



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

VOL. III NO. 100

THE HANSARD

Thursday, 14th November 2024

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Speaker: Hon. Members, there is no quorum in the House. Serjeant-at-Arms, ring the Quorum Bell.

(The Quorum Bell was rung)

Order, Hon. Members. Where are the whips? We now have quorum to proceed. Hon. Members on their feet, take your seats and settle down. I have two messages from the Senate and His Excellency the President.

MESSAGES

APPOINTMENT OF SENATORS TO THE MEDIATION COMMITTEE ON THE FOOD AND FEED SAFETY CONTROL COORDINATION BILL

Hon. Speaker: Hon. Members, pursuant to the provisions of Standing Order 41(1), I wish to report to the House that I have received a Message from the Senate regarding the appointment of Senators to a Mediation Committee on the Food and Feed Safety Control Coordination Bill, (National Assembly Bill No.21 of 2024).

The Message conveys that pursuant to the provisions of Article 113 of the Constitution, the Speaker of the Senate has appointed the following Senators to the Mediation Committee on the Bill—

1. Sen. Peris Pesi Tobiko, CBS;
2. Sen. Allan Chesang;
3. Sen. Alexander Mundigi;
4. Sen. David Wakoli;
5. Sen. Daniel Maanzo, MBS;
6. Sen. Beatrice Akinyi Ogolla; and,
7. Sen. Beth Syengo.

You will recall that on 18th October 2024, the House rejected part of the Senate amendments to the Food and Feed Safety Control Coordination Bill, 2024, thereby committing the Bill to a Mediation Committee in accordance with the provisions of Article 112(2)(b) of the Constitution. On the part of the National Assembly, I appointed the following Members to the Mediation Committee, having consulted with the Leader of the Majority Party and the Leader of the Minority Party:

1. Hon. (Dr) John Mutunga;
2. Hon. Sabina Chege;

3. Hon. Gabriel Kagombe;
4. Hon. Monicah Marubu;
5. Hon. Martin Peters Owino;
6. Hon. Joseph Kimilu; and,
7. Hon. Patrick Kibagendi.

Following the appointment of Senators, the Mediation Committee is now fully constituted as contemplated under Article 113 of the Constitution. I, therefore, call upon the Committee to expeditiously consider the matter and submit a version of the Bill for consideration by the Houses of Parliament; bearing in mind the timelines provided for under Article 113(4) of the Constitution.

Thank you.

JOINT SITTING FOR THE PRESIDENT'S
STATE OF THE NATION ADDRESS

Hon. Speaker: Hon. Members, Standing Order 42(1) relating to Messages from the President provides that:

“The Speaker shall read to the House any message from the President delivered to the Speaker for communication to the House.”

In this regard, I wish to inform the House that I have received a Message from His Excellency the President conveying that he intends to deliver the 2024 State of the Nation Address to Parliament pursuant to Article 132(1) of the Constitution, on Thursday, 21st November 2024.

Hon. Members, Article 132(1)(b) and (c) of the Constitution states, and I quote –

“(1) The President shall—

(b) address a special sitting of Parliament once every year and may address Parliament at any other time; and,

(c) once every year—

(i) report, in an address to the nation, on all the measures taken and the progress achieved in the realization of the national values that are referred to in Article 10;

(ii) publish in the Gazette the details of the measures and progress under sub-paragraph (i); and;

(iii) submit a report for debate to the National Assembly on the progress made in fulfilling the international obligations of the Republic.”

Hon. Members, pursuant to the above provisions of the Constitution and Standing Order 22(2), I wish to notify all Members that a Joint Sitting of Parliament will take place on Thursday, 21st November 2024, at 2.30 p.m. in the National Assembly Main Chamber, Parliament Buildings.

I am aware that the offices of the Clerks of the Houses of Parliament have since commenced preparations for the day. I now direct the Clerk to ensure the notification of the Joint Sitting is published in the Kenya Gazette for the information of Members and the general public.

I thank you.

Hon. Julius Rutto (Kesses, UDA): On a point of order.

Hon. Speaker: What is your point of order?

Hon. Julius Rutto (Kesses, UDA): Thank you, Hon. Speaker. I rise pursuant to Standing Order 87 to inquire through you Hon. Chair...

Hon. Speaker: Which “Chair” are you referring to?

Hon. Julius Rutto (Kesses, UDA): Apologies, Hon. Speaker. The leadership from both the Majority and Minority sides is absent. Last week, we had a serious discussion regarding the absenteeism of the chairpersons and vice-chairpersons of committees. A proposal was made on the disciplinary mechanisms to be undertaken. What actions will be taken against the leadership from both sides of the House? Hon. Parashina was bashed for his absenteeism, but he is present today. Ironically, the individual who was calling him out is also absent today. How can this House continue like this?

(Applause)

Why is it that the House leadership lacks the desire to be here while condemning Members for their absence? We are struggling to achieve a quorum and yet, those who should be leading are not here. I seek your guidance on this matter.

(Applause)

Hon. Speaker: Yes, Hon. KJ.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Speaker, I understand that the bashing of the House leadership and chairpersons has become very popular. My concern is that this should not result in a blanket condemnation. Some chairpersons are diligently, “judicially” and faithfully in the House. This includes the Chairperson of the Justice and Legal Affairs Committee; the Chairperson of the Departmental Committee on Social Protection, yours truly; the Chairperson of the Departmental Committee on Communication, Information and Innovation; as well as the Chairperson of the Regional Integration Committee, Hon. Wanjiku Muhia. These chairpersons are dutifully in the House up to the close of business. The Chairperson of the Departmental Committee on Transport and Infrastructure is also here occasionally.

(Laughter)

Hon. Speaker: Hon. KJ, the correct English is “judiciously” and not “judicially.” Yes, Hon. (Dr) Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Speaker, I may not be the most qualified to offer you advice or counsel. I come from a fishing community and we often say that small fish can advise other small fish. We also say that when you feed a guinea fowl, do not forget the chicken, as the guinea fowl can fly away while the chicken remains grounded.

Some Members arrive at 2:15 p.m. and leave promptly at 7:00 p.m. when the House adjourns.

Hon. Speaker: I can confirm that you are one of them.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): However, when a few individuals who only come to undertake national duties are present, they are given first preference to speak. Those of us who toil and sit here unflinchingly as a sign of honour to the august House are ignored. I understand that I may not be in a position to advise you, but I urge you to remember the saying: Whatever you provide for the guinea fowl should not be denied to the chicken.

Thank you, Hon. Speaker.

(Laughter)

Hon. Speaker: Hon. (Dr.) Oundo, you are correct in your first statement, but incorrect in your second. No Member is ignored. You, for instance, have had more opportunities to speak here than the average Member. Let us continue.

Member for Kesses, these are your leaders. In case of any grievances, you should inform them. I recall seeing a rule in an office that read: Rule Number One: The Boss is always right. Rule Number Two: In case of any doubt, refer to Rule Number One.

(Laughter)

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Speaker, what my colleague has mentioned is very important. I am always here. We are the representatives of the people and, apart from a few, the chairpersons are rarely present in the House. Most of these issues go through them. It is time the Speaker reminds the chairpersons of various committees to be present and accountable. This is embarrassing since we are live on TV and the chairpersons of various committees are absent.

Hon. Speaker, please do something about this matter.

Hon. Speaker: Thank you, Hon. Member. Let us proceed to the next Order.

Yes, Hon. Melly.

Hon. Julius Melly (Tinderet, UDA): Hon. Speaker, I also rise to contribute to this discussion. The chairpersons and leadership of this House, like any other human beings, can err. They also have many commitments. Therefore, a blanket condemnation of the chairpersons and the leadership of this House is inaccurate. We have so many chairpersons who are present today. I have seen the Chairperson of the Committee on Agriculture, the Chairperson of the Regional Integration Committee and several vice-chairpersons. While we must dedicate ourselves to our duties in this House, it is not true that all of them are frequently absent.

Hon. Speaker, you have advised us to commit ourselves to our representatives and to our responsibilities in this Republic. Those who have erred should be reminded of the importance of being present when the House is in session until it adjourns.

Thank you.

Hon. Speaker: Yes, Hon. Parashina.

Hon. Parashina Sakimba (Kajiado South, ODM): Thank you, Hon. Speaker, for giving me this opportunity. I am lucky to be here today because the other day the Leader of the Majority Party lied to this House that I am always absent. I come here regularly and make my contributions.

Hon. Speaker: Order, Hon. Parashina. The word 'lie' is unparliamentary. You need to withdraw it.

Hon. Parashina Sakimba (Kajiado South, ODM): I withdraw. I also request the Leader of the Majority Party to apologise and withdraw that statement. I am always here to articulate issues. On the other hand, it seems that some of our leaders only attend when they are pushing for specific agendas, rather than to contribute to the pressing matters that are affecting our country.

Thank you.

Hon. Speaker: Hon. Members, let us not over-flog this matter. I know that some chairpersons are always present. We also have persistent offenders who do not come. Members, I have advised you before...

(Hon. Joseph Makilap spoke off the record)

Which Chairman are you referring to Hon. Makilap? A Chairman who is sitting next to you?

Hon. Members, I have advised you before and I will do it again. In my many years in Parliament, the Speaker always found me in the House, and I would only leave when he did. Just pick up that good habit and this House will be unproblematic. It is a great honour to serve in this House. Your right to speak on the Floor must be equal to your duty to listen to those who listen to you. I have noticed that, as soon as Members prosecute their agenda, they exit. You cannot expect to be heard if you do not listen to others. This is the essence of debate. You will go a long way if you embrace this, especially to our first-time colleagues.

Your voters watch these proceedings. I see people glued to their phones when the House is sitting. They watch the proceedings to see if their Members of Parliament are in the House; if they contribute; and if the contributions make sense. This is no longer the ancient public who waited for “*Leo Katika Bunge.*” They follow everything we do here.

Therefore, Hon. Osoro and your team on both sides of the House should ensure that when the House convenes, we have leaders present from both sides. We appreciate that you have other duties to attend to but, when the House starts, let us, at least, have leaders on either side of the House. If the leaders are absent, then the whips and their deputies should be present to help the proceedings move forward.

Today, we rang the quorum bell for about 15 minutes, and I kept on asking about the whereabouts of the whips. Since you are here now, you have purged yourself of the contempt.

Let us proceed to the next Order.

PAPERS

Hon. Speaker: Majority Whip, you may proceed.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you, Hon. Speaker. First, I would like to apologise for walking in late while you are in the Chair. Our team has been engaged with the responsibilities you assigned us regarding the East African Legislative Assembly (EALA) games, which is why not all members of the leadership team are present. They are currently working on preparations for the EALA games set to begin in two weeks. They instructed me to leave the meeting briefly to come here.

I beg to lay the following Papers on the Table:

1. The following legal notices from the Ministry of Environment, Climate Change and Forestry—
 - (a) Legal Notice No. 176 of 2024 relating to the Sustainable Waste Management (Extended Producer Responsibility) Regulations, 2024 and the explanatory memorandum;
 - (b) Legal Notice No. 177 of 2024 relating to the Environmental Management and Co-ordination (Water Quality) Regulations, 2024 and the explanatory memorandum;
 - (c) Legal Notice No. 178 of 2024 relating to the Environmental Management and Co-ordination (Waste Management) Regulations, 2024 and the explanatory memorandum;
 - (d) Legal Notice No. 179 of 2024 relating to the Environmental Management and Co-ordination (Sand Harvesting) Regulations, 2024 and the explanatory memorandum;
 - (e) Legal Notice No. 180 of 2024 relating to the Environmental Management and Co-ordination (Air Quality) Regulations, 2024 and the explanatory memorandum;
 - (f) Legal Notice No. 181 of 2024 relating to the Environmental Management and Co-ordination (Management and Control of Plastic

- Packaging Materials) Regulations, 2024 and the explanatory memorandum; and,
- (g) Legal Notice No. 182 of 2024 relating to the Environmental Management and Co-ordination (Management of Toxic and Hazardous Chemicals and Materials) Regulations, 2024 and the explanatory memorandum.
2. Reports of the Auditor-General and Financial Statements for the year ended 30th June 2024 and the certificates therein in respect of the following institutions:
- (a) Kenya Industry and Entrepreneurship Project (Credit No. IDA 6268-KE) – State Department for Industry;
 - (b) De-Risking, Inclusion and Value Enhancement of Pastoral Economies (Drive) in the Horn of Africa Project (Credit No. 7139-KE) – State Department for Livestock Development;
 - (c) Enable Youth Kenya Program (ADF Loan No. 2100150038895 – State Department for Crop Development;
 - (d) Kenya Livestock Commercialization Project No. 2000002339 (Loan No. 2000003565 and 2000003566) – State Department for Livestock Development;
 - (e) Kenya Towns Sustainable Water Supply and Sanitation Programme (AFDB Loan No. 2000200000501) – Tana Water Works Development Agency;
 - (f) Nairobi Ring Transmission Line Project (AFD Credit No. CKE 1068 01 N, AFD Credit No. CKE 6012.01, AFD Credit No. CKE 1030 01 B, EIB Credit No. 25.367KE and GOK) – Kenya Electricity Transmission Company Limited; and,
 - (g) De-risking, Inclusion and Value Enhancement of Pastoral Economies (Drive) in the Horn of Africa Project (Credit No. 7139-KE) – Kenya Development Corporation.

Hon. Speaker: Hon. Osoro, is there any difference between (ii) (b) and (g)? For the record, it appears to be one and the same.

Hon. Silvanus Osoro (South Mugirango, UDA): For the record, Hon. Speaker, one is the State Department for Livestock Development, and the other one is Kenya Development Corporation. That is the difference.

Hon. Speaker: I see. Next is the Chairperson, Departmental Committee on Finance and National Planning.

Hon. Kuria Kimani (Molo, UDA): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report by the Departmental Committee on Finance and National Planning on its consideration of the Public Audit (Amendment) Bill, (National Assembly Bill No. 4 of 2024).

Hon. Speaker: Thank you. Chairperson, Constitutional Implementation Oversight Committee (CIOC). Where is the Chairperson? Is Hon. Wamuchomba in the House? Where is the Vice-Chair? Is Hon. Kamket here? Yes, Hon. CNN, are you a member of the Committee?

Hon Charles Nguna (Mwingi West, WDM): Yes, Hon. Speaker. I can confirm I am a member of the Committee.

Hon. Speaker: Do you have the Paper to lay?

Hon Charles Nguna (Mwingi West, WDM): No. I just wanted to tell you I will inform them to be in the House in time.

Hon. Speaker: Next Order.

REQUEST FOR STATEMENT

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ENVIRONMENTAL AND SOCIAL IMPACT OF ROADWORKS BY KENHA
AT KONA PUNDA AREA ALONG MORORO–NAIROBI HIGHWAY

Hon. Yakub Adow (Bura, UPIA): Hon. 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 Transport and Infrastructure regarding the impact of the ongoing road works by the Kenya National Highways Authority (KeNHA) at Kona Punda area along the Mororo-Nairobi Highway in Bura Constituency.

Hon. Speaker, early this year, the country experienced heavy rains. Although the rains were a blessing following the devastating drought that was witnessed in the preceding year, the rains also caused adverse effects in Bura Constituency, among other constituencies in Kenya. In Bura Constituency, River Tana burst its banks, changed its course and traversed Mororo Town which was affected by heavy flooding. The flood waters caused the loss of forty-three lives, displacement of residents and destruction of property, farms, infrastructure and livestock in Mororo and Madogo areas and their environs.

Hon. Speaker, after the water levels subsided, KeNHA commenced works to rehabilitate the washed away sections of the Mororo-Nairobi highway at Kona Punda area, near Mororo Town. The residents of Mororo are concerned that KeNHA has been constructing huge culverts at the area without having undertaken due consideration of the environmental and social impacts of the project. The residents of Mororo feel less integrated in the ongoing works, which also places them at the risk of losing access to their farmlands. Further, huge clouds of dust from the construction site are polluting the environment and exposing residents, including pedestrians and *boda boda* riders, together with their pillion passengers, to respiratory hazards as they go about with their activities.

Hon. Speaker, it is against this background that I request for a statement from the Chairperson of the Departmental Committee on Transport and Infrastructure on the following—

1. A report on the environmental and social impact assessment and public engagement undertaken by KeNHA regarding the construction of culverts across the new course of River Tana at Kona Punda, including the justification for regularizing the new course instead of taking measures to revert the waters to its original course;
2. Compensation plans, if any, for residents of Mororo and Madogo who are affected by the ongoing road rehabilitation works by KeNHA, particularly for the farmlands that are likely to be lost;
3. Measures put in place to manage or reduce the dust caused from the construction works in order to guarantee a conducive environment for road users, particularly *boda boda* riders, and residents living near the site; and,
4. A report on the skilled and unskilled locals that KeNHA has engaged in the ongoing construction of culverts at Kona Punda and a new Bridge, specifying the number, names, and categories for both skilled and unskilled labourers.

I thank you, Hon. Speaker.

MEMBERS' GENERAL STATEMENTS

DEMISE OF PROPHETESS MARY AKATSA

Hon. Beatrice Elachi (Dagoretti North, ODM): Hon. Speaker, pursuant to the provisions of Standing Order 43, I wish to make a Statement regarding the passing on of the

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founder of Jerusalem Church of Christ, Prophetess Mary Akatsa, on 26th October 2024. Hon. Speaker, the late Prophetess Mary Akatsa, a legendary preacher, was born on 2nd December 1964 in Ebusiralo Village in Luanda, Vihiga County. Prophetess Akatsa typifies the unwavering resilience and determination of the girl child. Having lost her parents at the age of about eight years old, she had to work extra hard to shape the path that led to her destiny. In her quest to earn a living as an orphan, the late Prophetess Akatsa moved to Nairobi, where she worked as a house help in Kikuyu, Kiambu County, until she left to do God's ministry. Her journey as a prophetess began in Muslim Area, presently Kabiro Ward, in Nairobi County, where she founded the Jerusalem Church of Christ and was the first to ever bring us a person she called "Jesus".

Apart from preaching and healing the souls of the people, the late Prophetess Mary Akatsa also healed lost futures and transformed the lives of many young people in Kawangware where her church is domiciled. She will be fondly remembered for substantially contributing to the rehabilitation of hundreds of youths in Kawangware from drugs abuse and crime by counselling them, offering them a place to call home and providing them food and other basic needs. Those acts of mercy by the late Prophetess Mary Akatsa through her Jerusalem Church of Christ, substantially reduced insecurity in Kawangware and will surely outlive her life. The departed Prophetess will also be remembered for her unique approach that blended Christianity with African traditional spirituality, characterized by vibrant music, drumming, chanting and spirited faith healing. She will also be celebrated for her strict enforcement of Christian values, including punctuality. The no nonsense late Prophetess never tolerated lateness for church service and had no patience for congregants who came late to her church.

Hon. Speaker, as the late Prophetess Mary Akatsa will be laid to rest on 16th November 2024, she can be celebrated as a woman who contributed immensely to the growth of the African evangelical movement in Kenya. I take this early opportunity to condole with the family and friends of the late Prophetess Mary Akatsa and the Christian fraternity for the loss of that extraordinary servant of God. Thank you, Hon. Speaker.

Hon. Speaker: Yes Hon. J.K

Hon. John Kiarie (Dagoretti South, UDA): Thank you, Hon. Speaker, I also thank my twin Member of Parliament for Dagoretti North for honouring the late Mary Akatsa with this eulogy and presenting it to the House of Parliament so that we can communicate it to the world that a great Kenyan has gone to be with the Lord.

Prophetess Mary Akatsa was not an ordinary person. She was a person of great exploits, rising from a hustler to become one of the biggest household names in Kenya. I have got to say that while her style of evangelising might not have been your usual, it would have been curious in the way she approached it. I remember as a young person being told of a story of "Jesus Christ" coming to Kawangware and departing Kawangware in a Peugeot 504.

Hon. Speaker: You know very well that is not true. Yes, Hon. Osoro.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you very much, Hon. Speaker. I also join Hon. Beatrice Elachi in mourning with the people and the Christian fraternity for the loss of Prophetess Mary Akatsa. My family has so many children named Mary Akatsa, Ishmael and Lorna, because Lorna happened to be the mother of Mary Akatsa and Ishmael happened to be the father of Mary Akatsa. I was a young boy when I attended her service, and Mary Akatsa told us that Jesus Christ had visited us in church. I must confess that I believed her then because I believed that I had seen Jesus with my very own naked eyes. Later, I got to realise that it was the passion of Christianity that she had in her that pulled her and pushed her to even create a Jesus by herself, and I believe now she has met the real Jesus even as she rests. May her soul rest in eternal peace. Thank you very much.

Hon. Speaker: Thank you, Hon Walter Owino.

Next Order.

REQUEST FOR STATEMENTS

REVIVAL OF SOUTH NYANZA SUGAR COMPANY AND OTHER STATE-OWNED SUGAR MILLS FACTORIES

Hon. Walter Owino (Awendo, ODM): Thank you Hon. Speaker for giving me the opportunity. This is a request for a statement regarding revival of South Nyanza Sugar Company, Sony and other state-owned sugar mills.

Hon. 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 Agriculture and Livestock regarding the rehabilitation and revival of Sony and other sugar companies in the country. There are 16 sugar mills in the country with a total processing capacity of 51,450 metric tonnes of cane per day. However, the current capacity utilization for most mills is estimated to be 56 per cent, which is attributable to old machinery, poor factory equipment maintenance, fluctuating supply of cane and inappropriate processing technology.

Most state-owned sugar mills are operating old and inefficient machinery, thus limiting sugar production to about 700,241 metric tonnes against a domestic demand of about 1,100,000 metric tonnes a year. Bridging the deficit through importation from COMESA region and the international market is hurting the profitability of ailing local sugar millers. Notably, the cost of sugar production, especially by state-owned mills, is comparatively high due to inefficiencies along the value chain, inadequate maintenance of factory machinery and equipment, low sugar recovery as a result of poor cane quality, inappropriate processing technologies and low competencies.

To mitigate those hindrances, it is necessary for the Government to implement its pledge of rehabilitation and revival of Sony and other state-owned companies in the country so as to enhance sugar-cane availability, sugar-cane supply and debottlenecking as well as process automation of the plants to operate at their optimal levels. It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Agriculture and Livestock on the following:

1. An outline of the plans in place by the Ministry to urgently procure new crushing equipment for Sony Sugar Company to replace the old one which was acquired in 1979 and now requires Ksh400 million for maintenance to keep it operating.
 2. The immediate and long-term strategies the Government plans to implement to curb the frequent equipment breakdown, which impacts heavily on the company's output and results in low production and low morale among workers and farmers.
 3. The reasons why there have been a delay in paying the outstanding salary arrears of Ksh800 million for the Sony Sugar Company workers who, in the past, have endured various economic hardships and poor working conditions at the factory.
 4. A comprehensive report on the status of sourcing a strategic partner to invest in restoration of the company to profitability, hence improving the welfare of smallholder sugar-cane farmers and employees of the Sony Sugar Company.
- Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Owino. Your statement is committed to the Departmental Committee on Agriculture and Livestock. Bring a response in two weeks before we break. The statement requested by Hon. Yakub goes to Roads. Hon. GK, you bring the response in two weeks before we break.

Hon. Members, before we go to responses, Hon. Wamuchomba, I called out but you were not here. We go back to Order No. 5. Are you ready? Why are you not ready?

(Hon. Gathoni Wamuchomba spoke off the record)

Why is it in the Order Paper?

Hon. Gathoni Wamuchomba (Githunguri, UDA): Hon. Speaker, I am waiting for the Clerk to bring it for my signature.

RESPONSES TO REQUESTS FOR STATEMENTS

Hon. Speaker: We will go back to the responses to requests for statements. Dr Mutunga, you said you had a response that you just wanted to lay on the Table. Go ahead and do so.

STRATEGIC FOOD RESERVES IN THE COUNTRY

Hon. (Dr) John K. Mutunga (Tigania West, UDA); Hon. Speaker, I beg to lay the following response to a request for a statement on the Table regarding the country's strategic food reserves, as requested by Hon. David Kiplagat, Member for Soy.

I cannot see Hon. David Kiplagat, but I believe that he will get the response.

Thank you.

Hon. Speaker: The next response is to Hon. Wilberforce Oundo. Let us have the Chairman of the Departmental Committee on Justice and Legal Affairs.

WELFARE OF PRISON OFFICERS

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

Before I start, I would like to confirm that I have given a copy of the response to Hon. Wilberforce Oundo. Therefore, kindly, allow me to read an abbreviated version of the response because he has the full particulars of the response.

Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), the request for a statement was made by Hon. Wilberforce Ojiambo Oundo, Member of Parliament for Funyula. The response has dealt with the various issues raised as follows:

The first issue was the status of the implementation of the recommendations of the Maraga Taskforce Report, specifically in relation to the promotion of prison officers, some of whom have stagnated in the same job group or grade for over 10 years. The constitution of the Prisons Council is provided for under Section 21(c) of the Prisons Act.

The response is that promotion in the Kenya Prisons Service is a process that is guided by the Public Service Commission (PSC) with respect to the scheme of service for prison officers and uniformed personnel, which was revised in October 2014. As a result of this, the Kenya Prisons Service has been filling vacant positions through interviews. As a result of that filling, the correct position currently is that we have two Deputy Commissioners-General of Prisons, eight Senior Assistant Commissioners-General of Prisons, 10 Assistant Commissioners-General of Prisons, 114 Commissioners of Prisons, 311 Senior Superintendents of Prisons and 168 Superintendents of Prisons. There are no Assistant Superintendents of Prisons, while there are 122 Chief Inspectors of Prisons, 862 Inspectors of Prisons, 399 Senior Sergeants of Prisons, 1,487 Sergeants, and 2,754 Corporals.

The issue of the appointment of the Commissioner-General of the Kenya Prisons Service is now settled because of the appointment of Mr Patrick M. Aranduh by His Excellency the President on 12th July 2024.

With regard to the review of the establishment, as part of the broader and sustainable approach in addressing stagnation, the Service conducted a comprehensive review of the authorised staff establishment of 37,868 uniformed officers, as a result of which those promotions were made.

With regard to career guidelines for uniformed prisons officers, we can confirm that the Service is in the process of developing career guidelines that will establish clear entry and exit pathways for officers who are enlisted as general duty personnel, as well as those enlisted as professionals, technicians and artisans.

The second question was whether there were any plans to provide decent housing for prison officers under the Affordable Housing Programme and, if so, the status of those arrangements. We can confirm that the Kenya Prisons Service has consulted the State Department for Housing and Urban Development for consideration in the provision of houses under the Affordable Housing Programme. As a result of that consultation, a programme is being developed for a minimum of 5,000 units within three years under the Affordable Housing Programme, as a result of which the Kenya Prisons Service will be proposing a continuation of the National Police Service Housing Scheme to complement the above programmes.

The third question was on the status of harmonisation of terms of service, including salaries, for all officers under the various services, specifically the National Police Service and the Kenya Prisons Service, to ensure parity and fairness in remuneration and working conditions. This was recommended by the Maraga Taskforce. We can confirm that the prisons officers' salaries are paid based on the salary structure that was approved by the PSC and the Salaries and Remuneration Commission (SRC).

However, we can also confirm that having received the recommendation by the Maraga Taskforce for the harmonisation, specifically for grades that have similar entry qualifications in the two services, the Kenya Prisons Service has established a taskforce to harmonise the salaries. That is in progress, especially after the last review was effected. I would like to inform the House that currently, members of the National Police Service only earn an extra Ksh2,000 compared to the members of the Kenya Prisons Service.

The technical team, which consists of the Cabinet Secretaries for the National Treasury and Economic Planning, and for the Interior and National Administration, and representatives from the National Police Service, the Administration Police, and the Kenya Prisons Service, is jointly working on that to ensure that the salaries are harmonised and that there is no difference between the lower and higher cadres in the various services in the country.

That is the response.

Hon. Speaker: If that is the abbreviated version, how long was the main response?

Hon. George Murugara (Tharaka, UDA): It would have taken me double the time I have taken because I have tried to abbreviate it. I would have read it for longer than I have.

Hon. Speaker: Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Speaker. As much as I appreciate the challenges and difficulties that my friend, Sir George, has gone through to read a response that has cleverly skirted around the issues at hand, I cannot directly blame him because he is just a messenger. Where I come from, you do not kill the messenger. You send him back with a message to fill the missing gaps.

First, the response has made very many promises with no specific timelines. That begs the question whether anything will happen. For example, the response states that the Service is actively in consultation with the PSC to fast-track the process to facilitate feedback. Only the Almighty God knows when that feedback will come.

The response also alleges that the final report on the career guidelines will be submitted to the PSC for approval. Nobody knows when that will happen. The response mentions the formation of the Kenya Prisons Service Council, but it does not say when that will happen, as proposed in the Maraga and Marsden Madoka reports.

Many of us who have visited any prison in this country will sympathise, empathise and feel sorry about the poor state of housing of prisons officers. It was even bad for the prisoners until Uncle Moody stepped in and said that prisoners are also human beings who deserve to enjoy some basic human rights.

Hon. Speaker, this is a general statement. There are no specific timelines or programs given. I want to guide him towards some points I want to make.

Hon. Speaker: You are taking a very long route.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Yes, but allow me to lead because the Kenya Prisons Service plays an extremely important role.

Hon. Speaker: Hon. Oundo, the Statement has been given by the Chairman. He says he gave you an advance copy. Kindly, seek a clarification. You are now debating and disputing.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Speaker, I want him to do two things. One, please, go back to the sender to give you the timelines for implementing the promises and the undertakings they have made through their statement.

Two, there is a fundamental issue that I want to raise. Sir George noticed the absurdity of it and tried to be clever, but I already knew. The joint technical team that was formed to harmonise the salaries excludes the Kenya Prisons Service. It claims that the Kenya Prisons Service was not represented in the technical team and when they were settling on the risk or service allowances, they had nobody to represent nor talk to them. That is why theirs' were set much lower than the other disciplined services and yet, it is their right.

To this end, the Kenya Prisons Service has written to the Principal Secretary (PS) for Correctional Services, seeking intervention in the resolution of this matter. They are all armed services.

Hon. Speaker: All you need to know is whether there would be an addendum to the report to include the Kenya Prisons Service.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): First, when are the promises made going to be implemented? Second, to what extent can they include the Kenya Prisons Services in the technical committee so that when they are harmonising the terms, they do so for all the services? They are all armed forces and they offer critical services to this country.

Hon. Speaker: Thank you.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Sir George, is it possible that once they give timelines, you and I can continue to engage so that you can continuously update this House, the people of Kenya, and the prison officers that Parliament has not ignored them?

Thank you, Hon. Speaker.

Hon. Speaker: That long speech requires just a very short response.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Where no timelines are given, we expect it to be done within a reasonable period. There is no reason why the Justice and Legal Affairs Committee (JLAC) will not go back to the Prisons Department to ensure that we get timelines on when that harmonisation is likely to be completed to the benefit of the prison officers who are in service.

In regard to their 5,000 houses that are under construction, we have estimated that they would be done in another three years. We possibly need money, expertise, planning, and other unforeseen issues. We have, however, stated that this will be done within three years for phase one, which has 5,000 houses. We will continue up to the time when about 40,000 prison officers will be accommodated.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Joyce Kamene, coming up is a response to your request for statement from the Departmental Committee on Social Protection. Member for Thika Town, the Floor is yours.

Hon. Alice Ng'ang'a (Thika Town, UDA): Thank you, Hon. Speaker.

Hon. Speaker, the Member raised this Question on 14th October 2024. There are two Questions. I am also going to summarise because the Report is huge.

The first Question was about a report on the status of disbursement of the NGAAF balance for the Financial Year 2022/2023 and 2023/2024 to Machakos County, and the measures that have been put in place to ensure timely disbursements to enable the continuation of the projects that are approved for funding.

Hon. Speaker, under NGAAF Regulations 2016, the following is the process of applying for the NGAAF Funds. Regulation 20 says that once a year, the county committee shall invite interested members of the public to submit project proposals for funding through public notice in all the wards within the county.

Two, the county committee shall receive and review all the project proposals and prepare a list of projects to be recommended to the board for approval.

Three, the county controller shall submit the list prepared under paragraph two to the Chief Executive Officer who shall submit them to the board for approval.

Hon. Speaker, the Chief Executive Officer is yet to formally receive the county request for the project to be funded. As such, the disbursement of the funds to the county cannot be immediately effected. Once the request is received, including the request for disbursement of the NGAAF balance for the Financial Year 2023/2024 to Machakos County, the fund will take the necessary and procedural measures to ensure timely disbursement of the said funds to the county for implementation of the approved project. The balance for Machakos County as of 2023/2024 is Ksh14,062,000 and was disbursed on October 2023 as soon as it was formally requested.

Question two, the Member had asked about the action that has been taken by NGAAF to immediately post Ms. Betty Kanyili Njoni PFM No.2019142127 as the Fund County Coordinator for Machakos County for an un-interrupted contract of at least a year in order to ensure effective and seamless administration of the Fund, including the timelines for posting. The National Government Affirmative Action Fund 2016, Regulation 16 provides that the function and composition of the county committee in each county should be among others, the National Government officer in charge of the county and who is responsible for gender affairs or his or her nominee, the county coordinator be an *ex-officio* member while the secretary be the secretary of the committee.

The Fund has been engaging the county gender office on a need-be basis as a stop-gap measure due to lack of approved human resource instruments and sufficient funds to cater for personal emolument. The State Co-operation Advisory Committee (SCAC) noted that such an arrangement of deploying staff from the mainstream Government to run the operations of the Fund may be detrimental. In this regard, SCAC advised that the Fund finalises the development and approval of their human resource instrument and subsequently commence the process of recruiting its own staff, subject to availability of resources.

Hon. Speaker, I will go to where they have advised. They have said that it is against this background, and as advised by SCAC and the provision of the Public Service Commission Act, 2017, that the Board, in its 92nd Meeting on 13 September 2024, resolved to phase out the deployed gender officer from acting as the county coordinator upon expiry of their respective contracts and replace them with a substantive county coordinator to enable the gender office to undertake its critical role of oversight as per the NGAAF Regulations 2016. The Fund has since deployed a substantive county coordinator, Mr. Mutua Murumba, who was the successful candidate with effect from 4th November 2024. The officer has since reported and is currently

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clearing and handling over as per the prevailing Human Resource Policy and Procedure Manual.

I submit, Hon. Speaker. The Member is here. I can give her the Report.

Hon. Speaker: Hon. Kamene, Member for Machakos.

Hon. Joyce Kamene (Machakos County, WDM): Thank you, Hon. Speaker.

Thank you, Hon. Chairperson. She has given the Report but there are a few issues of concern because there have been some changes. I appreciate the Principal Secretary, Madam Anne, because she intervened on this issue and Madam Betty's contract has been renewed.

Regarding the issue of funds, you cannot give us a blanket figure of Ksh14 million. I want full records of the county projects and the value additions because each has a different vote. Your response talks about some Ksh14 million and yet, our books show Ksh24 million that has been approved for projects. That money is lying with the National Government Affirmative Action Fund (NGAAF). That is why we insist that we want to know what is happening and where those funds are going. We also have carried forward funds. We have close to a whopping Ksh100 million belonging to Machakos County due to lack of a coordinator. We need this to be reconciled. Let them give us a full report. What is the balance for bursary funds, civic education and administration? Those funds lie at the headquarters because of lack of a coordinator. I am happy the Principal Secretary has given us a gender officer. I still need our figures and clear records.

Hon. Speaker: Hon. Alice, I think you can share those clarifications with the Member.

Hon. Alice Ng'ang'a (Thika Town, UDA): Thank you, Hon. Speaker. I can share with the Member. The problem that Machakos County had was that it did not have a coordinator. However, they have a new coordinator from 4th November 2024, that is, Mr Murumba. We will now look into the matter because he will coordinate the county and help us know how much money for Machakos County has not been disbursed.

Hon. Speaker: Yes, Hon. Joyce Kamene.

Hon. Joyce Kamene (Machakos County, WDM): Hon. Speaker, I would like to correct again. There is nobody like a Mr Murumba. We have Betty Kagiri. She has been in that office. Madam Principal Secretary intervened and her contract was extended. We are comfortably working with her. Therefore, I do not understand where the Mr Murumba is coming in from.

Hon. Ali Raso (Saku, UDA): On a point of order, Hon. Speaker.

Hon. Speaker: Yes, Hon. Raso. What is your point of order?

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Speaker.

Listening to the Chair of the Departmental Committee on Social Protection, I think she is very clear. She has laid the message bare. I must also thank the questioner there. What the questioner has been saying is that she is in contact with the Principal Secretary. It means that she may have more in-depth information than what the Chairlady is giving from the Floor of the House. For that reason, as opposed to burdening the Chair, this would be resolved much more easily. The Ksh100 million she is talking about is for that county for almost three financial years or close to that.

For that reason, as opposed to just ping-pong on the Floor of the House and with the support of the Chair, this matter can be taken up by the Hon. Member and the Ministry to, maybe, give a fundamental perspective on the question that is being asked.

Hon. Speaker: Chair of the Committee, liaise with the Member and then agree on those minor issues. Whether it is Murumba or whoever it is, that is neither here nor there.

Hon. Alice Ng'ang'a (Thika Town, UDA): Okay, Hon. Speaker.

Hon. Speaker: Hon. Nolfason Barongo of Bomachoge Borabu, there is a response to your request for statement by the Chair of the Departmental Committee on Transport and Infrastructure. Hon. GK, are you ready? Hon. Barongo is here.

Hon. George Kariuki (Ndia, UDA): Yes, I am.

UPGRADING OF THE ROAD NETWORK IN
BOMACHOGE BORABU CONSTITUENCY TO BITUMEN STANDARDS

Hon. George Kariuki (Ndia, UDA): Thank you, Hon. Speaker. Allow me to give a precise response to a request made by Hon. Nolfason Obadiah Barongo, who is the Member of Parliament for Bomachoge Borabu Constituency. It was requested on 9th October 2024.

In the request for statement, Hon. Obadiah Barongo sought to establish, among other things:

1. The status of upgrading the road network in Bomachoge Borabu Constituency to bitumen standards.
2. The timelines for the completion of stalled projects in the constituency.

The Committee received a response from the Ministry of Roads and Transport through the Clerk of the National Assembly on 13th November 2024. I now wish to make the response.

On the status of upgrading of the road network in Bomachoge Borabu Constituency to bitumen standards, I wish to submit that the Ministry is currently upgrading to bitumen standards a total of 47 kilometres of roads in Bomachoge Borabu Constituency through the Kenya Roads Authority (KeRRA). That comprises the following roads: Mogonga-Kenyanya-Riokindo-Nyabitunwa, Riokindo-Magenche-Kenyanya, Mariba-Nyagancha-Eberege-Daraja, and Riokindo-Kenyanya TTC-Magen Road. They have been packaged into the Roads Project No. RWC217.

With regards to the timelines for the completion of the stalled projects in the constituency, a total of 30 kilometres of the roads have been substantially completed and handed over to KeRRA. Ten kilometres are upgraded up to the first seal of bitumen, thus near completion. Only seven kilometres remain in gravel condition.

However, the project has faced the challenge of price variation exceeding the contracted provisions due to extensive delays and exogenous factors. That has exhausted the contracted amount. The Ministry, through KeRRA, is currently reviewing an appraisal that shall allow the completion of the remainder of the works upon award. We project the completion of the project to be by December 2025, once the appraisal is agreed upon.

Hon. Speaker, I submit.

Hon. Speaker: Hon. Barongo.

Hon. Nolfason Barongo (Bomachoge Borabu, ODM): Thank you, Hon. Speaker. Thank you, Chairman, for the response that you have given me.

I am not very happy with that response because of item number six and item number seven on the response. I thank you because you have indicated that there is an incomplete box culvert that disconnects the road thus rendering it not motorable in all the seasons. I also wish to update you that the existing box culvert, on item number six, has actually collapsed completely. This has inconvenienced *wananchi* greatly because they are marooned away from essential services, especially when it rains. It becomes very dangerous and communities are completely prevented from accessing their homes.

Chairman, I would like to notify you that the two box culverts that have been mentioned on item number six and seven of the Response to Statement require to be repaired extremely urgently!

Hon. Speaker: Hon. GK, can you ensure that, that is done?

Hon. George Kariuki (Ndia, UDA): I want to believe that the Member appreciates the good work done that has been done by the road agency, KeRRA, to push his expectations to above 80 per cent. The remaining percentage will be dealt with soonest as indicated in this response. I think you have only about seven kilometres remaining. The box culverts you have mentioned are within that remaining section. Once again, I submit.

Hon. Speaker: Hon. Parashina.

Hon. Parashina Sakimba (Kajiado South, ODM): Thank you, Hon. Speaker. Yesterday, we had many questions to the Cabinet Secretary for Roads and Transport. However, I need to tell the Chairman that whenever the Cabinet Secretary for Roads and Transport comes here, many Members want to ask questions because they feel that the responses that the State Department gives are not guaranteed.

I want the Chairman to confirm that, in the last two financial years, the State Department spent Ksh400 billion on roads. Our concern is that some roads that were in the programme in the last two regimes have been left out, and they have now started constructing new roads with the Ksh400 billion. We want to understand the criterion that is being used because we have taken proposals to their offices. Roads are very important because they connect countries, counties and constituencies. However, you will find one constituency in this Republic - and I do not want to mention it - that has been allocated a huge amount of money by the same Ministry. It is either because the Member of Parliament sits in a certain Committee or is able to manoeuvre. You will even find a road constructed to connect a church to another one and yet, there are areas in this country that do not have a single road.

Therefore, through the Speaker, I want to ask the Chairman to, if possible, give us a report of how roads are allocated to constituencies or counties. That way, we will not have a certain area in the country getting more allocation than others. We would like to know the criterion that you are using.

Hon. Speaker: Yes, Hon. George Kariuki.

Hon. George Kariuki (Ndia, UDA): Hon. Speaker, I do not know where the Member has picked the figure of Ksh400 billion from. Looking at the budget that we passed about three months ago, I did not see such a figure allocated to the Ministry of Roads and Transport. Therefore, that assertion is completely out of order in terms of figures.

Hon. Speaker: Yes, Hon. Parashina.

Hon. Parashina Sakimba (Kajiado South, ODM): I said in the last two financial years. Hon. Chairman, do not run away from this. I know of a constituency which received Ksh17 billion. When you go to Western, Nyanza, or Mombasa, you will find constituencies that have never even received Ksh200 million. Do not take us round in circles. You know the truth, that in 2022/2023 and 2023/2024 financial years, a lot of money has been spent on roads.

Hon. Speaker: Yes, Hon. Nyamai.

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Thank you very much, Hon. Speaker. I would like to say that Hon. Parashina has a point.

With a lot of respect, I would like to tell the Chairman of the Departmental Committee on Transport and Infrastructure that there is a problem. My own constituency, Kitui South, and the entire Kitui County, got about Ksh400 million. Kitui South Constituency has less than Ksh100 million and yet, there are Kenya Rural Roads Authority (KeRRA) roads and highways to be repaired. I saw a constituency that received Ksh4 billion. It is worrying. It is something that must be discussed in this House. I do not know how you will go about it; you can even call us for a *kamukunji*. This being a budget-making institution, we are going to be in a lot of trouble with our constituents.

Hon. Speaker, I got to know about this after I took the trouble to analyse that document. I wanted to know how much had gone to every county. There is a problem and we need support. We need support from the Chairman of the Departmental Committee on Transport and Infrastructure. Hon. Speaker, we also need support from you. As I was looking at Kitui County, I had time to look at Bungoma County, and I can say that the picture is not good.

Hon. Speaker: Yes, Hon. Mutunga.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Hon. Speaker, when I stood here yesterday and spoke about Tigania West Constituency, some of the Members laughed at me.

That is a constituency that has only 9 kilometres of tarmac in total. I am talking about *tisa* in Kiswahili. We are in the same House with Members who have 300 kilometres of tarmac in their constituencies.

(Several Members spoke off the record)

You will speak at your own time.

Hon. Speaker, I have also submitted requests in all the possible ways. We even have sign posts of distinguished leaders in this country opening roads in that constituency. Something is seriously wrong.

Hon. Speaker: Did you say it yesterday?

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Yes, I did. I am saying that there is a problem in the roads sector that needs to be looked into.

Hon. Speaker: Hon. GK, can you tell the House what is happening?

Hon. George Kariuki (Ndia, UDA): Hon. Speaker, I know the Cabinet Secretary was here to respond to issues that were being raised by Hon. Members. He will be here in the next two weeks to answer all those questions. However, I insist that Ksh400 billion has not been allocated to the Ministry, not even in the last three years, leave alone two years. That figure is erroneous.

Hon. Speaker: Hon. Members, let us not belabour the point. Yesterday, I assured you that in two weeks' time, the Cabinet Secretary, Mr Chirchir, will be back here on the same issue of roads. Let us make progress. Hold your horses because I will give you all the time when he comes.

Let us go back to Order No. 5, and allow Hon. Wamuchomba, to lay her Paper.

PAPER

Hon. Gathoni Wamuchomba (Githunguri, UDA): Thank you, Hon. Speaker. I beg to lay the following Paper...

Hon. Speaker: Order, Hon. Wamuchomba. The very least you can do is to apologise to the House for coming late. I called you twice but you were nowhere to be found.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Thank you, Hon. Speaker. I wish to apologise for my absence earlier in the afternoon. I am from my constituency where I had a forum. If you look at the way I am dressed, you will note that I have covered my head because I had a forum with the women from the Mothers' Union.

Hon. Speaker: The Speaker does not have knowledge of how you dress when you go to functions.

(Laughter)

Hon. Gathoni Wamuchomba (Githunguri, UDA): Hon. Speaker, I am dressed like mothers of the Mothers' Union because I had joined them for a very special meeting for the Mothers' Union of the Anglican Church of Kenya (ACK) in my constituency. Being one of them, I had to attend the event and fellowship with them. I apologise for my lateness. I am now here.

Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Constitution Implementation Oversight Committee on Participation in the Parliamentary Intelligence Security Forum in Washington DC, United States of America, from 7th to 8th December, 2023.

Thank you, Hon. Speaker. Once again, my sincere apologies.

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Hon. Speaker: Thank you, Hon. Wamuchomba. Hon. Oku Kaunya. Is Hon. Melly in the House? Hon. Melly, Hon. Oku Kaunya has an issue on a statement he had requested from you and your Committee. Go ahead, Hon. Kaunya.

Hon. Oku Kaunya (Teso North, ODM): Thank you very much, Hon. Speaker, for giving me this opportunity.

On 16th of October, the Chairman gave a response to a statement I had requested through the Departmental Committee on Education. In the response to the statement, I had demanded to know why the equipment for Chamasiri Technical and Vocational College (TVC) had not been delivered, and when it will be delivered. The Chairman of the Departmental Committee on Education assured this House that the equipment will be delivered before the 5th of November, and that delivery and commissioning will be complete on the same date so that the students of Chamasiri TVC can utilise it for practical learning.

Hon. Speaker, I want to bring to your attention that, as of today, the delivery and, of course, the commissioning of that equipment has not been done. I seek your intervention on the next step. It appears that the Cabinet Secretary for Education is taking the role of the oversight of this House very lightly. If the Statement that was read before the House was indicating and confirming the dates and it has not been done, then I think the Cabinet Secretary is taking this House for granted. I would urge you to give direction so that the Chairman of the Departmental Committee on Education can take the necessary action to have the equipment for Chamasiri TVC delivered. He should also explain whatever is happening.

Hon. Speaker: Hon. Melly, do you have a response?

Hon. Julius Melly (Tinderet, UDA): Hon. Speaker, I do not have the answers now. However, we all know that chairmen of committees deliver information to this House on behalf of the Cabinet Secretaries. I will endeavour to find out what is happening because that is very bad.

Hon. Speaker: Can you report back on Wednesday afternoon?

Hon. Julius Melly (Tinderet, UDA): I will report back, Hon. Speaker. It is very bad since we made a commitment that the equipment shall be brought and launched. Therefore, I commit to report back on Wednesday.

Hon. Speaker: Hon. Kaunya, the Chairman of the Departmental Committee on Education is directed to bring some information on Wednesday afternoon.

The Leader of the Majority Party's Statement of every Thursday.

STATEMENT

BUSINESS FOR THE WEEK OF 18TH TO 22ND NOVEMBER 2024

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you very much, Hon. Speaker. This is the usual Statement by the Leader of the Majority Party. I am holding brief for him for today.

Hon. 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, which met on Tuesday, 12th November 2024, to prioritise business for consideration during the week. Hon. Speaker, with regard to the business schedule for Tuesday, 19th November 2024, the House is expected to consider the Second Reading of the following Bills, some of which are listed in today's Order Paper.

1. County Government (Revenue Raising Process) Bill, 2023;
2. The Unclaimed Financial Assets (Amendment) Bill, 2024;
3. The Kenya Revenue (Amendment) No. 2 Bill, 2024;
4. The Land Control Bill, 2023;

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5. The Higher Education Loans Board (Amendment) Bill, 2022;
6. The Political Parties (Amendment) Bill, 2022;
7. The Public Finance Management (Amendment) Bill, 2022.
8. The Equalisation Fund (Amendment) Bill, (Senate Bill No. 14 of 2023); and,
9. The Universities (Amendment) Bill of 2023.

Hon. Speaker, debate will also be undertaken on the following Motions, should they not be concluded today—

1. Consideration of reports on financial statements of State corporations, Nyanza Region.
2. Report on the alleged unfair trade practices by foreign investors in Kenya.
3. Report on consideration of the audited accounts of specified state corporations.
4. Report of the extraordinary session of the 6th Pan-African Parliament.
5. Report on the performance audit reports on the provisions of services to persons with disabilities by the National Council for Persons with Disabilities.
6. The second report is on the consideration of the financial statements of state corporations, training colleges and institutions.

In accordance with the provisions of Standing Order 42A, (5), and (6), I wish to convey that the following Cabinet Secretaries are scheduled to appear before the House on the afternoon of Wednesday, 20th November 2024, to respond to Questions as follows:

1. The Cabinet Secretary for Education will be responding to the following questions-
 - (a) Question by Private Notice No.016/2024 by the Member for Kathiani, Hon. Robert Mbui, regarding an update on the status of preparedness by the Ministry to transition Grade 8 learners to Grade 9, including the number of classrooms constructed so far across the country.
 - (b) Question No.089/2024 by the Member for Lamu West, Hon. Stanley Muthama, regarding the consideration of qualified primary school teachers who have advanced and obtained degree certificates for teaching positions in junior secondary schools, commonly known as JSS, and secondary schools in Lamu West Constituency by the Teacher Service Commission.
 - (c) Question No.090/2024 by the Member for Westlands, Hon. Timothy Wanyonyi, regarding the rationale and policy behind the directive of transferring secondary school teachers in physics, chemistry, biology, and history to junior secondary schools.
 - (d) Question No.091/ 2024 by the Member for Kinango, Hon. Gonzi Rai, regarding the status of the delayed payment of pension to Mr Salim Mdalun Ndegwa, who was a teacher at Nzovuni Primary School until his retirement on 30th June 2022.
 - (e) Question No.093/2024 by the Member for Nairobi County, Hon. Esther Passaris, regarding the status of implementing the House Resolution on the standardisation of uniforms across the country.
 - (f) Question No.094/2024 by the Member for Chepalungu Constituency, Hon. Victor Koech, regarding the criteria used to approve primary schools within rural areas to accommodate Junior Secondary Schools and the criteria used for approval of primary schools to host the JSS centres within urban centres.
 - (g) Question No.095/2024 by the Member for Chepalungu, Hon. Victor Koech, regarding the timelines in which the teachers under contract

will be considered for recruitment under permanent and pensionable terms.

- (h) Question No.096/2024 by the Member for Nyeri Town, Hon. Duncan Mathenge, regarding the failure of the University of Nairobi, Dental School in offering lectures on orthodontics to the undergraduate and master's degree students.
- (i) Question No.097/2024 by the Member for Emuhaya constituency, Hon. Omboko Milemba, regarding the authorisation for purposes of conducting fresh parent association elections in various counties in the country.
- (j) Question No.098/2024 by the Member for Yatta, Hon. Robert Basil, regarding provisions of hardship allowance to technical vocational education and training tutors in Yatta Constituency.
- (k) Question No.099/2024 by the Member for Kibwezi West, Hon. Mwengi Mutuse, regarding the donation of the 12,000 acres of land located at Kisayani, Kibwezi West Constituency by the locals to the University of Nairobi in the year 1988 for the establishment of an institution of higher learning.
- (l) Question No.100/2024, by the Member for Suba South, Hon. Caroli Omondi, regarding details of the current deficit of teachers in both primary and secondary schools in Homa Bay, Migori, Kisumu, Siaya and Kakamega counties.
- (m) Question No.147/2024 by the Member for Nakuru County, Hon. Liza Chelule, regarding the plans in place by the Ministry in collaboration with the Ministry of Energy to subsidise the high cost of electricity in special needs schools.
- (n) Question No.148/2024 by the Member for Matayos, Hon. Geoffrey Makokha, regarding the number of special schools in the country both for primary and secondary and ordinary schools.
- (o) Question No. 49/2024 by the Member for Mathare, Hon. Anthony Oluoch, regarding the measures taken to create working strategies with county governments to ensure both Early Childhood Development and primary schools have access to school meals.

The Cabinet Secretary for Agriculture and Livestock will also be here, that very timeline, to respond to the following questions:

- (a) Question No.015/2024 by the Member for Mbeere North, Hon. Geoffrey Ruku, regarding the status of the supply and distribution of subsidised fertilisers across the country in preparation for the planting season.
- (b) Question No.027/2024 by the Member for Machakos County, Hon. Joyce Kamene, regarding programmes and policies the Ministry has implemented to reduce the importation of food to the country and ensure food self-sufficiency.
- (c) Question 101/2024 by Member for Mbeere North, Hon. Geoffrey Ruku, regarding reasons why Pest Control Products Board (PCPB) has permitted the use of Roundup in the country and yet, the herbicide has been banned in the Americas and Europe due to its scientifically proven carcinogenic effects.
- (d) Question 102/2024 by Member for Chepalungu Constituency, Hon. Victor Koech, regarding specific measures being undertaken to ensure

that dairy farmers in Chepalungu Constituency receive competitive prices for their dairy products.

- (e) Question 103/2024 by Member for Gichugu Constituency, Hon. Robert Gichimu, regarding the decline in macadamia nut prices and measures aimed at boosting prices for profitability for farmers; and finally,
- (f) Question 146/2024 by Member for Uasin Gishu County, Hon. Gladys Boss Shollei, regarding the status of implementation of the recommendation of the National Assembly with regards to Public Petition No.70 of 2019, on withdrawal of harmful chemical pesticides in the Kenyan market.

In conclusion, the House Business Committee will reconvene again on Tuesday, 19th November 2024 to schedule business for the rest of that week. I now wish to lay this Statement on the Table of the House. Thank you.

Hon. Speaker: Thank you, Majority Whip. We are done with Statements and so, we go to Order No. 8.

BILL

Second Reading

THE CO-OPERATIVES BILL (National Assembly Bill No. 7 of 2024)

(Moved by Hon. Silvanus Osoro on 13.11.2024 – Afternoon Sitting)

(Resumption of debate interrupted on 13.11.2024 – Afternoon Sitting)

Hon. Speaker: Hon. Timothy Toroitich's balance of six minutes has been forfeited. Hon. Wilberforce Oundo, had you spoken to the Co-operatives Bill?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Yes, I had.

Hon. Speaker: Next is Hon. Parashina Sakimba. What about Hon. John Kwanjiku? Hon. John Mutunga take the Floor on the Co-operatives Bill.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Thank you very much, Hon. Speaker, for giving me the opportunity to contribute to the Co-operatives Bill, (National Assembly Bill No. 7 of 2024). I wish to thank the Committee for a job very well done.

I am not a member of this Committee, but co-operatives are dear to me as a Member of Parliament and Member of the Departmental Committee on Agriculture and Livestock. Most co-operatives in this country are in the agricultural sector. Therefore, we have been looking forward to this Bill.

It is dealing with the mischief in co-operatives management and ordering steps to be taken so as to better the many extensive co-operatives in this country. Also, how to resolve the existential problems in co-operatives. This Bill is speaking to a number of issues and I wish to point out some of them so that the Committee can look into them before the Third Reading.

Co-operatives exist in many sectors. Initially, they were functioning extremely well but, later on, something happened to the co-operative movement leading to the collapse of co-operatives in the agricultural sector. There was terrible mismanagement in some cases. Therefore, this legislation will help us manage co-operatives better.

The Co-operative Societies Act of 2014 tackled a number of major issues that impeded the performance of co-operatives then. This Bill will polish the expectations in this sector and these efforts are very well lauded.

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

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

I want to mention some specific clauses in the Bill which I think will assist the Committee. Clause 3 of the Bill has a few issues. It states:

“(1) The object of this Act is to provide for a legal framework that promotes a sustainable and competitive co-operatives sector for socio-economic development in a devolved system of governance.”

Socio-economic development in this country will happen only if we harness the things around the factors of production. One key factor of production is land, which is the building block for the foundation we need to develop this economy. If we have sustainable co-operatives, it means we will develop our people. For an economy to grow, we need to make as many people as possible useful, so that they can contribute to the economic well-being of our country.

Clause 3(2)(b) specifies one of the objects of the Act shall include to provide for-
“(b) uniform norms and standards in the registration, regulation and supervision of co-operatives.”

There should be no selective treatment when it comes to co-operatives. Some should not be sacred cows. They should all be uniformly treated.

Clause 3(2)(d) talks about areas of concurrent jurisdiction in promotion, registration, and regulation. The provision of co-operatives has been highlighted. Therefore, it is important to anchor this Act in existing legislation so that cross-referencing is enabled; and thus, making it better than the law we had before.

Clause 4 talks about co-operative principles. Violation of those principles led to the collapse of co-operatives such as the principle of voluntary and open membership. When members form a co-operative and they disagree, there is no homogeneity of membership or glue to bond them together. That is a problem.

On the principle of democratic member control, democracy lacks in many co-operatives. We have some levels of dictatorship and this makes it impossible for the co-operatives to run properly. Look at the principle of economic participation by the members. Some decisions that have been made in co-operatives have led to misuse of resources, thus leading to suffering. This needs to be looked into carefully so that democracy persists and economic participation of the members is ordered in a way that will help co-operatives to grow.

These co-operative principles are key in terms of helping co-operatives to move forward. Looking at the establishment...

(Hon. Silvanus Osoro consulted loudly)

Hon. Deputy Speaker, protect me from the Majority Whip. He is shouting and I do not know what he is saying. If he has any contribution, he should give it in an orderly manner so that we can listen to him.

Hon. Deputy Speaker, I want to pick out two key positions: The position of the Commissioner of Co-operatives at the national level and the position of the Director of Co-operatives at the county level. Those two positions are key and if the functions of those positions are not properly ordered, then we cannot have progressive co-operatives in this country. Those are two positions that need to be vetted by this House so that people can be put to task to explain to Kenyans the kind of ordering and how they will structure their business in terms of developing co-operatives in this country.

When you look at clause 14 (2)(b), the Director of Co-operatives at the county level is given a function of carrying out inspections into the affairs of co-operatives in the county. Let me first discuss this particular issue as this is one of the issues that could have led to the collapse of co-operatives. When somebody is given the mandate or the power to inspect co-operatives, and that he or she goes further to make decisions, are they decisions that lead to the development of those co-operatives? Such a person can reverse such a decision by the leadership of co-operatives. It is one of the problems that has led to the collapse of co-operatives. That is because if members of a co-operative have developed their own strategy, their own way of doing business and they make decisions, once their decision is affected or changed by an individual who does not even belong to the co-operative, then it makes the co-operative membership uncomfortable and, therefore, it is possible that those co-operatives may not move on as probably expected.

I would like to also mention Clause 19. We have the structure of different co-operatives — the primary, secondary, co-operative federations and the apex co-operatives. The fact that we have that tiered arrangement of co-operatives, the ordering should not be associated with power to manage the issues of the co-operatives. In other words, secondary co-operatives should not load over primary co-operatives. The apex co-operatives should not load over the others which are below it. Therefore, it is important for us to take caution on that particular issue.

Hon. Deputy Speaker, Clause 25(e) speaks to the fact that one of the roles of the apex co-operatives is to provide a mechanism and framework for alternative dispute resolution for the co-operatives. I would like to suggest, by way of amendment, and probably the Committee has looked at this particular issue, dispute resolution should not be in an institution. We should set an independent body to deal with disputes within the co-operatives so that we do not bring in mischief that probably would lead to problems.

Hon. Deputy Speaker: Just give him one minute to finish his sentence.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Hon. Deputy Speaker, the very last one is Clause 61. Clause 61 is long and it basically talks about the delegation and representation system. When it comes to sending delegates, we should have the co-operative itself, which is a primary co-operative, being given that opportunity. We should specify how delegates are going to be picked and the power of the delegates as picked because when delegates represent an institution in a meeting that is making decisions, they should have the power of the institution and that particular provision does not seem to say exactly what I have said.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Melly, Member for Tinderet. Hon. Kawanjiku, you gave up? You were next.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Deputy Speaker. I rise to support this Bill. This is a very important Bill for our country and, more importantly, for the socio-economic development of our nation. The co-operative movement in this country was a very powerful movement in the 60s, 70s and 80s. Its contribution to the economy cannot be gainsaid.

On that particular issue, this Bill addresses some of the ills that have affected the co-operative sector for long. In my constituency and county, the co-operative movement is so huge especially in the coffee and sugar sectors, and even in the milk industry. More importantly, it is the members of co-operatives from the yesteryears themselves, who were able to actually come together and buy farm machinery. Let me go straight away to the various parts of the Bill which seek to actually re-establish the co-operative movement as a force to reckon with in terms of economy and even social development.

In fact, Part II of the Bill proposes to establish the Office of the Commissioner for Co-operative Development at the national level and the Office of the Director of Co-operatives at

the county level. It goes on to explain what those two offices will do so as to promote the co-operative movement. This is very important because it also goes further to show the various structures or levels of co-operatives. In this country, we have the primary co-operatives which are actually the small co-operatives in the rural sector. We have the secondary co-operatives societies, the federation of co-operatives, the apex co-operatives, and even those which come together and are engaged in activities that promote socio-economic development.

In the coffee and sugar-cane sectors, through the well managed co-operative sector, farmers have been able to pay fees for their children and medical bills. They can even move on further and engage in savings and credit in the housing sector. One of the things that this Bill tries to address is the issue of registration of co-operatives, that is in Part IV, which deals with the procedures for registration, amendment of by-laws and protection of co-operatives and Savings and Credit Co-operative Organisation (SACCO) identity. One of the things that is affecting co-operators and more importantly in the SACCOs, is the issue of registration, by-laws and by extension, how the co-operators are going to be protected against scrupulous individuals. The by-laws which have been established in this particular Bill are very explicit on the membership, registration and, more importantly, on how to guard the sector from bad practices.

Part IV provides for the rights and liabilities of members. The provision also includes the qualification for membership, share capital and transfer of shares. We have a number of co-operative societies in this country that have actually collapsed due to transfer of shares fraudulently by the leadership of SACCOs. They have also collapsed because the membership is not very clear because the register of co-operators is also not clear. I participate because I am a member of the co-operative movement. In this case, the individuals who are involved in this, especially the leaders of the society... When a SACCO has been registered, the membership has to be kept in a very good register. It has to be kept by the Commissioner of Co-operatives and the shares of that particular co-operative cannot be changed anyhow which has actually led to some members losing what they have because of lack of that particular clause.

Hon. Deputy Speaker, Part VI of the Bill provides for the duties of co-operatives which includes the responsibility to maintain actual physical locations. We have what we call briefcase co-operatives which do not have offices or physical addresses.

Hon. Deputy Speaker, there is a lot of importance on the physical address. Many people, sometimes, take it for granted as to why we need a physical office. It is for the members to know a place and time to meet regularly. In the many instances where briefcase co-operatives have been established, members have been swindled. In this case, the Bill provides for the actual physical location, copies of the Act, by-laws and preparation of the budget and books of accounts. All those particulars are very important. A co-operative cannot be run by word of mouth and, therefore, all the audited accounts should be provided to the members. This Bill is very important because as the members sit and invest, they should know that all those verifiable documents, like the books of accounts and all that the Savings and Credit Co-operative Organization (SACCO) is doing, are there.

On the other issue...

(Hon. Silvanus Osoro consulted loudly)

Hon. Deputy Speaker, protect me from the Whip of the Majority Party. He looks like he is not interested in the co-operative movement. You moved the Bill, but allow us to tell the public the importance of this Bill. You have a very good document and that is why there is a need to tell the public the reasons to support it.

Part VIII of the Bill provides for the procedures for the amalgamation and division of co-operatives, including primary and secondary co-operatives, a more solid resolution, certification, creditors, distributions of assets and liabilities and the role of the Commissioner of Co-operatives. This is an aspect where, at times, co-operatives merge. I say this as a member and a leader in the co-operative movement. Some small co-operatives merge because of their economies of scale. We have seen a number of splinter co-operatives getting out of the big ones. We want to advise the crop-based co-operatives, the housing-based co-operatives and even the salaried or what we call the Sacco-based co-operatives that it is good for them to merge and when they do that, they should know and ensure that their rights, privileges and even what they are owed, are always protected because of this part of the Bill.

With those many remarks, this Bill is very important for our economy and more importantly, for the development of the co-operative sector. In counties, when it comes to areas like agriculture, co-operatives are very vital in the devolution movement. The creation of the Co-operative Technical Forum Committee, which is a Government relations committee, will enable the national Government and the county government to relate well, especially in improving the co-operative movement in this country.

I support this Bill. Thank you.

Hon. Deputy Speaker: The Hon. Member for Likoni, Hon. Mishi Mboko.

Hon. Mishi Mboko (Likoni, ODM): Thank you, Hon. Deputy Speaker. I stand to support this Bill by Hon. Osoro. It talks about the co-operative movement in our country and, more so, in particular, the SACCOs. Those co-operatives are very instrumental in terms of pooling capital and resources. They also facilitate job creation, economic growth and social development.

I am very much impressed by this Bill because it talks about a four-tier co-operative structure. The first structure is the primary co-operative, where members can engage directly. The second one is the secondary co-operative, where there is mutual support among the members. There is also the co-operative federation, which talks about the network of co-operatives. We have apex co-operatives, which is the highest level that takes all the co-operatives together. Having those four tiers means that their governance and accountability are going to be very clear. That is why we are going to avoid so many wrangles and ensure that members benefit as members of the co-operatives.

Clause 11(1) of the Bill states thus:

“There is established in each county, the office of the county director of co-operatives.”

This means there will be a new breath of life for our local economies, and the administrative functions will go closer to the members at the grassroots level. When you talk about devolution, it has to go in so many aspects, and that is why having that director at the grassroots level or rather at the county level, means even more bureaucracies, which are at the national level, are going to be avoided.

Clause 62(5)(a) states thus:

“In constituting its board of directors, a co-operative shall ensure that not more than two-thirds of the directors are of the same gender.”

We have been talking every day that this law has to be implemented. In any all-inclusive organization, that means we will have women, men, vulnerable groups, marginalised groups and those who may have a low income being included. I think we will be assisting all Kenyans and that is why I want to support this.

Hon. Deputy Speaker, there have been many frauds. Therefore, we need to put some mechanism to ensure Kenyans are being protected. In this Bill, Clauses 41, 43 and 44 talk about the protection of co-operative members from fraudulent schemes. We have been having so many schemes in this country where people come, entice and tell us so many good things like

how we are going to be rich at a go. With this Bill, we are going to have some protection and that is why I support it.

My last comment will be on Clause 73(1), which stipulates that if an employee has paid the employer the deduction for the Sacco and the employer does not pay that deduction to the relevant Sacco, then the employer is going to be liable to pay that deduction and if there is any penalty or any interest, the employer ought to pay it.

I have been told that there is no time as we have the Committee of the whole House coming up. I had a lot to say because co-operative movements are the ones that have made individual businesses thrive in terms of growth in our economy.

I support. Thank you.

Hon. Deputy Speaker: Thank you. Lastly, let us have the Hon. Member for Githunguri, Hon. Gathoni Wamuchomba, and then we will close that debate.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Thank you, Hon. Deputy Speaker. I am honoured, indeed, to participate and be on record that I have supported this Bill because this is what we have been waiting for. I am a member of many co-operatives in my society, community and constituency because, obviously, you know that Githunguri is one of the biggest producers of milk in the Republic of Kenya. We are the people who manage the largest milk co-operative society in Kenya and largely in East Africa.

If there is anything that has made most of the producer activities in agriculture retrogress, it is the mismanagement of producer co-operatives and the death of the sector in that matter. Many co-operatives owned many buildings in Nairobi after having made profits in the past. When I was growing up, farmers from Murang'a owned the whole of Kirinyaga Road. Farmers from Kiambu were lending other countries money. I remember the Kiambu Municipality used to lend the Republic of Tanzania money that came from producer co-operatives but, something happened along the way. People who retired from the civil service and those who were fired for misconduct in Government went down to those producer co-operatives and bribed their way into the management of co-operative societies. They laundered and stole money that was meant to grow the co-operative societies and put the same co-operative societies to death.

We had very large co-operative societies that owned Imenti House and many other houses on River Road near Keekorok Road. Today, those co-operative societies are in debt. They are supposed to sell off their assets to cover the running costs.

I am very excited that this Bill is bringing back the vibrant spirit of co-operatives and the successes that we read about in our history. I am particularly very happy with Part X of the Bill, which will restrict and limit the borrowing power of the people who will be entrusted with running the producer co-operatives. In the past, there were people who borrowed money on behalf of producer co-operatives, listed the assets of such co-operatives and ran away with the loot, only to leave our farmers and producers desperate and hopeless. I am excited that the producer co-operatives will be limited in terms of the loans and investments that they can handle. The power to borrow and invest money must be accounted for by the co-operative's commissioners.

I am happy that Part XI of the Bill has laid out a very good way of how co-operative societies will be amalgamated. In the past, a co-operative could decide to dissolve and establish another co-operative without the blessings of the majority of the owners and shareholders.

I am happy that the spirit of co-operatives will finally come back. Our farmers need to benefit. It is time for them to go back to their farms and produce as much as they can because there is a new law that will protect their sweat.

I support the Bill and I cannot wait to see it pass. Thank you very much, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you, Hon. Wamuchomba. Let us go to the next Order. Sorry, I forgot. Where is the Mover? You may proceed.

(Hon. Sabina Chege spoke off the record)

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Deputy Speaker...

Hon. Deputy Speaker: Would you like to donate some of your minutes?

Hon. Silvanus Osoro (South Mugirango, UDA): Yes. With your indulgence, Hon. Deputy Speaker, let me allow Hon. Sabina to contribute.

Hon. Deputy Speaker: I have only allowed Hon. Sabina to take some of your time. After that, you will reply briefly and then we can go to the next Order.

Hon. Sabina Chege (Nominated, Jubilee): Thank you very much, Hon. Deputy Speaker. I want to thank the Mover of the Bill. I came running because I wanted to speak and say that I support the Bill 100 per cent.

Co-operatives originated from Murang'a, as Hon. Wamuchomba has mentioned. Back in the 1960s and the 1970s, co-operative societies in Murang'a County could lend money to the national Government. I am happy that we will manage those co-operatives.

I stand here to honour one man, the late Muchiri, who was a co-operative officer, and later became the president of co-operatives in Africa. He was from Murang'a County, specifically Maragwa Constituency, Kamahuha Village.

There is only one element which the Member can add to the Bill. We had the Co-operatives College, which later became the Co-operatives University. It trained students strictly on the management of co-operatives. There are now many loopholes because we converted all our technical institutes and colleges into universities, and diverged from the previous training. Let us see how we can incorporate the training of co-operators into the Bill, so that even the youth can join co-operatives and help their elderly parents in management.

Thank you for donating that one minute. I support the Bill.

Hon. Deputy Speaker: Mover, you may proceed.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you very much, Hon. Deputy Speaker. I first want to take this opportunity to thank all the Members who have contributed to the Bill, and to also appreciate the immense support that they have accorded it. The Bill has received unanimous support, clearly showing that it was timely. This is what Kenyans need at this point in time, especially in terms of coming together and putting resources together.

I wish to remind the public and Members that the Bill's intent is rooted in Article 186 of the Constitution. It is part of a broader national co-operatives policy whose intent is to harmonise the governance of co-operatives across the counties and ensure uniform standards, while respecting devolution. The previous Act did not consider the devolved units. That why it is very important that we harmonise the management of co-operatives between the counties and the national Government, and make it easy.

The Bill also addresses the sectoral challenges that arise from governance and financial resilience, which seeks to improve co-operative governance by embedding principles of transparency and strong financial oversight, thereby protecting members' investments. We all live in this country. We have seen people coming up with savings and credit co-operatives (SACCOs) to hoodwink Kenyans who have a genuine intent to grow their wealth. They invest with those SACCOS imagining that those investments will positively grow their wealth. Instead, those people steal their funds. Such scenarios are rampant in the entire country. Everybody has faced such.

Some pose as co-operatives, but they end up being pyramid schemes. We all know of the pyramid schemes that have existed in this country such as DECI. Even the men of the cloth form co-operatives and tell people that they want to buy land or property. They hoodwink and

con Kenyans of billions of shillings while carrying the Bible. The men of the cloth always say that no one will carry anything to heaven. I do not know how they will go to heaven carrying those billions that they have stolen from people in the name of co-operatives.

The Bill seeks to resolve such challenges because of the nature of management and transparency that has been introduced in the Bill. The governance structure with a clear operational framework will help in guarding the resources of members of the public.

Finally, the involvement of the public in the Bill was very vital because the Committee and the Secretariat went to the villages to listen to the common mwananchi. We could see the burning desire the common man had for safe investments. They want to invest in trustworthy institutions. It has become very difficult to differentiate between genuine and fake investment institutions. What came out clearly from the public participation that was conducted is that Kenyans want to be sure that the Co-operatives Act has been clearly streamlined to ensure that their money is safe and secure.

The Bill has been simplified for any person to understand. It was drafted in very basic language. Kenyans can understand the different tiers in terms of primary, secondary and tertiary co-operatives. The Bill incorporates all their demands, but with very basic terms of reference or language that is easily understandable.

I appreciate the Members for supporting the Bill, which is very crucial for a sustainable and competitive co-operatives sector that is aligned with the national co-operatives policy. By passing this legislation, this House will support a modern co-operative sector that upholds co-operative principles, strengthens economic inclusion and fosters unity across Kenya's counties.

Thank you, Hon. Deputy Speaker. I beg to reply.

Hon. Deputy Speaker: Thank you. We shall put the Question at a later date.

(Putting of the Question deferred)

Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Temporary Chairlady (Hon. (Dr) Rachael Nyamai) in the Chair]

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Order, Members. Before we start, I will give the first opportunity to Hon. Osoro so that he can put on record the reorganisation of today's Order Paper.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you very much, Hon. Temporary Chairlady.

I seek your indulgence and that of this House to reorganise today's Order Paper. We shall start with Order 9 so that we start from (ii), The Technopolis Bill (National Assembly Bill No. 6 of 2024) then finish with The Coffee Bill (Senate Bill No. 10 of 2023). We just swap and start with (ii) then (i).

THE TECHNOPOLIS BILL
(National Assembly Bill No.6 of 2024)

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The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you, Whip of the Majority. Hon. Members, we are in the Committee of the whole House and we are starting with The Technopolis Bill, (National Assembly Bill No. 6 of 2024).

(Clauses 3 and 4 agreed to)

Clause 5

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Chairman.

Hon. John Kiarie (Dagoretti South, UDA): The Whip of the Majority had distracted me. Hon. Temporary Chairlady, kindly call out the Order again.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Clause 5, Chairman.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 5 of the Bill be amended by-

(a) inserting the following new paragraph immediately after paragraph (d)—

(da) establish and manage a Science Museum in a Technopolis;

(b) inserting the following new paragraph immediately after paragraph

(m)—

(ma) co-ordinate and regulate business process outsourcing and information technology enabled service sectors in partnership with relevant stakeholders

The justification for it is that this amendment will now align with the objective of the Bill to position a technopolis as a premier destination for the technology driven business, research institutions, innovation ecosystems and support development of Kenya's knowledge-based economy. Further, the other terms have been amended to ensure that the technical definitions like high technology and technopolis are closely aligned with the common usage of the ICT sector and the best practices.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you, Chairman.

Hon. (Dr) Wilberforce Oundo, Member for Funyula, it seems you have no interest in that.

(Question of the amendment proposed)

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

(Clause 5 as amended agreed to)

Clause 6

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Chairman.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 6 of the Bill be amended by —

(a) deleting the words “by-laws and” appearing in paragraph (a); and

(b) inserting the following new paragraph immediately after paragraph

(h)—

(i) formulate legal, regulatory and appropriate guidelines for sustainable business process outsourcing.

We are doing this because the Bill provides for by-laws and guidelines. This amendment seeks to delete the word “by-laws.” The two words, as they appear in the Bill, are already imputed in the broader term of administrative guidelines which the amendment seeks to remove the reputation.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Any interest in this? There seems not.

(Question of the amendment proposed)

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

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

(Clause 6 as amended agreed to)

Clause 7

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. (Dr) Ojiambo Oundo.
Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 7 of the Bill be amended —

(a) in sub-clause (1) by inserting the words “through a competitive recruitment process” immediately after the words, “Cabinet Secretary” appearing in paragraph (e);

The principle aim of the amendment is on (1)(e), that after the word Cabinet Secretary, to include through a competitive recruitment process to allow the process to be open and not just amount to cherry-picking or for the Cabinet Secretary to pick members of his own choice. The same is buttressed by the New Sub-Clause 6. I am hoping the Chairman would agree we buttress it and make the process to be more competitive so that the Cabinet Secretary does not just pick anybody he feels like. This is Information and Communication Technology (ICT) and would be less costly because you can use the website, you can see who applies, and it would be a semblance of a competitive recruitment process for the members because the Cabinet Secretary would be allowed to appoint in the Board of Directors.

Thank you, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Chairman.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, I have additional amendments that I would want to do to Clause 7 as per the Order Paper. The justification is because it is an emerging technology space.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairman, we will first exhaust the amendment by Hon. (Dr) Ojiambo Oundo. We would like to have your views on the amendment. Are you in support?

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, I am in support.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Mishi Mboko, Commissioner?

Hon. Mishi Mboko (Likoni, ODM): Thank you, Hon. Temporary Chairlady. I also support what Hon. (Dr) Oundo has proposed in terms of amendments because, apart from being competitive, it will also ensure accountability and transparency.

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I support.

(Question of the amendment proposed)

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

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I can now give an opportunity to the Chairman, Hon. KJ.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 7 of the Bill be amended —

(a) in sub-clause (2) by deleting the word “fifteen” appearing in paragraph (c) and substituting therefor the word, “ten”;

(b) in sub-clause (3) by deleting the word “ten” appearing in paragraph (b) and substituting therefor the word, “five”; and,

(c) by inserting the following new sub-clauses immediately after sub-clause (5)—

“(6) In appointing members under subsection (1)(e), the Cabinet Secretary shall ensure that the appointments provide equal opportunities to men, women, youth, persons with disabilities and marginalized groups; and,

“(7) The Board may co-opt a person with necessary expertise as it considers necessary to assist it in discharging its duties and responsibilities.”

The justification for this is that we all understand that technopolises are going to be superintending over emerging technologies and as such, a requirement for such extensive work experience in leadership and management which might lock out good and youthful talent. The amendment further seeks to provide certainty on the need for diversity on the composition of board members.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Yes, Hon. (Dr) Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Chairlady.

I truly want to lend my support to the amendments because it is a realm of the young people. We, the old hogs, should remain analogue and mind our business.

Further, when you look at the new Clauses 6 and 7, they now take care of all spheres of this society.

I support.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you.

(Question of the amendment proposed)

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

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

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

(Clause 7 as amended agreed to)

Clause 8

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Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 8 of the Bill be amended in—

(a) Sub-Clause (1) by inserting the words “The Chairperson and” immediately before the words “A member” appearing in paragraph (a); and,

(b) Sub-Clause (2) by inserting the words “The Chairperson and” immediately before the words “the member”.

It is my proposal that we amend Clause 8 as it appears on the Order Paper. The justification is that this Bill as proposed had omitted to provide for the criteria for the vacation from office of the chairperson of the board. The amendment seeks to provide a remedy for the same.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Mishi, is your interest on this amendment?

Hon. Mishi Mboko (Likoni, ODM): I just want to support it because it is in order. We need to have a criteria. We cannot do things haphazardly. We need to have some rules and regulations.

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

(Clause 8 as amended agreed to)

(Clauses 9, 10, 11, 12, 13, 14, 15 and 16 agreed to)

Clause 17

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 17 of the Bill be amended by inserting the following new paragraph immediately after paragraph (d)—

“(e) Host enterprises that address national and global challenges by utilizing research, science, technology and innovation.”

Hon. Temporary Chairlady, the justification for this is that the Bill needs to be amended to provide an additional feature of technopolises to incorporate not just national, but global challenges that may appear. I want to give some credit to Hon. Farah who is also sitting in the presidium. I credit him for noting that technopolis is one, and technopoli and technopolises is plural.

Thank you.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Farah Maalim.

Hon. Farah Maalim (Dadaab, WDM): I concur with, and support the Chairperson on this amendment.

Thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon Temporary Chairlady, I support. The jargon being used is so high-sounding and scary. Mover, please come down to our level.

(Laughter)

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

(Clause 17 as amended agreed to)

(Hon. John Kiarie spoke off the record)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairperson, that will come later.

(Clauses 18, 19, 20, 21, 22 and 23 agreed to)

Clause 24

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 24 of the Bill be amended by inserting the following new sub-clause immediately after Sub-Clause (5)—

“(6) The Authority shall notify the applicant of its decisions to refuse to grant a development permit.”

The proposed sub-clause is provided to enhance the substantive and procedural due process that seeks to require the authority to notify an applicant of any refusal to issue a permit.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Chairperson.

(Question of the amendment proposed)

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

(Clause 24 as amended agreed to)

(Clauses 25, 26, 27, 28, 29, 30, 31, 32 and 33 agreed to)

Clause 34

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 34 of the Bill be amended in Sub-Clause (3) by deleting paragraph (e).

The undue flexibility that had been given to the authority earlier may be subject to abuse because paragraph (e), as drafted in the Bill, was giving the authority power to set out such further information as the authority may consider necessary. We thought this could be subject to abuse. Therefore, we are amending it as per the Order Paper.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Chairperson.

(Question of the amendment proposed)

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

(Clause 34 as amended agreed to)

Clause 35

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, I beg to move:
THAT, the Bill be amended by deleting Clause 35 and substituting therefor the
following new clause—

Review and
appeal 35. Any party aggrieved by a decision of the Authority under this
Part may seek review by the Authority or appeal to the Tribunal
in accordance with this Act.”

(Technical hitch)

I am depending on my tablet here. Let me use this one.

It is my proposal that we amend Clause 35 as per the Order Paper. We are doing this
because the review and appeal clause provides an internal dispute resolution mechanism in the
first instance, before aggrieved parties elect to go to courts of law.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Professor Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): As we delete Clause 35 in its entirety
and replace it with what you have provided here, let us remember that it had two parts in the
Bill. Part 2 provided timelines of making decisions. Are there any internal mechanisms to
ensure, as has been contemplated here, review is done and communicated to the applicant
within 30 days of receipt of the request?

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Chairperson, Hon. KJ.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, we can retain
the timelines but provide this remedy. This ensures we get rid of Clause 35(1) to replace it with
this amendment. We will retain Clause 35(2) so that we keep the within 30-day timeline of
receipt of request. Thank you very much, *daktari*.

Hon. Temporary Chairlady, allow me to take this again.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): You may proceed.

Hon. John Kiarie (Dagoretti South, UDA): I ask Professor Oundo to walk with me
here. With a fine re-reading, the provisions that we are giving are for an internal mechanism of
dispute resolution that will, in itself, take care of the timelines. Kindly, let us delete Clause 35
and replace it with the amendment as appears on the Order Paper.

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

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

(Clause 35 as amended agreed to)

(Clauses 36 and 37 agreed to)

Clause 38

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 38 of the Bill be amended by inserting the following new paragraph immediately after paragraph (e)—

(f) restricting a licensee from engaging in a specified activity.

This proposed amendment provides a useful sanction in restricting an activity as an enforcement measure for violation, which may have been inadvertently omitted in the Bill. I move.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Chairman.

(Question of the amendment proposed)

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

(Clause 38 as amended agreed to)

(Clauses 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60 and 61 agreed to)

Clause 62

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 62 of the Bill be amended in sub-clause (2) by deleting the words ‘In addition to the incentives under subsection (1).’

The proposed amendment seeks to clarify that sub-clauses 1 and 2 are distinct and severable in terms of providing for the incentives that extend to the Technopolis. I move.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Chairman.

(Question of the amendment proposed)

Hon. Wilberforce Oundo?

(Hon. Wilberforce Oundo spoke off the record)

Hon. Silvanus Osoro? Hon. Mishi Mboko, Commissioner.

(Hon. Mishi Mboko spoke off the record)

Thank you.

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

(Clause 62 as amended agreed to)

(Clause 63 agreed to)

Clause 64

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairman, you have an amendment.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, I beg to move: THAT, that the Bill be amended by deleting Clause 64.

I am seeking to delete Clause 64 because we find it unnecessary. This is because all the penalties have been provided for in the specific provisions of the Bill where an offence has been created.

I move.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you.

(Question of the amendment proposed)

Hon. Oundo, Professor.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairlady, the Chairman might perhaps need to be a bit careful here. As much as you are very thorough and detailed in legislation, there will be an offence that will be forgotten. It will be an offence that will be provided for any part of the Bill that no specific fine or sanctions are provided for. It is normally a general practice to put there a general penalty clause to cover any eventualities or unknowns.

I beg that we rethink it so that we do not have a situation where something has happened and we have no recourse.

Thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairman, before we come to you, I will go to Hon. Gichimu, Member for Gichugu. We are trying to trace you. We will get you right now.

Hon. Gichimu Githinji (Gichugu, UDA): Thank you, Hon. Temporary Chairlady. I support the Chairman's proposed amendment because where there is an offence, it has to be prescribed in the law. There is no need to legislate in vain. If there are offences that may not have been covered under the Act, then there will also be an opportunity for the Cabinet Secretary to do regulations and provide for more penalties. He is in order to delete a provision that is already in the Act in vain.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Good. Hon. Zamzam.

Hon. Zamzam Mohammed (Mombasa County, ODM): I also support the Chairman given that the penalty of Ksh5 million and five years in jail is also very harsh. Maybe, we can replace it with something that is reasonable. If you can get in the other laws, then we are good to go. We can delete it.

Thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you. Hon. (Dr) Mutunga.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Hon. Temporary Chairlady, I am bearing in mind that the Chairman has said they were very thorough. They have looked through the Bill intensively and they are sure that all the penalties have been provided for. It will be in order to delete.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you very much. Lastly, Chairman, can we proceed?

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, we did take time. We burnt the midnight oil to provide for offences that may occur. The justification for the deletion of this is that a general penalty opens up so many opportunities for abuse. It was the thinking of our Committee that if there is another offence that is not thought of, then it can live in a subsidiary regulation, and not in the mother Act. The mother Act generally covers all foreseeable offences. If there is any offence of the nature that the Professor is talking about, we believe that it can live in a subsidiary law so that we do not legislate in vain.

Thank you very much.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Mishi Mboko.

Hon. Mishi Mboko (Likoni, ODM): Hon. Temporary Chairlady, I was also of the opinion of what Hon. Oundo has said. Although the penalties have been shown according to the specific provisions, it is my view that Clause 64 is like emphasising on the penalty. I do not know whether we can do some arbitration between the Chairman and Hon. Oundo to arrive at some middle ground so that the emphasis on Clause 64 is not trashed. It is also giving more sense to that issue.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I now want to put the question.

(Several Hon. Members spoke off the record)

I give a chance to Hon. Melly, who has not said anything on this Bill.

Hon. Julius Melly (Tinderet, UDA): Hon. Temporary Chairlady, I want to agree with the Chairman that retaining Clause 64 will be an overlap. The specifications of the penalties have been provided for. The Chairman and the Committee are right. Therefore, we need to delete that clause.

Thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairman, you will speak after Hon. Millie Odhiambo.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairlady. If the Committee has gone through the Bill and made provisions for every single offence, then it is okay if you do not give an umbrella one. Therefore, it means that you have gone through the Bill and you are sure that there is no offence that has not been provided for. This is because you cannot provide for an offence that is not in the Bill. I support the Chairman on this one.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Farah Maalim.

Hon. Farah Maalim (Dadaab, WDM): Hon. Temporary Chairlady, I also want to support the Chairman on this matter. This is far-reaching and too open to abuse. It is not something that you can do in the manner we have done right now in generality by saying: 'Any person who commits an offence'... It can always be covered under the subsidiary law, which, in my opinion, is going to be more exhaustive.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Chairman. After all that support, do you still want to comment or I go ahead and put the question?

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, so that we can carry the Members along, allow me to comment on what has been mentioned by Hon. Zamzam and Hon. Mishi Mboko. The general provision was providing for a very steep penalty. What is unforeseeable could be something very trivial. That is why if there was anything unforeseeable, I believe it can live in the subsidiary laws - the regulations.

Hon. Temporary Chairlady, I thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Maalim.

Hon. Farah Maalim (Daadab, WDM): Hon. Temporary Chairlady, because of the gravity of this matter and the consequences that are very severe, it is important that we give it an exhaustive engagement as is possible. Clause 63 already states “obstructs the Authority” and “commits an offence shall be liable to”. That is an already prescribed penalty for that. But further, there is a very general Clause 64 that says that “anybody who commits an offence under this Act”. In my opinion, we should do away with it and just delete it as the Chairman has moved in the amendment. We are headed to a very dangerous direction.

(Hon. John Kiarie spoke off the record)

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

(Clause 64 deleted)

(Clauses 65, 66 and 67 agreed to)

New Clause 21A

THAT, the Bill be amended by inserting the following new clause immediately after clause 21—

Museum of science
and technology in a
Technopolis

21A. (1) The Authority may establish a Science Museum in such a Technopolis established under section 16.

(2) A Science Museum shall—

- (a) Collect, restore and preserve important historical objects, which represent landmarks in the development of science, technology and innovation;
- (b) Provide facilities to permit qualified individuals to use and study its collection;
- (c) Conduct programs of education in the origins, development and progress of science and technology;
- (d) Organise science demonstration lectures, science fairs and science seminars;
- (e) Document the role and contribution of Kenya in the furtherance of science and technology;
- (f) Design, develop and fabricate exhibits, demonstration equipment and scientific teaching aids for science;
- (g) Popularise science and technology by organising exhibitions, seminars, lectures, science camps and related programs;
- (h) organise training programs on specific subjects of science and technology; and
- (i) establish and foster liaison with other organisations with purposes similar to its purpose;

(2) The Authority may charge for admission to a Science Museum such fees as may be prescribed in Regulations.

(3) There shall be a Chief Curator for a Science Museum who shall be employed by the Board through a competitive process on such terms and conditions as the Board may, with the advice of the Salaries and Remuneration Commission, determine.

(4) The Chief Curator shall be responsible to the Board for the day-to-day running of the affairs of the Science Museum.

(5) The Board may employ such other staff as may be necessary for the performance of the functions of the Science Museum.

(The new clause was read a First Time)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I now call upon the Mover to move Second Reading for this new clause.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, because this is a new clause, allow me to read it in its entirety. I propose that the Bill be amended by inserting the following new clause immediately after Clause 21. This clause is on a museum of science and technology in a Technopolis. It should not read as 21A. The Authority shall establish and manage a museum.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): On a point of order, Hon. Temporary Chairlady.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, kindly protect me.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Oundo, is your point of order on the matter of the new clause?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Yes, Hon. Temporary Chairlady. It is a procedural matter. It is not necessary for the Chairman to read the entire Clause because if we do that, we will never finish the legislation process. We are capable of reading and so, let him just mention 'as prescribed in the Order Paper'.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): He will paraphrase.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): What is out of order Whip of the Minority Party, Hon. Millie Odhiambo?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairlady. I have two issues. One is on the procedure of moving for Second Reading. When he is moving, he should just indicate that I move that it be read a Second Time before he explains.

Secondly, even though it is a bit pre-emptive, because the Bill wants a museum to be set up, that makes it a money bill. The House has already spoken to this issue. I do not know if we are allowed to do that at this stage. Hon. Temporary Chairlady, please advise us on that.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Now that these amendments have come from the Committee, been processed, gone through the Office of the Speaker and brought to the Committee of the whole House, at this point in time, I will allow the Chairman to proceed.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, I beg to move that new Clause 21A be now read a Second Time.

The amendment here is to bring in the establishment of a science museum.

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

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Is there any interest in this one? Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairlady, I sincerely and heartily support this amendment even though the Whip of the Minority Party has raised a constitutional issue that rests somewhere else. As I support, I remember I was taken to a tour of Houston Space Museum in Texas, United States of America, and I was mesmerised. I was truly mesmerised. It took me to science. I can see that the way this Bill has been drafted, the establishment of the museum is at the discretion of the Authority. It says, “the Authority may”. We debated a Motion in this House that called for establishment of a Science Museum. I am not sure whether it has been adopted or not, but must we not make it mandatory? The word “may” is discretionary. It may happen or not. Probably, you had a good reason as to why you chose the word “may” instead of just establish.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Chairman, what is your comment on that?

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, it is not “may”. I know the *wakilis* here can tell us the difference between “may” and “shall”. “Shall” obligates and “may” means what professor has said. That is why I wanted to read the new clause. The proposal is that “the Authority shall establish and manage a museum of science and technology in a Technopolis”. So, it is “shall”.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): We need to confirm whether that is the position.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairlady, unfortunately, the Order Paper reads “may”.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I will give a chance to the Chairman to consult.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, it is actually “shall”. I wish it would reflect on the Order Paper as it is on the substantive one.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I will give you two minutes for that to be corrected.

(Hon. John Kiarie consulted the legal counsels and the Clerks-at-the-Table)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairman, you may proceed.

Hon. John Kiarie (Dagoretti South, UDA): Thank you, Hon. Temporary Chairlady for the magnanimity. For us to have a tidy process, allow me to move a further amendment to New Clause 21A (1).

Hon. Temporary Chairlady, I beg to move that New Clause 21A (1) be further amended by inserting the word “shall” so as to read:

Museum of science and technology in a Technopolis.	21A. (1) The Authority shall establish and manage a Science Museum in a Technopolis established under section 16.
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This way, it covers what Hon. Prof Oundo is saying. I therefore propose to move it as a further amendment.

(Question of the further amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Farah.

Hon. Farah Maalim (Dadaab, WDM): I conquer with Hon. Millie Mabona. If it will involve additional resources, then it will be easy for a busybody to contest. In any case, when you use the word “shall” on matters development which are progressive, it determines whether it will be done immediately after it is established or two to three years down the line.

In my opinion, we have to amend it further. If we retain the word “shall”, then we have to put a certain appropriation. You must also be aware of the fact that resources cannot be available instantly. If it remains as “may” this means you can put it in the programs and development plans of that Technopolis. Yes, it is a money Bill, but this is an additional ...

(Loud consultations)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Farah, you have made your point and it is noted. Hon. Members, I appreciate that a Bill goes through a process to get here. I take note of what the Chairman of the Committee has said. Therefore, I will put the question.

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

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

New Clause 68

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. John Kiarie, move your amendment.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, I beg to move:
THAT the Bill be amended by inserting the following new clause immediately after clause 67—

Repeal of
section
40 of Cap. 511

68. Section 40 of the Science, Technology and Innovation Act is repealed.

(The new clause was read a First Time)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. John Kiarie, move Second Reading.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, I move that new clause 68 be further amended.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): You are to move for a Second Reading.

Hon. John Kiarie (Dagoretti South, UDA): I beg to move that clause 68 be...

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): ... be read a Second Time.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, I beg to move that the New Clause 68 be read a Second Time.

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

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

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

(First and Second Schedules agreed to)

Clause 2

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. John Kiarie, move your amendment.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, I beg to move: THAT, the Bill be amended in clause 2 —

(a) By inserting the following definition in its proper alphabetical sequence- “Science Museum” means a museum of science and technology established under section 21A.

(b) In the definition of the term “high technology” by deleting the word “sophisticated” and substituting therefor the words “cutting edge”;

(c) By deleting the definition of the term “Technopolis” and substituting therefor the following new definition—

“Technopolis” means a designated geographical area with a high density of technology- oriented enterprises established with the primary objective of advancing research, science, technology, innovation, partnerships and economic growth and includes the Konza Technopolis;

The Technopolis Bill is also establishing a science museum. Therefore, it is important to define the term ‘museum’. This amendment seeks to provide for the establishment of a science museum in a Technopolis. It will serve as a hub and interactive space where Kenyans can appreciate the advancements of science and technology. The museum will also provide an avenue for recognising the role of science and indigenous technology as well as the contribution of Kenya and Africa to the development of science, technology and innovation.

I beg to move.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Wilberforce Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairlady, I am not sure about the definition of ‘Technopolis’ especially the last part that says, “and includes the Konza Technopolis. I thought Konza Technopolis, like any other Technopolis, will apply to be registered as a Technopolis. On the very first instance, why are we safeguarding or protecting it in the Act? Just leave it. I have heard very tough words like ‘sophisticated’ and ‘cutting edge.’

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Departmental Committee Chairman, respond.

Hon. John Kiarie (Dagoretti South, UDA): There is a very good reason why we are doing this. While this Bill seeks to set up many more Technopolis around the country, Konza Technopolis already exists under the Konza Technopolis Development Authority, which we are retiring in this Bill so that it does not hang. That is why it was singled out and mentioned.

Thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I will proceed to put the question.

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

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

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

(Clause 2 as amended agreed to)

Long Title

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. John Kiarie, move your amendment.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, the long title of the Bill be amended by inserting the word “establishment” immediately after the words “a framework for the”.

The addition of the word “establishment” in the long title of the Bill seeks to enhance clarity and guide the establishment of the Technopolis.

Thank you.

(Question of the amendment proposed)

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

(The Long Title, as amended, agreed to)

(Clause 1 agreed to)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, we have concluded the consideration of the Bill. Mover.

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Temporary Chairlady, I beg to move that the House reports its consideration of the Technopolis Bill, (National Assembly Bill No. 6 of 2024), and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, we have concluded the consideration of the Technopolis Bill (National Assembly No.6 of 2024). We will now move to the Coffee Bill (Senate Bill No.10 of 2023) by the Leader of the Majority Party, who is a co-sponsor.

THE COFFEE BILL
(Senate Bill No.10 of 2023)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Members, for your patience. We are now on the Coffee Bill, (Senate Bill No.10 of 2023), which is cosponsored by the Leader of the Majority Party.

Clause 3

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Chairman, Departmental Committee on Agriculture and Livestock, do we give you some time to reorganise?

Order Members, we have given him sometime to reorganise some things. The Whip of the Majority Party, Hon. Osoro, I suggest that you check on your Chairman.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 3 of the Bill be amended—

- (a) by deleting paragraph (e), and substituting therefor the following new paragraph— (e) promote integration of the value chain actors for purposes of achieving economies of scale;
- (b) by deleting paragraph (f) and substituting therefor the following new paragraph— (f) promotion of coffee research and training for the development of the coffee sector;
- (c) in paragraph (g), by deleting sub-paragraph (i) and substituting therefor the following new sub-paragraph— (i) the establishment and management of coffee development levy;

[The Temporary Chairlady (Hon. (Dr) Rachael Nyamai) left the Chair]

[The Temporary Chairman (Hon. Farah Maalim) took the Chair]

The purpose of this amendment is to provide for clarity on the provisions to do away with misplaced functions which are devolved and also provide for the management of the Coffee Management Fund.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Farah Maalim): Proceed, Hon. Melly.

Hon. Julius Melly (Tinderet, UDA): Hon. Temporary Chairman, thank you for giving me this opportunity. I really want the Chairman to come out clearly especially on what is devolved and what is not, so that we can be clear on this particular thing. This is the amendment in Clause 3(a) specifically, so that we can get to know what is happening.

The Temporary Chairman (Hon. Farah Maalim): Yes, Hon. Gichimu.

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Temporary Chairman, I support these amendments since they are giving clarity. Clause 3(f) seeks to promote evidence as per the original Bill that promotes evidence-based coffee research. That is a bit ambiguous, but when the Committee proposes the promotion of coffee research and training for development of the coffee sector, that is very clear. The evidence-based coffee research might also call for other factors to give that evidence, which is not necessary. I, therefore, support.

The Temporary Chairman (Hon. Farah Maalim): Anybody else? Hon. Wamuchomba.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Thank you, Hon. Chairman. I rise to support the Chairman's proposal. It is imperative that we get to know the details and the

processes of making sure that we get quality coffee. I am excited that we are now debating the Coffee Bill.

The Temporary Chairman (Hon. Farah Maalim): Fair enough. There being no other Member interested in this, I now put the Question.

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

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

(Clause 3 as amended agreed to)

(Clauses 4 and 5 agreed to)

Clause 6

The Temporary Chairman (Hon. Farah Maalim): Where is the Chairman, Hon. Mutunga?

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 6 of the Bill be amended—

- (a) in subclause (1), by inserting the words “or bank accounts” immediately after the word “account” appearing in paragraph (e).
- (b) by deleting subclause (2) and substituting therefor the following new subclause—

(2) The Board may, if it considers necessary, enter into association with such bodies or organisations whose objects and purpose support the promotion of the coffee industry.

We need to enable the Coffee Board of Kenya to operate more than one bank account and also to further provide for clarity in some of the provisions. Those are the two amendments that we have.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Farah Maalim): Yes, Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairman, this is a very well-intentioned amendment, but I fear at one time it might be subjected to abuse. The words “with such bodies or organisations whose objects and purpose support the promotion of the coffee industry” is such wide ranging. It could mean anything. The intention is good as it opens up to any association. Thank you.

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

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

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

(Clause 6 as amended agreed to)

Clause 7

The Temporary Chairman (Hon. Farah Maalim): Chair?

Hon. (Dr) John K. Mutunga (Tigania West, UDA): I beg to move;

THAT, Clause 7 of the Bill be amended—

(a) in subclause (1)—

(i) by inserting the following new paragraph immediately after paragraph (d)—

“(da) the Principal Secretary responsible for National Treasury or designated representative;”

(ii) by deleting paragraph (e) and substituting therefor the following new paragraph—

“(e) two persons of the opposite gender, representing small-holder and large-scale coffee growers’ associations nominated by their umbrella body;”

(iii) by deleting paragraph (f) and substituting therefor the following new paragraph—

“(f) one person nominated by coffee co-operative societies.”

(iv) by deleting paragraph (g) and substituting therefor the following new paragraph—

“(g) one person with knowledge of the coffee industry nominated by county governments;”

(v) by inserting the following new paragraphs immediately after paragraph (g)—

“(ga) one person representing coffee millers;

(gb) one person representing coffee traders;”

(b) by deleting subclause (2) and substituting therefor the following new subclause—

“(2) The Cabinet Secretary shall observe the principle of gender balance when appointing the members under subsection (1) (e), (f), (g), (ga) and (gb)”

These amendments have come in to ensure that all relevant stakeholders are represented in the board, by including the Principal Secretary for the National Treasury, as a representative of the smallholder and large-scale coffee growers in the board. A nominee of the co-operative societies, and a representative of the millers and traders, to include additional members of the board in the list of those who should be appointed by the Cabinet Secretary. Also, to ensure that there is gender balance in the membership of the board.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Farah Maalim): Yes, Hon. Gichimu?

Hon. Gichimu Githinji (Gichugu, UDA): While I support the other amendments under Clause 7, I am opposed to the amendment under subclause 7(1)(2), whereby it is indicating that it is seeking to substitute two persons of the opposite gender.

The Temporary Chairman (Hon. Farah Maalim): Order! Order, Hon. (Dr) Mutunga. There are issues on the amendment and you are engaged in another conversation. Yes! Please listen. Yes, proceed. Start all over again.

Hon. Gichimu Githinji (Gichugu, UDA): I am opposed to one particular amendment under clause 7(a)(2), whereby the Committee is seeking to substitute the requirement of two persons of the opposite gender representing small-holder coffee growers nominated by the umbrella body of the Coffee Co-operative Society by what the Committee is seeking to add large scale coffee farmers. Small scale coffee farmers usually have their own unions and umbrella bodies. But when you say large scale coffee growers, they do not have any union. If there is any, then that creates a conflict. Now, who nominates? In the 12th Parliament, before this Bill found its way to the Senate and died there - but now it has been revived there in and brought here - I moved this particular amendment so that the small-scale coffee farmers can have a say in the operations of the Coffee Board of Kenya. So, I believe we should leave it as it was, so that it is very clear. Who now nominates? Is it the large-scale farmers or the small-scale farmers? I believe this is the space. The small-scale farmers in this country have been missing for a long time. So, let us leave it as it is.

The Temporary Chairman (Hon. Farah Maalim): Hon. (Dr) Mutunga.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Hon. Chair, I would like to refer to the Member that the provision is for the two to be represented, not one. The small-scale farmers have their own association. The large-scale farmers also need representation in the board. If you leave any of the two, you create a conflict, which is not right.

The Temporary Chairman (Hon. Farah Maalim): Yeah, but the issue he is saying is that the small-scale farmers have their associations to nominate. Who is going to nominate for the large-scale? That is because large-scale farmers do not have a basic organisation.

Hon. Gichimu Githinji (Gichugu, UDA): They have no union.

The Temporary Chairman (Hon. Farah Maalim): Hon. Wamuchomba, please.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Hon. Temporary Chairman, I am trying to resonate in the line of Hon. Gichimu, in the space of including the large-scale farmers. In the language of coffee farmers, we use the word estate farmers. Those estate farmers may not have a union, but they have their own coffee trading associations as estate farmers. So really, if we have to include them to also nominate members into the board, then we have to be specific because 'large scale farmers' is a general name and it is not very practical in coffee farming.

The Temporary Chairman (Hon. Farah Maalim): Hon. Julius Melly.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Temporary Chairman. The two Members have put it very candidly. In the coffee industry, a large-scale farmer is anyone who owns more than five acres of land. They do not always have an association, nor do they cooperate with small-scale farmers who are in the co-operatives. This clause is not specific, and it could injure the large-scale or the small-scale farmers. We need to be very specific.

On the same note, the new paragraph 7(1)(f) talks about one person to be nominated by coffee co-operative societies.

The Temporary Chairman (Hon. Farah Maalim): Let us exhaust this amendment first.

Hon. Julius Melly (Tinderet, UDA): That is what I am saying. The Chairman needs to be specific.

The Temporary Chairman (Hon. Farah Maalim): I agree. Hon. Gichimu.

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Temporary Chairman, the large-scale farmers are normally the estate farmers.

The Temporary Chairman (Hon. Farah Maalim): For the benefit of those of us who are not well-versed in that sector, can you be a large-scale farmer without being an estate farmer?

Hon. Gichimu Githinji (Gichugu, UDA): No. The estate farmers have already been covered under Clause 7(f) as it is now, which talks about one person to be nominated by the largest association of estate growers. They are already covered. We need to leave Clause 7(e)

as it is so that the small-scale farmers can also have some good space in the management of coffee in this country.

The Temporary Chairman (Hon. Farah Maalim): Is there anybody else who wants to contribute on the same, just to make it clearer? Yes, Hon. Melly. Go on. Hon. Wamuchomba, I will come to you. Yes, Wamuchomba.

Hon. Gathoni Wamuchomba (Githunguri, UDA): I would like to assist our Committee Chairperson. It seems as if there is a double-entry for the large-scale farmers. They are defined as estate growers and then as large-scale farmers. That is a double-entry. We propose to leave it as it was.

The Temporary Chairman (Hon. Farah Maalim): Chairman, do you want to say something? Add some further clarity. If need be, you can consult with the people from the Ministry. We will give you one minute to consult with them. Let us get this right.

Yes, Hon. Wamuchomba.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Even as the Chairperson consults with the technocrats, the intention of the discussion that we are having is to ensure that we do not take away... Am I still on?

The Temporary Chairman (Hon. Farah Maalim): Yes.

Hon. Gathoni Wamuchomba (Githunguri, UDA): The intention of the discussion that we are having is to ensure that we do not take away the space that was meant for the small-scale farmers, who are operating as co-operatives. We are trying to ensure that we protect that space.

The Temporary Chairman (Hon. Farah Maalim): We do not want to crowd it with the large-scale farmers when they have their own provision in the Act. Hon. Mutunga, just proceed and tell us exactly what you need to do to correct that anomaly.

Hon (Dr) John K. Mutunga (Tigania West, UDA): Hon. Temporary Chairman, we should not do away with the large-scale farmers who also represent the estates. There is no provision for the estates in Clause 7. This is the amended version of the clause. Look at the amendment on the Order Paper. Do not look at the original Bill. We looked at the provisions that were made and co-operative societies were missing. They need to be represented. Small-scale farmers and large-scale farmers, who are the estates, need to be represented.

The Temporary Chairman (Hon. Farah Maalim): Yes, Hon. Melly.

Hon. Julius Melly (Tinderet, UDA): Hon. Temporary Chairman, there is an amendment to delete Clause 7(1)(f) and substitute it with a new paragraph (f) that talks about one person nominated by coffee co-operative societies. Smallholder farmers are always in co-operative societies. Therefore, the estates and the large-scale farmers are missing.

The Temporary Chairman (Hon. Farah Maalim): Give the microphone to Hon. Mutunga.

Hon (Dr) John K. Mutunga (Tigania West, UDA): The amendment to Clause 7(1)(e) on the Order Paper reads:

(ii) by deleting paragraph (e) and substituting therefor the following new paragraph—

“(e) two persons of the opposite gender, representing small-holder and large-scale coffee growers’ associations nominated by their umbrella body,”

(Several Members spoke off the record)

There is an association and there is a co-operative. Those are two institutions. There is the Kenya Coffee Producers Association (KCPA) and there are co-operatives. The KCPA exists as an entity, a lobby and advocacy organisation.

The Temporary Chairman (Hon. Farah Maalim): Hon. Gichimu, let us hear you.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Small scale farmers are represented twice and that is better for the sector.

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Temporary Chairman, we are trying to get the best for the coffee farmers.

The Temporary Chairman (Hon. Farah Maalim): Yes.

Hon. Gichimu Githinji (Gichugu, UDA): In my understanding, because Gichugu Constituency grows a lot of coffee, co-operative societies are built out of the small-scale farmers. With due respect, what the Committee is trying to insert in the Bill has no definition of a large-scale grower. That means that if we indicate a body to nominate someone who is not even defined in the Act, it would bring a problem. Clause 7 should be left as it is in the original Bill because it covers every sector. We debated this for long. I believe Clause 7 should be left as it is.

(Hon. (Dr) John K. Mutunga spoke off the record)

The Temporary Chairman (Hon. Farah Maalim): Hon. Wamuchomba.

Hon. Gathoni Wamuchomba (Githunguri, UDA): I want to ask the Chairman to try and help us understand so that we can meet somewhere. This is because we are all working towards the benefit of all the farmers. Now that he is introducing a term called large-scale farmers, are they well defined in this Bill?

When you say you are talking about the one that is in the Order Paper, the one I am holding has no such definition. If the term large-scale farmer is not there, then we are introducing a foreign group into the Bill, and it is going to continue to bring confusion.

The Temporary Chairman (Hon. Farah Maalim): Hon. Osoro.

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Temporary Chairman, I am tempted to entirely agree with Hon. Gichimu. I have been going through this quietly and I think...

The Temporary Chairman (Hon. Farah Maalim): Hon. Osoro, can I give you a few minutes to consult with Hon. Gichimu, Hon. Mutunga, Hon. Wamuchomba and Hon. Melly?

Hon. Silvanus Osoro (South Mugirango, UDA): That is fine.

The Temporary Chairman (Hon. Farah Maalim): We will keep on hold.

Hon. Silvanus Osoro (South Mugirango, UDA): Just for a minute.

The Temporary Chairman (Hon. Farah Maalim): The Bill we are passing is a landmark. About 31 to 32 years ago, we tried the same and we could not get anywhere. I do not want us to do a half job on this. Hon. KJ, I suggest that, in your own wisdom, you participate in that small consultation.

(Hon. Silvanus Osoro, Hon. (Dr) John K. Mutunga, Hon. Gichimu Githinji, Hon. Gathoni Wamuchomba, Hon. Julius Melly and Hon. John Kiarie held some consultations)

Are we on record?

(Consultations)

The Temporary Chairman (Hon. Farah Maalim): Okay, Hon. Mutunga. I hope you will now move the agreed version of the amendment.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Okay, Hon. Temporary Chairman, we have agreed that we stick to the old Bill and drop the amendment of the Committee. Clause 7 is not amended.

(Proposed amendment to Clause 7 withdrawn)

(Clause 7 agreed to)

The Temporary Chairman (Hon. Farah Maalim): Mover, move the amendment to Clause 8.

Clause 8

Hon. (Dr) John K. Mutunga (Tigania West, UDA): My intention is to move that Clause 8 be amended as per the Order Paper, but be further amended. I do not know whether it is correct. We have inclusions in Clause 8 that touch on Clause 7. We are deleting what was amended in Clause 7 to constitute Clause 8. I think it will be fine if we do that.

The Temporary Chairman (Hon. Farah Maalim): Proceed and read the amendments as further amended, as you put it. Read for us the amendments so that all Members are on the same page with you.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): I think we are not deleting. Clause 8 was anchored on Clause 7. It was giving the conditions of appointments in Clause 7. Therefore, there is no amendment to Clause 8.

The Temporary Chairman (Hon. Farah Maalim): You mean there is no amendment to Clause 8.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Yes. There is no amendment.

(Hon. (Dr) John K. Mutunga's proposed amendment to Clause 8 withdrawn)

The Temporary Chairman (Hon. Farah Maalim): Hon. Gichimu, do you have an amendment to Clause 8? Proceed.

Hon. Gichimu Githinji (Gichugu, UDA): I beg to move:

THAT, Clause 8 of the Bill be amended in subclause (1) by inserting the following new paragraph immediately after paragraph (c)—

“(ca) the requirement of subsection (1)(b) shall not apply to member appointed under subsection 7(e) and (f)”.

The justification of this amendment is that we are seeking that there be a representation of farmers in the board under Clause 7(e) and 7(f). I have also indicated that the requirement under 8(1)(b)(ii) is only a certificate of secondary school education. For small-scale farmers, I am seeking that they should not be required to have a minimum of three years' experience preferably in management of coffee. We will be picking those farmers directly. There is no need for management experience. That is why I seek that we exclude that category.

The Temporary Chairman (Hon. Farah Maalim): You are deleting 8(1)(c). Is that what you are saying?

Hon. Gichimu Githinji (Gichugu, UDA): I am not deleting. We are excluding that requirement. Others, except farmers in categories (e) and (f), can have the management skills. That will not apply to farmers appointed by farmers to represent farmers. There is no point in requiring them to have those management skills.

The Temporary Chairman (Hon. Farah Maalim): Hon. Osoro.

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Temporary Chairman, there are appointments that require a degree from a recognised university of Kenya, and I think that is from (a) to (g). If I am getting Hon. Gichimu very well, then I think he is suggesting that there are other appointments that require a certificate in secondary education. Looking at the small-

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scale farmers or farmers back in the villages, you will agree with me that not all of them have such qualifications. That means they will have to appoint their sons or daughters who do not even have any knowledge in coffee. We agree with Hon. Gichimu that it be delinked from them, so that we just have a representative. The leader, who is at the top, is a degree holder. Therefore, you do not need to have a person with secondary school qualification because you already have a leader. In my view, it is important that we also consider the farmers in the villages.

The Temporary Chairman (Hon. Farah Maalim): Yes, Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): I had an amendment which was informed by numerous researches that have indicated that one of the impediments to the advancement of agriculture is low level of educational qualification of the participants in the sector. However, I have been persuaded by Hon. Gichimu to drop my amendments on Clause 8, because that is where the rubber meets the road, and 2027 is not too far.

(Question of the amendment proposed)

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

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

(Clause 8 as amended agreed to)

The Temporary Chairman (Hon. Farah Maalim): Can we get a little bit of guidance on this? We need to get it right. When it says that part of the qualification is for one to have at least three years of experience preferably in the management of the coffee sector, if somebody has been managing a small one-acre farm or two-acres farm, is that also considered as the right experience? Yes, Hon. Wamuchomba.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Hon. Temporary Chairman, in as much as we want to have an all-inclusive sector in the coffee industry, I am a bit hesitant to agree with Hon. Gichimu, and I will give a reason. We have had a lot of mess in the coffee co-operative societies because of inept people in the areas of financial management and data collection. All that requires the power of the pen. We need people with education, skills and achievement to run that sector. We are in this problem because we pushed those people to the levels where they could not prove themselves. If we start accommodating them in such sensitive boards, we will still find ourselves in the same problem.

I am pro-farmer. I argue for the farmer, but I believe that for us to revamp the coffee sector, then we must put the right people in the right offices. Not every farmer can fit in a board to argue issues like financial management. In as much as we want to accommodate them, let us also be careful so that we do not introduce a problem that will later become another problem.

Thank you.

The Temporary Chairman (Hon. Farah Maalim): But you have just passed Clause 8 as amended by Hon. Gichimu. Yes, Hon. Mutunga.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Hon. Gichimu's amendment was to lift the requirement that the farmer must have experience preferably in management in the coffee sector.

The Temporary Chairman (Hon. Farah Maalim): To be a member of the board?

Hon. (Dr) John K. Mutunga (Tigania West, UDA): To be a member of the board, one should have a minimum of secondary school education. That proposal is adopted. A person

with secondary school education who has been practising farming must be able to articulate issues on farming, and can also competently discuss matters with the board. It is discriminatory to indicate that they must have management experience and skills of, at least, three years.

The Temporary Chairman (Hon. Farah Maalim): Yes, Hon. Osoro.

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Temporary Speaker, I think Hon. Gichimu might have failed to move a further amendment and that is why we are in the situation that we are in. However, even as we debate with...

The Temporary Chairman (Hon. Farah Maalim): I think we will have to go back to Clause 8.

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Temporary Chairman, as we go back, I really want to persuade Hon. Wamuchomba or Hon. Chairman with the reasoning that we need to be very careful not to go against the spirit of the Constitution on discrimination. In this very House, a degree requirement was passed, but it has always been deferred on implementation through very many other channels like courts and many other aspects. People say a degree is not a measure of intelligence. That is why we have people here who did not even go beyond Standard VIII, but they are doing very well. Speaking good English is not a measure of intelligence.

The authenticity of one's experience and what they can do in life, sometimes, comes out of practice and what they do often. If a Standard III person, like my grandfather, has been able to maintain his own farm and coffee for 20, 30 to 40 years successfully, that experience is enough. He does not need a Form IV paper that was teaching about anthropology and parts of a bunsen burner. Let us be practical.

(Loud consultations)

The Temporary Chairman (Hon. Farah Maalim): We have heard you.

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Temporary Speaker, let me finish. This will be a hybrid board. There is a person with a degree and there is also one who did not go to school, and that is okay.

The Temporary Chairman (Hon. Farah Maalim): Hon. Gladys Boss.

Hon. Gladys Boss (Uasin Gishu County, UDA): Thank you, Hon. Temporary Speaker. I have just been following the discussions by my colleagues in relation to the qualifications of the people serving on those co-operative boards. However, it does not have a thing to do with education at all. It has everything to do with honesty.

The Temporary Chairman (Hon. Farah Maalim): Integrity.

Hon. Gladys Boss (Uasin Gishu County, UDA): Integrity. Someone is corrupt because they have a personality defect. It has nothing to do with their education. If we look at the most successful co-operatives from the time of my grandfather, like Keiyo Co-operative Society, the managers were not well educated. However, it was well managed. They bought buildings and they invested. Today, their own grandchildren and great-grandchildren cannot do the same. It was not because they were educated.

We need to remember that we already have structures in place. We are in a better place because of devolution. Most counties have been encouraged to have a co-operative officer in every ward. I know that Elgeyo Marakwet County is one of the counties that has done that. They have co-operative officers, a Member of the County Executive Committee in charge of Co-operatives at the county and they also have the commissioner of co-operatives for the county, who reports to the Ministry of Co-operatives here in Nairobi. They are the ones who are supposed to be supervising and interrogating the books. That is why I said that corruption is with the co-operative officers and the commissioners of co-operatives who are domiciled under the Ministry.

They are the ones who allow the books to be cooked and the wrong officials to hold office and so on. Therefore, it is not about the qualifications, but the guidelines that we shall give. I know that immediately after this Bill passes and becomes an Act of Parliament, we will develop regulations and guidelines on how that can be monitored to ensure that, that problem does not happen. That, they have a good database of shareholders. With the technology we now have, they can register them biometrically like the Independent Electoral and Boundaries Commission (IEBC) does. They can borrow IEBC's equipment and register them so that they are able to have a confirmed list of shareholders. That way, they can vote through the same system. Therefore, it has nothing to do with education.

Thank you, Hon. Temporary Speaker.

The Temporary Chairman (Hon. Farah Maalim): Order, Hon. Members.

There are two Bills that are going on concurrently. We have not taken up the Co-operatives Bill, (National Assembly Bill No.7 of 2024) yet. This is the Coffee Bill, (Senate Bill No.10 of 2023). This is the Coffee Board. It is not about co-operatives.

(Hon. Gathoni Wamuchomba spoke off record)

Hon. Wamuchomba, I will give you all the time. This issue is so dear to my heart that I will not move on until we have been educated on it. I can see here, Hon. Gichimu, Hon. Wamuchomba and then Hon. Melly.

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Temporary Chairman, let the Members get this right. I am not seeking to amend to remove the requirement of a Form IV certificate for a board member. There was an amendment by Hon. (Dr) Oundo which was seeking qualifications that were higher than Form IV, but which he has already accepted to drop. So, that is retained. What I was seeking is for those members of the board not to have the requirement of management in the coffee sector. That would require that you have already been employed in the coffee sector and earned that experience. That is what I was seeking to remove. With your concurrence, this matter is already *functus officio*. We have already done...

The Temporary Chairman (Hon. Farah Maalim): I agree with you and have taken the liberty to allow this ventilating but, of course, I will give a ruling on exactly how we continue. You can only change this in the recommittal, but it is fair that we listen to every Member because of the sensitivity and the strategic location of coffee farming in this country. Yes, Hon. Wamuchomba.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Allow me to speak as a farmer, as I argue out this space. We are speaking about a member who is going to be part of the Coffee Board of Kenya. What is the function of the Coffee Board of Kenya? One of the functions of the Coffee Board of Kenya is that it is mandated to make sure that we qualify for marketing activities. You need to be the person who understands the grading of coffee and the profiling of coffee. You need all the technical understanding that is needed for you to be able to propagate and profile your coffee, whether in Kenya or outside Kenya.

What kind of a person do you think can sit on that board and effectively represent the interests of farmers? We are not talking about the chairman of a co-operative society. We are speaking about a board member of a national body called the Coffee Board of Kenya. So, we need people who can ably represent our quality coffee. Thank you very much. I beseech everybody who is debating this matter to consider and reconsider that the people we are entrusting with the Coffee Board of Kenya are not just jokers. They are people who understand what you are talking about.

The Temporary Chairman (Hon. Farah Maalim): Hon. Melly.

Hon. Julius Melly (Tinderet, UDA): Hon. Wamuchomba, that is well said. Hon. Temporary Chairman, to understand the deliberations, to understand board minutes and even

to go into international meetings and forums on coffee, we need people who understand. Hon. Wamuchomba has put it very clearly.

The Temporary Chairman (Hon. Farah Maalim): Hon. Muthoni.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Chairman. I agree with Hon. Wamuchomba because coffee is not sold in the village, but nationally and internationally. We need somebody who is well acquainted with all the laws and every other statutory law that allows the marketing of coffee.

The Temporary Chairman (Hon. Farah Maalim): Finally, Hon. Melly, and then we proceed.

(Hon. Julius Melly spoke off record)

You have spoken? Yes, Hon. Mutunga.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Hon. Temporary Chairman, this particular clause is bringing a lot of issues. The original version of this Bill is very, very clear. Let us look at the amendment versus the original version of the Bill. The amendment seems to be knocking out 8B. It, therefore, seems to be doing away with those two provisions. I am of the opinion that we stick to the original version of the Bill on that particular issue. Hon. Gichimu is bringing in further amendments to only stick to 8C. That is, exclude 8C to 7E and F. That is what he should be saying, unless he brings a further amendment.

The Temporary Chairman (Hon. Farah Maalim): The problem and dilemma I have is this aspect of trying to rush business in the House. Hang on a minute. Ideally, if we have to go strictly by the rules, we can only go back to the original Bill through a recommittal.

However, because there is a scanty understanding and we have been educated on it, I am tempted to go back to Clause 8. I want to put the Question on all the proposals afresh because...

Hon. Silvanus Osoro (South Mugirango, UDA): Before you put the Question, I would like to ask for a bit of clarity, particularly on Clause 8(1)(c) in the original Bill, which states that a person is qualified if they have at least three years' experience, preferably in management in the coffee sector. We all agree that most people who are elected in the villages or local society groups are the only ones with experience. Back then, there were no educational qualifications. They are the only ones who can lead the co-operative societies back in the villages. If I am not elected or did not manage to get elected, and the person who was elected does not have the minimum educational qualifications, where will a farmer in the village get three years of experience, particularly in terms of management?

Hon. Temporary Chairman, you posed a very important question. How do we authenticate the management? Do we again go to the farmers and say that we have been able to manage our farms and now we have three years' experience? If the Chairman can convince me on this particular one...The qualification on secondary school education is quite convincing, but this particular one on three years' experience is unnecessary. People out there lose out on jobs because of lack of experience. No.

The Temporary Chairman (Hon. Farah Maalim): Hon. Mutunga, how many members sit on the Coffee Board? Educate us on that.

(Hon. (Dr) John K. Mutunga spoke off record)

There are nine members in the industry who promote coffee production and marketing so that we can reap the "black gold."

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Hon. Temporary Chairman, we are talking about the Coffee Board of Kenya.

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The Temporary Chairman (Hon. Farah Maalim): That is what I thought.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): This is the Coffee Board of Kenya. It has absolutely nothing to do with what happens in the villages. Let me be very basic. Assume I have attended school up to Form IV and have a very successful coffee farm, do I have experience?

(Hon. Silvanus Osoro consulted loudly)

The Temporary Chairman (Hon. Farah Maalim): Order, Hon. Osoro.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Hon. Temporary Chairman, let us look at this particular provision. Clause 8(1)(c) states that the person should have at least three years' experience, preferably in management in the coffee sector. The coffee sector deals with coffee seeds and seedlings, as well as planting, pulping and managing the seedlings. There is a lot that goes on in the coffee sector. If you have experience in farming and production of coffee, that is what you bring to the Board. We should leave it at that.

(Hon. Gichimu Githinji spoke off the record)

The Temporary Chairman (Hon. Farah Maalim): Hon. Gichimu.

Hon. Gichimu Githinji (Gichugu, UDA): If you convince me...

The Temporary Chairman (Hon. Farah Maalim): Yes.

Hon. Gichimu Githinji (Gichugu, UDA): If I am convinced...

(Hon. Silvanus Osoro stood along the gangways)

The Temporary Chairman (Hon. Farah Maalim): Order, Hon. Osoro. Take your seat. You can sit next to Hon. Melly, but do not make any loud pronouncements.

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Temporary Chairman, I would not have a problem if the experience that is being sought under Clause 8(1)(c) included farming. We have not said what management in the coffee sector entails. Someone may say that it is...

(Hon. Silvanus Osoro consulted loudly)

The Temporary Chairman (Hon. Farah Maalim): Order, Hon. Osoro.

Hon. Gichimu Githinji (Gichugu, UDA): That needs to be qualified.

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

The Temporary Chairman (Hon. Farah Maalim): What is your point of order, Hon. Melly?

Hon. Julius Melly (Tinderet, UDA): Hon. Temporary Chairman, as a matter of procedure...

The Temporary Chairman (Hon. Farah Maalim): Yes.

Hon. Julius Melly (Tinderet, UDA): Hon. Temporary Chairman, as we go through Bills in the House, we must know which clauses we are discussing and at which level. Hon. Gichimu is giving us a very good idea, but he is supposed to propose a further amendment, which he has not done. I support what you are saying, but you need first to propose a further amendment in terms of procedure so that we do not become a talk shop.

(Loud consultations)

The Temporary Chairman (Hon. Farah Maalim): Order, Hon. Members.

Hon. Gichimu, you are supposed to bring a further amendment. If I remember the rules as they were in the early days, it should be in writing, or is it supposed to be proposed on the Floor?

Hon. Gichimu.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): We have ventilated this matter for fairly too long.

The Temporary Chairman (Hon. Farah Maalim): Yes.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): We seem to be going around in circles, and as Hon. Gichimu had said, we already have a defunct association in respect of that clause. Why can we not engage sideways and re-commit that particular clause? Let us go and apply our minds over the weekend and, when we come back on Tuesday, we will allow the procedures as they are supposed to and re-commit them. He persuaded me to drop my amendment, but I genuinely believe an effective board requires some level of education and experience for it to be effective.

The Temporary Chairman (Hon. Farah Maalim): The overall manner in which we have transacted this particular clause was a little bit abnormal. We rushed it, and I must take some blame. How many Members do we have here? The majority of you are in favour of something different from what the Member is proposing.

(Hon. Silvanus Osoro spoke off the record)

Order, Hon. Osoro. Both ways are acceptable, but let us listen to the Chairperson, Hon. Wamuchomba, one last time.

Hon. Gathoni Wamuchomba (Githunguri, UDA): I still want to support the Chairperson's position, but allow me to speak on the politics of coffee. If we leave this opportunity of nominating somebody to the Coffee Board of Kenya without any of the qualifications that we are asking for, we are just going to open up that position for any politician to be appointed. We will make it just like any other appointment and have people appointed politically from another sector. How, then, do we ensure that we safeguard that position for people with some experience in coffee management? Please, remember that we are discussing the Coffee Board of Kenya, which is a national body.

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

The Temporary Chairman (Hon. Farah Maalim): Hon. Mabona, then I return to the Chairperson.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker.

No coffee is grown in Suba North, but Hon. Oundo has suggested a better way forward. Otherwise, we will debate forever. The clause can be re-committed. Everybody seems to be in agreement. Can it just be re-committed?

The Temporary Chairman (Hon. Farah Maalim): Hon. Mabona, we basically rushed through this thing, and I take part of the blame. Hon. Osoro wants us to just say, "Aye," and pass everything. I do not want to live with my conscience that something was not properly and exhaustively discussed, debated and agreed upon. I, therefore, would want to listen to the Chairperson again. We are getting more educated on all these things, which is not in vain. This is a debating House, a House for talking. You get paid for talking, and nobody should have a problem with us taking a long time talking.

Proceed.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Hon. Temporary Speaker, I would like to pick from what Hon. Wamuchomba has said. There are very many coffee farmers who are not the actual ones. By this, I mean farmers who have never managed coffee farms,

processing or anything else. Let us take the literal meaning of management. It is defined as the process of getting the work done or tasks done and is required for achieving the goals of an organisation in an efficient and effective manner. If you have been running your farm in a very efficient and effective manner, producing coffee progressively like a farmer producing 30 kilogrammes from a tree, you have experience in management. Therefore, we do not want anybody with a coffee farm to vie for a position in the Coffee Board of Kenya. We want somebody with experience in managing coffee at one of the segments of the value chain.

The Temporary Chairman (Hon. Farah Maalim): All the way to international markets?

Hon. (Dr) John K. Mutunga (Tigania West, UDA): That is because experts, among others, would be appointed to the Board. If we can have somebody who is clear on coffee production and has management experience, we are saying the two former representatives should be captured as such.

The Temporary Chairman (Hon. Farah Maalim): Hon. Gichimu.

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Temporary Speaker, I would have no problem. That was my concern. As we go along, the Chair needs to move another amendment to define management in the coffee sector so that we can cover the farmer.

Thank you.

The Temporary Chairman (Hon. Farah Maalim): Hon. Wamuchomba, do you still have something to say on this?

Hon. Gathoni Wamuchomba (Githunguri, UDA): I agree that we go in the direction of the Chair and accommodate the request by Hon. Gichimu.

The Temporary Chairman (Hon. Farah Maalim): Hon. Gichimu, are you okay with that? What do I do now? I do not have the amendment to accommodate what you want. We will take the Bill as it is, and then he will come up with a further amendment, but not unless it is a recommittal.

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Temporary Chairman, I will abide if he re-commits to bring in the other amendment.

The Temporary Chairman (Hon. Farah Maalim): Chair, will you take a recommittal for this?

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Yes. I would love to bring a recommittal of clause 8.

The Temporary Chairman (Hon. Farah Maalim): You will re-commit clause 8 and accommodate Hon. Gichimu's emotional sentiments. His heart is in the coffee sector, and he really wants to protect small farmers. You are going to bring that one without diminishing our global competitiveness in bringing in good people or whatever you want.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Yes.

The Temporary Chairman (Hon. Farah Maalim): Okay. Proceed.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): I will re-commit clause 8 to capture the spirit of the discussion.

The Temporary Chairman (Hon. Farah Maalim): Absolutely. Mover, let us go to Clause 9.

Clause 9

Hon. (Dr) John K. Mutunga (Tigania West, UDA): The changes in Clauses 7 and 8 have affected Clause 9. Therefore, we will retain what is in the Bill.

(Clause 9 agreed to)

(Clause 10 agreed to)

Clause 11

The Temporary Chairman (Hon. Farah Maalim): Mover, proceed.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): I beg to move:

THAT, Clause 11 of the Bill be amended—

(a) in subclause (1)—

(i) by deleting paragraph (e) and substituting therefor the following new paragraph—

“(e) collect, collate and maintain a database to ensure ease of access to information on the coffee industry;”

(ii) by deleting paragraph (f) and substituting therefor the following new paragraph—

“(f) conduct national and international coffee market intelligence and surveys to facilitate market access and inform promotional and branding strategies, including the application of the Kenya Coffee Mark of Origin;”

(iii) by deleting paragraph (p) and substituting therefor the following new paragraph—

“(p) source for and market Kenyan coffee internationally;”

(iv) by inserting the following new paragraph immediately after paragraph (p)—

“(pa) adopt marketing strategies that leverage digital platforms to reach a broader audience and boost coffee sales;”

(b) by deleting subclause (2) and substituting therefor the following new subclause—

“(2) The Board shall, in the performance of its functions under this Act, consult and collaborate with the relevant licensing authority and other industry players”.

The amendment is necessary because we need to provide ease of access to information collected, collated and maintained by the Board. This ensures that research is used for market penetration and not just branding. It also introduces digital market platforms as a mode of marketing and broadens consultation to all licensing authorities and other relevant stakeholders in the coffee sector as opposed to limiting it to the Council of Governors only. Therefore, consultation is spread across all the stakeholders in the coffee sector.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Farah Maalim): Does anybody else wish to comment on this? Hon. Oundo, do you have an amendment? The amendments of the Chair do not conflict with yours in any way. Let us first of all dispose of with the one of the Hon. Chair.

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

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

The Temporary Chairman (Hon. Farah Maalim): Yes, Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairman, I beg to move:

THAT, Clause 11 of the Bill be amended in subclause (1) by deleting the words "the Kenya Bureau of Standards" appearing in paragraph (j) and substituting therefor the words "a body mandated by a national legislation to set standards."

We will probably not have the Kenya Bureau of Standards (KEBS) in eternity. The standard architecture is also changing, and there could be other players. We should legislate for posterity.

The Temporary Chairman (Hon. Farah Maalim): Hon. Mutunga.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Hon. Temporary Chairman, I do not have an objection to that proposed amendment, but KEBS is a legal entity. It is a corporate body that is recognised by the law of Kenya. The Member needs to convince us why we should not quote it.

The Temporary Chairman (Hon. Farah Maalim): Hon. Oundo, why do you think KEBS should not control standards? What are the other bodies?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): No other body exists. Hon. (Dr) Mutunga probably needs to understand the standard architecture a little bit. There is KEBS, the Kenya Accreditation Service (KENAS) and other accreditation laboratories. Ideally, anybody can develop a standard and get it registered and approved by KEBS, the Kenya Industrial Property Institute (KIPI) or any other standards architecture. I am proposing that we make it elaborate because there will be changes. For instance, if you look at the Business Laws (Amendment) Bill, you will find that there are some amendments to the Standards Act. KEBS is established pursuant to a provision of the Standards Act. The overriding legislation is the Standards Act, and that is why I am proposing that we use the national legislation mandated to set standards. It is upon the Members to decide.

The Temporary Chairman (Hon. Farah Maalim): Hon. Wamuchomba.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Hon. Temporary Chairman, coffee is produced locally but heavily consumed internationally. The standards we set here may only favour domestic markets. We may need to come up with standards that are set to accommodate us in the international market, such as the *EurepGAP* and many other standards that are required internationally. I, therefore, support Hon. Oundo's proposed amendment.

The Temporary Chairman (Hon. Farah Maalim): Anybody else who would want to weigh in on this? Hon. Melly.

Hon. Julius Melly (Tinderet, UDA): Hon. Temporary Chairman, I support the Chairman because this Bill does not lock out the standards that Hon. Oundo is talking about.

The Temporary Chairman (Hon. Farah Maalim): It is, in essence, locking them out.

Hon. Julius Melly (Tinderet, UDA): It is not locking them out in the sense that it is in corroboration. It actually allows other standards, but the body that sets standards and has stood out in the country is KEBS. It is not saying that you cannot bring other international standards into play. In effect, the Chairman's position is not locking out any other body to come in. I want to support that.

The Temporary Chairman (Hon. Farah Maalim): Hon. Melly, if you read that, it says: 'Develop and enforce the coffee industry standards and industry code of practice in collaboration with KEBS.'

Yes, Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairman, we need to be very careful as alluded to by Hon. Wamuchomba. The World Trade Organisation (WTO), where KEBS, KENAS and other international standards bodies sit, is explicitly clear. We will

be safer that way because it will be easy for us to get any other body. We will be exporting coffee, and we will be subject to standards in other countries. If we just rely on KEBS standards and it fails standards outside the country, what recourse do we have?

The Temporary Chairman (Hon. Farah Maalim): Hon. (Dr) Mutunga, before you talk on that, I know there are certain European Union standards for the beef, fish and many other things that are exported from this country. They insist on their own standards. In fact, I cannot see why they would not insist on the coffee industry. Would you want to consult with your own technocrats? Proceed.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): No. I would like to refer the House to function (m).

The Temporary Chairman (Hon. Farah Maalim): Which one? (m) of Clause 11?

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Clause 11(m). It states: "Conduct surveillance and enforce compliance with relevant policy standards and legislation of the coffee sector." That opens up for everyone else. We need to remember that KEBS is the custodian of the standards in this country. Anyone who is doing a standard must consult KEBS, even when one is coming up with the nomenclature of a particular standard. We cannot say any institution from anywhere will come and develop standards without consultations. Thus, the Bill prescribes consultation. It does not say 'as approved by KEBS.' Consultation can also lead to an annulment of a standard. I do not know why my respected friend is not comfortable.

The Temporary Chairman (Hon. Farah Maalim): Hon. (Dr) Oundo. I am extremely impressed. We might not have many people here, but there is a hell of a lot of knowledge coming out of this. We have serious experts here. Proceed, Hon. (Dr) Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairman, we already have an anomaly in this country. The enforcer is the same one who sets the standards, and that debate is ongoing in this country. Surely, KEBS cannot set standards and enforce its own standards. What he is referring to in (m) is enforcement. This is distinctly different from setting standards. For him to understand, KEBS register standards. Many other scientists and players in the industry develop standards and go through a standardisation process, and KEBS, many a times, registers those standards.

Hon. Temporary Chairman, Public Health sets standards without reference to KEBS, that is, without interference from KEBS. Kenya Plant Health Inspectorate Service (KEPHIS) sets standards.

The Temporary Chairman (Hon. Farah Maalim): Proceed, Hon. (Dr) Oundo. Hon. (Dr) Mutunga, you will get your moment.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): The medical field has standards that are not referenced to KEBS. The Ministry of Education sets standards for a degree programme. The coffee industry is not about the coffee cherry. Even the International Organisation for Standardisation (ISO) is not accredited by KEBS. What are we talking about, Hon. Temporary Chairman? We are simply refusing to see the obvious. I rest my case.

The Temporary Chairman (Hon. Farah Maalim): I love it. Proceed, Hon. Wamuchomba.

Hon. Gathoni Wamuchomba (Githunguri, UDA): In the coffee sector, Hon. Temporary Chairman, we have a 'Q-grading system.' That is strictly a grading system that allows most of our small-scale farmers in this country to sell coffee that is known as speciality coffee. That is a world standard. It is not a Kenyan standard. Therefore, if we limit ourselves within Kenyan standards, we are going to restrict and de-market ourselves. I still support what Hon. (Dr) Oundo is saying. KEBS is not the only basic standard that is used in the coffee sector, especially if we seek to sell our coffee internationally.

The Temporary Chairman (Hon. Farah Maalim): Hon. Gichimu.

Hon. Gichimu Githinji (Gichugu, UDA): Thank you Hon. Temporary Chairman for giving me this opportunity. I concur with Hon. (Dr) Oundo and Hon. Wamuchomba. Although the Chairman's intention is well intended, he is restricting coffee to the local market. What if we have signed so many trade agreements? We signed one with the EU the other day, and it was ratified by this House.

The Temporary Speaker (Hon. Farah Maalim): Yes, by Parliament.

Hon. Gichimu Githinji (Gichugu, UDA): We also have the United Kingdom-Kenya Economic Partnership Agreement (EPA), which is active. They may have standards that might not have already been set by the Kenya Bureau of Standards (KEBS), which develops and enforces its own standards. Sometimes, they develop standards with interest, especially for imported goods. That is why we are proposing to lift the limit. Why can we not make it general to conform to standards without limiting to KEBS? Someone would argue that my coffee cannot be exported because the standards required in the EU, USA, or even by AGOA have not been met. After all, I have complied with the local standards and I am pretty. I think we should open it to an international level instead of limiting it to Kenyan standards.

Thank you.

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

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Oundo. That is not how you engage in debate in the House. Hon. Wamuchomba, did you raise your hand? Okay. I wanted to give one more person a shot at this before I give it to the Chairman. Yes, Hon. Melly, you may proceed.

Hon. Julius Melly (Tinderet, UDA): Hon. Temporary Speaker, as I hear the intentions of Hon. Oundo and other Hon. Members because Kenya sells almost 95 per cent of its coffee in the international market, it is the KEBS and others that set international standards. We have the Kenya Bureau of Standards and many other local standards. However, we also have international standards, such as what the Rainbow Alliance and the European Union do for meat and fish. If we do not meet that standard, especially due to lead and other chemicals in coffee, meat and other products, we will allow international standards to come in. We always consider this because you cannot export what the international community does not agree with. I agree with you, but our local standards need to come into play.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Hon. Oundo, proceed before I give Hon. Mutunga a chance.

Hon. (Dr) Ojiambo Oundo (Funyula, UDA): Hon. Temporary Speaker, I want to persuade the Chairperson. I sit in the Departmental Committee on Trade, Industry and Co-operatives. *Mheshimiwa* Gichimu and I had the opportunity to go to Frankfurt to attend an international conference that was dealing with the issue of international standards in compliance with the World Trade Organisation. Therefore, we have no romantic attachment to what we are talking about. We do not hate KEBS. In any case, KEBS is created under the Standards Act. The overriding Act is the Standards Act and not KEBS. Just understand.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Okay. Hon. Chairperson, proceed.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Hon. Temporary Speaker, the provisions in this particular clause are stated simplistically. What does my very learned friend, if I may use that word, understand by "in collaboration with"? What does Dr Oundo understand when we say 'in collaboration with'? Does it mean it must be KEBS? It also presumes that there are others. You can put together as many as you can. Again, (m) says surveillance and compliance with policies and standards that are also open. I think we need to...

The Temporary Speaker (Hon. Farah Maalim): Hon. Wamuchomba.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Hon. Temporary Speaker, I also want to share some experience. I have been in the agricultural sector for a while. I remember when the Euro-Retailer Produce Working Group for Good Agricultural Practices (EurepGAP) standard was established. What did our country do? We developed a higher and better standard than the EurepGAP, and our goods are accepted more. It was beyond their standard because the supermarkets came up and said that those goods could not enter our markets. It was in collaboration. Yes, KEBS is constituted by the Standards Act, but the Standards Act does not presume any level of experience. The KEBS is the institution that is experienced in developing those standards in collaboration with others. You can have the Kenya Plant Health Inspectorate Services (KEPHIS), the Kenya Industrial Property Institute (KIPI), *et cetera*.

Hon. Temporary Chairman, that collaboration opens up for everyone. I do not see any mischief in leaving this clause as it is. I do not see any mischief.

The Temporary Chairman (Hon. Farah Maalim): Hon. Wamuchomba take precisely one minute because we have come to the end of this. I now have to report progress.

Hon. Gathoni Wamuchomba (Githunguri, UDA): The reason why we were looking forward to this new Coffee Bill is so that we can run away from the many bureaucracies that are created during law-making like we are doing now. Why force a farmer to go to the Kenya Bureau of Standards (KEBS) when the only licensing and standard needed is just a cue standard, for example, for specialised coffee? Why would you put it in the law that I have to go to KEBS, and then I go to look for the other standard that my buyers need? Those many bureaucracies we have been having for our farmers are what we are running away from. We do not need KEBS here, if farmers do not need it. Why are we putting things in place to make farmers' product-selling processes more difficult? By the way, this KEBS thing is also costly. Why are we adding costs? If the only standard we need is, for example, cue standard, let us open the law so that cue standard can be the basic that is needed.

The Temporary Chairman (Hon. Farah Maalim): Chairman, I have to report progress because the House is going to adjourn.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Let me remind ourselves again that the standards are not being developed by the farmers, but by the Coffee Board of Kenya in consultation with KEBS.

The Temporary Chairman (Hon. Farah Maalim): The Question is, why close that in consultation to just one standards' body?

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Who is the competent agency in this country?

(Hon. Gathoni Wamuchomba spoke off the record)

Is whatever you are referring to a competent agency? My friend, the one that is recognised internationally is the competent agency.

The Temporary Chairman (Hon. Farah Maalim): Okay. I am giving you one minute and then I report progress.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): We have a competent agency in every sector. What we are getting into, opening up as we hear here, is some interesting international bodies coming up with a standard that is not verified by any Kenyan and then telling us this is the one we shall play by. We better believe in our institutions.

Hon. John Kiarie (Dagoretti South, UDA): On a point of order.

The Temporary Chairman (Hon. Farah Maalim): What is your point of order, Hon. KJ.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Chairman, I want to declare my interest in the fact that in Dagoretti South Constituency, we only have one coffee farm. The matter being raised here by the Hon. Chairman is of great interest. The issue of standards can get us into very big problems. I want to agree with Hon. Gathoni Wamuchomba and Professor's argument. However, out of experience, we have had a situation where products from Kenya have been barred from international markets for not using our local standards, but using standards from other bodies like the European Union. A case in point is the flowers. This is not speculative. This is out of experience.

The Temporary Chairman (Hon. Farah Maalim): Okay, you have half a minute, and then I will have to do the reporting.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Chairman. I am so much interested in this clause. Let us have at the back of our minds that coffee is an international product. It is not limited to our local markets. Therefore, I agree with Hon. (Dr) Oundo that we should allow standards that will allow us to compete competitively internationally.

The Temporary Chairman (Hon. Farah Maalim): Order, Hon. Members. Hon. Wamuchomba, Hon. KJ and Hon. Mutunga, you have all the time between now and the next time we are coming to this Committee for you to harmonise all these brilliant ideas and see what we can have. Let us have the best for this country. In the meantime, the Mover of the Bill should move the reporting. Hon. Waqo, you are the current acting Hon. Leader of the Majority Party and so, proceed. Give the microphone to Hon. Waqo.

PROGRESS REPORTED

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Temporary Chairman, I beg to move that the Committee reports to the House its consideration of the Coffee Bill, (Senate Bill No.10 of 2023), up to Clause 11 and its approval thereof with amendments, and seek leave to sit again.

The Temporary Chairman (Hon. Farah Maalim): Thank you, Hon. Naomi. We have gone up to Clause 10. Take that again because we have not exhausted Clause 11. Change the wording from "clause 11" to "clause 10." That is because the debate on clause 11 will continue. Go through the same procedure you just followed but, instead of saying "clause 11," say "clause 10."

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Temporary Chairman, I beg to move that the Committee reports to the House its consideration of the Coffee Bill, (Senate Bill No.10 of 2023), up to Clause 10 and its approval thereof with amendments, and seek leave to sit again.

(Question proposed)

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

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

MOTIONS

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CONSIDERATION OF REPORT ON THE TECHNOLIS BILL

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

Hon. Farah Maalim (Dadaab, WDM): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Technopolis Bill, (National Assembly Bill No.6 of 2024), and its approval thereof with amendments.

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

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report. I also request Hon. Millie Odhiambo-Mabona to second the Motion for agreement with the Report of the Committee of the whole House.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Speaker, I second.

(Question proposed)

The Temporary Speaker (Hon. Peter Kaluma): For the convenience of the House, the Question on this particular Bill will be put the next time it will be scheduled for consideration by the House Business Committee (HBC).

(Putting of the Question deferred)

CONSIDERATION OF REPORT ON THE COFFEE BILL

Hon. Farah Maalim (Dadaab, WDM): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Coffee Bill, (Senate Bill No.10 of 2023), up to Clause 10 and approved the same with amendments, and seeks leave to sit again.

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

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report. I also request Hon. Oundo to second the Motion for agreement with the report of the Committee of the whole House.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Speaker, I second. Thank you.

(Question proposed)

The Temporary Speaker (Hon. Peter Kaluma): Is it the mood of the House that I put the Question?

(Question proposed)

(Question put and agreed to)

ADJOURNMENT

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Members, The time being 7.05 p.m., the House stands adjourned until Tuesday, 19th November 2024 at 2.30 p.m.

The House rose at 7.05 p.m.

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Published by
Clerk of the National Assembly
Parliament Buildings
Nairobi