would like to invest in our country. When they compare us with neighbouring countries like Tanzania or Ethiopia, we are always rated lowly. They say that Kenya is a beautiful country which has a great opportunity for investment. However, the depth of corruption and the conflict of interest is such that it is not a good country to do business in. Those people go to Rwanda and Tanzania.

The Governor of the Central Bank of Kenya (CBK) spoke about our economic situation the other day. He said that Tanzania and Uganda get more foreign direct investment because the environment for doing business there is better than ours. Conflict of interest and corruption are some of the obstacles in many of our institutions.

We have a grabbing culture that is entrenched in the Ministry of Lands, Housing and Urban Development. In many of our ministries, civil servants and the political leadership accept to take money from people. This has created a culture where our country is known as *nchi ya kitu kidogo*. In other words, *nchi ambayo kila mtu anataka kupata kitu kidogo kutumia cheo chake serikalini*. It is high time we dealt with this particular issue. I know that this Bill will have a lot of difficulties passing in this House. I can see the signs, and hear the whispers and murmurs. However, it is very good for our country. It will improve our reputation, create a better environment for doing business and raise the status of our country as a good tourist and investment destination.

As I speak, Jomo Kenyatta International Airport (JKIA) is a crime scene. When our diaspora people come back, they are grabbed by corrupt elements at the Airport. When tourists come here, they are harassed and made unwanted by the corrupt officials. *Watu wanataka kitu kidogo*. We need a Bill that will deal with issues of conflict of interest, so that we know where everybody is and put our country on the right track. If there is an abuse by the EACC and the bodies that we have given that power, then obviously as Members of Parliament, we can go back to make sure that those laws are not abused and they serve our people and country for a better future.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Tigania West.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to this Bill.

As I look through this Bill, I fail to get the difference among corruption, misuse of position or office and conflict of interest. These three words, in this particular respect, appear to be intertwined. The Bill talks about management of conflict of interest, which implies that it is there. Therefore, what we need to do in this particular Bill is to organise ourselves on how to manage it. Conflict of interest exists in many ways. I will take a few minutes to look at some of them. When one is in conflict of interest, it means that he does not follow the norms. It also



means that he will foster vouching or acquisition through unfair means. You can vouch for a friend, relative, an associate and so on.

Looking at Part III of this Bill on conflict of interest, the word “friend” is missing. I do not know whether we should consider a friend to be an associate or any other person because it does not clearly do that. Many things happen because people are friends. They push others to do things that are not right.

According to this Bill, conflict of interest has been defined as vouching for a friend, relative or associate. It has also been distinctively given as impairment to deliver a function or a service. One is so much interested in his acquisition. Therefore, he does not deliver a function or service. That is one of the mischiefs that the Bill comes to cure. The other mischief that this Bill comes to cure is where private interest gets into conflict with the duties of an individual. We see this happening in many cases. I want to look at a scenario where we send police officers to arrest thieves. They may be drawn from one or different stations. However, you put together a team to make the arrest. Once they go to arrest the thieves, they come into contact with what was stolen which, sometimes, is money. It is never recovered in full in this country. It changes hands, when it is already discovered. I do not know whether that is stealing or conflict of interest. How can we stop such things from happening?

On the other hand, and I know most of the Members have experienced this, when we have a committee or board conducting interviews to try and give opportunities that are very scarce to Kenyans, where many of them are qualified in this respect, they take leave to discuss how they will distribute those positions. We have seen this happen in this House. They discuss how to distribute those positions but not based on any credentials or qualifications, or forms of equity. They distribute them according to their interest. To what extent does this Bill cure that mischief because it happens almost every day? Disclosure of conflict of interest is a requirement as per the Kenyan Laws. I want to refer to the example I have given and declare that before the meeting commences, disclosure should always be acquired and registered. People only say that they will leave when you are interviewing a particular person. That is considered to be good enough. The discussions and sharing of positions that follow is that conflict of interest, corruption or misuse of offices of position?

If you want to know when the conflict of interest is going on, people avoid using the norms. They avoid using the standard operating procedures and let the conflict of interest reign. First, they fail to plan or decide not to plan. I will look at a situation like our constituencies. In our constituencies, if you follow us, you will realise that the majority of us do not have a strategic plan or a five-year plan. If the plan is there, sometimes it is shelved. What do we call that? Let us go further. Retirement of procedure is common, where one of those who is supposed to be manning the delivery process becomes extremely powerful. The want of a Member of Parliament in the NG-CDF case is what matters. Nobody else can contribute to a decision in such a case. If you want to be very honest, some of us have had the Fund Account Managers changed more than four times in a span of one year. Three, four or five times. What is the problem? Is it that those officers are not qualified or do not know their work? Those officers step on the toes of Members, and that is why they are changed. Therefore, we over-dominate the situation.

Hon. Temporary Speaker, this Bill comes in to cure the mischief that reigns in the decision-making process in most of the decisions that matter in terms of sharing resources, positions and managing a situation. The acquisition has misled many Kenyans. Sometimes, I marvel. We have seen people regarded as very clean civil servants. They have not taken any loan, not been given any grant but, they own estates and flats. Huge buildings and fleets of cars and matatus. Is that stealing? Is it a conflict of interest? Is it corruption or what is it? There is a law that needs to be managed in this country. In managing this, we need a law that can distinguish and question: Where did you get these resources from? There is the issue of

registering interest in terms of the names of relatives and friends. I believe that is what happens. When I look through this Bill, I wonder how that can be cured. As we talk to Kenyans and among ourselves, as we try to make this law, let us ask ourselves very serious questions like how do we make sure that we remain within the norms. How do we make sure that we do not budget for things that are not in existence? How do we make sure that we deliver what is required to be delivered in the right and best way possible?

I support this Bill.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Nicholas Mwale.

**Hon. Nicholas Mwale** (Butere, ODM): Thank you, Hon. Temporary Speaker. I rise to contribute to and support the Bill.

This country has had a lot of incidences where people have complained, others have gone to the extent of even going to court to protest because we have resources like government allocation or jobs given based on nepotism or corruption. The Bill is going to address many issues, among them the equitable distribution of resources, which has become a nightmare in our country, even to date. You just heard my colleague, Hon. Ochieng', claim openly to this House that even the Supplementary Budget which was tabled, we have people who have put projects in it, knowing very well that it has some conflict of interest. I bring to your attention that unless this Bill passes and becomes law, it will be very hard for Kenyans to get what they have a right for. As we look for the benefits of this Bill, I also want to outline some of the issues which we need to amend.

Clause 8 talks of the word perceived. We saw the Teachers Service Commission (TSC) coming out very strongly requesting the deletion of the word. If that word continues to be used, then the implementing organs might use it in a way to discriminate against public officers, especially teachers.

We also need to weigh in on the privacy of State officers. The Bill emphasises scrutinising the way they live. For example, to which extent are you going to investigate my wife or someone's husband? If this Bill is not amended, then we will have Kenyans fearing to be spouses of public officers because the moment you are a spouse of a public officer, your privacy is interfered with. You also look at the issue of to which magnitude the implementing authorities request information. We have seen scenarios where implementing authorities have used these laws, especially to attain certain political interests or even to perpetuate corruption.

I urge my colleagues to amend some clauses that will bring a lot of problems to Kenyans. Otherwise, I support the Bill and rest my case.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you, Hon. Tindi. For your information, you can also bring the amendments as a Member of this House.

Hon. Jackson Kosgei.

**Hon. (Dr) Jackson Kosgei** (Nominated, UDA): Thank you, Hon. Temporary Speaker. At the outset, I wish to support the Bill with a rider. As many of my colleagues have stated, some amendments are required to avoid the weaponisation of such a good law against certain perceptions.

It has been said that conflict of interest takes place when our judgments, decisions and actions are compromised by the position we hold in our relationship with the people who are closer to us when we decide on priorities. That is family members, our own interests, friends, financial considerations, in that we have companies which are connected to us and other social factors that might make it appealing to us while making such decisions. Balancing and managing conflict of interest in the public sector, therefore, calls for a very careful consideration of both legal, moral and ethical expectations on the same. We have witnessed situations where merits have been ignored by the privilege of authority and denied people who deserve positions because of where they come from, what they do not have and their lack of connections. This Bill is necessary but as we progress to the next stages, some amendments

must be introduced to ensure that we do not deny opportunity to people who may not be connected to public officers and yet, they qualify. They are citizens and we should not entertain bureaucratic discrimination by virtue of being perceived to be related to someone. Beyond the law, national pride is the one thing that can be inculcated in the lives of Kenyans. We will look at Kenya beyond our own communities and close friends in considering and making judgement or decisions that affect other peoples' lives. I support.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. The Deputy Leader of the Majority Party, Hon. Owen.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you, Hon. Temporary Speaker, for giving me the opportunity. I would like to make my contribution as follows. The law we are debating here today is a feather on the war against corruption in this country. It will strengthen institutions and ensure that people are not conflicted as they exercise the authorities they are given in public offices. This law will right many wrongs in this country like misuse of power to benefit family, relatives and friends. This law will give an equal opportunity to all Kenyans. My community does not have many individuals who hold high offices or Government positions. They get disadvantaged in recruitments because the officers who occupy high offices recruit their relatives. My community, the Mijikenda and Giriama, do not have people in high places. When a recruitment is done by the Government or parastatals, including those in their backyards, they do not appear anywhere. There are many parastatals in the Coast region, but when the managing director or the person in the highest position hails from a certain region, the qualified locals are overlooked just because of discrimination. I laud this law. It will give qualified people from my community an opportunity to also serve this country and generate income.

Today, many Government officers have formed their own companies. For instance, there are chief officers, heads of parastatals or Principal Secretaries who tell their wives and children to form companies and thereafter, all the tenders and Government contracts are awarded to them. That means no one else will be able to conduct business with the Government except those relatives and friends. This law comes in to cure that malady. Conflict of interest is the primary cause of corruption and poor decision-making. Many wrong decisions are made because someone wants to favour a relative. They are conflicted and end up making wrong and injurious decisions that are burdensome to the community.

In some cases, Government officials who own banks try to manipulate the interest rates at the Central Bank because they have access to the decision-making process and in turn make millions of shillings for their banks. The current interest rates were influenced and manipulated by people who were once in top Government positions. This law speaks to such issues where people want to make policies to favour themselves and their relatives.

Many a time, Government officers are taken to court because of abuse of office. When you probe into such cases, you will realise a relative was involved. If we enact this law, we will have better decision-making by Government officials for the general good of the public and not just a few people. This Bill requires amendments and that is why...

**Hon. Julius Melly** (Tinderet, UDA): On a point of order.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Melly, what is your point of order?

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon Temporary Speaker. Gauging the mood of the House, I rise under Standing Order 95 to request that the Mover be called upon to reply.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Melly, I will put the question on that request after Hon. Owen and one or two other Members have contributed.

Proceed, Hon. Owen.

**Hon. Owen Baya** (Kilifi North, UDA): In conclusion, this law will strengthen the war against corruption, which has taken Kenya down the drain. I applaud the Leader of the Majority Party, who has brought this Bill. There have been doubts about whether this Government will fight corruption. I can confirm that we have the will and ability to do so. This is one such opportunity.

I would like to donate three of my minutes to my gracious lawyer.

**The Temporary Speaker** (Hon. Martha Wangari): You are out of order, Hon. Owen. You have no capacity to donate any minutes to any Member.

Next is the Member for Masinga, Hon. Joshua Mwalyo.

**Hon. Joshua Mwalyo** (Masinga, Independent): Hon. Temporary Speaker, I was worried by Hon. Melly's request under Standing Order 95. Thank you for giving me an opportunity to contribute to the Conflict of Interest Bill (National Assembly Bill No.12 of 2023).

This is a good Bill that is intended to eliminate corruption. It is in the interest of every businessman and contractor to conduct business with the Government, which is the biggest employer with the biggest budget as opposed to the private sector. We need to have a clear demarcation of where conflict of interest is to ensure that we do not ban everyone from conducting business with the Government. It is important to know that this can also apply to the Members of Parliament. If this Bill is passed the way it is, we will also be told that we cannot oversee the NG-CDF or Kenya Rural Roads Authority (KeRRA) because somebody may look at the Bill in a different manner and think that Members might have a hand in oversight of KeRRA. So, it is important that this Bill is amended so that it does not classify everybody as a public servant.

It is also important to note that my brother's son is not my son and my brother's sister is not my daughter. If they do business where I am working as a Chief Executive Officer (CEO) and I am accused that they won a tender, that will not be right. They are also entitled to earn a living if they are qualified. If they win a tender, then so be it. Let them work on that tender and deliver to the institution to earn a living and it should be separated so that it is known who is one's real blood biological child. If they are employed in the same firm that I am employed, they should not be discriminated just because I was born from the same parents as their father. Things should be done in the correct way so that we do not discriminate people.

As you know, there are a lot of problems of unemployment. If you are employed in an institution that has a job opportunity and your brother's son has no job but has all the qualifications, you cannot recommend him to be employed in that institution. We should do things in the right way so that our children and relatives are employed. You cannot go and look for a job opportunity for your neighbour's child when your child who is educated is sitting at home. We should have as many people employed as possible even from our families. I rest my case.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. The next chance will go to the Member for Gatanga, Hon. Wakili Muriu.

**Hon. Wakili Edward Muriu** (Gatanga, UDA): Thank you, Hon. Temporary Speaker, for this opportunity. I rise to support this Bill but with a number of amendments. It is clear that the Bill is coming to cure what we call the "Kenyan cancer." The Kenyan cancer is corruption, nepotism and conflict of interest. That is what has been the shackle of this country and it has been impeding development. Therefore, the spirit of this Bill is right but the wording is wrong. The spirit is right because it is addressing the actual issues that are affecting our people. It will make sure that this country gets out of the shackles of corruption, nepotism and conflict of interest. However, the wording requires amendment. I will give a few instances. One, Clause 31 of the Bill requires all public officers to submit their wealth declaration to the EACC. By virtue of the creation of the EACC Act, the EACC is an investigative body that investigates

corruption. There is no way you can take your evidence and give it to an investigator. That is against the spirit of the bill of rights.

*(Applause)*

You cannot do all sorts of incrimination. In America, that is called the “fifth amendment.” You have a right to shut up and not give any evidence and let the investigator dig the evidence they have as opposed to giving information to an investigator.

Two, the same investigator – the EACC – has a history of being used by different regimes as a puppet. They are weaponised. If, for example, as a civil servant or a CEO you are not supposed to serve in a certain position, the EACC will be sent to you and they will tell you that they are investigating you on one or two things. However, if you happen to resign, that investigation will come to a dead end. Therefore, the EACC is the wrong body to be a repository of this kind of information.

Clause 19 bars the participation of public officers in business. That is unconstitutional because it is against Articles 27, 40 and 43 of the Constitution. Some of us left lucrative private practice where we had a plethora of clients. We decided to join Parliament to serve this country as a sign of patriotism. The moment you say that I should shut my business whereas I am not a permanent and pensionable employee... I am only here for a season. I have come here to serve my country as much as I can then go back to my calling as a lawyer. That provision will affect engineers, doctors and businessmen in this House. Therefore, to propose to kill their business in the name of conflict of interest is like killing a fly with a sledge hammer.

Clauses 38 all the way to Clause 43 introduce an animal called “the blind trust”. What does it propose? It proposes that the moment you join the public service, you sell all your assets and give them to a blind trust. I have practised commercial law for the last 28 years and I have never come across an item in law called “blind trust.” That has been introduced in this Bill. Therefore, it is my humble submission that despite the fact that the Bill is well intended in terms of its spirit, some of its clauses are foreign and repugnant to our culture and existing laws. I support the Bill. It is in the right direction but it is wrong in wording. Give us the opportunity to go back to the committee to have it amended and cleaned up.

Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Member for Funyula.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker, for the opportunity to make a point or two concerning the Conflict of Interest Bill, 2023. The issue of conflict of interest has been a matter that has been debated in this country for many years. All attempts to rein in undue influence pedalling has always elicited a lot of controversy. This is not any different. Conflict of interest is such a fluid concept that keeps on changing every single day. It is not practically possible to legislate with precision what constitutes conflict of interest. The intention could be good but probably the way it has been presented makes it look as if there is a target group that the drafter of this Bill is aiming to nail down for known or unknown indiscretion that has happened in this country.

We know that conflict of interest breeds corruption. It is the source of many corrupt deals in this country. Honestly speaking, we need to be very clear. What is it that we are trying to cure? Are we creating a problem we cannot manage? Some of the issues talked about here are moral issues which can be dealt with in civic education by churches and mosques in a very organised manner. We have gone to a point where we are legislating against basic values and moral questions. This says a lot about the moral fabric of this country.

We must address these issues not through legislation but by talking and understanding each other. The EACC Chairperson and the rest should tell people that it is morally wrong to practice nepotism at their workplace. It is unfair to deny somebody a chance and give it to

someone who is less deserving just because there has been influence peddling. This should be very clear.

For example, where I come from, eating in funerals is the order of the day. Refusing to give someone food because he does not belong to your clan is a case that should be dealt with from a moral point of view. Yes, it amounts to conflict of interest because you have conferred benefits to somebody and denied someone else the same. This is a matter that does not need legislation but one which we need to tell our children during the nursing stage.

I have perused this Bill and to be honest, it contains danger. It will be extremely impossible to implement. A large number of Kenyans are employed in the Public Service as either Member of County Assemblies (MCAs), Members of Parliament (MPs), Senators or sit in constitutional commissions. You can imagine the boomerang effect of a definition of a relative. It means three-quarters or half of the adults in this country will not do business with the Government or public entities including through marriage, common law partnerships like son-mother, father-mother, son-daughter and brother-sister. The entire lineage and clan. For example, my entire clan will never do business with the Government. This is my father-in-law, mother-in-law, step-brother, step-father and step sister-in-law. Literally everybody I am connected to either through blood or night activities will never do business with the Government.

Again, some things do not make sense. There is a term ‘windfall gain’. Is it a criminal offence to make money as a civil servant or a public officer? Why do we criminalise enterprise? I do not want to belabour the point. If we look at Clause 26, it states that:

“(1) An appointed public officer shall not—

(a) solicit for contributions from the public unless the President has, by notice in the Gazette, declared a national disaster and allowed a public collection for the purpose of the national disaster”.

(c) use official social media platforms or his place of work as an avenue for soliciting or collecting funds.”

This is where the practical bit of this Bill comes in. I have a sick patient and I am unable to raise money as a Member of Parliament. Does this mean that my patient will die because I cannot ask my friend to contribute for me? We form WhatsApp groups when a Member is bereaved or has an activity. Does this mean we will kill this spirit completely because this means we cannot solicit funds? Again, if you become a former public officer, you are debarred for a whole two years from having any business dealing with the entity you worked for. This simply means if a Member of Parliament loses his seat and is suffering out there, he cannot be given an opportunity to supply toilet paper or fish here, like the fish from Lake Victoria which is in our neighbourhood. There are so many issues.

The Bill falls short of what it is supposed to cure. We hear Cabinet Secretaries and Principal Secretaries stating they are worth Ksh500 million yet many of us know they cannot afford to buy themselves a cup of tea. Are we in any case setting up corruption in advance or anticipating in the period they will serve that they will make a certain amount of money? We need to address these issues. We are just making the work of EACC unnecessary onerous and too much yet there are more urgent issues to be dealt with. If they have to collect and analyse all the forms, how many civil servants do we have in this country and what is the staff complement of EACC? We need to re-look this. I am afraid that the amendments Members will bring in the Third Reading might amount to re-writing this Bill completely; literally every clause will have an amendment.

My honest request to the Leader of the Majority Party is to go back and re-look. There is no limit to when you can withdraw a Bill. This is a bad Bill which requires further discussion and complete re-drafting before it is returned to this House for enactment otherwise, we will

end up with a Bill like the one by Hon. Robert Pukose on drugs which is literally being re-written.

Hon. Temporary Speaker, with those few remarks, I am not sure whether to support in principle but I support the spirit and oppose the Bill, in the manner it is stated. Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Member for Molo Constituency.

**Hon. Kuria Kimani** (Molo, UDA): Thank you, Hon. Temporary Speaker, for this opportunity. We all agree there is need for equality and equity in distribution of resources; that, we should not use our positions of power to enrich ourselves and families and should be very considerate of other Kenyans.

Some of us have risen from being children of nobody to who we are today through provision of equal opportunities. That is why the spirit of the Conflict of Interest Bill should be applauded by everyone in this House. For example, yesterday, I met a young man I went with to the same high school. He told me he is an entrepreneur and for the last five years he has been checking the *Kenya Gazette* and filling tender documents. He has been able to earn a decent income for himself and his family by applying for these jobs. What would have happened to Wilson had those jobs been taken by influential government officials because that is possible? He would not be having an income to feed his family.

Having said that, our colleagues have very well canvassed on the definition of relatives - sons and stepdaughters. The fact that you are related to me should not disadvantage you from doing any business. For some communities like the Luo and Luhya nation, everybody is a relative. They say this is my brother, sister or cousin. I am told that even for pastoralists a member of your clan is a relative. What crime has my brother committed by me being a Member of Parliament and whatever business he does? What crime have relatives of Cabinet Secretaries or Principal Secretaries, or whoever is in the public sector, committed to make them blacklisted to do any business with these people?

Elections in this country have been highly divisive, almost making them a matter of life and death. We have had bloodshed in all the elections we have had for the last seven election cycles. We must sit down as a country and ask ourselves why it is very important for a particular community or people to feel that it must be their own at the helm of leadership. It is because for many years, sharing resources and positions was based on your closeness to particular people. That is why we need to do a very tricky balance. We need to fix this: that you do not need to be close to anybody to have a road in your constituency done. We are going to solve the divisive politics that we have in this country if you do not need to know anybody to have a job or to apply for a job with the Public Service Commission, the Teachers Service Commission, the Judicial Service Commission, the Kenya Defence Forces or the National Police Service Commission. In as much as we try to do that, we must make sure that we also do not demonise leadership.

I had a conversation with some friends over the week and they were concerned that we are passing policies and decisions that demonise wealth creation. If you are a good businessman, you should be encouraged to make all the money you can legitimately make as a business person whether you are a Senator or whatever you do. As Hon. Muriu here said, the fact that I am the Member of Parliament for Molo does not take out the fact that I am a Certified Public Accountant (CPA). If I still carry out my consultancy or accounting services, the fact that I became a Member of Parliament does not mean I became stupid. It does not mean that I cannot continue to practice a profession I went to school to study for many years. In any case, as well elaborated here, some of these jobs are seasonal. The rate of turnover in this Parliament is more than 60 per cent at any particular time. So, you find some former Members of Parliament languishing in poverty because they stopped the trade they were doing before they

joined politics. We should encourage hard work and wealth creation. We should not demonise anybody who does that.

*(Applause)*

That is how to bring down a country.

As honourable colleagues have said, I support the spirit. We must give equal opportunities to every Kenyan. I believe this will even solve the bloodshed and the very divisive politics we have in every election cycle.

Having said that, let us not assume that someone becomes stupid or cannot continue to practise what he or she studied before joining public service or becoming a politician. Let us stop demonising wealth creation. Let us not demonise entrepreneurship. Let us enable entrepreneurship, public service and our professions to thrive for the best of this country.

With that, I support the spirit. Those amendments must be done so that we make sure we give everyone an equal chance in this country, irrespective of whether they are in the public service or not.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Caroli.

**Hon. Caroli Omondi** (Suba South, ODM): Thank you very much, Hon. Temporary Speaker. I rise to support the spirit of the Bill with very many caveats. However, I think those will be dealt with once we go through the proper legislative process.

One of the biggest problems this country has had over the years is that those charged with the management of public affairs act in concert with private enterprise, not for public good but for private gain. I think we have experienced this from 1963 to date. It has had very serious political and socioeconomic consequences where decision-making power in government as well as enunciation of policies and laws is geared towards entrenching certain private interests and not public interest. If you look at the spirit of this Bill, it is quite spot on but the wording and drafting are a bit too loose. We need to do some work on that.

The problem of corruption is now beyond legislation. If you look around the world, most of the least corrupt countries have the fewest number of laws dealing with corruption. The most corrupt countries have the highest number of laws dealing with corruption. The problem in Kenya is not lack of laws. It is something much deeper than that. When we debate this issue, I urge that we explore whether it is now time to introduce something I call nationhood science in our curriculum where we capture the minds and hearts of our young people and educate them from kindergarten to university against this vice called 'corruption'. We no longer need laws to deal with the problem of corruption in Kenya. What we need are strong ethos as embodied in Article 10 and Chapter Six of our Constitution: how to instill these values and principles in the minds and hearts of young Kenyans from the time they start learning to the time they get into the job market or assume responsibilities of nation-building matters.

**Hon. Peter Kihungi** (Kangema, UDA): On a point of order.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Kangema, what is out of order?

**Hon. Peter Kihungi** (Kangema, UDA): Thank you, Hon. Temporary Speaker. I think we have ventilated this issue enough. I wish the Mover was called to reply.

*(Hon. Caroli Omondi spoke off the record)*

**The Temporary Speaker** (Hon. Martha Wangari): Order, Members. Hon. Caroli, a Member has risen in his place under Standing Order 95. That the Mover be now called to reply.

*(Question that the Mover be called)*



*upon to reply, put and agreed to)*

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Speaker.

First, without exception, allow me to thank all the Members who have contributed. Particularly, I note the very vehement support this Bill has from many Members. That tells you that all Members are intent on being in the forefront of the fight against corruption.

Many have also alluded that there could be one or two things they will propose to amend. We will give them time so that they engage with the Committee on Delegated Legislation for the necessary amendments that they may want to move during the Committee of the whole House. I particularly note the very good comments by the Member for Ugenya, Hon. David Ochieng'. That is a call to all of us as leaders, especially political leaders.

We all heard the contributions of the Chair of the Budget and Appropriations Committee on the perception that public officers are only elected officials. Even appointive officials are not perceived to be public officers as much as elected officials are perceived to be public officers. This Bill is not targeting elected public officers. It is targeting anybody and everybody who is a state and a public officer, therefore, even those of us who are elected officers are state and public officers. We will be subject to this Bill. It will be important that we align all the definitions that will be contained in the Bill so that we are not curtailed in any way especially on our constitutional mandate on issues raised by Members in being able to debate. As the people's representatives, we have a constitutional mandate to represent them here and in committees so you cannot be in conflict of interest when representing your people.

With those very few remarks, allow me to take this opportunity to thank everybody who has contributed and those who have also expressed the desire to propose amendments.

The Chair of the Departmental Committee on Justice and Legal Affairs, Hon. Murugara, has indeed confirmed that the Committee will be considering amendments from Monday next week. I take this opportunity to invite anyone who may have an amendment to share the same with the Chair of the Departmental Committee on Justice and Legal Affairs so that they may consider them together with those of the Committee.

With those many remarks, I beg to reply.

**The Temporary Speaker** (Hon. Martha Wangari): Order, Members. I see we have the requisite numbers. Allow me to put the question.

*(Question put and agreed to)*

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

**The Temporary Speaker** (Hon. Martha Wangari): Before Hon. Owen Baya speaks, I would like to alert Members that we have a Supplementary Order Paper that will guide the business after this one. Kindly liaise with the Table Office to get a copy of the same.

Hon. Owen Baya.

## PROCEDURAL MOTION

### EXTENSION OF SITTING TIME

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, I beg to move the following Procedural Motion:

THAT, pursuant to Standing Order 30(3)(a), this House orders that should the time appointed for adjournment of the House be reached before the conclusion of

business listed under Order No.8 as the Committee of Supply in today's Supplementary Order Paper, the Sitting shall stand extended until conclusion of the said business.

I request the Leader of the Majority Party to second.

**The Temporary Speaker** (Hon. Martha Wangari): Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, I beg to second. As indicated by the Deputy Leader of the Majority Party, this is to allow us to consider the Committee of Supply. As I had indicated earlier, the Committee of Supply is the Committee of the whole House during the budget-making process, where we supply money to agencies, ministries and departments of Government. I, therefore, request Chairpersons and Vice-Chairpersons of committees to be available to make sure that their ministries, departments, and agencies (MDAs) are supplied with funds because this is actual law-making.

I want to plead with Members to bear with the Chairperson of the Budget and Appropriations Committee to allow us to conclude that business today for us to publish the Appropriations Bill over the weekend. Many Members are aware that there are certain things that have been held in abeyance in terms of Exchequer releases because we are awaiting these Supplementary Estimates. It is, therefore, imperative that we finish this business today so that we consider the Appropriations Bill on Tuesday, next week.

I beg to second.

*(Question proposed)*

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

**The Temporary Speaker** (Hon. Martha Wangari): Is that the mood of the House?

*(Question put and agreed to)*

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

**The Temporary Speaker** (Hon. Martha Wangari): What is out of order, Hon. Junet?

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Temporary Speaker, before we move to the next Order, which is the Committee of Supply, I wish the Leader of Majority could listen to me. As you can see in the Supplementary Order Paper, I intend to move an amendment that concerns Parliament. We will not allow anything that impedes our roles of legislation, representation and oversight as a House. We must fight anything that hampers the quality of debate and work in this House. When the Executive prepares its Estimates, it must know that Parliament is an independent arm of Government which must be given its powers, authority and financial independence as stipulated in the Constitution.

A lot of money has been deducted from Parliament's allocation which will make our work very difficult. However, I want to step down my amendment because after I had a meeting with the Leader of the Majority Party and the Chairperson of the Budget and Appropriations Committee, they assured me that our work will run smoothly.

**The Temporary Speaker** (Hon. Martha Wangari): Order, Hon. Junet.

*(Laughter)*

I have indulged you because you are a senior Member of this House. You have stated that you have an amendment, which I allowed you to pre-empt, which is against the procedures of the House. You can withdraw your amendment during the Committee of Supply where you will be on record and you will be heard.

Let us move on to the next Order.

**COMMITTEE OF SUPPLY**

*(Order for Committee read)  
First Allotted Day*

*[The Temporary Speaker (Hon. Martha Wangari) left the Chair]*

**IN THE COMMITTEE**

*[The Temporary Chairman (Hon. David Ochieng') took the Chair]*

**CONSIDERATION OF FIRST SUPPLEMENTARY  
ESTIMATES FOR FY 2023/2024**

*(Several Members stood on their feet)*

**The Temporary Chairman** (Hon. David Ochieng'): Hon. Members, resume your seats. This is the Committee of Supply, where we allow various State organs and institutions to access money that we will appropriate in the Budget. We will go through all the Votes of the three arms of Government. We will start with the Executive. The first Vote is for the Office of the President. Remember that we had already appropriated these funds in the original Budget.

Without much ado, we will hit the road running on this particular assignment.

**VOTE 1011 - OFFICE OF THE PRESIDENT**

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1011 (Office of the President) be reduced by a sum not exceeding Ksh299,653,366.

*(Programmes 0603000, 0701000,  
and 0703000 agreed to)*

*(Vote 1011 agreed to)*

**VOTE 1012 - OFFICE OF THE DEPUTY PRESIDENT**

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1012 (Office of the Deputy President) be increased by a sum not exceeding Ksh759,453,601.

*(Programme 0734000 agreed to)*

*(Vote 1012 agreed to)*

**VOTE 1014 - STATE DEPARTMENT FOR PARLIAMENTARY AFFAIRS**

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1014 (State Department for Parliamentary Affairs) be reduced by a sum not exceeding Ksh276,466,275.

*(Programmes 0759000, 0760000 and 0761000 agreed to)*

*(Vote 1014 agreed to)*

#### VOTE 1015 - STATE DEPARTMENT FOR PERFORMANCE AND DELIVERY MANAGEMENT

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1015 (State Department for Performance and Delivery Management) be reduced by a sum not exceeding Ksh123,458,604.

*(Programmes 0762000 and 0764000 agreed to)*

*(Vote 1015 agreed to)*

#### VOTE 1016 - STATE DEPARTMENT FOR CABINET AFFAIRS

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1016 (State Department for Cabinet Affairs) be reduced by a sum not exceeding Ksh285,972,102.

*(Programme 0758000 agreed to)*

*(Vote 1016 agreed to)*

#### VOTE 1017 - STATE HOUSE

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1017 (State House) be increased by a sum not exceeding Ksh2,537,417,517.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Oundo, one minute please.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairman, an increase obviously raises questions. The Chairman of the Budget and Appropriations Committee could let us know exactly what is being changed from the Bill that we passed in June so that we appreciate the reason for the increase. A whopping Ksh2 billion is not a small amount of money. The Chair could probably enlighten the Members of this House and the public so that they know.

Thank you, Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Oluoch.

**Hon. Anthony Oluoch** (Mathare, ODM): Hon. Temporary Chairman, I also want to weigh in on this one. My position on this is that all arms of Government must be enabled to operate equally. The percentage increase here compared to the decrease that is being meted on

Parliamentary Affairs does not lend itself to what we call equality of arms of Government. All arms of Government equally represent the people. We, therefore, need a justification on why there is an inordinate amount of increase to State House and a decrease on Parliamentary Affairs. I think we need to reject this one.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you. Hon. Mwago.

**Hon. Amos Maina** (Starehe, JP): Thank you, Hon. Temporary Chairman. I also share the sentiments of my other colleagues. We live in empirical times and we need to know the justification for such a huge increase in the allocation to State House.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you. Chairman of the Budget and Appropriations Committee.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Temporary Chairman, I wish to relay this information to the Members who have requested for clarifications. As you are aware, the President serves our country in State House most of the times. That is where he hosts most of the delegations that you see which have a huge positive impact to our country. Therefore, that is the reason there is a slight increment.

Secondly, the State Department for Parliamentary Affairs is not a vote within Parliament. It is good for me to clarify that and so the deduction here is part of the rationalisation programme that this Supplementary Budget is running. There is nothing unusual about this.

Lastly, if Members peruse the main Budget Estimates for State House, they will see that because of the scarcity of resources then, we were unable to allocate adequate resources. We foresaw that as we moved forward and we would have an opportunity to give that very important government organ sufficient resources.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you. Hon. Junet.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Temporary Chairman, I have listened keenly to the Chairperson of the Budget and Appropriations Committee. At this point in time when things are difficult, if you look at this Supplementary Budget holistically, money is being deducted from many votes. To increase Ksh2 billion at once to State House is a lot of money, unless that Vote is for the famous rice and beef stew.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you. Hon. Chairman.

**Hon. Ndindi Nyoro** (Kiharu, UDA): All the money we are appropriating is for our country. It is good for us to understand that there has been also development expenditure in State House. We are trying to reduce the recurrent expenditure, especially for tenting, so that we have one permanent pavilion. This will help us not to incur periodic recurrent expenditure when the President is hosting delegations. This is a very valid increment. As I said before, if you check in the main Budget, State House had not been given enough resources because the President had requested that we first allocate resources to areas that needed them then. I beseech all Members here that we pass this increment because it is merited.

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

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Junet, you do not have to raise a point of order. You can just argue, if you want to do it.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Temporary Chairman, the Chairman of the Budget and Appropriations Committee is making things even worse. We cannot budget for Ksh2 billion to construct a pavilion. We finished the campaigns the other day. There is no need of hosting delegations anymore. This is the time to tighten our belts. You can see even Parliament is losing a lot of money. All arms of Government are losing a lot of money, yet we are discussing hosting delegations, construction of a pavilion, beef stew and rice. We cannot accept that. This increment must be removed.

**The Temporary Chairman** (Hon. David Ochieng’): I think there is also *arrosto*. Go ahead, Hon. Chairman.

*(Laughter)*

**Hon. Ndindi Nyoro** (Kiharu, UDA): I really beseech all Members here because the explanations I gave are numerous. I talked about the major item. The budget for State House in the Printed Estimates was totally inadequate and that was on the request of the President. Even before we funded his Office, there were other pressing needs like the education sector. Therefore, we deliberately underfunded that programme knowing there would be an opportunity to beef it up, after taking care of the pressing needs of the country at that time.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you very much, Hon. Chairman. Hon. Junet, I have just told you that even *aleso* is there.

*(Loud consultations)*

*(Several Members spoke off the record)*

**Hon. Amos Maina** (Starehe, JP): Hon. Temporary Chairman, I need to say something.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Members, it is only one vote. Hon. Mwago, I have already given you a chance.

*(Programme 0704000 agreed to)*

*(Vote 1017 agreed to)*

#### VOTE 1023 - STATE DEPARTMENT FOR CORRECTIONAL SERVICES

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1023 (State Department for Correctional Services) be reduced by a sum not exceeding Ksh291,490,957.

**The Temporary Chairman** (Hon. David Ochieng’): Yes, Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairman, I want a reassurance from either the Chairman of the Committee or the Chairman of the Public Accounts Committee that the reduction of prison services by close to Ksh300 million will not affect the welfare of the prisoners and other persons serving different sentences at the correctional services. Kenyans and the prisoners want an assurance that the reforms started by Uncle Moody are ploughed back by these serious cuts.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Chairman, you have one minute.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Temporary Chairman, I know Hon. (Dr) Oundo knows that the State Department for Correctional Services is one of the most resourced Ministries, Departments and Agencies (MDAs) that we have. Therefore, this is a marginal cut that will not affect the clients of the State Department for Correctional Services. It only affects rationalisation in terms of the...

**The Temporary Chairman** (Hon. David Ochieng’): Thank you very much.

*(Programmes 0623000, 0627000 and 0628000 agreed to)*

*(Vote 1023 agreed to)*

VOTE 1024 - STATE DEPARTMENT FOR IMMIGRATION  
AND CITIZEN SERVICES

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1024 (State Department for Immigration and Citizen Services) be increased by a sum not exceeding Ksh602,486,011.

*(Programmes 0605000, 0626000 and 0631000 agreed to)*

*(Vote 1024 agreed to)*

VOTE 1025- NATIONAL POLICE SERVICE

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1025 (National Police Service) be increased by a sum not exceeding Ksh1,479,780,360.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Oluoch.

**Hon. Anthony Oluoch** (Mathare, ODM): Hon. Temporary Chairman, I want an assurance that the increase here is not meant to facilitate our police officers to Haiti. Despite debating this matter in the morning, I later came into contact with a court order that was served to the Speaker of this House. Therefore, the deliberations this morning were sub-judice and contrary to the court order. I need assurance that these increases do not relate to aiding and abetting the sending of our troops to Haiti.

**The Temporary Chairman** (Hon. David Ochieng’): The Chairperson of the Departmental Committee on Administration and Internal Affairs.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Temporary Chairman, I assured this House and Kenyans that all the costs regarding the deployment of our police officers to Haiti are 100 per cent taken care of by the United Nations (UN). No single shilling of the taxpayers’ money is going to go into this.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you. Hon. Oluoch, I think you are fully assured.

*(Programme 0601000 agreed to)*

*(Vote 1025 agreed to)*

VOTE 1026 - STATE DEPARTMENT OF INTERNAL SECURITY  
AND NATIONAL ADMINISTRATION

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1026 (State Department for Internal Security and National Administration) be increased by a sum not exceeding Ksh8,762,549,448.

*(Programmes 0629000 and 0630000 agreed to)*

*(Vote 1026 agreed to)*

VOTE 1032 - STATE DEPARTMENT FOR DEVOLUTION

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1032 (State Department for Devolution) be reduced by a sum not exceeding Ksh324,158,016.

**The Temporary Chairman** (Hon. David Ochieng’): Yes, Hon. (Dr) Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairman, the Vote being reduced is captured as capital expenditure. This means that probably there was a project that was already underway. Can we have an assurance that the reduction from Ksh203 million to Ksh56 million will not lead to pending bills? This is a capital project which we expect has already been tendered, therefore, a reduction naturally leads to pending bills.

**The Temporary Chairman** (Hon. David Ochieng’): The Chairperson of the Budget and Appropriations Committee.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Temporary Chairman, I assure Hon. (Dr) Oundo that the money is there. The entire rationalisation for all Votes was because the National Treasury was targeting the projects that are yet to be committed. This will not lead to pending bills.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you.

*(Programme 0712000 agreed to)*

*(Vote 1032 agreed to)*

VOTE 1036 - STATE DEPARTMENT FOR ASALS  
AND REGIONAL DEVELOPMENT

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1036 (State Department for ASALs and Regional Development) be increased by a sum not exceeding Ksh8,160,926,489.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. (Dr) Oundo, do you want an assurance on this too?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): No; I want to know what it entails. A whopping increase of Ksh8 billion is not pocket change. I know it can be pocket change to some of these guys. Where we come from, this is a colossal sum of money. What does this entail? I know part of it has already been disbursed under Article 223. We need to know the breakdown, for example, if it is on mitigation of *El Nino* which is not here. What are we spending a whopping Ksh8 billion on?

**The Temporary Chairman** (Hon. David Ochieng’): The Chairperson of the Budget and Appropriations Committee.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Temporary Chairman, I assure all Members that the money we have increased in this Vote is for modernisation of police equipment.



**The Temporary Chairman** (Hon. David Ochieng’): No. We are on Vote 1036 on Regional Development.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Sorry, Hon. Temporary Chairman. I anticipated that Hon. (Dr) Oundo may also question the Vote on police. My apologies for pre-empting that.

*(Laughter)*

On Vote 1036, most of these Regional Development Authorities (RDAs) have a recurrent cumulative of over Ksh2 billion but less than 10 per cent in development. Therefore, as a Committee we felt that we need to allocate them enough roles which come with resources most of which cut across. For example, the Ewaso Ng’iro South Development Company has a robust plan for the leather industry. Hon. (Dr) Oundo, this cuts across many areas of our economy.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you. Hon. (Dr) Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Just for record purposes, I hope this money will be equitably and fairly distributed throughout the country. That is my point of concern. It is possible that this money will be concentrated in one region. The Sidokho Dam, which you and I share, will burst its banks and damage all our property and crops, yet all the money will go to repairing roads that are never used in some counties. We just want assurance because we do not have the scheduled projects. Can you be on record that the Ksh8.1 billion will be felt in the entire Republic even though some of us are not shareholders?

**The Temporary Chairman** (Hon. David Ochieng’): Thank you. Member for Suna East.

**Hon. Junet Mohamed** (Suna East, ODM): Hon Temporary Chairman, we are dealing with a supplementary budget and not the main Budget of June/July. The Ksh8 billion is not small money. Can the Chairperson be clear on what the increment entails? He cannot just talk about Ewaso Ng’iro South and North Development Authorities. These are dead authorities which have not been functioning for the last 10 years. Unless he talks about the Lake Basin Development Authority (LBDA), then I can hear him.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Chairperson, go ahead. Talk about LBDA now.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Temporary Chairman, I agree I gave a partial answer. I forgot to say in this amount there is a donor funded project for food security of over Ksh5 billion. This is a World Bank project where we put money then they reimburse the Exchequer when it is expended. Therefore, over Ksh5 billion is going there. In terms of the Regional Development Authorities (RDAs), they all have been given something small to help them deal with the floods, which is very critical. More importantly, some programmes are meant to better the bottom-up transformation model.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you.

*(Programmes 0733000, 0743000 and 1013000 agreed to)*

*(Vote 1036 agreed to)*

#### VOTE 1041-MINISTRY OF DEFENCE

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1041 (Ministry of Defence) be increased by a sum not exceeding Ksh8,492,301,616.

**The Temporary Chairman** (Hon. David Ochieng’): I will start with a lady Member, Hon. Irene Mayaka.

**Hon. Irene Mayaka** (Nominated, ODM): Thank you, Hon. Temporary Chairman. I am concerned because the amount indicated is a huge sum of money. If you see the allocation indicated in the table with a further explanation, it just states defence. We need substantiation in terms of what this exactly covers, for our understanding.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Clive.

**Hon. Clive Gisairo** (Kitutu Masaba, ODM): Hon. Temporary Chairman, I am also very concerned that the Ministry of Defence is asking for an increase of Ksh8.492 billion. We would like a clarification because some few months ago, the Departmental Committee on Defence, Intelligence and Foreign Relations sought permission to send our troops to the Democratic Republic of Congo (DRC) and said they would spend Ksh2 billion. We are very sure that so far, they have spent more than this. They expected funding from the UN which did not come through. Is this amount meant to go towards funding the soldiers in the DRC? If so, how much? Further, the soldiers were to be there for six months. Why are they still there, forcing taxpayers to dig deeper into their already empty pockets to finance this mission?

**The Temporary Chairman** (Hon. David Ochieng’): Thank you. The Minority Party Whip.

**Hon. Junet Mohamed** (Suna East, ODM): Hon Temporary Chairman, this is a colossal sum of money.

**The Temporary Chairman** (Hon. David Ochieng’): How colossal?

**Hon. Junet Mohamed** (Suna East, ODM): It is Ksh8 billion. People are saying we are doing this for purposes of austerity. I am aware the Departmental Committee on Defence, Intelligence and Foreign Relations did not approve this sum of money according to their report, because they realised it is a lot of money. The Budget and Appropriations Committee through an executive order has put this money here. The Chairperson needs to explain further because this is a lot of money.

**The Temporary Chairman** (Hon. David Ochieng’): Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations.

**Hon. Nelson Koech** (Belgut, UDA): Thank you, Hon. Temporary Chairman. I want to give an explanation. The Ministry of Defence requested for Ksh900 million, Ksh600 million went to the National Intelligence Service (NIS) for recruitment, Ksh200 million to East African Community (EAC) and Ksh100 million to diaspora affairs. As a committee, we are satisfied and this is exactly what we submitted before the Budget and Appropriations Committee.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Chairperson.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you very much, Hon Temporary Chairman. That has been handled properly by the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations, the Member for Belgut.

Hon. Members, you will realise the austerity measures we are taking as a nation although for a nation that is not secure, there is no amount of austerity that can keep it secure from enemies. Proportionately, what we have done in internal security is trying to boost our defence forces by capacitating them to deal with current threats.

**The Temporary Chairman** (Hon. David Ochieng’): Chairperson, where is the money going? That is the question asked by the three Members.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Temporary Chairman, as you know there was a recent recruitment. We need to provide personal emoluments for them and a sizeable amount is going towards modernisation of our defence equipment.

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

**The Temporary Chairman** (Hon. David Ochieng’): Maybe a point of clarification but not a point of order. Go ahead.

**Hon. Junet Mohamed** (Suna East, ODM): On a point of clarification, Hon. Temporary Chairman. I have been here for long with you. In the budgeting system, the security sector is known for padding the budget. You must be alive to this matter. You cannot say this money is for recruitment because it was budgeted for. You cannot recruit people without money. How are you going to feed them? If you do not have money, what will you do? Will you chase them away?

The Chairperson of the committee has said what he has submitted to the Budget and Appropriations Committee was only Ksh900 million. You are talking about Ksh8 billion. We know the kind of things which go through the auditing system in the security system. Just tell us if this money is for beef stew and rice. We shall agree.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Temporary Chairman, as Hon. Junet is quite aware, when you hire, and especially mid-financial year, you need money to pay the new employees’ salaries. This is part of that money. Around Ksh6 billion is for modernisation of the defence equipment. This is a mid-year project which happens in internal security and defence, in terms of capacitating our men and women in uniform. Some of us seated here and elsewhere need to ensure they have the right equipment to defend our country.

**The Temporary Chairman** (Hon. David Ochieng’): This has to go either way.

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

**The Temporary Chairman** (Hon. David Ochieng’): The questions with regard to the budget have been answered sufficiently - at least to my satisfaction. Yes, Hon. Junet.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Temporary Chairman, the statement given by the Chairperson of the Budget and Appropriations Committee is not satisfactory. We are doing this Supplementary Budget for the purposes of austerity. The budget for all MDAs have been cut. Other than places where there is a fishy thing, you can see things with your own naked eyes like this one, Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. David Ochieng’): The Hon. Junet, you were doing very well. It was beef stew, and now you have brought fish. There is no fish in this thing. This will go either way. I give you one minute.

*(Laughter)*

**Hon. Gabriel Tongoyo** (Narok West, UDA): Give me the microphone please. It is very unfortunate for a very high-ranking Member like Hon. Junet to make such a statement. He knows that to secure this country, security is very expensive all over. If we would have been fair, we should have appropriated and allocated more resources to the security organs and he knows that. We have discussed Haiti.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Member, you have been heard. We are doing Supplementary Budget today that is going to be our agenda. Hon. Clive, the question you asked is very good. It has a very good place in the committee during the normal sessions of the Departmental Committee on Defence, Intelligence and Foreign Relations. As to how our forces are doing in DRC Congo, how they are taken there and whether they have been brought back or not, should be asked at a good time. This has been answered by the Chairman for the Budget and Appropriations Committee. The Chairman has said that the money is going to modernisation. I heard him say that clearly.

*(Programmes 0801000, 0802000, 0803000 and 0805000 agreed to)*

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

*(Vote 1041 agreed to)*

VOTE 1053 – STATE DEPARTMENT FOR FOREIGN AFFAIRS

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1053 (State Department for Foreign Affairs) be increased by a sum not exceeding Ksh834,641,173.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Temporary Chairman, I bring this to the attention of the Chairman of the Budget and Appropriations Committee. The budget is adding Ksh834,000,000 only. Is he aware that people who are serving in the diplomatic services are suffering outside the country? When we visit there as Members of Parliament, we come into contact with their plight. Some of them have not paid rent for many years. Their houses are being closed. They are not getting their allowances. Can they be given more money than this modernisation thing that is beef stew?

**The Temporary Chairman** (Hon. David Ochieng’): Chairman of the Budget and Appropriations Committee, are you aware they are suffering?

**Hon. Ndingi Nyoro** (Kiharu, UDA): Hon. Temporary Chairman, I thank Hon. Junet for making that observation. It is precisely for that reason that we are adding money.

*(Programmes 0714000, 0715000, 0741000 and 0742000 agreed to)*

*(Vote 1053 agreed to)*

VOTE 1054 - STATE DEPARTMENT FOR DIASPORA AFFAIRS

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1054 (State Department for Diaspora Affairs) be increased by a sum not exceeding Ksh1,710,293.

Yes, Hon. Irene Mayaka.

**Hon. Irene Mayaka** (Nominated, ODM): Hon. Temporary Chairman, I am concerned about the amount allocated to the State Department for Diaspora Affairs. I can see the allocation is for running diaspora and consular affairs. This is one of the mainstream investments for Kenyans who live in the diaspora. The money allocated is not fair. The Budget and Appropriations Committee must explain why the allocation is low. Alternatively, some money from the Office of the Deputy President meant for lobsters can be re-allocated to this State Department so that it can help Kenyans to invest.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Justice Kemei.

**Hon. Justice Kemei** (Sigowet/Soin, UDA): Thank you, Hon. Temporary Chairman. I support the increase in the budget for the State Department for Diaspora Affairs. This is because it is one of the critical areas to which we must extend consular services so that we can attain the strategic interests of the country. For example, in areas like Kuwait and the Arab countries, which employ our people, we need more consular services.

Thank you, Hon. Temporary Chairman. I support.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Nyakundi.

**Hon. Japheth Nyakundi** (Kitutu Chache North, UDA): Thank you, Hon. Temporary Chairman. I differ with the sentiments of Hon. Irene. This is a new State Department. They still

do not have proper structures and that is the reason we are increasing the budget gradually. Allocation to the State Department will be increased further in the second Supplementary Budget.

Thank you, Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Rindikiri.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Thank you, Hon. Temporary Chairman. I support the increment to this State Department. This Department is very critical particularly now that the President is moving around the world to look for opportunities and jobs for Kenyan citizens. Slashing or giving them a small budget will not give the Department the support it needs. I urge that the allocation be increased to a good percentage to help the Department carry out its mandate. The President was very clear that we need to increase the number of Kenyans working abroad. This is the Department charged with such activities. We cannot curtail their activities.

Thank you, Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you. ‘Hon. Munyiri’.

**Hon. Joseph Munyoro** (Kigumo, UDA): Thank you, Hon. Temporary Chairman. I am Hon. Munyoro, not Munyiri. I support the increment in the allocation but Ksh1,710,293 is insignificant and cannot do anything substantive. I wonder what the explanation is on why it should be so little. I support Hon. Rindikiri that we need to increase the amount or put better structures to allocate more money to this State Department. We encourage our youth to look for jobs abroad but we need to facilitate them.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you very much. The Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations.

**Hon. Nelson Koech** (Belgut, UDA): I agree with the Members and share their sympathy. If you are keen, you will notice that the State Department had lost Ksh98 million from the National Treasury. So, what we did as a Committee, as I mentioned earlier, is that we re-allocated Ksh100 million from the Ministry of Defence in its favour. The net effect is it got back its Ksh98 million and an additional Ksh1 million. So, that balances this.

*(Programme 0752000 agreed to)*

*(Vote 1054 agreed to)*

VOTE 1064 - STATE DEPARTMENT FOR TECHNICAL  
VOCATIONAL EDUCATION AND TRAINING

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1064 (State Department for Technical Vocational Education and Training) be increased by a sum not exceeding Ksh4,589,606,639.

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Oluoch.

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you, Hon. Temporary Chairman. Even as I support, I want to ask the committee to look into processes and procedures that lead to procurement post-appropriation because after we have put money, our procurement takes inordinate amounts of time.

I also think there is a problem when it comes to capitation for our schools and I hope it is part of this increase. The same way our universities are suffering from delays in Higher Education Loans Board (HELB) monies reaching our needy students, this is also being experienced by our Technical Vocational Education and Training Institutes (TVETS). In

exercising our oversight role, let us appropriate this money and also follow-up to find out if it actually reaches students on time.

I support.

**The Temporary Speaker** (Hon. David Ochieng’): Thank you, Hon. Melly.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Temporary Chairman. I support the appropriation and more specifically, the issue of the students. About Ksh5 billion was appropriated for the new funding formula. In the last budget, we had appropriated Ksh4.6 billion in the former funding model. As Hon. Oluoch has put it, there is enough money for the students, incomplete TVETS and the 15 that will be started.

I support, Hon. Temporary Chairman.

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Chairman. This question is for the Chairperson of the Departmental Committee on Education and Research. It looks like we are giving with the right hand and taking with the left hand. Looking at the capital expenditure, there is a reduction of close to Ksh5 billion. So, it is a net reduction from capital expenditure to recurrent expenditure. Again, as I asked earlier, I hope we are not facing any aspect of pending bills. Probably, you can clarify because we are reducing capital expenditure from Ksh7.6 billion to Ksh7 billion. What do you have to say?

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Oundo, is that a comment or a question.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): A question.

**The Temporary Speaker** (Hon. David Ochieng’): Okay, Hon. Melly. He says your left hand has given to your right hand and then you have put your right hand on the back.

**Hon. Julius Melly** (Tinderet, UDA): I think as the Chairperson of the Budget and Appropriations Committee has said, it is a net increment of Ksh5 billion. So, there is no reduction. In fact, this sector got an increment and not a reduction.

*(Hon. (Dr) Ojiambo Oundo spoke off the record)*

**The Temporary Speaker** (Hon. David Ochieng’): No, he listened to you. He has said in the education sector, the right hand has not taken away from the left hand. In fact, both hands have received Ksh5 billion.

*(Programmes 0505000, 0507000 and 0508000 agreed to)*

*(Vote 1064 agreed to)*

VOTE 1065 - STATE DEPARTMENT FOR  
HIGHER EDUCATION AND RESEARCH

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1065 (State Department for Higher Education and Research) be increased by a sum not exceeding Ksh25,920,848,822.

*(Loud consultations)*

**The Temporary Chairman** (Hon. David Ochieng’): Yes, Hon. Junet.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Temporary Chairman, the sum being increased is Ksh25 billion. I want to hear what the Chairman of the Budget and Appropriations

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Committee is saying because a supplementary budget is supposed to address issues of emergency in nature. The Ksh25 billion is a lot of money. We are barely four months away from the Budget we passed...

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Junet, I thought emergency used to be handled by Article 223 of the Constitutions and not the supplementary budget.

**Hon. Junet Mohamed** (Suna East, ODM): No, Hon. Temporary Chairman. Even the supplementary budget is supposed to deal with critical matters only.

**The Temporary Chairman** (Hon. David Ochieng’): Okay.

**Hon. Junet Mohamed** (Suna East, ODM): Number one, what is this thing that you can increase with Ksh25 billion? Secondly...

*(Hon. Ndindi Nyoro stood in his place)*

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Chairman, resume your seat.

**Hon. Junet Mohamed** (Suna East, ODM): Is this money just in form of paper or there will be real Exchequer? We have many times here passed a lot of money just on paper. The money never goes to the schools.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you. Hon. Makali.

I request Members to put their cards so that we are able to locate them easily.

**Hon. John Makali** (Kanduyi, FORD - K): Thank you, Hon. Temporary Chairman. I appreciate the increase but I want to get the assurance from the Chairman of the Budget and Appropriations Committee whether this increment of Ksh25 billion will also cater for capitation on the HELB for the poor students who want to access university education.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you. Hon. Omboko.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Temporary Chairman. As I support this, the Chairman of the Budget and Appropriations Committee should assure not only this House but the country as a whole that this is now fixing the new model of funding in universities so that the students who are in universities can for once rest.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you. Chairman of the Budget and Appropriations Committee.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you very much, Hon. Temporary Chairman. I want all Members to know that the objective of the supplementary budget was to align the current needs of the nation with the resources that we have. To answer Hon. Junet, there was an intake for our university students recently which we need to take care of. I assure him that even the students across the country received boom payment for the last two weeks, something that has not been seen for many years, therefore, this money is not just on paper. It is money, some of which is already in the pockets of the students of Kenya. This money is in two categories: scholarships and loans granted by HELB.

**Hon. Omboko Milemba** (Emuhaya, ANC): On a point of order, Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Omboko, what is out of order?

**Hon. Omboko Milemba** (Emuhaya, ANC): I want to be very clear in my mind. When the Chairman of the Budgets and Appropriations Committee talks about boom being back, is he saying that the students at the university are now receiving boom as defined by those who were in the universities those days?

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Melly, there is no boom, but answer the question.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Temporary Chairman. As Hon. Milemba has just put it, in our days we used to get boom. As we speak, students get the out-of-

pocket money up to a tune of Ksh60,000 based on the needs of every child. The very needy child gets up to Ksh60,000. It is determined by the mean testing. I want to assure all Members, the House and the entire public, that this money has already been remitted to the students by the Higher Education Loans Board (HELB).

I thank you.

**The Temporary Chairman** (Hon. David Ochieng'): Hon. Ndindi Nyoro, did you ever receive the boom yourself?

*(Laughter)*

**Hon. Ndindi Nyoro** (Kiharu, UDA): Yes. From home, when we got coffee payments.

*(Programmes 0504000, 0506000 and  
0508000 agreed to)*

*(Vote 1065 agreed to)*

#### VOTE 1066 - STATE DEPARTMENT FOR BASIC EDUCATION

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30 th June 2024 in respect of Vote 1066 (State Department for Basic Education) be increase by a sum not exceeding Kshs11,746,101,126.

*(Programmes 0501000, 0502000, 0503000  
and 0508000 agreed to)*

*(Vote 1066 agreed to)*

#### VOTE 1071 - THE NATIONAL TREASURY

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30 th June 2024 in respect of Vote 1071 (The National Treasury) be reduced by a sum not exceeding Kshs17,329,790,238.

*(Programmes 0717000,0718000, 0719000  
and 0720000 agreed to)*

*(Vote 1071 agreed to)*

**The Temporary Chairman** (Hon. David Ochieng'): Hon. Chairman, resume your seat. We will recommit it because I have already put the question on the matter and we voted. I will make sure we recommit it at the end of all this. I want to request the Chairmen and the Chairman of the Budget and Appropriations Committee to ensure that whenever there is an amendment, they alert us in advance so that we do not have to go through this.

#### VOTE 1072 – STATE DEPARTMENT FOR ECONOMIC PLANNING



THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1072 (State Department for Economic Planning) be increased by a sum not exceeding Ksh2,430,260,325.

**The Temporary Chairman** (Hon. David Ochieng’): I call the Mover to move his amendment.

*Programme 0706000 – Economic Policy and National Planning*

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Temporary Chairman, I beg to move:

THAT, further to the Appropriations Act 2023, the sum allocated to meet the expenditure for the Financial Year ending 30<sup>th</sup> June 2024, in respect to Vote 1072 be increased by a sum of Ksh1 billion, from Ksh57,253,750,000 to Ksh58,253,750,000.

These are the monies for infrastructure for Nairobi schools that we are moving from the Ministry of Education to the National Government-Constituencies Development Fund so that Members of Nairobi County can supervise construction of those facilities.

*(Question of the amendment proposed)*

**Hon. Antony Oluoch** (Mathare, ODM): I support both the Programme items and in particular the infrastructure amount being allocated to Nairobi. You will realise that Nairobi County has one of the biggest problems in informal settlements when it comes to school infrastructure. Without talking about Mathare where I come from, I will give an example of Embakasi Central where there is a school with over 4,000 students. I, therefore, support this amendment, but with a rider that the State Department for Economic Planning is the one that seconds NG-CDF money. We did this in June last year, and up to now, we still do not have the NG-CDF. Even as we increase these amounts, we need clarity from the Chairman whether we are going to receive the NG-CDF monies before we go on recess.

I support the amendments, and in particular the infrastructure one.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you.

*(Programme 0706000 as amended agreed to)*

*(Programmes 0707000, 0708000 and 0709000 agreed to)*

*(Vote 1072 as amended agreed to)*

VOTE 1082 - STATE DEPARTMENT FOR MEDICAL SERVICES

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1082 (State Department for Medical Services) be reduced by a sum not exceeding Ksh5,953,050,734.

**The Temporary Chairperson** (Hon. David Ochieng’): There is an amendment. Let the Mover move the amendment.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Temporary Chairperson, this was Hon. Ichung’wah’s amendment but he withdrew it.

*(Proposed amendment by Hon. Kimani Ichung’wah withdrawn)*

*(Programmes 046000, 0410000,  
0411000 and 041200 agreed to)*

*(Vote 1082 agreed to)*

VOTE 1083 - STATE DEPARTMENT FOR PUBLIC HEALTH AND PROFESSIONAL STANDARDS

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1083 (State Department for Public Health and Professional Standards) be increased by a sum not exceeding Ksh3,612,408,118.

*(Programmes 046000, 0407000,  
0408000 and 0412000 agreed to)*

*(Vote 1083 agreed to)*

VOTE 1091 - STATE DEPARTMENT FOR ROADS

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1091 (State Department for Roads) be reduced by a sum not exceeding Ksh18,555,581,832.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Rindikiri.

**Hon. Mugambi Rindikiri** (Buuri, UDA): I thank you, Hon. Temporary Chairman. My concern is that we are in a period of heavy rains and many roads are going to be affected. As we study and deliberate on this supplementary budget, we want to get assurance from the Chairman of the Budget and Appropriation Committee that all the destroyed trans-county and national roads will be funded from the budget. I am not comfortable with this reduction. If there is any department that needs to be given more money it is this one.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you. Hon. Beatrice Kemei.

**Hon. Beatrice Kemei** (Kericho County, UDA): Thank you, Hon. Temporary Chairman. Why are there too many reductions yet our roads are very bad? If you go to our counties and constituencies, the first thing the people ask you is about roads. They look at Members of Parliament and roads, and then it is like we are not doing anything. Too many of these reductions will also cost us a lot.

Thank you.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you. Hon. Joseph Munyoro.

**Hon. Joseph Munyoro** (Kigumo, UDA): Thank you, Hon. Temporary Chairman. I am actually quite disappointed because we thought the State Department for Roads needed more money. I come from an area where we are really suffering. Mau Mau trunk roads are impassable and we were hoping that this department would get more money to sort out our problems. I have seen it is a capital reduction, and honestly we should have added more money to the department.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairman, let me also join my colleagues in expressing dissatisfaction and fear. This is a department that has many

cases of pending bills, many roads that have stalled and some were being declared politically. I do not know what plan the Committee has to resolve the issue of pending bills in the roads sector. We would probably need that assurance.

**The Temporary Chairman** (Hon. David Ochieng’): This cannot be a point of debate. I want to give the Chairperson a chance to respond.

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

**The Temporary Chairman** (Hon. David Ochieng’): Yes, Hon. Junet. One minute.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Temporary Chairman, before you go to the Chairman, we have just passed here a vote head that increased Ksh8 billion to the Ministry of Defence and we are saying we are reducing Ksh18 billion from the Ministry of Transport and Infrastructure. Where are our priorities? Or, we are just a conveyor belt on this budget? The budget-making process now belongs to the National Assembly. The National Treasury just makes proposals to us. If there is no money for the roads, the people who are going to be blamed are not the Executive. It is going to be Parliament. We are increasing Ksh8 billion for the Ministry of Defence just to buy small things and then Ksh18 billion is removed from the Ministry of Transport and Infrastructure, and you can hear the Member there unless you paid him.

**The Temporary Chairman** (Hon. David Ochieng’): No, they did a letter. Hon. Chairman.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Temporary Chairman, starting with the question from Hon. Rindikiri, roads have different kinds of funding. One is donor funding and the Exchequer for maintenance. Money for road maintenance comes from the fuel levy and it is available. All damaged roads will be taken care of. In terms of the other issues around road funding, I want to assure this House that we are working on a bilateral agreement that will unlock a lot of pending bills to be paid. I also want to assure Members that we are going to have the equipment for the construction of roads going back to our constituencies. This is just for this period but by the time we go to the next budget cycle, we will have unlocked sufficient resources that will go to the roads sector. We have also taken care of stalled roads. I know there are some in Suna East. I have the list. By March, there will be parts of the roads that will be unlocked, of course in Kericho and all other counties.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Alice Ng’ang’a, kindly move to the microphone that works.

**Hon. Alice Ng’ang’a** (Thika Town, UDA): Thank you, Hon. Temporary Chairman. To add to that, Thika Town Constituency is under Kenya Urban Roads Authority (KURA) and there is no money. There are too many impassable roads and people are up in arms. This should be looked into because it is causing problems. I have heard what the Chairperson of the Budget and Appropriations Committee has said. We will give them time, but they need to look into these roads because we are suffering. Contractors have vacated those roads and it is currently a mess. I hear Members talking of KeRRA, which my constituency does not benefit from. From the budget I have seen, KURA has no allocation, which is very sad.

**The Temporary Chairman** (Hon. David Ochieng’): This has to go either way. Hon. Junet, allow me to put the Question on this matter.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Temporary Chairman, if you listened to what Hon. Alice Ng’ang’a said, you feel like crying. We must reverse this. The Chairperson has just said that there is road maintenance levy but we are discussing building of new roads. Is he aware that grass has grown on many of the roads and projects that have been abandoned? This is a serious matter.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Members, let us vote on this matter.

*(Programme 0202000 agreed to)*

*(Vote 1091 agreed to)*

VOTE 1092 – STATE DEPARTMENT FOR TRANSPORT

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1092 (State Department for Transport) be reduced by a sum not exceeding Ksh2,227,614,460.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Junet.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Temporary Chairman, this House should be serious.

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Junet, we are serious.

**Hon. Junet Mohamed** (Suna East, ODM): How can we reduce money from the transport sector? The other day, the roof at Jomo Kenyatta International Airport was leaking. Where will they get money to repair it if not from us? *Tuwache hizi aibu ndogo ndogo*. Let us give these people money. Let us agree not to vote for this proposal.

**The Temporary Speaker** (Hon. David Ochieng’): Member for Molo.

**Hon. Kuria Kimani** (Molo, UDA): Thank you, Hon. Temporary Chairman. We are currently in the Committee of Supply. I think Hon. Junet should tell us where we should deduct this money from. Maybe we should consider the capitation of Junior Secondary School (JSS) for the funding of these particular roads. We must agree that if we do not have the resources to do some things, they can wait. If our revenue improves, we can always come back with Supplementary Estimates II and allocate more money to these particular priority areas.

**The Temporary Speaker** (Hon. David Ochieng’): Thank you.

*(Programmes 0201000, 0203000, 0204000,  
0205000 and 0216000 agreed to)*

*(Vote 1092 agreed to)*

VOTE 1093 - STATE DEPARTMENT FOR SHIPPING AND MARITIME AFFAIRS

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year 30<sup>th</sup> June 2024 in respect of Vote 1093 (State Department for Shipping and Maritime Affairs) be reduced by a sum not exceeding Ksh280,157,224.

*(Programme 0220000 agreed to)*

*(Vote 1093 agreed to)*

VOTE 1094 - STATE DEPARTMENT FOR HOUSING AND URBAN DEVELOPMENT

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1094 (State Department for Housing and Urban Development) be reduced by a sum not exceeding Ksh13,261,111,801.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairman, I hope both the Chair of the Departmental Committee on Finance and National Planning and the Chair of the Budget and Appropriations Committee are listening. When we passed the contentious Finance Bill this year, we had the impression that the money meant for housing levy was going to be ring fenced and it will not be appropriated to any other activity. With the reduction from Ksh80 billion to Ksh74 billion, are you renegeing from the undertaking you gave at that particular time? We need that clarification.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you. Hon. Junet.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Temporary Chairman, you see there is a reduction of Ksh13 billion in urban development and housing. They promised to build many markets all over the country through the urban development vote. Does this mean that there is nothing that is going to happen? Was that just hot air?

**The Temporary Chairman** (Hon. David Ochieng’): Thank you. Hon. K.K, you removed your card. I cannot see you on the intervention screen.

**Hon. Kuria Kimani** (Molo, UDA): Thank you, Hon. Temporary Chairman. This addition of the Ksh80 billion is because – if you can remember – the passage of the budget was done before we started collecting the housing levy. Now that we are collecting this housing levy, it is going to the Consolidated Fund. We did an amendment in the Committee of the whole House during the passage of the Finance Bill and we ring fenced it and said that the money cannot be spent for any other purpose but affordable housing. We are adding the Ksh80 billion to the State Department of Housing and Urban Development for those particular programmes of Housing and Urban Development because we have started collecting these funds of housing levy now.

*(Programmes 0102000, 0105000 and 0106000 agreed to)*

*(Vote 1094 agreed to)*

#### VOTE 1095 - STATE DEPARTMENT FOR PUBLIC WORKS

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1095 (State Department for Public Works) be reduced by a sum not exceeding Ksh432,348,046.

*(Programmes 0103000, 0104000, 0106000  
and 0218000 agreed to)*

*(Vote 1095 agreed to)*

#### VOTE 1104 - STATE DEPARTMENT FOR IRRIGATION

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1104 (State Department for Irrigation) be reduced by a sum not exceeding Ksh538,244,870.

*(Programmes 1014000, 1015000, 1022000)*

*and 1023000 agreed to)*

*(Vote 1104 agreed to)*

VOTE 1109 - STATE DEPARTMENT FOR WATER AND SANITATION

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1109 (State Department for Water and Sanitation) be increased by a sum not exceeding Ksh3,427,900,386.

*(Programmes 1001000,1004000 and 1017000 agreed to)*

*(Vote 1109 agreed to)*

VOTE 1112 - STATE DEPARTMENT FOR LANDS AND PHYSICAL PLANNING

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1112 (State Department for Lands and Physical Planning) be increased by a sum not exceeding Ksh422,000,000.

*(Programmes 0101000, 0121000 and 0122000 agreed to)*

*(Vote 1112 agreed to)*

VOTE 1122 - STATE DEPARTMENT FOR INFORMATION COMMUNICATION  
TECHNOLOGY AND DIGITAL ECONOMY

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1122 (State Department for Information Communication Technology and Digital Economy) be increased by a sum not exceeding Ksh295,000,000.

*(Programmes 0207000, 0210000 and 0217000 agreed to)*

*(Vote 1122 agreed to)*

VOTE 1123 – STATE DEPARTMENT FOR BROADCASTING AND TELECOMMUNICATIONS

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1123 (State Department for Broadcasting and Telecommunications) be reduced by a sum not exceeding Ksh25,144,008.

*(Programmes 0207000, 0208000 and 0209000 agreed to)*

*(Vote 1123 agreed to)*

## VOTE 1132 - STATE DEPARTMENT FOR SPORTS

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1132 (State Department for Sports) be reduced by a sum not exceeding Ksh111,211,685.

*(Programme 0901000 agreed to)*

*(Vote 1132 agreed to)*

## VOTE 1134 - STATE DEPARTMENT FOR CULTURE AND HERITAGE

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1134 (State Department for Culture and Heritage) be reduced by a sum not exceeding Ksh147,537,802.

*(Programmes 0902000, 0905000 and 0916000 agreed to)*

*(Vote 1134 agreed to)*

## Vote 1135 - STATE DEPARTMENT FOR YOUTH AFFAIRS AND THE ARTS

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1135 (State Department for Youth Affairs and the Arts) be reduced by a sum not exceeding Ksh61,713,631.

*(Programmes 0711000, 0748000, 0749000,  
0903000, 0904000 agreed to)*

*(Vote 1135 agreed to)*

## Vote 1152 - STATE DEPARTMENT FOR ENERGY

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1152 (State Department for Energy) be increased by a sum not exceeding Ksh1,524,911,309.

*(Hon. (Dr) Ojiambo Oundo spoke off the record)*

**The Temporary Chairman** (Hon. David Ochieng'): There is an amendment. Let the Mover move it and then we can come to you, Hon. Oundo. Was the amendment dropped? It was dropped.

*(Proposed amendment by Hon. Kimani Ichung'wah withdrawn)*

Okay, Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairman, in view of the frequent power failures and outages as a result of dilapidated power transmission lines, especially in Busia, Kenyans should be given some kind of reassurance that the re-organised budget will address this perennial problem that is starting to embarrass the country.

Thank you, Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. David Ochieng’): Who is supposed to give you that assurance?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): In the absence of the Chairperson of the Departmental Committee on Energy, I suppose the Chairperson of the Budget and Appropriations Committee, who is the Mover of the Motion, should be in a position to give us that assurance.

**The Temporary Chairman** (Hon. David Ochieng’): Chairperson of the Budget and Appropriations Committee.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you very much, Hon. Oundo. As you can see, the amounts that we are dealing with in regard to that Department are quite marginal. I, therefore, assure you that you will continue to have consistent power. There have been maintenance challenges, which Kenya Power is dealing with.

*(Programmes 0211000, 0212000, 0213000 and 0214000 agreed to)*

*(Vote 1152 agreed to)*

#### VOTE 1162 - STATE DEPARTMENT FOR LIVESTOCK

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30th June 2024 in respect of Vote 1162 (State Department for Livestock) be reduced by a sum not exceeding Ksh3,816,557,935.

*(Question of the amendment proposed)*

**The Temporary Chairman** (Hon. David Ochieng): Yes, Hon. Member.

**Hon. Joseph Makilap** (Baringo North, UDA): Chairman, I come from a serious pastoral community and I have seen a reduction of Ksh3,000,000,000 and I just needed a clarification from the Chair to understand.

**The Temporary Chairman** (Hon. David Ochieng): The Hon. Chair.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you very much Hon. Chair. Hon. Makilap, thank you very much for standing for what your people do. This money is simply for the movement of the Kenya Meat Commission (KMC) from this department to the Department of Defense (DOD).

**The Temporary Chairman** (Hon. David Ochieng): Members that is self-explanatory.

*(Vote 1162 as amended agreed to)*

#### VOTE 1166 - STATE DEPARTMENT FOR THE BLUE ECONOMY AND FISHERIES

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30th June 2024 in respect of Vote 1166 (State Department for the Blue Economy and Fisheries) be reduced by a sum not exceeding Ksh 47,432,490.



**The Temporary Chairman** (Hon. David Ochieng): The amendment Mover.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you very much Hon. Chair. I move that we amend by deleting the figure Ksh 2,606,516,069 in column six, that is, Gross Current Estimates and under Programme 011000 Fisheries Department and Management and substitute therefore the figure Ksh 2,556,516,062 to deleting the figure Ksh6,614,940,000 in column seven, that is, Gross Capital Estimates under Programme 011000 Fisheries Development and Management and substituting therefore the figure Ksh6,664,940,000. Hon. Chair, this is simply what we call cleaning up.

*(Question of the amendment proposed)*

*(Programme 011000 as amended agreed to)*

*(Vote 1166 as amended agreed to)*

#### VOTE 1169 – STATE DEPARTMENT FOR CROP DEVELOPMENT

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1169 (State Department for Crop Development) be increased by a sum not exceeding Ksh13,742,250,431.

**The Temporary Chairman** (Hon. David Ochieng’): Yes, Hon. Melly.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Temporary Chairman. On this State Department, I commend the Budget and Appropriations Committee and the Departmental Committee on Agriculture and Livestock. This amendment is increasing money for fertiliser and bringing more money to sugar reforms. At the same time, it is going to assure the country of food security and bring down the cost of living.

This is a very good move. The Government is doing well in this particular aspect. I support the amendment.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Nyakundi.

**Hon. Japheth Nyakundi** (Kitutu Chache North, UDA): Thank you, Hon. Temporary Chairman. I also support the increment of Ksh13,742,250,431 because it will increase the fertiliser that farmers need. As you have seen, the reduction of price of fertiliser from Ksh7,500 to Ksh2,500 has reduced the cost of living. It has reduced the cost of *unga* from Ksh230 to Ksh130.

I support the increment. It will also go into mopping-up of maize, so that National Cereals and Produce Board (NCPB) can buy maize from farmers, and then they will go back to the farm and produce more.

Thank you, Hon. Temporary Chairman.

**The Temporary Chairman** (Hon. David Ochieng’): Lastly, Hon. Makali, contribute to this amendment. I cannot see your card.

**Hon. John Makali** (Kanduyi, FORD-K): Hon. Temporary Chairman, I have the microphone now. I support the increment in this very vital State Department. However, I want to get an assurance from the Chairman of the Budget and Appropriations Committee that part of this sum will support the sugar industry reforms, and more specifically to pay the sugarcane farmers and employees in Nzoia sugar zone.

**The Temporary Chairman** (Hon. David Ochieng’): How is that assurance supposed to come? Hon. Members, it is also fair to ask the Chairman of the Budget and Appropriations

Committee matters that are under his charge which he is aware of, and he can answer ably without saying he assures you. If he says that, what do you get in return? How do you get assured when he says that?

Chairman of the Budget and Appropriations Committee.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you, Hon. Temporary Chairman. I want Hon. Makali to be in peace. The money that you will enhance for the State Department for Crop Development will take care of all farmers across Kenya: maize farmers, coffee cherry farmers, and tea and maize fertiliser. It will also be used for sugar reforms, specifically paying arrears to farmers and enhancing Cane Testing Unit (CTU), so that we have sucrose levels being a critical area in sugar production.

**The Temporary Chairman** (Hon. David Ochieng'): Hon. Dekow, you will have the last word on this.

**Hon. Dekow Mohamed** (Garissa Township, UDA): Thank you, Hon. Temporary Chairman. I support this increment for the State Department for Crop Development. I wish and hope that my constituency or county will be the next food basket for this country. I can see the Chairperson of the Departmental Committee on Agriculture and Livestock looking like I am not realistic. Garissa is the next area that we must start investing in as a country. While I appreciate the fact that we are putting more money into fertiliser subsidies, we should also put more money into agricultural mechanisation specifically for this region where I come from. We are the next food basket for this country.

**The Temporary Chairman** (Hon. David Ochieng'): Thank you. Next is Hon. Mutunga.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Thank you very much, Hon. Temporary Chairman. I support what the Members have said. However, three things have not been mentioned. One, there is the re-introduction of the National Food Reserve. We used to have the Strategic Food Reserve, and now we have the National Food Reserve. We have allocated Ksh2 billion to it. We also have the procurement of dryers which we have allocated Ksh2.34 billion. This is a mitigation measure to ensure that we do not have huge post-harvest losses which amount to 40 per cent. The final thing is that we are not only looking at the fertiliser subsidy, but also having good seeds and seedlings. We have also put some money into the procurement of seedlings.

**The Temporary Chairman** (Hon. David Ochieng'): Hon. K.K.

**Hon. Kuria Kimani** (Molo, UDA): Thank you, Hon. Temporary Chairman. I thank the Departmental Committee on Agriculture and Livestock and the Budget and Appropriation Committee for providing for post-harvest losses by budgeting for dryers and other facilities.

**The Temporary Chairman** (Hon. David Ochieng'): I hope the money will be used for post-harvest indeed.

*(Programmes 0107000, 0108000, 0109000 and 0120000 agreed to)*

*(Vote 1169 agreed to)*

#### VOTE 1173 - STATE DEPARTMENT FOR COOPERATIVES

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1173 (State Department for Cooperatives) be increased by a sum not exceeding Ksh4,265,018,470.

*(Programme 0304000 agreed to)*

*(Vote 1173 agreed to)*

VOTE 1174 - STATE DEPARTMENT FOR TRADE

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1174 (State Department for Trade) be increased by a sum not exceeding Ksh897,891,035.

*(Programmes 0309000, 0310000, 0311000 and 0312000 agreed to)*

*(Vote 1174 agreed to)*

VOTE 1175 - STATE DEPARTMENT FOR INDUSTRY

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1175 (State Department for Industry) be reduced by a sum not exceeding Ksh243,473,802.

*(Programmes 0301000, 0320000 and 0321000 agreed to)*

*(Vote 1175 agreed to)*

VOTE 1176 - STATE DEPARTMENT FOR MICRO, SMALL  
AND MEDIUM ENTERPRISES DEVELOPMENT

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1176 (State Department for Micro, Small and Medium Enterprises Development) be reduced by a sum not exceeding Ksh4,610,967,246.

*(Programmes 0316000, 0317000, 0318000  
and 0319000 agreed to)*

*(Vote 1176 agreed to)*

VOTE 1177-STATE DEPARTMENT FOR INVESTMENT PROMOTION

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1177 (State Department for Investment Promotion) be reduced by a sum not exceeding Ksh832,820,534.

*(Programme 0322000 agreed to)*

*(Vote 1177 agreed to)*

VOTE -1184 - STATE DEPARTMENT FOR LABOUR

## AND SKILLS DEVELOPMENT

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1184 (State Department for Labour and Skills Development) be reduced by a sum not exceeding Ksh534,710,495.

*(Programmes 0910000, 0906000 and 0907000 agreed to)*

*(Vote 1184 agreed to)*

VOTE 1185 – STATE DEPARTMENT FOR SOCIAL  
PROTECTION AND SENIOR CITIZENS AFFAIRS

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1185 (State Department for Social Protection and Senior Citizen Affairs) be increased by a sum not exceeding Ksh2,070,423,256.

**The Temporary Chairman** (Hon. David Ochieng’): Member for Kericho.

**Hon. Beatrice Kemei** (Kericho County, UDA): Hon. Temporary Chairman, thank you very much. This increase is welcome. The cost of this programme, the *Inua Jamii* Programm... Many of our old people were not registered but now they are registered. I appreciate. It is welcome. Thank you.

*(Programmes 0908000, 0909000 and 0914000 agreed to)*

*(Vote 1185 agreed to)*

## VOTE 1192 – STATE DEPARTMENT FOR MINING

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1192 (State Department for Mining) be increased by a sum not exceeding Ksh1,272,351,872.

*(Programmes 1007000, 1009000 and 1021000 agreed to)*

*(Vote 1192 agreed to)*

## VOTE 1193 – STATE DEPARTMENT FOR PETROLEUM

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1193 (State Department for Petroleum) be increased by a sum not exceeding Ksh3,544,591,707.

*(Programme 0215000 agreed to)*

*(Vote 1193 agreed to)*

## VOTE 1202 – STATE DEPARTMENT FOR TOURISM

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1202 (State Department for Tourism) be increased by a sum not exceeding Ksh3,177,287,351.

*(Programmes 0313000, 0314000 and 0315000 agreed to)*

*(Vote 1202 agreed to)*

## VOTE 1203 - STATE DEPARTMENT FOR WILDLIFE

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1203 (State Department for Wildlife) be increased by a sum not exceeding Ksh378,590,720.

*(Programme 1019000 agreed to)*

*(Vote 1203 agreed to)*

## VOTE 1212 - STATE DEPARTMENT FOR GENDER AND AFFIRMATIVE ACTION

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1212 (State Department for Gender and Affirmative Action) be increased by a sum not exceeding Ksh995,287,741.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Commissioner.

**Hon. Faith Gitau** (Nyandarua County, UDA): Thank you, Hon. Temporary Chairman. I support this increment as it will ensure that we have consistent supply of sanitary pads for our girls in school.

I support.

*(Programmes 0711000, 0911000,  
0912000 and 0913000 agreed to)*

*(Vote 1212 agreed to)*

## VOTE 1213 - STATE DEPARTMENT FOR PUBLIC SERVICE

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1213 (State Department for Public Service) be increased by a sum not exceeding Ksh332,709,629.

*(Programmes 0710000, 0709000  
and 0747000 agreed to)*

*(Vote 1213 agreed to)*

VOTE 1221 - STATE DEPARTMENT FOR EAST AFRICAN COMMUNITY

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1221 (State Department for East African Community) be increased by a sum not exceeding Ksh209,333,462.

*(Programme 0305000 agreed to)*

*(Vote 1221 agreed to)*

VOTE 1252 – THE STATE LAW OFFICE

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1252 (The State Law Office) be increased by a sum not exceeding Ksh175,226,186.

*(Programmes 0606000, 0607000 and 0609000 agreed to)*

*(Vote 1252 agreed to)*

VOTE 1271 – ETHICS AND ANTI-CORRUPTION COMMISSION

**THAT**, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1271 (Ethics and Anti-Corruption Commission) be reduced by a sum not exceeding Ksh130,000,000.

*(Programme 0611000 agreed to)*

*(Vote 1271 agreed to)*

VOTE 1281 - NATIONAL INTELLIGENCE SERVICE

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1281 (National Intelligence Service) be increased by a sum not exceeding Ksh1,550,000,000.

**The Temporary Chairman** (Hon. David Ochieng’): I have not proposed the question yet. Yes, Hon. Alice Ng’ang’a.

**Hon. Alice Ng’ang’a** (Thika Town, UDA): Thank you, Hon. Temporary Chairman.

Why is the National Intelligence Service (NIS) getting a lot of money in this kind of increase? We have not been seeing them performing very well in this country. Why are we giving them a lot of money? If the Chairman is here, he can explain to us why we do not have

money in some areas and NIS is being given a lot of money. If you ask me, there is nothing they start and finish. They always leave things hanging.

Thank you.

*(Laughter)*

**The Temporary Chairman** (Hon. David Ochieng’): Just a minute, Hon. Chairman. Let me hear Hon. Atandi before you have a go.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Hon. Temporary Chairman, I do not speak for Government but I am aware that the NIS has saved this country a lot of problems, especially to do with the *Al Shabaab*. There is a lot of work they have done behind the scenes. It has enabled this country to experience peace and security. Therefore, I really support this allocation.

**The Temporary Chairman** (Hon. David Ochieng’): I will have to stand you down again, Chairman of the Budget and Appropriations Committee. Hon. Makilap wants to say something.

**Hon. Joseph Makilap** (Baringo North, UDA): Hon. Temporary Chairman, I tend to agree with the *Mheshimiwa* from Thika Town Constituency that the Ksh1.5 billion given to the NIS is money that we can re-allocate to sort out Kenyans who are suffering even in our places. The information from the NIS has never been consumed practically to help the intended...

**The Temporary Chairman** (Hon. David Ochieng’): *Haya*. Hon. Melly.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Temporary Chairman.

I want to bring it to the attention of the Member that national intelligence is very important to the stability and the running of this country. The money to be allocated is meant to ensure that the intelligence service is able to gather enough information and make sure that we have the security that we need.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you. Hon. KK.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairman, I would like to persuade my colleagues that the work the NIS does may not be work that they publish or show on the newspapers or news. Actually, they keep this country running by making sure that they avert threats of terror and even matters of corruption. I implore Members that we allocate these resources because this is the heart of the stability of our country.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Kosgei.

**Hon. Hilary Kosgei** (Kipkelion West, UDA): Yes, Hon. Temporary Chairman. I support the increase because the running of any country cannot do without the intelligence service.

**The Temporary Chairman** (Hon. David Ochieng’): I want to put the question. Unless the Member for Kiharu has something to say.

*(Programme 0804000 agreed to)*

*(Vote 1281 agreed to)*

#### VOTE 1291 - OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1291 (Office of the Director of Public Prosecutions) be increased by a sum not exceeding Ksh420,000,000.

*(Programme 0612000 agreed to)*

*(Vote 1291 agreed to)*

VOTE 1311 - OFFICE OF THE REGISTRAR OF POLITICAL PARTIES

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1311 (Office of the Registrar of Political Parties) be reduced by a sum not exceeding Ksh812,303,858.

**The Temporary Chairman** (Hon. David Ochieng’): Go ahead, Hon. Millie Odhiambo.  
**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Temporary Chairman, I wish to indicate that I do not support that reduction because we must enable our political parties to grow. They will not grow if we stifle them.

*(Programme 0614000 agreed to)*

*(Vote 1311 agreed to)*

VOTE 1321 - WITNESS PROTECTION AGENCY

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1321 (Witness Protection Agency) be increased by a sum not exceeding Ksh68,704,990.

*(Programme 0615000 agreed to)*

*(Vote 1321 agreed to)*

*(Hon. Silvanus Osoro consulted loudly)*

**The Temporary Chairman** (Hon. David Ochieng’): Order, Hon. Osoro.

VOTE 1331 - STATE DEPARTMENT FOR ENVIRONMENT AND CLIMATE CHANGE

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1331 (State Department for Environment and Climate Change) be increased by a sum not exceeding Ksh314,656,765.

*(Programmes 1002000,1010000,1012000 and 1018000 agreed to)*

*(Vote 1331 agreed to)*

VOTE 1332 - STATE DEPARTMENT FOR FORESTRY

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024



in respect of Vote 1332 (State Department for Forestry) be increased by a sum not exceeding Ksh101,707,261.

*(Programme 1018000 agreed to)*

*(Vote 1332 agreed to)*

#### VOTE 2011 – KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 2011 (Kenya National Commission on Human Rights) be increased by a sum not exceeding Ksh9,996,436.

*(Programme 0616000 agreed to)*

*(Vote 2011 agreed to)*

#### VOTE 2021 – NATIONAL LAND COMMISSION

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 2021 (National Land Commission) be reduced by a sum not exceeding Ksh152,679,766.

*(Programme 0119000 agreed to)*

*(Vote 2021 agreed to)*

#### VOTE 2031 – INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 2031 (Independent Electoral and Boundaries Commission) be increased by a sum not exceeding Ksh102,670,914.

*(Programmes 0617000 and 0618000 agreed to)*

*(Vote 2031 agreed to)*

#### VOTE 2061 - THE COMMISSION ON REVENUE ALLOCATION

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 2061 (The Commission on Revenue Allocation) be increased by a sum not exceeding Ksh365,077.

*(Programme 0737000 agreed to)*

*(Vote 2061 agreed to)*

## VOTE 2071 - PUBLIC SERVICE COMMISSION

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 2071 (Public Service Commission) be reduced by a sum not exceeding Ksh155,259,838.

*(Programmes 0725000, 0726000, 0727000,  
0744000 and 075000 agreed to)*

*(Vote 2071 agreed to)*

## VOTE 2081 - SALARIES AND REMUNERATION COMMISSION

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 2081 (Salaries and Remuneration Commission) be reduced by a sum not exceeding Ksh11,867,225.

*(Programme 0728000 agreed to)*

*(Vote 2081 agreed to)*

## VOTE 2091 - TEACHERS SERVICE COMMISSION

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 2091 (Teachers Service Commission) be increased by a sum not exceeding Ksh19,774,803,529.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Omboko.

**Hon. Omboko Milemba** (Emuhaya, ANC): This increment, which we appreciate, basically goes to the statutory payments of the teachers. As you will be seeing, both housing levy, and so on and so forth... We, however, have a chunk of teachers who have worked for a contract period of one year as noted in their letters. I am telling Hon. Members that those teachers needed more funding to be absorbed on permanent and pensionable terms.

There are also those teachers we talked about who need promotions. The President pronounced that he would be giving the teachers Ksh1 billion. Hon. Members, as we make this resolution, remember you will be the ones who will be back here to speak about promotion of teachers and the JSS teachers.

**The Temporary Chairman** (Hon. David Ochieng’): I want to give the Hon. Member from... You do not have a card? I cannot see you! Hon. Mwalimu Ikiara.

**Hon. Dorothy Muthoni** (Nominated, UDA): Thank you. I want to plead with this House to consider the teachers who were temporarily employed in the JSS, so that as we allocate these funds, they can be employed on permanent and pensionable terms. On the same note, for us to motivate the teaching class, teachers who have stagnated in one grade for a long time should be considered among other things.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you. Members, let us not debate. If you look at your watches now, we need to move.

**Hon. Members:** Put the question.

*(Loud consultations)*

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Alice Ng’ang’a you cannot do that. I have indulged you so many times already.

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

*(Programmes 0509000, 0510000 and 0511000 agreed to)*

*(Vote 2091)*

#### VOTE 2101 - NATIONAL POLICE SERVICE COMMISSION

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 2101 (National Police Service Commission) be reduced by a sum not exceeding Ksh41,551,912.

*(Programme 0620000 agreed to)*

*(Vote 2101 agreed to)*

#### VOTE 2111 – AUDITOR GENERAL

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 2111 (Auditor General) be increased by a sum not exceeding Ksh305,000,000.

*(Programme 0729000 agreed to)*

*(Vote 2111 agreed to)*

#### VOTE 2121 – OFFICE OF THE CONTROLLER OF BUDGET

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 2121 (Office of the Controller of Budget) be reduced by a sum not exceeding Ksh59,550,311.

**The Temporary Chairman** (Hon. David Ochieng’): Proceed, Hon. Kirwa. You have one minute.

**Hon. Abraham Kirwa** (Mosop, UDA): Thank you, Hon. Temporary Chairman. We are reducing Ksh59,550,311 from the Office of the Controller of Budget, which is a sensitive office. What are we reducing?

**The Temporary Chairman** (Hon. David Ochieng’): Chairperson, Budget and Appropriations Committee, what money are you reducing from the Office of the Controller of Budget?

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Temporary Chairman, this is normal for all the departments. That was for the purpose of rationalisation. The National Treasury sent a circular to all MDAs who made cuts where they deemed fit.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Kimani Kuria, you have one minute.

**Hon. Kuria Kimani** (Molo, UDA): We had a deliberation with the Controller of Budget, who agreed to this particular amendment.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you.

*(Programme 0730000 agreed to)*

*(Vote 2121 agreed to)*

#### VOTE 2131 – COMMISSION ON ADMINISTRATIVE JUSTICE

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 2131 (Commission on Administrative Justice) be reduced by a sum not exceeding Ksh22,315,576.

*(Programme 0731000 agreed to)*

*(Vote 2131 agreed to)*

#### VOTE 2141 – NATIONAL GENDER AND EQUALITY COMMISSION

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 2141 (National Gender and Equality Commission) be reduced by a sum not exceeding Ksh27,974,589.

*(Programme 0621000 agreed to)*

*(Vote 2141 agreed to)*

#### VOTE 2151 - INDEPENDENT POLICING OVERSIGHT AUTHORITY

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 2151 (Independent Policing Oversight Authority) be reduced by a sum not exceeding Ksh33,425,822.

*(Programme 0622000 agreed to)*

*(Vote 2151 agreed to)*

#### VOTE 1261 - THE JUDICIARY

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024

in respect of Vote 1261 (The Judiciary) be reduced by a sum not exceeding Ksh400,000,000.

*Programme 0610000 -Dispensation of Justice*

**The Temporary Chairman** (Hon. David Ochieng’): Mover, do you have an amendment? Go ahead.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Temporary Chairman, I beg to move: THAT, the First Schedule be amended in Vote 1261 (The Judiciary) by—  
(i) deleting the figure Ksh20,537,400,000 in Column 6 (Gross Current Estimates), under Programme 0610000 Dispensation of Justice, and substituting therefore the figure Ksh20,437,400,000  
(ii) deleting the figure Ksh1,350,000,000 in Column 7 (Gross Capital Estimates), under the Programme Dispensation of Justice and substituting therefore the figure Ksh1,450,000,000.

This is just to clean up.

**The Temporary Chairman** (Hon. David Ochieng’): What is the net effect?

**Hon. Ndindi Nyoro** (Kiharu, UDA): The net effect is zero sum.

**The Temporary Chairman** (Hon. David Ochieng’): It is zero sum.

*(Question of the amendment proposed)*

*(Programme 0610000 as amended agreed to)*

*(Vote 1261 as amended agreed to)*

VOTE 2051 - JUDICIAL SERVICE COMMISSION

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 2051 (Judicial Service Commission) be reduced by a sum not exceeding Ksh150,000,000.

*(Programme 0619000 agreed to)*

*(Vote 2051 agreed to)*

*(Loud consultations)*

**The Temporary Chairman** (Hon. David Ochieng’): Order, Hon. Members! There is a constitutional amendment for Vote 1071 (The National Treasury), by Hon. Junet Mohamed whose effect if carried, we will move on to Parliament. So, go ahead.

VOTE 1071 - THE NATIONAL TREASURY

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1071 (The National Treasury) be reduced by a sum not exceeding Ksh17,329,790,238.

*Programme 0718000 - Public Financial Management*

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Junet Mohamed.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Temporary Chairman, I beg to move: THAT, the First Schedule be amended –

- (a) In Vote 1071 (The National Treasury) by deleting the figure Ksh32,567,952,310 under Programme 0718000 Public Financial Management in column 7 (Gross Capital Estimates) and substituting thereof with the figure Ksh31,467,952,310.

Hon. Chair, the purpose of this amendment is for the Parliamentary Service Commission.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you.

*(Question of the amendment proposed)*

*(Programme 0718000 as amended negatived)*

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

**The Temporary Chairman** (Hon. David Ochieng’): Yes. What is out of order, Hon. Junet?

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Chair, I want to tell Hon. Members that their travelling money and everything else is gone. Do not blame the Clerk.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you.

*(Programme 0718000 agreed to)*

*(Vote 1071 agreed to)*

VOTE 2043 - PARLIAMENTARY JOINT SERVICES

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 2043 (Parliamentary Joint Services) be reduced by a sum not exceeding Ksh500,000,000.

*(Programmes 0723000 and 0746000 agreed to)*

*(Vote 2043 agreed to)*

VOTE 1066 - STATE DEPARTMENT FOR BASIC EDUCATION

THAT, further to the Appropriations Act, 2023, the sum allocated to meet the expenditure (Recurrent and Development) for the year ending 30<sup>th</sup> June 2024 in respect of Vote 1066 (State Department for Basic Education) be increased by a sum not exceeding Ksh11,746,101,126.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Members, there was a small issue of Vote 1066. Therefore, I want to propose the Question. Mover.

*Programmes 0501000 and 0502000 – Primary Education and Secondary Education*

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you very much, Hon. Temporary Chairman. I beg to move:

THAT, the Schedule be amended in Vote 1066 by-

- (a) Deleting the figure Ksh15,929,268,228 in column 7 (Gross Capital Estimates) under 0501000 Primary Education and substituting thereof the figure Ksh15,429,268,228.
- (b) Deleting the figure Ksh7,068,800,000 in column 7 (Gross Capital Estimates) under 0502000 Secondary Education and substituting thereof the figure Ksh6,568,800,000.

The essence of this amendment is the same description that I gave in regard to the increment of Ksh1 billion for the State Department for Economic Planning. We are moving Ksh1 billion from the Ministry of Education, which was meant for infrastructure upgrades for public primary and secondary schools in Nairobi. The 17 Members of Parliament from Nairobi will oversee that money through the NG-CDF, and also implement infrastructure development.

**The Temporary Chairman** (David Ochieng'): What is the effect? The figure is now Ksh11 billion. Does it go up?

**Hon. Ndindi Nyoro** (Kiharu, UDA): The effect is that we are moving Ksh1 billion from the Ministry of Education and allocating the same to the State Department for Economic Planning, in other words, the NG-CDF, so that it can be managed under that framework.

**The Temporary Chairman** (David Ochieng'): Do you mean that the current allocation for the Ministry of Education has reduced from Ksh11 billion to Ksh10 billion?

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Temporary Chairman, if you look at the amendment on the Order Paper, Ksh500 million is being deducted from Programme 0501000 on Primary Education, and Ksh500 million is being deducted from Programme 0502000 on Secondary Education. The same figures are being allocated to the NG-CDF.

**The Temporary Chairman** (David Ochieng'): Okay. Go ahead, Hon. Chairperson.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Temporary Chairman. I support what the Chairperson of the Budget and Appropriations Committee has done. Nairobi County currently does not have enough secondary schools. The county cannot accommodate the current number of secondary school students. It relies on neighbouring counties and other parts of the country to accommodate its students. This allocation will enable students within Nairobi to access basic secondary education.

I support the amendment.

**The Temporary Chairman** (David Ochieng'): Hon. Alice Ng'ang'a.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Temporary Chairman, we are here to understand things. Why is this money being allocated to Nairobi County? What is the Chairperson of the Departmental Committee on Education talking about? Thika Town is an urban area. I do not understand why that money was allocated to Nairobi County while I am facing the same problems in Thika Town. What criteria did they use to arrive at that conclusion? I need to understand.

**The Temporary Chairman** (David Ochieng'): Chairperson of the Departmental Committee on Education.

**Hon. Julius Melly** (Tinderet, UDA): Hon. Temporary Chairman, Thika Town is within Kiambu County, which has more secondary schools than Nairobi County. Look at the population of Nairobi County. I know that Thika Town and other metropolitan areas are also facing the same challenges, but they can be assisted by schools within their counties.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Temporary Chairman, I also want to execute my point. Let me address the Chairperson of the Departmental Committee on Education. I do not know the criteria that they used to allocate that money to Nairobi County

because I experience the same problems in Thika Town. I do not have any more land or enough schools. What criteria did they use?

*(Loud consultations)*

**The Temporary Chairman** (David Ochieng’): Order, Members! Take your seats. Hon. Alice Ng’ang’a, take your seat. Hon. DK, take your seat.

This is not an easy matter. I want to give this direction. Aggrieved Members should file a formal petition before the Departmental Committee on Education so that this matter is dealt with.

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

Order! You will not deal with this matter at this point in time even if you shout at the Chair 10 times. Members should present a petition to the relevant committee so that it is dealt with.

**Hon. Alice Ng’ang’a** (Thika Town, UDA): Hon. Temporary Chairman, I am still on my feet. We are here to go through the Supplementary Estimates so that we can understand everything in them. That is why it has come to light that Ksh1 billion has been allocated to Nairobi County, yet other areas are also facing similar problems.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you. The last person to speak on this matter will be the Chair of the Budget and Appropriations Committee. I will then close on this matter.

**Hon. Ndindi Nyoro** (Kiharu, UDA): I would really indulge that before I say something, we have a Member from Nairobi County putting this into perspective.

**The Temporary Chairman** (Hon. David Ochieng’): Chairman of the Budget and Appropriations Committee, you have just messed it up.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Let me proceed.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Junet.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Temporary Chairman, the problem that Hon. Alice Ng’ang’a is raising is in all urban centres; it is in Mombasa, Nyeri, Kisumu and Nakuru. What is so special about Thika?

**The Temporary Chairman** (Hon. David Ochieng’): That is okay. Hon. KJ, 30 seconds, please.

*(Loud consultations)*

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Temporary Chairman, I want to agree with the Member for Thika. She has a point, but I want to plead with Members to understand that this is the first budget that we are making for the Kenya Kwanza Government.

The allocation to Nairobi is going to sort a real problem, but it does not mean that there are no problems elsewhere in the country. We can agree on a gentleman and lady’s agreement that we make this rotational. The need in Nairobi is real. I do not think there is any county in this country with a primary school that has 5,000 learners in one compound. I agree there is a need in Thika, but it does not negate the need in Nairobi.

*(Hon. John Kiarie spoke off the record)*

**The Temporary Chairman** (Hon. David Ochieng’): Correct. Chair of the Budget and Appropriations Committee.

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*



*(Hon. Alice Ng'ang'a and Hon. John Kiarie consulted loudly)*

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Alice Ng'ang'a and Hon. KJ, the consultations are too loud.

*(Loud consultations)*

**The Temporary Chairman** (Hon. David Ochieng'): Order, Hon. Members. Hon. Alice Ng'ang'a, in all fairness, I think you have been heard.

*(Loud consultations)*

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Temporary Chairman, I want to put this to perspective.

*(Hon. Sylvanus Osoro consulted loudly)*

**The Temporary Chairman** (Hon. David Ochieng'): Order, Hon. Osoro. The Chair of the Budget and Appropriations Committee will be heard in silence.

**Hon. Ndindi Nyoro** (Kiharu, UDA): I agree with Hon. Alice that we all deserve resources, but comparatively to all constituencies in Kenya, the truth of the matter is that the 17 constituencies in Nairobi have more dire scarcity of land.

To build a school infrastructure in Nairobi costs more than in any other place in Kenya especially because of the cost of land. It is also important for us to note that Nairobi is the Capital City of all Kenyans. Empirical data shows that Nairobi has the highest number of school going children. Those children are not in school because of lack of space. Most of the schools in Nairobi are all packed in terms of space and that is the reason majority of the parents in Nairobi take their children to private schools which have lower educational standards than public schools.

Therefore, I beseech Members in this House to consider this because Nairobi is our Capital City. Despite coming from different sides of this country, we all need to be proud of our Capital City. We must capacitate it to be a true Capital City of Kenya. There is empirical data to suggest that this is merited.

**The Temporary Chairman** (Hon. David Ochieng'): Well said, Hon. Chair. I want to end this matter. I will give the Leader of the Majority Party and the Member for Kaiti one minute each.

**Hon. Joshua Kimilu** (Kaiti, WDM): Thank you, Hon. Temporary Chairman. I want to be clear on this. Nairobi City County and Kiambu County are almost the same. You cannot say that Nairobi City County has more school-going children than Kiambu, Kisumu, and Mombasa. I do not know why we are saying it should be rotational. Can we consider all the cities? We have Mombasa and Kisumu whose cases are almost the same. It is also the same in Thika. You cannot talk about Nairobi City only.

*(Loud consultations)*

**The Temporary Chairman** (Hon. David Ochieng'): Hon. Melly, you have heard it. Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Chairman. Sharing of resources is always very emotional. You must understand it. We are all here

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

representing constituencies which have unique needs. We all deserve national resources like everyone else.

That is what informed the Equalisation Fund that Hon. Junet was attempting to raid from. That is why those of us who do not believe in marginalisation opposed the amendment to move money from the Equalisation Fund. There are certain areas in this country where without it, children will never access school.

*(Applause)*

The question of urban poverty is real in this country. I will give you a case example. When a school collapsed in Ngando Ward in Dagoretti South Constituency in 2020 or 2021...

*(Loud consultations)*

*(Several Members spoke off the record)*

Hon. Temporary Chairman, protect me from these Nairobi people who love shouting. I know it is in Hon. KJ's constituency. I am only mentioning Ngando Ward in Dagoretti South Constituency that traverses from Lenana School all the way to Kawangware without a single public school, and with a population equivalent to probably three constituencies. I do not speak for Nairobi constituents because I come from a neighbouring county, Kiambu.

*(Applause)*

The same will pervade in Thika, but resources are scarce. When I say urban poverty is real, there are places in this city where children do not go to school. Many of us do not believe it because it is said to be our capital city. There is competition for resources because Nairobi is assumed to be the Capital City. Hence, it has no need for infrastructure in its schools. I have traversed Nairobi City County. Please bear with its Members.

*(Applause)*

There is great need to improve their infrastructure. That does not mean because Nairobi City is getting some money, Kikuyu or Thika does not deserve it tomorrow. I beg you to support this amendment. I rose to support it because Nairobi City's case is unique. It is assumed to be the Capital City. I do not know if Members know that close to 70 per cent of schools in Nairobi were formally city council schools. Hon. KJ will tell you because he was hammered by his constituents in the last campaign because of the nature of schools in his constituency compared to those in Kikuyu.

*(Laughter)*

Allocating resources to Nairobi City County does not take away from the rest of us. Allocating resources to those who benefit from the Equalisation Fund does not mean we are taking away from others. It is one group today and it will be another one tomorrow. Let us support them.

**The Temporary Chairman** (Hon. David Ochieng'): Correct. Lastly, Hon. Junet, contribute for one minute.

*(Loud consultations)*

*(Several Members spoke off the record)*

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Temporary Chairman, I want to explain... Tell this former Speaker of Uasin Gishu County...

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Junet will be heard now.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Temporary Chairman, the amendment I tried to move earlier has been misinterpreted by the Leader of the Majority Party. I want to clarify. The amendment I tried to move was about Parliament on the money that we are supposed to pay as Housing Levy.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Junet, are you going back to a decision we already made?

**Hon. Junet Mohamed** (Suna East, ODM): We have misinterpreted that this is on equalisation. He has said I want to raid the Equalisation Fund. This Fund has never been implemented for the last 15 years; it is just on paper. No one has benefitted from the Equalisation Fund. Can the Leader of the Majority Party tell us when we are going to benefit from it?

**The Temporary Chairman** (Hon. David Ochieng’): Thank you. Let us have Hon. Mary Emaase.

**Hon. Mary Emaase** (Teso South, UDA): Hon. Temporary Chairman. I support this amendment. I am not from Nairobi, but I support it because I live in Nairobi. I also know that children from vulnerable families cannot afford to pay fees in private schools. Let us start with Nairobi and then next time we will consider other areas, including Teso South so that I can renovate schools in my constituency.

**The Temporary Chairman** (Hon. David Ochieng’): Hon. D.K., you may proceed.

**Hon. David Kiplagat** (Soy, UDA): Thank you, Hon. Temporary Chairman. The people of Soy need to be heard. We who come from rural areas face more serious challenges than Nairobi which has piped water and 100 per cent electricity connectivity. Some of us have cried in this House that our rural areas need maximum electricity connectivity. Why do we not have an Equalisation Fund for electricity connectivity so that we all enjoy? What is being done in Nairobi should also be done in our rural areas. We just have 20 per cent electricity connectivity in the rural areas.

**The Temporary Chairman** (Hon. David Ochieng’): Lastly, Hon. K.K.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Chairman, allow me to clarify what this amendment is all about. Earlier on, we already voted and appropriated Ksh1 billion to Nairobi. This consequent amendment is money being moved from the education sector to the NG-CDF. We are having a great debate, but how I wish we discussed this earlier on when we approved the other Fund.

*(Loud consultations)*

*(Programmes 0501000, 0502000,  
0503000 and 0508000 agreed to)*

*(Vote 1066 agreed to)*

**REPORTING RESOLUTION OF COMMITTEE OF SUPPLY**

**The Temporary Chairman** (Hon. David Ochieng’): Order Members. Hon. Members, I thank you for your patience because we are done with this process. You have done well. We will now move to reporting which will take a short time. Thank you for being patient with us.

Let us have the Chairperson of the Budget and Appropriation Committee.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you very much, Hon. Temporary Chairman. You have done a commendable job.

Hon. Temporary Chairman, I beg to move that the Committee of Supply do report to the House its consideration of the Supplementary Estimates 1 for Financial Year 2023/2024 and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[The Temporary Speaker (Hon. Omboko Milemba) in the Chair]*

**The Temporary Speaker** (Hon. Omboko Milemba): Order Members. You may take your seats.

**MOTION****CONSIDERATION OF RESOLUTION OF COMMITTEE OF SUPPLY  
ON SUPPLEMENTARY ESTIMATES I FOR FY 2023/2024**

**The Temporary Speaker** (Hon. Omboko Milemba): Order, Hon. Members! Take your seats. We are back in the House. The Chairperson.

**Hon. David Ochieng’** (Ugenya, MDG): Hon. Temporary Speaker, I beg to report that the Committee of Supply has considered the First Supplementary Estimates for the Financial Year 2023/2024 and approved the same with amendments and, pursuant to the provisions of Article 223 of the Constitution of Kenya, Section 44 of the Public Finance Management Act, 2012 and Standing Order 243, approves the issuance of a sum of Ksh66,201,573,015 from the Consolidated Fund to meet the expenditure during the year ending 30<sup>th</sup> June 2024 in respect of the Votes as approved in the Schedule and that necessary adjustments be made to the programmes amended in the Committee of Supply.

**The Temporary Speaker** (Hon. Omboko Milemba): Mover.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Report of the Committee of Supply in its consideration of the First Supplementary Estimates for the Financial Year 2023/2024 and, pursuant to the provisions of Article 223 of the Constitution of Kenya, Section 44 of the Public Finance Management Act, 2012 and Standing Order 243, approves the issuance of a sum of Ksh66, 201,573,015 from the Consolidated Fund to meet the expenditure for the National Executive, Parliament and the Judiciary during the Year ending 30<sup>th</sup> June 2024 in respect of the Votes as contained in the Schedule incorporating amendments made in the Committee of Supply.

Before I call the seconder, on behalf of the Budget and Appropriations Committee, I want to thank all Members from the bottom of my heart for having stayed up to this late to execute this matter. I want Kenyans to know because they are watching, that they elected the

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

best men and women for this job, in the 13<sup>th</sup> Parliament. I thank Kenyans for identifying very good and credible leaders. I assure them that Members of Parliament are doing their best to ensure they offer quality service to the people they represent.

I also thank the Temporary Chairman, Member for Ugenya, Hon. David Ochieng', for executing his role very well. He did very well in leading us through the Committee of Supply. I also want to thank you, Hon. Temporary Speaker, *mwali mu mwenyewe*, Omboko Milemba, for staying this late to ensure we do this very important exercise. It is the anchor of our role in Parliament; that is budget making. I now request my brother, the very eloquent Member for Kikuyu and the Leader of the Majority Party, Hon. Kimani Ichung'wah, to second this Motion.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Kimani.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Speaker, for giving me this chance. I also thank my younger brother, Hon. Ndindi Nyoro, Chairperson of the Budget and Appropriations Committee, the Vice-Chairperson, Hon. Mary Emaase who is here, and all the Members of the Budget and Appropriations Committee, with the notable presence of Hon. Samuel Atandi and many others who have sat through this Sitting.

Allow me to also thank close to 60 Members of Parliament. Hon. Ndindi is very good in paying accolades and he has been doing so in this 13<sup>th</sup> Parliament. It is good for Kenyans to know that there are about 60 Members of Parliament who have stayed here up to this late to pass the Supplementary Estimates I. Let me also thank all chairpersons of committees present, their vice-chairpersons, and Members of the various departmental committees for the diligent work. I know they sat throughout the weekend, together with the Budget and Appropriations Committee into the late hours of the night when many of us were with our families. I also thank our staff, especially our very professional members of staff in the Parliamentary Budget Office, for the immense work they continue to put in on behalf of the people of Kenya.

*(Applause)*

Many people may assume it is Members of Parliament who sit down and do all this work. We have very good support from professionals. We have some of the best economists and fiscal analysts in this country.

*(Hon. John Kiarie spoke off the record)*

**The Temporary Speaker** (Hon. Omboko Milemba): Order, Hon. Member for Dagoretti South.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, it is good that you have protected me from the Member for Dagoretti South as I beg to second. This afternoon, the Member for Kirinyaga, Hon. Njeri, said that there are decorated secondary schools that purport to be universities.

*(Several Members spoke off the record)*

I have not named any university. This afternoon, Hon. Njeri described one public university as a decorated secondary school.

*(Laughter)*

Hon. Temporary Speaker, I beg to second.

**The Temporary Speaker** (Hon. Omboko Milemba): Order, Hon. Members.

*(Question proposed)*

*(Several Hon. Members spoke off record)*

**The Temporary Speaker** (Hon. Omboko Milemba): Thank you, Members. The mood is that we put the Question. Before I put the Question, let me thank the Members for sitting late. I thank Hon. Ochieng' for taking us through that very long Committee of Supply.

*(Applause)*

*(Question put and agreed to)*

### ADJOURNMENT

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Members, you may be up standing. The time being 9.14 p.m., the House stands adjourned until Tuesday, 21<sup>st</sup> November 2023, at 2.30 p.m.

The House rose at 9.14 p.m.

*Published by*  
Clerk of the National Assembly  
Parliament Buildings  
Nairobi