

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 23rd November, 2016

The House met at 2.30 p.m.

*[The Deputy Speaker
(Hon. (Dr.) Laboso in the Chair)]*

PRAYERS

Hon. Deputy Speaker: Hon. Members we have two petitions, and the first one is by Hon. Alfred Keter.

Hon. Alfred Keter: Thank you Hon. Deputy Speaker, I wish to present a public petition on renewal of land leases in Nandi County

PETITIONS

RENEWAL OF LAND LEASES IN NANDI COUNTY

I, the undersigned, on behalf of residents of Nandi County, draw the attention of the House to the following:

THAT, the British Empire established the East Africa Protectorate in 1895 and the Kenya Colony in 1920;

THAT, in 1895, the colonial administration allegedly evicted the Nandi community from their ancestral land, currently occupied by multi-national tea companies;

THAT, in 1941, the British Colonial Government mapped areas in Nandi County and, in particular, Nandi Hills and Tinderet constituencies;

THAT, the white settlers settled in the White Highlands and established tea plantations, which are still in existence to date;

THAT, in 1963, the ownership was legalized through the land tenure-lease period of 999 years upon attainment of Independence and the multinational companies continued to occupy the said parcels of land;

THAT, the new Constitution of Kenya 2010, brought along major changes to the tenure of land ownership, where it reduced leases from 999 to 99 years. Consequently, all 999 years leases have since lapsed;

THAT, the parcels of land in question include: Kipkeibon, Kipkeikei, Kapsumbeiwa, Chemomi, Savani, Septon, Kibwari, Nandi, Siret, Kepchomo, Kipkoimet, Kapchorwa, Kaboswa, Kibabet and Tinderet Tea Estates.

THAT, the Government should embrace public participation as stipulated in the Constitution during the consideration of renewal of the leases;

THAT, efforts to pursue that matter with relevant authorities have been fruitless; and, THAT, the issue in respect of which this Petition is made are not pending before any court of law, constitutional or statutory body;

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Lands:

Establishes the status of the land tenure for the said parcels of land and makes any other order or direction that it deems fit in the circumstances of the matter.

Your Petitioners will ever pray. Thank you so much.

Hon. Deputy Speaker: Very well. The Petition is referred to the Departmental Committee on Lands. The next Petition is by Hon. Sunjeev Birdi.

INVESTIGATIONS INTO CIRCUMSTANCES THAT LED
TO DEATH OF STUDENT EMILY CHELANGAT

Hon. (Ms.) Sunjeev: Thank you, Hon. Deputy Speaker.

I, the undersigned, on behalf of concerned parents and residents of Namanga, Kajiado County, draw the attention of the House to the following:

THAT, the late Emily Chelangat of Admission No.8143 was a Form Three student at Our Lady of Mercy Secondary School, Nairobi;

THAT, the late Emily Chelangat fell sick while in school and was released from school on closing day, while she was very weak and could hardly walk. On arriving home, the parent took her to a private clinic in Namanga for urgent medical care;

THAT, despite the doctor's efforts to treat her, her condition deteriorated and she slipped into semi-coma and was rushed to Nairobi West Hospital, where she was diagnosed with meningitis and was admitted at the Intensive Care Unit (ICU) for five weeks where she accumulated a huge medical expense. Later, the girl succumbed to the ailment and passed away on 4th March, 2016.

THAT, the doctors observed that, had she sought medical attention earlier, she would have survived. It is worth noting that failure by the school matron to heed to the girl's desperate plea to seek medical attention or inform her parents, the school abdicated its supreme responsibilities and obligations.

THAT, further, during the same period, the mother of the deceased, Mrs. Sally Bett, a civil servant at the Ministry of Lands in Namanga, had her salary suspended following a dispute with a senior official and was transferred to Nairobi despite appeals that her daughter was ill.

THAT, the matter has been raised with relevant Government agencies, but no action has been taken to ensure that the family gets justice.

THAT, the issues in respect of which this Petition is made are not pending before any court of law or any constitutional or legal body.

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committees on Labour and Social Welfare:

- (i) Investigates the circumstances that led to the unfortunate death of Emily Chelangat Bett;
- (ii) Recommends compensation for the family for the emotional, financial and psychological torture they went through as they sought treatment as well as justice for the child;

- (iii) Investigates the circumstances under which Mrs. Sally C. Bett, the mother of the deceased, was transferred from the Namanga Ministry of Lands Office and her salary suspended and taken to Nairobi work station; and,
- (iv) Ensures that the Petitioners' plight is addressed.

And your petitioners will ever pray.

Hon. Deputy Speaker: That one stands committed to the Departmental Committee on Health. Those were the two for today. I will give a chance to a few people who would want to intervene on the two petitions.

I see Hon. Joseph Limo.

Hon. Limo: Thank you, Hon. Deputy Speaker, for giving me this opportunity. I would like to comment on the Petition by Hon. Keter, on the issue of leases in Nandi County. It is very relevant to my county of Kericho. There are huge tracts of land that have been leased by many multi-national tea companies. Historically, those lands were given out by the communities in exchange for something. That is because in business, there is always an opportunity cost of losing something. Therefore, the history of that land is that the communities who were evicted were supposed to be the first beneficiaries in terms of employment. However, the companies have become a source of bitterness and sorrow for the communities around those areas because they lost their land and they are not benefiting. As we renew the leases for that land, the interests of the communities must be considered. That is because, over time, the ownership of the companies has changed and the agreement between the original company owners and the communities, which was either written or implied, was lost. The new companies have brought in the issue of diversity.

They no longer consider the owners of the land when they employ. Therefore, there is no benefit accruing to the communities in those areas, especially in Nandi, Kericho and parts of Sotik. We are supporting that Petition. The Government should come in very strongly and give conditions for renewal so that the wider communities around there can cool down. Otherwise, the bitterness will continue.

We support.

Hon. Deputy Speaker: Hon. Kangogo. Please, give him the microphone.

Hon. Bowen: I stand to support the Petition by Hon. Keter. This Petition is important to not just the people of Nandi and Kericho, but also to so many other Kenyans who gave away their land during the colonial time. There are so many Kenyans who are landless today. We have very few foreigners who own thousands or millions of acres of land at the expense of landless Kenyans. In this case, the lease was for 99 years. If it has expired, the land must be returned to the original community. Before the British came to Kenya, there were local people living on that land. The locals were displaced because the Britons wanted to plant tea. By then, most of the Africans living there were cattle keepers. Now that the leases have expired, the land must be returned to the communities. The people should not suffer during the colonial time and continue to suffer almost 60 years after we attained Independence. We are under a new constitutional dispensation. The current Constitution, in Chapter Five, talks about land rights. We do not want to see Kenya--

Hon. Deputy Speaker: Please, do not give us a speech. Just support the Petition.

Hon. Kangogo.

Hon. Bowen: Hon. Deputy Speaker, I want to support this Petition. On the issue of the deceased student as raised by Hon. Birdi, teachers are also parents. When parents take their children to schools, they hand them over to the teachers. The teachers need to treat students as

their own children. Keeping a sick student in school is unacceptable. The Committee should look into this matter critically and bring a very proper Report to the House.

I support the two petitions.

Hon. Deputy Speaker: Hon. Gideon Ochanda.

Hon. Ogolla: Thank you, Hon. Deputy Speaker. I would very quickly like to say that large tracts of land in this country, particularly in arable areas, have been in foreign hands for quite a bit of time. In as much as we got into a situation by 2010 where the law is very clear that leases are for 99 years, there needed to be a situation where we had a transitional arrangement in terms of what happened to the issues of land. There are those lands whose lease end date fell in 2010. There are those whose leases had just fallen. There are those whose leases were ending the following year. They are ending at different times in different areas. As the Committee looks at this, there needs to be a situation where we look at the transition arrangement. How do we move from where we were to the next arrangement? How many times do we need to do renewals? If one clears 99 years, do we need to renew that 99-year lease and renew it again a second or a third time? Those are some of the transitional things that the Committee also needs to consider as it looks at that matter.

Hon. Deputy Speaker: Let us have Hon. Justice Kemei.

Hon. Kemei: Thank you, Hon. Deputy Speaker. I also rise in support of the Petition raised by Hon. Keter. The issues raised and the prayers sought by Hon. Keter apply to almost all of the so-called former White Highlands that we have in this country. In Kericho, there are four multi-national companies which own land which previously belonged to the people of Kericho County.

We sincerely believe that with the new Constitution, the land should revert back to the people of Kericho. While we do not believe in nationalism, we believe that transitional measures must be taken by the National Lands Commission (NLC) and the Ministry of Lands so that, eventually, the land that was taken from communities in Kericho reverts back to the people. Most of them were sent to my constituency and we sincerely believe that we should get a chance to get back that land.

We hope that when the Departmental Committee on Lands will be looking at this issue, it will call us from the affected areas so that we can give our comments on behalf of our people. Land is a burning issue and we need to give comments that will support the case.

Hon. Deputy Speaker: Let us have Hon. Ali Rasso.

Hon. Dido: Thank you very much, Hon. Deputy Speaker. I rise to add my voice to the Petition by Hon. Birdi. Schools are a public good. When we take our children to school, we believe that they should be safe. In case something happens, they should be looked after. This is a very tragic thing. The issue of negligence must be thoroughly investigated because Our Lady of Mercy is a good school. It is among the best schools in the country. If a child gets sick in that school, then the first thing the school should do, not just for Emily but for any other young person who is in a boarding school or a day school, is rush them to the nearest medical facility. In this particular case, they just waited for the parent to come and that is why medical intervention was delayed.

The Committee must thoroughly investigate that because this is not the first case or an exceptional case. It is something that we must guard against by taking necessary actions and measures so that it becomes part of the policy in education.

Hon. Deputy Speaker: Let us have Hon. Waiganjo, Member for Ol Jorok.

Hon. Waiganjo: Thank you, Hon. Deputy Speaker. I also rise to ventilate on the Petition on the huge masses of land that are now held by foreigners to be given back to the local community.

I want to digress because we are under a new constitutional regime and we have a whole load of laws that we have amended in this House, and which are structured in a way that will help us administer land. A whole section of our Constitution is on land. Redistribution of land is well explained under the law. A petition in itself will not reorganise our land laws or bring any new perspective to our land law.

So, I look at this Petition in two ways. First, it is an expression that our people also need to own land. Secondly, it is perfunctory in that I do not see a petition reviewing our laws. The intention of bringing petitions to the House is to bring a petition that can be worked on, that is realistic and one that seeks remedies. But, a petition that just sounds or expresses a wish or one that cannot restructure or amend the law as it is, is a petition in vain.

I believe the intention of the Hon. Member is good. The Petition seems to want to represent or bring forth some solutions with regard to our land regime, but it cannot be acted upon. We have laws. We should go back to the law, make amendments and make sure that it takes effect. But a petition that cannot bring reality is a petition in vain.

I rise to support the Petition, but with those reservations.

Hon. Deputy Speaker: Let us have Hon. Julius Melly. Hon. Pukose, hold on. I assume it is the people that are on intervention who want to contribute.

Hon. Melly: Thank you, Hon. Deputy Speaker. I rise to support the Petition. It is very timely in the sense that the land question has been a major issue in our country for quite some time. Counties in the Coast, Eastern, Rift Valley and most parts of this country have had their lands alienated by the European white settlers.

In my county, for example, and the neighbouring counties of Uasin Gishu, Kericho and even parts of Limuru, multi-national companies took large tracts of land from the locals. I know hon. Members are aware that in the history of our country, the Nandi community lost hundreds of thousands of acres to European settler farmers and were sent to concentration camps where their cattle had no grazing fields.

I want to take the case of my constituency Tinderet. This Petition is going to answer a number of problems. We have over 10,000 acres in the former Chemelil Sisal Estate. A few years ago, the Government managed to settle about 2,000 people and we were there with the Cabinet Secretary (CS). Over 10,000 acres are still not allocated. We want to ask the national Government to expedite this matter and ensure that we finalise the leases on the farms that are owned by European settler farmers like the Tinderet tea estates, the estates in Nandi Hills and other parts. We should look at the land ownership so that locals are compensated and given their rights.

Justice delayed is justice denied. If this issue of land is not addressed adequately, it will be a serious problem in future. I rise to support this and ask the relevant department to ensure that this issue is expedited and done quite well.

Hon. Deputy Speaker: Hon. Members, I think you have now ventilated on the petitions. Hon. Andrew Mwadime, did you want to contribute on the same?

Hon. Mwadime: Thank you, Hon. Deputy Speaker. My contribution is on the same. I support the Petition by Hon. Keter. This problem is all over the country. Just as it has been done in Rift Valley, it is the same down at the Coast. In my place, there is Sarova Taita Hills Salt Lick Hotel whose lease expired, but was renewed without consultation according to how the

Constitution recommends. There are quite a number like that. There is a big chunk of land where those leases expired, but on renewal, the people on the ground were not consulted.

Hon. Deputy Speaker, this Petition has come at the right time. It is better for Kenyans and the Government to start looking at those leases by including the communities at the grassroots, either to renew them or not, instead of them being renewed in Nairobi without consulting people and communities at the grassroots.

Thank you, Hon. Deputy Speaker. I support the Petition.

Hon. Deputy Speaker: Thank you. Lastly, let us have Hon. Pukose. Hon. Members, please, we are not debating. This is not a debate. Please, let the rest feel sufficiently represented by those comments. You will, maybe, get a chance to visit the Committee while it is working on that Petition.

Hon. (Dr.) Pukose: Thank you, Hon. Deputy Speaker. Let me first address the Petition by Hon. Birdi. You gave a ruling on her Petition that the matter should be referred to the Departmental Committee on Health, but she was praying that the issue be looked at by the Departmental Committee on Education, Research and Technology. I pray that you revisit it and see whether it is properly in the Departmental Committee on Health so that if it is properly there, we will seize it and do the appropriate. Her prayers do not tally with your direction.

Secondly, I support the Petition by Hon. Alfred Keter on the issue of lands that were occupied by colonialists since Kenya was declared a British Protectorate in 1895 and a British Colony in 1920. It borders on historical injustices and I hope that when the Committee looks at it, it does so all over the country. For instance, I come from Trans Nzoia where many of our lands were converted to Agricultural Development Corporation (ADC) farms, but our communities were never compensated. That borders on historical injustices that should be addressed. If ADC was given those lands, how were the communities compensated? Our forefathers used to live in Chepkoilel bordering Trans Nzoia up to Moi's Bridge, extending all the way to the Ugandan side.

Thank you.

Hon. Deputy Speaker: I know many of you are from tea and sisal growing areas. Feel represented by those who have already spoken so that we can move on.

I want to correct the Petition that I said is committed to the Departmental Committee on Health. It is actually committed to the Departmental Committee on Education, Research and Technology.

Hon. Members, we have 12 teachers from my very own constituency of Bomet County, Sotik Constituency in the Public Gallery. They have been involved in marking. They are welcome to the National Assembly.

Next Order.

PAPERS LAID

Hon. A.B. Duale: Hon. Deputy Speaker, I hope the great teachers of Bomet are our good ambassadors on the ground. We are coming there big time.

Hon. Speaker, I beg to lay the following Papers on the Table of the House:

The Reports of the Auditor-General on the Financial Statements in respect of the following institutions, for the year ended 30th June 2016, and the certificates therein:

- (i) IDB Capital Limited;
- (ii) Commodities Fund;

- (iii) Kabarnet Hotel Limited; and,
- (iv) Murang'a University College.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Keynan, you can now have your bite.

Hon. Keynan: Hon. Deputy Speaker, I beg to lay the following Papers on the Table of the House:

The Report of the Public Investments Committee on Inspection Visit of Phase 1 of the Standard Gauge Railway (Mombasa–Nairobi Line) undertaken between 16th – 18th June 2016, and the implementation status of Phase I and II of the Standard Gauge Railway; and,

The Report of the Public Investments Committee on the inquiry into the allegations of procurement irregularities in the award of the Kenya Bureau of Standards Tender No.KEBS/T057/2014 for the provision of pre-export inspection services for used motor vehicles.
Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Chairman, Departmental Committee on Justice and Legal Affairs.

Hon. Chepkong'a: Hon. Speaker, I beg to lay the following Paper on the Table of the House today:

The Report of Departmental Committee on Justice and Legal Affairs on its consideration of the Contempt of Court Bill, 2016.

Thank you.

Hon. Deputy Speaker: The next one is Hon. Sakaja of the Joint Committee on National Cohesion and Equal Opportunity.

Hon. Sakaja: Hon. Deputy Speaker, I beg to lay the following Papers on the Table of House today:

The Reports of the Joint Committee on National Cohesion and Equal Opportunity on:

The fact-finding visit to Samburu, Baringo, West Pokot and Turkana counties on matters of national cohesion;

The visit to Australia and New Zealand from 9th – 25th October 2015;

The visit to Northern Ireland and the United Kingdom (UK) from 5th to 12th December 2015;

The workshop on operationalisation of the Equalisation Fund with various Government institutions and stakeholders held at the Whitesands Hotel, Mombasa from 12th – 15th May 2016; and,

The 14th Session of the Convention on Rights of Persons with Disabilities Conference held on 18th – 19th August 2015 in Geneva, Switzerland.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: That brings us to the end of that Order. Move to the next Order.

NOTICES OF MOTIONS

ADOPTION OF PIC REPORT ON INSPECTION VISIT OF STANDARD GAUGE RAILWAY

Hon. Keynan: Hon. Deputy Speaker, I beg to give notice of the following Motions:

THAT, this House adopts the Report of Public Investments Committee on the inspection visit of Phase 1 of the Standard Gauge Railway (Mombasa –

Nairobi Line) undertaken between 16th – 18th June 2016, and the implementation status of Phase I and II of the Standard Gauge Railway; and,

ADOPTION OF PIC REPORT ON
PRE-EXPORT INSPECTION SERVICES TENDER AT KEBS

THAT, this House adopts the Report of the Public Investments Committee on the Inquiry into the Allegations of Procurement Irregularities in the award of the Kenya Bureau of Standards Tender No.KEBS/T057/2014 for the Provision of Pre-Export Inspection Services for used motor vehicles.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Next Order.

STATEMENTS

Hon. Deputy Speaker: Under this Order, as was communicated by the Speaker on 14th October 2015, the Chairperson of the Constitutional Implementation Oversight Committee (CIOC) will apprise us on the business pending before that Committee. He will be followed by Hon. Sakaja. Are they in the House? If not, Hon. Sakaja could apprise us on the business pending before the Committee on National Cohesion and Equal Opportunity.

STATUS OF BUSINESS PENDING BEFORE THE JOINT COMMITTEE ON
NATIONAL COHESION AND EQUAL OPPORTUNITY

Hon. Sakaja: Thank you, Hon. Deputy Speaker, for your kind indulgence. I was meant to do this at another point, but I will not be around. The following is the status report of the business pending before the Joint Committee on National Cohesion and Equal Opportunity:

On legislative proposals, one, we have a proposed National Cohesion and Integration (Amendment) Bill. The Committee is still in consultations with NCIC to review the National Cohesion and Integration Act to conform to the provisions of Constitution of Kenya, 2010.

Two, we have a proposed Equal Opportunities and Disability Bill. The Committee has agreed with Government agencies and relevant stakeholders on the contents of the draft of the proposed Bill. We have presented it to Parliament.

Thirdly, on the proposed Disability Bill, we are, as well, liaising with Government agencies and relevant stakeholders to come up with a draft.

Fourthly, the Committee has already presented to this House amendments to the Penal Code on matters of cattle-rustling. Those amendments are currently in the Second Reading. I am sure they are going to be discussed today because they are in the Order Paper.

On the workshop on hate speech, the Report has been concluded by the Committee and it is awaiting consideration. We also have a report on this and it is very important for Members because it touches on national Government as well as the county governments. There is also the report on the compliance of the 30 per cent procurement opportunities for young people who are also called youth, women and persons living with disabilities (PWDs). The Committee is currently collecting information from stakeholders regarding the 30 per cent procurement opportunities within the county governments and the national Government for PWDs, youth and women. The Committee yesterday received a report from the Public Procurement Regulatory

Authority indicating which counties and ministries have given young people, women and PWDs business and which ones have not. The Committee will avail its own report on this in the coming days.

Finally, on petitions, there is a Petition regarding the constitution of a joint select committee of Parliament to investigate cases of police mob violence in Kenya. The Committee is in receipt of the above Petition and it is the Committee's opinion to seek your indulgence on this

(Loud consultations)

Hon. Deputy Speaker, I am not sure you can hear me well.

Hon. Deputy Speaker: Hon. Members, are you listening to this very important Report on equal opportunities and cohesion? You need it now more than ever.

Hon. Sakaja: Hon. Deputy Speaker, Members must realise how much we need cohesion. Yesterday, some were fighting. Some were trying to beat up women. This Committee is also dealing with such issues. Those men who want to beat up women should know that we have volunteered, as men, to face such men on behalf of women. They should leave women alone. On women who are beating men, that is a different case. For a man to beat up a woman, that is the lowest point of cowardice. That is not manly at all.

I was saying that there is a Petition regarding the constitution of a joint select committee to investigate cases of police mob violence in Kenya. The Committee is in receipt of the above Petition, but it is our opinion that this Petition ought to be considered by the Departmental Committee on Administration and National Security. We have since written to you, Hon. Deputy Speaker, on that matter.

I would urge Members to take particular interest on the matter of 30 per cent. In every Member's constituency, there exist young people, women and PWDs who have the ability to do business. We passed the law in this House. They should be keen to see whether those people are getting the opportunities that they deserve.

As I conclude, let me reiterate that the Committee remains committed to conclude all the pending work in the discharge of its mandate as conferred on it pursuant to Standing Order 214, and we will soon be inviting Members - as we discussed yesterday in the House Business Committee (HBC) - to our National Cohesion Conference that will include all arms of Government from the Executive, civil society and Parliament on minimum standards as we face the 2017 elections.

I thank you.

Hon. Deputy Speaker: Members, settle down. I would like to put the Question to the Orders that follow this.

MOTIONS

REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE PRESIDENT'S RESERVATIONS TO THE ENERGY BILL

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the President's Reservations to the Energy Bill (National Assembly Bill No.50 of 2015)

(Question put and agreed to)

REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON
THE PRESIDENT'S RESERVATIONS TO
THE PETROLEUM (EXPLORATION, DEVELOPMENT AND PRODUCTION) BILL

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the President's Reservation to the Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No.44 of 2015).

(Question put and agreed to)

THE HEALTH BILL

THAT, the Senate Amendments to the Health Bill (National Assembly Bill No. 14 of 2015) be now considered.

(Hon. (Dr.) Pukose on 22.11.2016)

(Debate concluded on 22.11.2016)

(Question put and agreed to)

BILL

THE ELECTION LAWS (AMENDMENT) (NO. 3) BILL

(Hon. Chepkong'a on 4.5.2016)

(Resumption of Debate interrupted on 30.6.2016)

Hon. Deputy Speaker: I call upon the Mover to reply. Hon. Chepkong'a? He is not in the Chamber. Yes, Leader of the Majority Party.

Hon. A.B. Duale: Hon. Chepkong'a was around. He was here yesterday when we said that this Bill has been debated over three months. He also reminded us of the one that we put aside when we were dealing with that great Committee on reforms of Hon. Kiraitu Murungi and James Orendo. I want to thank all the Members who contributed. On behalf of the Departmental Committee on Justice and Legal Affairs, I beg to reply.

(Several hon. Members walked into the Chamber)

Hon. Deputy Speaker: Those Members standing on the corridor, I would like to put the Question. So, please, be seated somewhere. I am waiting for those Members at the Bar to come in. Since the Mover has replied, I proceed to put the Question.

(Question put and agreed to)

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

Hon. Deputy Speaker: Yes, Hon. Leader of the Majority Party, you are on an intervention.

Hon. A.B. Duale: Hon. Deputy Speaker, before we go to the Committee of the whole House, I would like to seek your indulgence that we defer the Insurance (Amendment) Bill to tomorrow because there is some consultations between us, the Committee and the National Treasury. So, we can do it tomorrow afternoon.

Hon. Deputy Speaker: Okay. Yes, we have approved. It can be done tomorrow.
Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

*[The Deputy Speaker
(Hon. (Dr.) Laboso) left the Chair]*

IN THE COMMITTEE

*[The Temporary Deputy Chairman
(Hon. Cheboi) took the Chair]*

CONSIDERATION OF SENATE AMENDMENTS TO THE HEALTH BILL

The Temporary Deputy Chairman (Hon. Cheboi): Order, Members! We will now be considering the Committee of the whole House on the consideration of Senate Amendments to the Health Bill (National Assembly Bill No. 14 of 2015)

Clause 2

Senate Amendment

THAT, Clause 2 of the Bill be amended by-

- (a) deleting the interpretation of the word “abortion”; and
- (b) inserting the following new definition in the proper alphabetical sequence-
“death” means the permanent loss of capacity for consciousness and the loss of all brainstem functions;

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Chair, I want you to be very quick on this one. We will be moving fast because it is a fairly lengthy one. So, proceed. You have the microphone now.

Hon. (Dr.) Pukose: Thank you, Hon. Temporary Deputy Chairman. The Departmental Committee on Health considered this and agrees with the proposal from the Senate.

(Hon. Kipyegon stood in his place)

The Temporary Deputy Chairman (Hon. Cheboi): Order, Hon. Member for Emurua Dikirr! We must be in order. Proceed, Hon. (Dr.) Pukose.

Hon. (Dr.) Pukose: Thank you, Hon. Temporary Deputy Chairman. On Clause 2 of the Bill, the Committee agrees with the proposal from the Senate. It is to delete the term “abortion”. The same has not been used in the Bill.

On Sub-clause (b), the Committee agrees with the insertion of the definition of the term “death” as the term has been used in Clause 81(1)(2) and (3) and Clause 84(1)(b). So, we agree.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): Okay, Hon. Members. I see some interest on this one. Hon. Keter, you want to say something to this?

Hon. Alfred Keter: No.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Gumbo, do you want to talk on this one?

Hon. (Eng.) Gumbo: No.

*(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)*

(Senate Amendment to Clause 2 agreed to)

Clause 5

Senate Amendment

THAT, Clause 5 of the Bill be amended by inserting the following new subsections immediately after subsection (2) —

(3) The national and county governments shall ensure the provision of free and compulsory —

- (a) vaccination for children under five years of age; and
- (b) maternity care.

(4) For the purposes of implementing subsection (3), the national government shall in consultation with the respective county government provide conditional grants to county governments

Hon. (Dr.) Pukose: Thank you, Hon. Temporary Deputy Chairman. The Committee agrees with the proposal from the Senate in order to anchor free maternity care in the law to insert Sub-clause 3.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): I will give chance to two Members. I will start with Hon. (Eng.) Gumbo.

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Chairman, I think this is a good proposal. But, before we can achieve this, it will be nice to have very detailed and concise demographic enumeration so that we know those who are in need of free vaccination for children under the years of five and, free maternity care.

Otherwise, I support.

The Temporary Deputy Chairman (Hon. Cheboi): Okay. Hon. Gichigi.

Hon. Gichigi: Thank you, Hon. Temporary Deputy Chairman.

I support this amendment. Children fatalities in the country, for children under five years, have been reducing because of the provision of free vaccination in this country. We all know that births in hospitals have doubled since maternal care was given for free.

Finally, we have challenges of money going to the counties not being utilised for the intended purpose. So, the proposal that this money be ring-fenced and goes to the counties as a conditional grant is very sound.

I support.

The Temporary Deputy Chairman (Hon. Cheboi): When I give you the Floor, Hon. Chairman, you should deal with both of them and then we can dispose of them unless there is something else.

Hon. (Dr.) Pukose: The Committee rejected the proposal on Sub-clause 4 because what the Senate was saying is that “the national Government shall, in consultation with the respective county governments, provide conditional grants to county governments”. In practice, the national Government does not consult the county governments when they are giving conditional grants. So, this is not a best practice. The Committee rejects the proposal from the Senate to insert sub-clause (4) as legislating for conditional grants goes against best practices and causes rigidity in the law.

The Temporary Deputy Chairman (Hon. Cheboi): Now, hon. Members, I think the best way to deal with this is, if the membership rejects the amendment of the Senate, it will make it a subject of mediation. We are not going to deal with the specific sub-sections. We will be dealing with the whole of it so that, if it is going to be rejected, it will be rejected wholesome and therefore the entire Clause 5 will go to mediation. That is what the Members and the Committee should be aware of so that, as you make your decision, you make it on that basis.

If it is approved, both will be taken. If it is rejected, both will have been rejected and therefore become the subject of mediation.

Hon. (Dr.) Pukose: Based on that advice, we will reject so that it can go to mediation because the Committee agrees with one part but does not the other part.

The Temporary Deputy Chairman (Hon. Cheboi): So, the Committee is rejecting this one? Let us hear what the House will have to say on this.

Hon. (Dr.) Pukose: Yes.

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

(Senate Amendment to Clause 5 negatived)

Clause 7

Senate Amendment

THAT, Clause 7 of the Bill be amended by deleting sub-clause (3).

Hon. (Dr.) Pukose: On clause 7 of the Bill, the Committee agrees with the proposed amendment from the Senate to delete sub-clause (3). The amendment seeks to put the burden of providing emergency treatment on the health facility and not on the health provider. Therefore, the Committee agrees with the Senate.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): Before I give the Floor to Members-- Maybe let me give the Floor to Members first then I will have some other matter to dispose of here.

Hon. Millie Odhiambo, do you want to speak to this particular one?

Hon. (Ms.) Odhiambo-Mabona: No. I wanted to speak to the previous one. I wanted to know why the Committee is going with best practice when they should be going with the Constitutional requirements. The best practice is the Constitution. Therefore, I would like to request the Chair that when they are making reference to best practice, they should be telling us whether that best practice is constitutionally anchored.

The Temporary Deputy Chairman (Hon. Cheboi): Well, I will proceed and put the Question on this one. There is only one good reason why I gave Hon. Millie Odhiambo opportunity.

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

(Senate Amendment to Clause 7 agreed to)

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Members, before we go to the next one. I wish to introduce to you a delegation comprising of staff from the Budget Office of the Parliament of Zimbabwe, seated in the Speaker's Gallery. They are the following:

Mrs. Namasonto Sunga, the Deputy Clerk, Ms. Asha Jenje, Mr. Pepukai Chivore who is a macro-economist analyst--- I know these names could easily be pronounced better by Hon. Millie Odhiambo here. We have Mr. Christian Ratsakatika, Finance and Economic Development Committee and Mr. Precious Mutetwa, a Committee Researcher.

Hon. Members, the Committee is in the country for one week training at the Parliamentary Budget Office on the budget process. On my own behalf, and on behalf of the House, I welcome them to the National Assembly and wish them a fruitful engagement during the course of their training. I thank you.

They will be free to once in a while interact with Hon. Millie Odhiambo-Mabona and I am sure they will be more familiar with the last name.

What is it Hon. Odhiambo, you want to say something?

Hon. (Ms.) Odhiambo-Mabona: Thank you. I want to take this opportunity to welcome the team from Zimbabwe. You know, I am called the *Amurora* in Zimbabwe which they probably do not know, because I am their in-law.

The Temporary Deputy Chairman (Hon. Cheboi): I do not know if that is Parliamentary, but proceed anyway. I will give you the leeway.

Hon. (Ms.) Odhiambo-Mabona: Hon. Temporary Deputy Chairman, there is no equivalent in Kenya and so I just have to say in Zimbabwe that I am their *Amurora* and that I welcome them to Kenya and I will try and create time to meet them.

Thank you.

The Temporary Deputy Chairman (Hon. Cheboi): Thank you very much. We will proceed. Hon. Members, the decibel should be a little lower now.

Clause 12

Senate Amendment

THAT, Clause 12(1) of the Bill be amended in paragraph (a) by deleting the words “their health status” appearing immediately after the words “on account of” and substituting therefor the words “any of the grounds set out in Article 27(4) of the Constitution”.

The Temporary Deputy Chairman (Hon. Cheboi): I ask the Chair to proceed or we can leave that for---

Hon. (Dr.) Pukose: Sorry, Temporary Deputy Chairman. On Clause 12 of the Bill, the Committee agrees with the proposed amendment from the Senate as it seeks to expand the scope of areas where non-discrimination should be done in line with Article 27 (4) of the Constitution.

The Temporary Deputy Chairman (Hon. Cheboi): All right, it means you are supporting it.

Hon. (Dr.) Pukose: Yes.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): Okay. I see no major interest from Members.

*(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)*

(Senate Amendment to Clause 12 agreed to)

Clause 15

Senate Amendment

THAT, Clause 15 of the Bill be amended in sub-clause (1) by –

- (a) inserting the words “including reproductive health care and the right to emergency treatment” at the end of paragraph (a);
- (b) deleting paragraph (c);
- (c) deleting the words “and implement” appearing after the word “develop” and substituting therefor the word “policy” in paragraph (f); and
- (d) inserting the word “policy” immediately after the words “put in place” in paragraph (i).

Hon. (Dr.) Pukose: Temporary Deputy Chairman, the Committee agrees with the proposal from the Senate on paragraph (a) and recommends its approval. The Committee rejects the approval from the Senate to delete paragraph (c). The role of the national Government is to ensure the implementation of the rights to health, enforcing standards and policies including ensuring that Kenya meets the international health obligations.

On (c) the Committee approves the proposal from the Senate.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Chair, you are mixing up a little bit.

Hon. (Dr.) Pukose: Based on your directive, Hon. Temporary Deputy Chairman, because there is a disagreement on that, the Committee can reject so that we can go into mediation.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): Okay. Hon. Members, I want you to make a decision. Therefore, I will put the Question.

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

(Senate Amendment to Clause 15 negatived)

Clause 16

Senate Amendment

THAT, Clause 16 of the Bill be amended —

- (a) by deleting sub-clause (2) and substituting therefor the following new sub-clause-

(2) The Director-General for health shall be recruited by the Public Service Commission through a competitive process and appointed by the Cabinet Secretary.

- (b) in subsection (3) by deleting paragraph (a) and substituting therefor the following new paragraph —

(a) be a health practitioner registered by the respective regulatory body;

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, the Committee rejects the proposal from the Senate due the seniority of the Director General (DG); Parliament should be involved in his or her appointment. The Committee rejects the proposal from the Senate as unconstitutional because it shows that the DG for Health has less qualification as a medical practitioner. Therefore, we think that should also fall into mediation.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): So, let us have Hon. Eseli Simiyu.

Hon. (Dr.) Simiyu: Hon. Temporary Deputy Chairman, I would like to fortify the Chair's contribution on this. If you notice the Senate's amendments, when you get to Sub-clause b (a) they want the person to be a health practitioner registered by the respective regulatory body. A health practitioner can be anybody doing anything in health. Even a traditional circumciser, if they have a regulatory body, is a health practitioner. Therefore, they are trying to imply that such a person can be the DG of health. So, I think the Senate was acting either out of malice or ignorance.

Thank you.

The Temporary Deputy Chairman (Hon. Cheboi): Let us have Hon. Millie Odhiambo-Mabona.

Hon. (Ms.) Odhiambo-Mabona: Thank you. I request that where we have two sub-clauses we deal with them separately. Like in this one, I agree with the Committee in Sub-clause 3 but I do not agree with them in (a). Even though I know in terms of referral we will be going with the entire clause; it is good to put that on record. I agree with the issue of the health practitioner, but in terms of bringing the DG to Parliament, it is not unconstitutional. If we wanted to bring them to Parliament for purposes of vetting, there is nothing stopping us, but even if they are not taken up, there is again nothing stopping us. It is not like one of the constitutional offices that must be brought to Parliament.

The Temporary Deputy Chairman (Hon. Cheboi): Okay. But Hon. Millie Odhiambo, we will lose nothing much by referring to the entire clause. You are free to go on record indicating that you support a particular bit of the clause and that when it will be referred to the Mediation Committee that will already have been captured. But let us proceed in the manner that we have started. Therefore, we will make a decision as we have done before.

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

(Senate Amendment to Clause 16 negatived)

Clause 17

Senate Amendment

THAT clause 17 of the Bill be amended by —
(a) deleting paragraph (i); and
(b) deleting paragraph (j).

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, the Committee rejects the proposed amendments by the Senate to delete paragraph (j) and (k) because the role of the national Government is developing standards, policies and guidelines for registration, licensing, certification---

The Temporary Deputy Chairman (Hon. Cheboi): Order, Hon. Pukose! For good order, is it deletion of paragraph (i) and (j) or (j) and (k)?

Hon. (Dr.) Pukose: It is (j) and (k).

The Temporary Deputy Chairman (Hon. Cheboi): I have to confirm that because I can see on record here that we are talking about (i) and (j). I see it in the Order Paper as (i) and (j). Maybe you can refer to yours. But you are rejecting it anyway. So can we hear you?

Hon. (Dr.) Pukose: The Committee rejects the proposed amendments because the role of the national Government is developing standards, policies and guidelines for registration, licensing, certification and gazettelement.

Internship is also part of training which is capacity building; it is a function of the national Government as per the Constitution.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): Okay. I will give the Floor to Hon. Gumbo.

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Chairman, I completely agree with the Departmental Committee on Health. The import of the amendment proposed by the Senate is in a way to dispense the development of standards and regulations, which is a function of the national Government. If we allow counties to develop their own standards and regulations, we will end up with a cocktail of standards of health services across the country.

The refusal is good and I support.

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

(Senate Amendment to Clause 17 negatived)

Clause 18

Senate Amendment

THAT, Clause 18 of the Bill be deleted and substituted with the following new clause-

18. For purposes of section 15(1)(b), the Cabinet Secretary shall-

(a) form directorates to deal with the following matters -

- (i) medical services;
- (ii) nursing and allied workers;
- (iii) pharmaceutical services;
- (iv) public health; and
- (v) administrative services;

(b) notwithstanding paragraph (a), form directorates based on policy priority areas in consultation with the Director-General.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, the Committee rejects the proposal by the Senate as the creation of directorates is an administrative process that needs not be put in law. Such a provision will make the law rigid. It will mean that whenever the Ministry seeks to reorganise its directorates, the law must be amended. That would be a tedious process.

(Question of the amendment proposed)

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

(Senate Amendment to Clause 18 negatived)

Clause 19

Senate Amendment

THAT, Clause 19 of the Bill be amended in sub clause (4) by deleting paragraph (a) and substituting therefore the following new paragraph—

(a) be a health practitioner registered by the respective regulatory body;

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, the Committee rejects the proposal from the Senate to amend Clause 19(4)(a) and observes that for the effective management of the health function in a county, the County Director of Health must be a medical practitioner.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): Let us have Hon. Gichigi.

Hon. Gichigi: Hon. Temporary Deputy Chairman, I support the position of the Committee. We cannot afford to lower the standards when it comes to health. Currently, there is debate on a quack who has been pretending to be a doctor. We cannot leave room for such things to happen.

The Temporary Deputy Chairman (Hon. Cheboi): Yes, Hon. Eseli Simiyu.

Hon. (Dr.) Simiyu: Hon. Temporary Deputy Chairman, this is mischief from the Senate. I do not know why they have such a low opinion of medical practitioners such as doctors. It seems that it is catching on in the sense that people appear to think that doctors are there to be seen and not to be heard and, therefore, they should not hold any administrative position. There is the misguided opinion that doctors should be paid peanuts, and that they should just be roughed around. The continuous amendment by the Senate appears to imply that the Senate does not want doctors in any administrative position in healthcare services. This is malicious. Members, please, make your decisions.

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

(Senate Amendment to Clause 19 negatived)

*Clause 20**Senate Amendment*

THAT, Clause 20 of the Bill be amended by—

(a) deleting the introductory phrase and substituting therefor the following new phrase—

the county government in furtherance of the functions assigned to it under the Fourth Schedule of the Constitution shall be responsible for—

(b) deleting the marginal note and inserting therefor the following new marginal note—

duties of county government.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, the Committee rejects the proposal from the Senate and proposes a further amendment to include the word “health” after the words “of the” and the phrase “in consultation through an established inter-governmental relations mechanism” immediately after the word “Constitution” so that you have consultation between the national Government and the county government.

The Committee agrees with the Senate proposal to delete the marginal note and substitute therefore a new marginal note as proposed. In the circumstance, and following your ruling, we have to reject it so that it goes to the Mediation Committee.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): On this one, let us have Hon. Gumbo. Do you want to speak to this one?

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Chairman, I agree with the position taken by the Departmental Committee on Health of this House. This is an area which ought to go to the Mediation Committee.

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

(Senate Amendment to Clause 20 negatived)

*Clause 24**Senate Amendment*

THAT, Clause 24 of the Bill be amended by deleting paragraph (a).

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, the Committee rejects the Senate Amendment to delete Clause 24(a) given the fact that the constitutional role of the national Government is to manage any public health institution classified as national referral facility.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): Let us hear Hon. Gichigi.

Hon. Gichigi: Hon. Temporary Deputy Chairman, I also support the position of the Committee on this issue. The Constitution, in Schedule IV, is categorical. We have to keep on defending the national Government, which is not interfering with county mandates and functions. The Senate cannot take us back there.

I support.

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

(Senate Amendment to Clause 24 negatived)

Clause 25

Senate Amendment

THAT, Clause 25 of the Bill be deleted.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, the Committee rejects the proposal from the Senate to delete Clause 25 of the Bill. The technical classification of hospitals is in line with the Health Policy, 2014-2030, which provides for the technical classification as community dispensaries, health centres, primary referral facilities, secondary referral facilities and tertiary referral facilities.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Members, let us have Hon. Odhiambo-Mabona.

Hon. (Ms.) Odhiambo-Mabona: Hon. Temporary Deputy Chairman, I want to comment on this matter in relation to the preceding matter, on which I wanted to comment. I would like the Chair of the Departmental Committee to clarify why they would not like the national Government to be in charge of hospitals classified as national referral hospital wherever found. I do not understand. The moment a facility is a national referral hospital, it becomes the responsibility of the national Government.

Secondly, in terms of the classification, just for clarification, could we know whether there is an alternative that the Senate Committee is providing or whether they are merely proposing a deletion?

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Pukose, do you want to say something on that one? It is a valid question.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, Hon. Millie and I are talking about the same thing. The Constitution provides that national referral facilities should be managed by the national Government. That is exactly what I have said. I do not think there are any disagreements.

The Temporary Deputy Chairman (Hon. Cheboi): Let us have Hon. Gumbo and once he is done I will put the Question.

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Chairman, the proposed deletion by the Senate is mischievous because what Clause 25 talks about is classification of hospitals. They are seeking to delete it without proposing an alternative. We have to classify our health institutions because Clause 25 talks about technical classification of public hospitals on the basis of levels of healthcare. What are they proposing? Are they saying that from dispensary to national referral hospitals we do not have any kind of classifications? I agree with the Committee that we should reject this proposed deletion by the Senate.

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

(Senate Amendment to Clause 25 negatived)

Clause 27

Senate Amendment

THAT, Clause 27(1) of the Bill be amended by inserting the following new paragraph immediately after paragraph (b) —

(b) be a platform for mutual consultation, coordination and collaboration between the national and county governments on all matters related to health.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, the Committee agrees with the proposal from the Senate to insert a new paragraph (c) to strengthen the joint working of both levels of government in health related matters.

(Question of the amendment proposed)

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

(Senate Amendment to Clause 27 agreed to)

Clause 28

Senate Amendment

THAT Clause 28 of the Bill be amended by deleting sub-clause (2).

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, the Committee agrees with the proposal by the Senate to delete sub-clause (2). The amendment is a repetition as both Clauses 28 (2) and 29 deal with the same matter. We agree with the Senate.

(Question of the amendment proposed)

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

(Senate Amendment to Clause 28 agreed to)

Clause 30

Senate Amendment

THAT Clause 30 of the Bill be deleted.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, the Committee rejects the Senate amendment to delete Clauses 30 to 44. The Health Human Resource---

The Temporary Deputy Chairman (Hon. Cheboi): Let us talk about Clause 30. Let us deal with Clause 30. We will go step by step. I can see your anxiety.

Hon. (Dr.) Pukose: With regard to Clause 30, the Health Human Resource Advisory Council was established to address the current gap in the harmonisation of the county health workers emerging issues including, *inter alia*, internships, rationalising of remuneration, transfers, promotions and other staff issues. This will deal with county to county transfers, promotion of staff, files and all that.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): Let us have Hon. Nicholas Gumbo.

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Chairman, with all due respect to our Brothers and sisters in the Senate, these kinds of proposed amendments actually show a lot of laziness. We are establishing a council. Clause 30 talks of the composition of the council. You cannot delete the clause without proposing an alternative. I agree with the Committee that we reject the proposed amendment by the Senate to delete Clause 30. What else are they telling us? Are they telling us that we will have a way of establishing the Kenya Health Human Resource Advisory Council? Who is going to advise us on issues of human resource both at the county and national level?

I oppose the amendment.

The Temporary Deputy Chairman (Hon. Cheboi): Let us have the Member for Mbita.

Hon. (Ms.) Odhiambo-Mabona: Hon. Temporary Deputy Chairman, on this one I agree with the Senate. This is because we have a Salaries and Remuneration Commission (SRC) led by Sarah Serem that would take into account some of this. However, the other reason I oppose this is because counties are supposed to be independent. Whenever you get a body that will direct on issues of transfers, that will be encroaching on the independence of counties. Perhaps what the Senate failed to do was to look at ways in which to strengthen the workings of the SRC so that we do not have the confusion that we have right now in terms of the National Cohesion and Integration Bill where one county has only one tribe and people rarely move such that there is too much inbreeding. In terms of setting up this body, we are replicating the SRC and the country is already tired of too many bodies and depleted resources.

The Temporary Deputy Chairman (Hon. Cheboi): Let us have Hon. Simiyu.

Hon. (Dr.) Simiyu: Hon. Temporary Deputy Chairman, this issue is very critical. It started with the failure of inserting the Health Services Commission in the Constitution as a constitutional commission. The problem we now have in healthcare is a serious shortage of human resource in the sense that we are losing very many health workers to other places and

countries. We must find a way of stemming that. Otherwise, the country's healthcare will go to the dogs. We need to put in place a mechanism to ensure job security, career progression and training because healthcare is a specialised area where continuous medical training is an inherent part of healthcare services. Unfortunately, this cannot be carried out by the counties as they are set up now.

It is important that we have a mechanism that will help us retain the healthcare personnel, train them and also remunerate them accordingly. This is the worst case scenario. In the absence of the Health Services Commission, this is the worst case scenario that we could come up with to ensure that our health services are secured. It is something that the counties do not like but they have to face facts. Even the County Governments Act and the Constitution do not give them enough wherewithal to handle healthcare, especially with regard to personnel. This is the worst case scenario that we can have. Having this advisory committee in place is the best that we can get.

The Temporary Deputy Chairman (Hon. Cheboi): Do you support or oppose the amendment?

Hon. (Dr.) Simiyu: I oppose the amendment by the Senate.

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

(Senate Amendment to Clause 30 negatived)

Clause 31

Senate Amendment

THAT Clause 31 of the Bill be deleted.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, the Committee rejects the Senate amendment to Clause 31 because this talks about the functions of the Council that we established in Clause 30. We want the council to address the issues that affect the promotions of the healthcare workers which cannot be addressed by the SRC. This is like the Teachers Service Commission (TSC). The teachers are there. The SRC will still do its part but issues pertaining to training, staff promotions, transfers and all that will need to be addressed by the Council.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): Let us have Hon. Makau.

Hon. King'ola: Thank you, Hon. Temporary Deputy Chairman. My concern is that when I look at this clause and at the health regulatory board, it is overlapping. This morning I saw one of the board members, Mr. Yumbya, bringing in the issue of young doctors. Most of the doctors we have in this country and who are employed by the Government are very young. Most of the experienced doctors like Hon. Simiyu are in private practice. I hope this council will look into the salaries and remuneration of health workers so that we can have more youthful professionals progress in the service so that experience will come with it. As much as I want to agree with the Vice-Chairman of Departmental Committee on Health, it is important to create that Council and give it functions.

The Temporary Deputy Chairman (Hon. Cheboi): Let us have Hon. Odhiambo-Mabona.

Hon. (Ms.) Odhiambo-Mabona: Thank you, Hon. Temporary Deputy Chairman. I would only support the Committee's position if it was limited to Clause 31 (a) which gives that body the function of posting interns to national Government and county government facilities. However, sub-clauses (b), (c), (d), (e) and (f) are constitutionally roles of the counties. My worry is that we will create a clash. If the governors are not too busy campaigning, this is one of the areas that is likely to find its way in court as unconstitutional if we are not able to solve it through mediation. Devolution took away certain powers from the central Government. We no longer have what you would typically call a central Government. Through the backdoor, we are taking away health function from the governors back to the national Government.

The Temporary Deputy Chairman (Hon. Cheboi): Make your decision Members.

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

(Senate Amendment to Clause 31 negatived)

Clause 32

Senate Amendment

THAT Clause 32 of the Bill be deleted.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, the Committee rejects that amendment because we are bringing the powers of the Council in Clause 32. The composition of this Council is from the county government and not from the national Government. It is a link between the national Government and county government. Its role is not training of interns. The training is a national function. Once the interns have been trained by the national Government, they need to be posted to various counties. So, where do you send the interns? You only consult every county individually, but if you have a central body you consult, it will know which county has a deficit of doctors. So, after finishing internship, all interns will be sent by the national Government to this Council. The Council will then post them to the various areas in the counties. So, it is not a national function. This body is at the level of inter county; between the various counties. Its composition will be from the county government and not the national Government. Its role will be coordination which is provided for in our Constitution that there shall be coordination and consultations between the national Government and county governments.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): Let us have Hon. Gumbo.

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Chairman, I agree with the position of the Committee. This clause is consequential upon the previous one. If we are all of the opinion that the previous clause should not be deleted, which was also my view, then obviously, we have to support the rejection of this proposed deletion because you cannot permit Clause 31 and leave Clause 32. I agree with the Committee.

I oppose.

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

(Senate Amendment to Clause 32 negatived)

Clause 33

Senate Amendment

THAT, Clause 33 of the Bill be deleted.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, Clause 33 talks about the recruitment of the Chief Executive Officer who will be the CEO of this intergovernmental body. It needs an officer to run it. This officer will be responsible to the Council of Governors (CoG).

(Question of the amendment proposed)

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

(Senate Amendment to Clause 33 negatived)

Clause 34

Senate Amendment

THAT, Clause 34 of the Bill be deleted.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, Clause 34 talks about the conduct of business and affairs of the Council. We must provide a framework in which they will conduct their business and affairs.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): Let us have Hon. Gumbo.

Hon. (Eng.) Gumbo: Thank you, Hon. Temporary Deputy Chairman. Again, as I said when supporting Clauses 31, 32, and 33, Clause 34 is then consequential because once you establish a council, you have established the way in which it conducts its business. Therefore, I oppose the proposed deletion by the Senate.

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

(Senate Amendment to Clause 34 negatived)

Clause 35

Senate Amendment

THAT, Clause 35 of the Bill be deleted.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, Clause 35 deals with delegation of duties by the Council. Therefore, the Committee rejects deletion of that.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): I will give two Members starting with Hon. Kibunguchy, Member for Lukuyani.

Hon. (Dr.) Kibunguchy: Thank you, Hon. Temporary Deputy Chairman. Once we have accepted the Council, for it to function, Clause 35 should not be deleted.

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

(Senate Amendment to Clause 35 negatived)

*Clause 36**Senate Amendment*

THAT, Clause 36 of the Bill be deleted.

Hon. (Dr.) Pukose: The Committee rejects deletion of that clause as proposed by the Senate because it talks about the tenure of the office. We must have tenure of the office.

(Question of the amendment proposed)

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

(Senate Amendment to Clause 36 negatived)

*Clause 37**Senate Amendment*

THAT, Clause 37 of the Bill be deleted.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, the Committee rejects deletion of this clause because it talks of the staff of the Council. You cannot have a Council without staff to operationalize its activities.

(Question of the amendment proposed)

(Question, that the words to be left out be left out,

put and negatived)

(Senate Amendment to Clause 37 negatived)

Clause 38

Senate Amendment

THAT, Clause 38 of the Bill be deleted.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, the Committee rejects deletion of this clause because it talks about the terms and conditions of service of the staff of the Council.

(Question of the amendment proposed)

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

(Senate Amendment to Clause 38 negatived)

Clause 39

Senate Amendment

THAT, Clause 39 of the Bill be deleted.

Hon. Wekesa: On a point of order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Cheboi): What is your point of order, Hon. Wafula Lazaro of Saboti?

Hon. Wekesa: Hon. Temporary Deputy Chairman, we need to be clear on this clause because I heard only two voices; one for nay and another for aye. We need to be clear on it.

The Temporary Deputy Chairman (Hon. Cheboi): Well, the unfortunate bit is that you did not make the decision yourself. But, from where I am seated, I can judge the decibels one way or the other. I am perfectly clear that in that particular one, the nays have it. For any decision I have made, I feel fortified that I made the right one. So, on that particular one, I do not take your view.

Hon. (Ms.) Odhiambo-Mabona: On a point of order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Cheboi): What is your point of order, Hon. Millie?

Hon. (Ms.) Odhiambo-Mabona: Thank you, Hon. Temporary Deputy Chairman. In the Bible, I equate myself to Esther not Jezebel. Hon. Temporary Deputy Chairman, I redeem my people against tyrants like you.

The Temporary Deputy Chairman (Hon. Cheboi): I take it on a light note. I did not actually talk about Jezebel. I cannot help you when you make your own imaginations. I said decibels. I am very sure you are a very good English student. I know you did very well in it. It

was decibels. I never thought at all about Jezebel, not at least in this Chamber. I can leave the rest to other imaginations.

Let us have Hon. Pukose to prosecute.

Hon. (Dr.) Pukose: On Clause 39, we need to protect the staff of the Council from liability. We reject the Senate proposed amendment to delete it.

(Question of the amendment proposed)

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

(Senate Amendment to Clause 39 negatived)

Clause 40

Senate Amendment

THAT, Clause 40 of the Bill be deleted.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, we reject the Senate amendment because Clause 40 talks about the funds of the Council. The Council will need funding to operationalise its activities.

(Question of the amendment proposed)

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

(Senate Amendment to Clause 40 negatived)

Clause 41

Senate Amendment

THAT Clause 41 of the Bill be deleted.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, the Committee rejects the Senate amendment to delete Clause 41 of the Bill. This is because Clause 41 talks about the financial year; when does the financial year of the Council end and when is it audited?

(Question of the amendment proposed)

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

(Senate Amendment to Clause 41 negatived)

Clause 42

Senate Amendment

THAT Clause 42 of the Bill be deleted.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, the Committee rejects the Senate amendment to delete Clause 42 because it talks of the annual estimates of the Council which needs to be provided for.

(Question of the amendment proposed)

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

(Senate Amendment to Clause 42 negatived)

*Clause 43**Senate Amendment*

THAT Clause 43 of the Bill be deleted.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, we reject that particular Senate amendment because this is about accounts and auditing. They must be audited by the Auditor-General in all the activities that they do.

(Question of the amendment proposed)

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

(Senate Amendment to Clause 43 negatived)

*Clause 44**Senate Amendment*

THAT Clause 44 of the Bill be deleted.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, the Committee rejects the Senate amendment to delete Clause 44 because we should also allow the Council, if they have excess money, to do some investment with it.

(Question of the amendment proposed)

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

(Senate Amendment to Clause 44 negatived)

*Clause 46**Senate Amendment*

THAT Clause 46 of the Bill be amended by-

(a) deleting sub-clause (1f); and

(b) deleting sub-clause (4).

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, the Committee rejects the proposed Senate amendment to delete paragraph (f). This is not a consequential amendment; rather it was a requirement to have representatives from the Council of Governors(CoG).

The Committee seeks to further amend paragraph (f) by inserting the words “of governors” immediately after the word “council” so that the CoG is represented.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): We will handle that like we have handled the rest. Whatever decision the House makes, if they reject, it will be taken to the Mediation Committee and some of those proposals will be agreed on at that point.

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

(Senate Amendment to Clause 46 negatived)

*Clause 49**Senate Amendment*

THAT Clause 49 of the Bill be amended in subsection (2) by deleting paragraph (a) and substituting therefor the following new paragraph —

(a) is a health practitioner registered by the respective regulatory body;

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, the Committee agrees with the proposed Senate amendments to Clause 49(2) and recommends its approval.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): I want to give Hon. Millie Odhiambo an opportunity. Do you want to speak to this one?

Hon. (Ms.) Odhiambo-Mabona: Hon. Temporary Deputy Chairman, my understanding on this one--- I mean, let it pass. I thought it was speaking to the same issue that we raised in relation to health practitioners before.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Gumbo.

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Chairman, this helps to strengthen the requirement for the CEO of the Council. Therefore, it is a good amendment which should be supported. I agree with the Committee and the Senate amendment here should be supported.

*(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)*

(Senate Amendment to Clause 49 agreed to)

Clause 62

Senate Amendment

THAT the Bill be amended by deleting clause 62.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, the Committee rejects the Senate amendments that seek to delete Clause 62. Now, clauses 62 to 66 provide for the establishment by an Act of Parliament, a single regulatory body for regulation of health products and health technologists. The Government policy is to separate the regulation of professionals from products and health technologists for efficiency and improved health service. This is informed by international best practice.

(Question of the amendment proposed)

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

(Senate Amendment to Clause 62 negatived)

Clause 63

Senate Amendment

THAT the Bill be amended by deleting clause 63.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, the Committee rejects the Senate deletion for the reasons I have given.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): Do you want to speak to this hon. Member for Mbita? Proceed.

Hon. (Ms.) Odhiambo-Mabona: Hon. Temporary Deputy Chairman, Clause 62 relates to Clause 63. Clause 62 talks about the establishment by an Act of Parliament, of a single regulatory body and then we have gone ahead to say what the regulatory body should be doing. For me, it is a little confusing legislatively because we are already legislating what we are saying in what the piece of legislation will do. I am wondering whether we should be creating another

piece of legislation by another subsidiary legislation unless we are talking about regulations not legislation. In terms of legislative elegance, there is a problem.

The Temporary Deputy Chairman (Hon. Cheboi): Well, the House will make the decision on that particular one. The Chair has also put his position clearly. Let me put the Question.

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

(Senate Amendment to Clause 63 negatived)

Clause 64

Senate Amendment

THAT the Bill be amended by deleting clause 64.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, the Committee rejects the deletion by the Senate on the same reasons that I gave.

(Question of the amendment proposed)

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

(Senate Amendment to Clause 64 negatived)

Clause 65

Senate Amendment

THAT the Bill be amended by deleting clause 65.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, the Committee rejects the Senate deletion of this because we feel that we need to provide for the establishment through an Act a single regulatory body for regulation of health products and health technologists.

(Question of the amendment proposed)

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

(Senate Amendment to Clause 65 negatived)

Clause 66

Senate Amendment

THAT the Bill be amended by deleting Clause 66.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, the Committee rejects the Senate amendment to delete Clause 66 for the reasons I have given for Clauses 62 to 66.

(Question of the amendment proposed)

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

(Senate Amendment to Clause 66 negatived)

Clause 67

Senate Amendment

THAT the Bill be amended by deleting Clause 67.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, the Committee rejects the same because we need a single regulatory body for regulation of health products and health technologists. The Government policy is to separate the regulation of professionals from products and health technologists for efficiency and improved health service delivery.

(Question of the amendment proposed)

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

(Senate Amendment to Clause 67 negatived)

Clause 73

Senate Amendment

THAT the Bill be amended by deleting clause 73.

Hon. (Dr.) Pukose: The Committee rejects the amendment of the Senate. Mental health is a major health issue. Its inclusion in the Health Bill which is the parent law anchoring health matters is to give effect to the other legislations on mental health.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): Very well. Let us have the Member for Mbita.

Hon. (Ms.) Odhiambo-Mabona: Again, I want to say this is a very lazy way of legislating. This is the Health Bill. If you are talking about mental health, what we should have done because this is a very serious crisis facing the country--- Both the Senate and the Departmental Committee on Health are not helping. The Senate is seeking to delete while the Departmental Committee on Health is referring us to another Bill yet when I was bringing my In-

Vitro Fertilisation Bill which was unfortunately dropped by the Senate on the policy that they are going towards consolidation, we are already telling people to move towards piecemeal legislation. When I brought my Bill, the Departmental Committee on Health were arguing for the same reason.

Even as they are going to mediation, I hope they will beef up this section so that you do not refer us to legislation. I do not think what you would be saying about mental health would be so much unless we just want to create more and more bodies which we can still create with this Bill. So, I urge the Committee to consider whether it is in relation to mental health or the next one which is traditional and alternative medicine. I suggest that the Committee considers beefing up this clause to incorporate issues of concern in relation to mental health.

The Temporary Deputy Chairman (Hon. Cheboi): Okay. Hon. Gumbo?

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Chairman, while I agree with the decision of the Committee to reject the deletion by the Senate, I think the Departmental Committee on Health of my good friend Hon. (Dr.) Pukose should demonstrate more audacity. We are doing the Health Bill. Mental health is an aspect of healthcare. Instead of talking about “there shall be established an Act of Parliament or legislation to regulate issues to do with mental health”, I would plead, just like my neighbour both here where we are sitting and back at home in the constituencies, Hon. Millie Mabona, that let us, during the mediation, build what we expect to be the legal requirements for dealing with mental health in this country instead of what they are saying. The implication here is that we are going to have, again, another Act of Parliament dealing with mental health separately. That is not helpful at all. We do not want to have legislations spread all over. I completely agree that the deletion without providing an alternative is not acceptable.

The Temporary Deputy Chairman (Hon. Cheboi): Make your decisions clearly.

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

(Senate Amendment to Clause 73 negatived)

Clause 89

Senate Amendment

THAT the Bill be amended by deleting clause 89.

Hon. (Dr.) Pukose: This Clause 89 provides for the licensing of private entities to operate hospitals, clinics, *et cetera*. The Senate proposes to delete this entirely. The Committee rejects the Senate amendment that seeks to delete this clause because this is a function undertaken by the Kenya Medical Practitioners and Dentists Board (KMPDB) for that provision. Therefore, this provision to foster and encourage private sector participation in the health sector should not be deleted.

The Temporary Deputy Chairman (Hon. Cheboi): Okay. What you really wanted to do did not come out very clearly, Hon. (Dr.) Pukose; whether you are rejecting or endorsing.

Hon. (Dr.) Pukose: We are rejecting the Senate amendment to delete it because what the Senate is trying to do is not to provide for the private hospitals to operate.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): Okay. Let me have two Members. We will start with Hon. Gumbo.

Hon. (Eng.) Gumbo: I do not know what the Senate had in mind when they were proposing this deletion because if you are deleting that clause, you are simply saying that private entities that want to operate hospitals and clinics should not be licensed. So, it does not make sense at all. What they would have done at the very least is to delete and propose something. You cannot have private entities out.

Hon. Temporary Deputy Chairman, you have seen the proliferation of quacks. Only yesterday, we had somebody offering surgery without even having a Form Four certificate. So, the KMPDB must be able to provide the licences for these private entities.

Therefore, I completely oppose this deletion.

The Temporary Deputy Chairman (Hon. Cheboi): Okay. Lastly on this, let us have Hon. Kibunguchy.

Hon. (Dr.) Kibunguchy: Thank you, Hon. Temporary Deputy Chairman. I also failed to understand why the Senate wanted us to completely abolish this. Therefore, I will object to their deletion and say that we need a body that should be able to license private practitioners and private entities.

The Temporary Deputy Chairman (Hon. Cheboi): Let us proceed, Hon. Millie Odhiambo. I will listen to your decibel very keenly, Hon. Member for Mbita Constituency. I would like to put the Question.

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

(Senate Amendment to Clause 89 negatived)

Clause 91

Senate Amendment

THAT the Bill be amended by deleting clause 91.

Hon. (Dr.) Pukose: The Committee rejects the Senate's amendment to delete Clause 91 which is on private sector participation. This function is undertaken by the KMPDB.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): I will give the first shot to Hon. Millie Odiambo, Member for Mbita.

Hon. (Ms.) Odhiambo-Mabona: Thank you, Hon. Temporary Deputy Chairman. I want to agree with the Committee on this. The reason is, if you look at the Constitution, the right to health is one of the rights that will be realised progressively. That takes into account that there will be private healthcare providers that will be substituting where the Government is not able to. Even as they do

that work, their work must be regulated so that you do not have the similar situation we have seen of late both in the public and private sector.

So, I support the Committee.

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

(Senate Amendment to Clause 91 negatived)

The First Schedule

Senate Amendment

THAT the First Schedule be amended —

(a) in the row titled Level 1: Community Health Services, by deleting the Note appearing immediately after paragraph (d) and substituting therefor the following new Note —

Note: The In-charge is a qualified health practitioner registered by the respective regulatory body.

(b) in the row titled Level 3: Health Centre, by deleting the Note appearing immediately after paragraph (f) and substituting therefor the following new Note

—

Note: The In-charge is a nurse, a clinical officer or a medical officer. The In-charge shall have at least two years work experience in a management position.

(c) in the row titled Level 4: Primary Hospital by—

(i) deleting the title “Level 4: Primary Hospital” and substituting therefor the title “Level 4: County Referral Hospital”;

(ii) deleting the Note appearing immediately after paragraph (l) and substituting therefor the following new Note —

Note: The In-charge is a qualified health practitioner registered by the respective regulatory body”;

(d) in the row titled Level 5: Secondary Hospital by—

(i) deleting the title “Level 5: Secondary Hospital” and substituting therefor the title “Level 5: Regional Referral Hospital”;

(ii) deleting the Note appearing immediately after paragraph (c) and substituting therefor the following new Note —

Note: The In-charge shall be qualified for appointment if that person—

(a) is a qualified health practitioner registered by the respective regulatory body;

(b) holds a Masters degree in a health related field from a university recognized in Kenya;

(c) has a post graduate qualification in management; and

- (d) has at least five years work experience in a management position.
- (e) in the row titled Level 6: Tertiary Hospital by—
- i) deleting the title “Level 6: Tertiary Hospital” and substituting therefor the title “Level 6: National Referral Hospital”;
 - ii) deleting the Note appearing immediately after paragraph (b) and substituting therefor the following new Note –
Note: The In-charge shall be qualified for appointment if that person—
- (a) is a qualified health practitioner registered by the respective regulatory body;
 - (b) holds a Masters degree in a health related field from a university recognized in Kenya;
 - (c) has a post graduate qualification in management; and
 - (d) has knowledge and at least ten years work experience in a senior management position.

Hon. (Dr.) Pukose: The Committee rejects the proposal from the Senate to change the First Schedule that deals with the classification of hospitals.

The Temporary Deputy Chairman (Hon. Cheboi): Yes. I am listening to you, Hon. (Dr.) Pukose.

Hon. (Dr.) Pukose: In this classification, the schedule deals with classification of Level 1 which is Community Health Services. It goes further to Level 2 which talks of Dispensary and Clinics. It talks of Level 3 which are the Health Centres. It talks of Level 4 which is Primary Hospitals and then talks of Level 5 which is the Secondary Hospitals. Then, we have Level 6 which are the Tertiary Hospitals or institutions. Therefore, we felt that classification is important because one is able to understand what services are expected and what the standards at a level are. Each level has a certain cadre of staff. If you say this is a Level 1 facility, you know what kind of staff or services you expect from that. So, we felt the deleting of that is not appropriate.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Cheboi): Let us have Hon. Gumbo. That will be the last one on this.

Hon. (Eng.) Gumbo: While I agree with the Committee that the deletion of the Senate should be rejected, I thought, in this First Schedule, the Committee should also endeavour to define National Referral Hospitals. It is because while you can see that we are stopping at Level 6 whose functions provide highly specialised services, that, in my way of looking at it does not necessarily define National Referral Hospitals.

In the context of Kenya, National Referral Hospitals actually do more. They also act as institutions for training medical practitioners at high level and that ought to come even if we want to call it Level 7 because this is law making, but I believe that National Referral Hospitals should be defined in this version. I plead with my good friend Hon. (Dr.) Pukose that we find accommodation for it here.

Otherwise, I support the objection of the deletion.

(Question, that the words to be left out be left out,

put and negatived)

(Senate Amendment to the First Schedule negatived)

The Temporary Deputy Chairman (Hon. Cheboi): That brings us to the end of that one and so let us have the Mover move reporting.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Chairman, I beg to move that the Committee doth Report to the House its considerations of the Senate Amendments to the Health Bill, National Assembly Bill No 14 of 2015 and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT

SENATE AMENDMENTS TO THE HEALTH BILL

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Okay. Hon. Members, let us have the Chairperson.

Hon. Cheboi: Thank you very much, Hon. Temporary Deputy Speaker. I beg to move that the Committee of the whole House has considered the Senate Amendments to the Health Bill, National Assembly Bill No. 14 of 2015 and approved the same with amendments.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Mover.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report. I also request Hon. Otaalo to second the Motion for agreement with the Report of the Committee of the whole House.

Hon. Otaalo seconded.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members we will not be putting the Question at this time. We will put it at the appropriate time.
Next Order.

(Putting of the Question deferred)

Second Reading

THE PENAL CODE (AMENDMENT) BILL

(Hon. Sakaja on 22.11.2016)

(Resumption of Debate interrupted on 22.11.2016)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): On the Floor yesterday, we had Hon. Cheptumo, who had a balance of nine minutes. Is he in the House? He is not in the House, So, I will go to those on my screen. Can we have Hon. Alfred Keter? I do not see him in the House either. Hon. Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona: Thank you, Hon. Temporary Deputy Speaker. I support this Bill and state that in the last Parliament, I was in the Select Committee on cattle rustling that went around the country and visited other countries.

Some of the issues that are being suggested in this Bill are very good. We are trying to enhance penalties. What we discovered is that the law itself will not be enough to curb cattle rustling.

Just two or three weeks ago, I was in Elgeyo Marakwet and it is sad that at this point in time, we have a situation where people cannot stay in their own homes because of insecurity related to cattle rustling. One of the reasons we found that there were situations like that is because of cultural reasons that there are certain communities who believe that every cattle belongs to them. There are also archaic cultural practices. I consider them archaic, for instance, dowry, especially in communities where dowry is considered so primary that the more you give for the woman, the richer you are deemed to be.

My in-laws were here, but because of my own beliefs, I refused any dowry to be paid for me because I am priceless. If any cattle were to be paid, you would have to get all the cattle in the world and they would not be enough to pay for Hon. Millie Odhiambo. So, because of such cultural practices, communities are killing each other, women are leaving their homes, schools are not operational and some students did not even sit for their exams because of the issue of cattle rustling.

However, there is something we noticed in Botswana that I wish the country would implement that we are failing to do. It was embarrassing for us because all the experts that we were seeing in Botswana were Kenyans. So, we export technical expertise in other countries then we go to those countries to study what they are doing. I was embarrassed and nowadays, when I go for a study tour from Parliament, I want to know what it is, so that I am not embarrassed. I want to know whether it is Kenyans who are in those areas, so that if we need to practise, maybe, we do not need to go to Botswana. We probably just need to walk to a Ministry and perhaps honour the person with that expertise that is not honoured.

Recently, I went to one of our Government departments, which I will not name, and one of the senior directors thought that once we are in Parliament, we easily talk to the President. They did not realise I am in the Orange Democratic Movement (ODM) and I do not get to speak to the President because we do not meet through parties or any other forum. The person sent me and said that one of the challenges they are facing as technocrats in the Government is that the Government has started a dream team which involves getting people from outside the Civil Service, ignoring civil servants who have worked for years and have the expertise instead of promoting and motivating them. That is why we have discordance in implementation of work.

In Botswana, they have a system where they fence for kilometres. You have a place where there is fencing for almost five hundred kilometres and they have some gadgets that would allow human beings to pass, but not cattle. They are very simple things of putting chips in the

earlobes of the livestock that would tell you where the cow is from, the owner, the colour of the cow and even the telephone number of the owner of the cow at a scan.

This not only helps in the issue of cattle rustling, but also in terms of opening up markets. Here in Kenya, because we do not have employment opportunities, how wonderful would it be for our livestock farmers, if we were to access the European Union (EU) and such other markets! We must find a way of ensuring continuity in this country.

The last Parliament did an excellent job in relation to this. Whenever another Parliament comes in, we start as though there has never been a Parliament. Why can we not take those reports, look at them and implement them? The Government should take the work that Parliament does more seriously and implement what we pass as Parliamentarians. There are Committees that take their time and spend a lot of energies doing a lot of research. On this one, we even got technical experts who gave us their views. We had Members who were very passionate including Hon. Boas Keino, who unfortunately, did not make it back to this House. We were also with Hon. (Eng.) Gumbo in that Committee. We brought experts who gave us excellent suggestions on how to deal with cattle rustling. Some of the views included ensuring that in areas that have cattle rustling, infrastructure is improved and education is enhanced. None of that is happening. So, just providing for enhanced punitive measures on issues of cattle rustling is not sufficient. It is good but not sufficient.

Once upon a time, when I was working with the International Federation of Women Lawyers (FIDA), we took a case to court involving a Maasai man who had married a 13-year old girl. He appeared in court accompanied by his entire community to prove to us that there was nothing wrong he had done because his culture allowed him to marry. In fact, he had already paid dowry and he had no clue why we were taking him to court. What this law is likely to do is that people will be wondering why they are being arrested when they have only taken back what is theirs. What we need to do is to open those areas. We should provide infrastructure, education and fencing, like what was done in Botswana. Cattle should also be branded, so that we have a more sensible way of dealing with this matter.

As I support this Bill, I urge the Executive to look at the Report we prepared in the last Parliament. It has excellent recommendations on how to deal with the issue of cattle rustling.

I support, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you, Hon. Millie. I now give the Floor to the Member for Rarieda, Hon. Gumbo.

Hon. (Eng.) Gumbo: Thank you, Hon. Temporary Deputy Speaker. The intention of this amendment is good but I just wonder what it will really address.

I was privileged, just like Hon. Millie said, to sit in the Committee that was looking into the root causes of cattle rustling in Kenya. There are communities in this country where cattle rustling is not considered a crime. By looking at the criminal aspects of cattle rustling, you would be dealing with one aspect of it and not all the issues.

As the Hon. Member has said, we looked into the root causes of cattle rustling, which are purgative, economic, cultural and sociological. To think that you can stamp out the practice of cattle rustling – which is described as transportation of animals illegally – by looking at the criminality aspects of it is a good intention which only goes to address part of the problem. Unlike what Hon. Odhiambo has just said, I am of the opinion that, as a House, we must insist that reports which are prepared by this House are taken seriously by the Executive arm of the Government.

Hon. Temporary Deputy Speaker, I see many Motions being brought here every Wednesday morning urging the Government to do all manner of things. You urge them then what? Unless the Motions or resolutions of this House become implementable then we are engaging in work that is in itself futile.

I hope Hon. Sakaja has looked at the Report that we prepared, which was very comprehensive. It is unfortunate that the Chair of the Committee, Hon. Boas Kaino, did not make it back to this House but he was so passionate about it. I remember an incident at Wei Wei in Pokot when we were going round this country. It was very hilarious in the sense that one of the Members of that Committee is the current Speaker of the Senate. When the locals in Wei Wei saw him, they asked why he was there and yet he was the problem. Defining the cultural aspect of that issue, they did not see Hon. Ethuro as somebody who went there with a team from Parliament to address the problem of cattle rustling.

This attempt is good but unless and until we deal with the economic and sociological aspects of cattle rustling, we will get nowhere. It has been shown that in communities where education standards are high incidents of cattle rustling are lower. Therefore, the problem has to be dealt with from all perspectives.

Hon. Temporary Deputy Speaker, as I conclude, I would like to raise a matter that is not necessarily related to this amendment but rather to our Penal Code. This country must express a collective outrage at what happened at a Nakuru court yesterday, where a magistrate was attacked while on duty. You wonder whether there is security. Both the magistrate and the person who had taken the assailant to court were attacked. Are we saying that people and officers within our courts of law cannot have security? If our judicial officers are not secure, what about the people who go to court to seek justice?

This attempt is good but I request Hon. Sakaja that when we get to the Third Reading we should try, if our concern is to address the menace of cattle rustling in this country, to also deal with all the issues that contribute to the menace. We should pick out the good recommendations that we made in the comprehensive Report that we prepared so that other than just dealing with the criminality aspects, we also deal with the other aspects, which in more ways than one help in perpetuating the negative practice of cattle rustling.

I reluctantly support this Bill and encourage Hon. Sakaja to look at the comprehensive Report that we did so that we can adequately stamp out cattle rustling. We were shown cases where peace committees went to Garissa and managed to eradicate this problem. It is because the peace committees established why people were engaging in this practice. They identified the underlying social issues concerning cattle rustling. They found out that people were fighting over lack of water and infrastructure. Those are aspects which have to be considered if we are to stamp out this problem, which in all respect is very retrogressive for our country. It makes our country look like a Third World country when we should be looking like a country that is on its way forward.

Hon. Temporary Deputy Speaker, I am glad that Hon. Sakaja has come. I want to encourage him. He was not in the last Parliament. Please, take a look at the Report that was done by people like the Member for Rarieda. It has comprehensively addressed this problem. As the Member for Mbita, Hon. Millie-Odhiambo said, making cattle rustling a criminal offence cannot address the problem.

Hon. Sakaja: I wish to inform the Member, Hon. Temporary Deputy Speaker.

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Speaker, I do not wish to be informed at this point in time, but I would encourage him to try and enrich his Bill. If he does not, I will do

so by picking what I can from the comprehensive Report that we prepared, with input from experts and review of case studies in countries like Botswana, which has succeeded in stamping out the menace of cattle rustling.

I reluctantly support this Bill as I intend to bring amendments to enrich it.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Sakaja, before you inform whoever you want to inform – I do not know who you want to inform – let me first, inform you because you have just come in. The sentiments by Hon. Gumbo and Hon. Millie Odhiambo are very valid.

I was in the last Parliament and I am aware of the Committee that tried to address the matter. They traversed the country. I am about to give you an opportunity, so that as you respond you tell us whether you have incorporated the recommendations of the Report they have referred to. That Report is the property of this House.

Go ahead, Hon. Sakaja.

Hon. Sakaja: Hon. Temporary Deputy Speaker, I appreciate your comments as well as those of Hon. Millie and my good friend, Hon. Gumbo. Hon. Millie is also my good friend.

You know that I am a student of history. Before embarking on this process, we went through all reports of the previous committees, to which Hon. Millie was a Member. We have also gone to all those areas. We understand that it is a multiple approach that is going to sort out this issue. We have done case studies. I have tabled a report that is of benefit to the House as far as this issue is concerned. This is just one amongst many interventions.

Of course, through the Penal Code we cannot address the issue of education and other issues. There are different interventions that the Committee is considering. This is just one of those approaches you are talking about as we must also criminalise it. We have cases where people are raped, houses are torched and a number of people ranging from 60 to 100 dying. Then you tell *wazee* to sit down and make peace? Such approach only makes it a perpetual issue in those communities. That is what we are addressing in this Bill.

Hon. Temporary Deputy Speaker, the social aspects are also being addressed. If you go to the Table Office, you will find the entire Report. We went to Lodwar, Nginyang, Loruk, Baringo, Turkana and Samburu. We even signed the first peace deal between those communities. All the issues are being addressed.

For the benefit of all Hon. Members, just know that all the issues that need to be addressed will also be addressed one by one. When one aspect is being dealt with, it does not mean that the others are not being looked at by the Committee.

The Temporary Deputy Speaker (Hon. Shebesh): That is okay. Thank you, Hon. Sakaja.

I now give the Floor to the Member for Gilgil.

Hon. Ndiritu: Thank you, Hon. Temporary Deputy Speaker for this opportunity. This is a Motion with some historical connotations because when I read about the Kikuyu, they also used to engage in some raids and take cattle from the Maasai. At that time, it used to be a cultural thing. They had crude weapons and killing was not part of it. It was unheard of that women or children would die or suffer in such cases.

I have lived in two counties that are at times affected by cattle rustling. One of the scariest times that I have ever lived in my life was when cattle raiders came to a place I was working called “Kargi” in Marsabit. I only knew I had not died when daylight came. The chief and a number of people were killed. It is now almost 30 years since that time. It was obvious that the raiders were no longer engaging in cultural practice as we all know it. It has turned

commercial and those behind the raids are people who have trucks. Once the raid has been carried out, the animals are transported to Nairobi where they find their way to Kariobangi and other markets where they are sold.

After that, I lived in Pokot. The raiders would raid Makutano Town. Fortunately, for those people who were not natives of that place, they used to have grade cattle and when the raiders drove them, they would not go far. In most cases, they would recover them. As I said, it was obvious those many years that the trade had changed from the cultural practice where the newly initiated men would conduct raids and become real heroes when they brought cattle home.

The Bill looks at the criminal element but we need to go deeper to the historical basis and see how we can change the lifestyle of those people. We should look at what those people undergo. There are those warlords or raiders who engage in this vice. They are the ones who do not mind using child labour. Children are the ones who look after those cows. Sometimes when the raids have been carried out, they are the ones who are innocently given the stolen animals to drive or hold on behalf of those lords who later transport them for business purposes.

We need to go to the roots and educate those people so that they can have an alternative. It is difficult to transform a vast county like Turkana and make it arable so that they can become farmers. We should educate them and bring in the element of fewer cattle rather than huge herds because some of them end up dying. There is also the security issue.

Sometimes it is difficult to understand how a whole herd of 3,000 cattle, goats and sheep can be driven away and disappear. All you need is to hop into a chopper and within two hours you are in Pokot or wherever. The speed at which the cattle are driven, sometimes at night, we need to get Nkaiiserry back to work. People used to hear of *rutiriri* that used to happen in Pokot. Any cattle raider who would hear of that--- A chopper would come very near, even if they hid in the bush. It would swirl and for some time they feared and it sort of stopped.

Maybe I will not talk about such punitive measures but how does it happen that people drive cattle? Sometimes the terrain is very difficult for the soldiers on the ground to follow like what happened in Suguta Valley. The temperatures stand at 40 degrees plus. It is completely difficult for somebody from Central Province, who has newly joined the police force, to go to that Valley with his military gear and survive while those raiders only have sometimes *shukas* and they have carried a gun since they were 12. Sometimes it is difficult.

As much as we are looking at the criminals, let us also look at the weaknesses of our security instruments so that we can also see where the weakness is coming from. Some of these things can be prevented.

With those few remarks, I support the Bill. Like all the other Members have said, we will all look at how we can enrich the Bill. We thank the initiator of the Bill, Hon. Sakaja. We will support it.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I now give the Floor to the Member for Mukurweini, Hon. Kabando wa Kabando.

Hon. Kabando wa Kabando: Thank you very much, Hon. Temporary Deputy Speaker. I rise to support this Bill that has been moved by this unique Committee of the two Houses of Parliament. It is the only Committee that is joint and consistently so brings together the Senate and the National Assembly. Therefore, the execution of its mandate becomes easier because consultation between the two Houses is a consistent matter that is done as per the Standing Orders of both Houses. Therefore, this Motion is very timely and necessary.

At the outset, I would like to congratulate Hon. Sakaja who has a very good record of tabling very productive Motions and legislations in this House. Therefore, he is a darling of

many, particularly the young people. Hedging on the economy of the marginal communities broadens that kind of input in the 11th Parliament.

Hon. Temporary Deputy Speaker, cattle rustling existed and unfortunately remains to date. When I was in primary school, I read a book by the late Joseph Karimi and Phillip Ochieng entitled *The Kenyatta Succession*. A whole chapter of that book is dedicated to the so-called *Ngoroko* of the Rift Valley and how the Anti-Stock Theft Unit (ASTU) was manipulated to deal with politics. Whether that is true or not, I do not know. It interested me to read about a very important unit to protect and safeguard a very important economical engagement in a large space of this country, and particularly in a period when Kenya was still healing from skirmishes of the northern parts of Kenya. Even today, cattle rustling mostly occurs in the northern part of Kenya and parts of the Rift Valley that are very remote. To date, these issues have not been resolved.

Just the other day, we were watching a Member of this Parliament running in the forlorn tracks of arid areas of Kenya trying to recover cattle stolen from his ethnic group by a neighbouring ethnic group. A Member of Parliament was armed and he was with his village mates, elders, age-mates and children. They had closed activities in schools and the normal economic engagements in order to chase the raiders and recover their stolen cattle. This is a very serious statement on the need to redress matters as they are today.

Hon. Temporary Deputy Speaker, even some of the issues that are taken to courts today and discussed by communities and here on the Floor of this House have brought disagreements in the Departmental Committee on Administration and National Security because some Members come from some ethnic groups that are not in agreement because of cattle rustling. Therefore, it is necessary to effect the changes as enunciated or as provided for here.

One of the observations one could easily appreciate is that it puts the security apparatus on focus, not condemning them, but criminalising actions of any security officer, specifically police officers, who knowingly fail to prevent the commission of an offence. At this stage of our development when we are dealing with performance contracting or performance rating because we want to reward merit and hard work and knowing that some of these people work in very difficult circumstances with very limited shelter and are exposed to many dangers, it will be very important to rate their occupation or career and the achievements to what they exactly do. Whoever does very good work in preventing theft and assisting communities recover or to improve on community policing should be rewarded. Community policing has been used, for instance, in my area very successfully. The elders are celebrated for preventing some petty crimes in villages in Mukurweini in Nyeri County. This is exactly what should be carried out among these communities.

As we focus on the police force and security individuals, we know there has been disarmament and entitlement to communities. It is also a question of changing the mindset. In some of these areas where cattle rustling occur, even when you talk to their leader without naming names, it is like an occupation. It is like growing cabbages or rearing rabbits and chicken in your area. You do not see the anger. People talk about their ethnic group or that our cattle have been stolen from this or that community. It is not that a crime has been committed.

When coffee is stolen in Nyeri from a coffee factory, it is a serious security issue. The fact that it has not been stopped has not reduced the anger of the local leadership, the chiefs, Members of Parliament and Members of the County Assemblies to deal with these matters. So, elevating the crime and criminalising the culture and stipulating very heavy penalties like 5 or 15 years in jail will communicate to those communities that it is necessary to deal with this matter very elaborately and conclusively.

We also need to deal with the commerce. When cows, sheep and goats are stolen, where are they taken? Does it shock us that in Nairobi, when driving along the Thika Superhighway on a Friday or Saturday we get hundreds of sheep, goats and cows crossing the road without any kind of control? Sometimes they are more than traffic. I ask the Mover of this Bill to consider including a clause where the sale of livestock particularly for meat whether it is slaughtered in people's residences---

Today, I may go to Kitengela or Nyeri and come with five goats or bulls and nobody stops me on the road. If I slaughter them in my house or lease a place to do this, it is not followed. The inclusion will ensure we have a clear inventory of cattle within areas where they are reared, and that we have inventories and data of accounts of meat products in all the outlets in urban centres. This will help capture not only movements of livestock but also movements of livestock products.

I support, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you. I now give the Floor to the Member for Shinyalu, Hon. Anami.

Hon. Anami: Thank you, Hon. Temporary Deputy Speaker. Initially, I had wanted to provide some information to my sister on issues of dowry. Dowry is actually not supposed to be a price pinned on people. I agree with Hon. Millie that humanity is priceless. It is a cultural token that cements relationships. I would like to encourage her to seek dowry for her daughters and pay dowry on behalf of her sons in the cultural sense.

Coming to the Bill---

Hon. (Ms.) Odhiambo-Mabona: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): What is out of order, Hon. Millie?

Hon. (Ms.) Odhiambo-Mabona: Hon. Temporary Deputy Speaker, is the Hon. Member in order to suggest something unconstitutional? He is suggesting that I should accept dowry without asking me to also submit dowry to my in-laws. If he said that if dowry is paid for me and I also pay dowry, then that is constitutional. Dowry in one direction is not constitutional. So, is he in order to suggest to me something that is unconstitutional?

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Anami, I wonder why you wade to a topic that you--- Go ahead.

Hon. Anami: Hon. Temporary Deputy Speaker, wives and husbands do not pay dowries but their communities do and their parents always spearhead this. It is a good debate to undertake.

Coming back to the Penal Code (Amendment) Bill, I would like to register my support for it.

(Hon. Kaluma consulted loudly)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Kaluma before you came in there was a lot of order in the House.

Hon. Anami: We have international instruments that propagate human rights across the board and Kenya is a signatory to them. It is the process of domesticating some of these instruments that is our challenge. This is an opportunity to domesticate some of these international instruments through this Penal Code (Amendment) Bill which we are party to.

I thank Hon. Sakaja for bringing the amendment Bill and I support it entirely.

When it comes to issues of culture, it is a whole host of moral law and it is a basis on which our instruments and laws are based. Culture is widely recognised in our Constitution. We need to come out and protect our culture for sustainable development. We also have signed or ratified conventions that protect our culture especially our intangible cultural heritage. The international convention on integral cultural heritage does not promote cultural practices that undermine humanity. We should use all our energies, as an arm of Government responsible for legislation, to bring down cattle rustling. It is a practice that causes insecurity and degrades human lives. The best way to do this is by involving the communities concerned. I am happy to hear that Hon. Sakaja had a long itinerary where his Committee consulted the concerned communities.

As a very progressive society, we need to come up with alternative coping mechanisms. Why would communities practise such repugnant cultural elements? We need to come up with alternative ways of coping with life for these communities. Actually, we should incorporate aspects in this Bill in the education processes so that the intake by the younger generations is sustainable.

We have established community interventions through programmes like *Nyumba Kumi*, the village elders such as *amaguru* and so on. The irony of the whole thing is that we do not support these systems through the budgeting process and legislation. It is only fair that, as we propose mechanisms like *Nyumba Kumi* where communities are involved, we provide the necessary working tools so that we also provide the necessary motivation for these communities to participate in the spirit of the amendment Bill.

I wish to thank Hon. Sakaja for coming up with this amendment.

I support.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you, Hon. Member. I now give the Floor to the Kisumu County Women Representative, Hon. Rose Nyamunga.

Hon. (Ms.) Nyamunga: Thank you, Hon. Temporary Deputy Speaker. I would like to support the amendments that have been brought by our brother, Hon. Sakaja. In my view, I do not think that some of these practices whether they are cultural and have got a long standing history should be encouraged.

I heard about cattle rustling when I was a young girl growing up. That is still the case today, and it is still a menace amongst some communities. Cattle rustling cannot be condoned in any way. It does not matter whether it is a cultural practice or a game that is practised by some communities. It is wrong and it has caused a lot of pain to very many families. Anytime it occurs, it is women and children who suffer most.

I want to support the proposed amendments because they enhance the penalties in the Penal Code with regard to the same practice. Cattle rustling happens very close to my county, Kisumu. It has been a big problem in Nyakach Constituency and many times, our Member of Parliament for Nyakach, Hon. Aduma, has gone through a lot of pain because of this issue.

This is a rampant practice in Nyakach. I can assure you that cattle rustling has caused a lot of pain to the people of Kisumu County, and in particular the people of Nyakach. Most families headed by women are affected. Most of us know that there are very many women who are now household leaders. There are very many widows in the villages.

If you go to Anding'o area in Nyakach you will find a woman leader by the name Mrs Odek. She has been forced to sleep with her cattle in her bedroom because if she does not do that her animals will be stolen.

So, cattle rustling has brought a lot of suffering to our people. A big penalty should be put on the offence of cattle rustling. It is a practice that, in my view, should be totally done away with. If you look at the way it is done and the way it keeps recurring, I want to believe - I may not be accurate or very right - the security personnel could be part and parcel of this vice. You know for some people cattle rustling is trade. Most of the stolen animals in Kisumu County are herded into Rift Valley. I believe the animals are traded. They are slaughtered and the meat sold in butcheries and subsequently to the same people who are victims of the vice.

I thank my brother, Hon. Sakaja, for bringing these amendments. We want to support this Bill and encourage more amendments that will make it effective. That way, we will help bring to an end this practice, which in my view, is very primitive and has brought a lot of suffering to many people. That is not the way to earn money even if it is a matter of trading in animals. People can earn money from animals in a much better way, but certainly not through cattle rustling because it has brought a lot of sorrow and pain to very many people.

With that, I wish to support the amendment Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you, Hon. Member. I now give the Floor to the Member for Kisauni, Hon. Rashid Juma.

Hon. Bedzimba: Ahsante sana Mhe. Naibu Spika wa Muda. Ninashukuru kwa kupata fursa ya kupenyeza sauti yangu kuhusu suala hili ambalo ni muhimu sana. Kwanza, ninachukua fursa hii kumpongeza Mhe. Sakaja kwa kuleta taratibu hizi za kisheria wakati huu ambapo wizi wa mifugo umeenea.

Hakuna mila ambayo inasema kwamba watu wauawe au waibiane. Hili ni taifa ambalo linaendeshwa kwenye misingi ya sheria. Hakuna mahali humu nchini ambamo sheria za taifa hili hazitekelezeki. Sheria ya nchi ni moja. Kabla wizi wa mifugo kutekelezeka, huwa wanaotenda hilo wana silaha. Wao wanapaswa kushtakiwa kwa kuwa na silaha kinyume cha sheria. Wao hutekeleza wizi wa mifugo kwa kutumia silaha ambazo hazijaidhinishwa. Kwanza wangeshtakiwa kwa kuwa na silaha kinyume cha sheria na kama kumetokea mauaji na wizi, washtakiwe na wizi wa mabavu. Sharti wahukumwiwe vifungo vinavyostahili.

Lakini tumeruhusu wizi wa mifugo kuendelea kwa muda mrefu humu nchini. Ajabu ni kwamba huwa tunasema eti hiyo ni mila ya watu wanaotoka sehemu za wafugaji. Itakuwaje hivyo ilihali katika sehemu nyingine za nchi watu wakiiba kwa nguvu wanashtakiwa kwa kosa la wizi wa mabavu ambalo hukumu yake ni kifo? Kwa hivyo, ninampongeza Mhe. Sakaja kwa kuja na taratibu hizi.

Jana, katika mazungumzo yaliyokuwa yakiendelea hapa, kuna wengine ambao walisimama kuwalaumu maofisa wa usalama kwamba hawatekelezi wajibu wao vilivyo. Mimi nitasema hivi. Wakati mwingine siasa ndiyo chanzo cha hii shida. Kule kunakokuwa na hii shida ni wazi kwamba wafugaji hulinda mifugo wao wakiwa na bunduki aina ya G3 ambayo haina leseni ama bunduki aina ya AK47 ambayo haina stakabadhi. Polisi hushindwa kuwashika kwa sababu tayari tumesema hiyo ni mila ya wafugaji. Hayo ni matatizo sisi wenyewe tumejiletea katika taifa hili.

Mimi nilijaribu kuomba nafasi jana lakini sikupata. Ingawa hivyo, ninakushukuru kwa kunipatia nafasi leo. Mimi nilikuwa askari katika K-Company, 32 platoon. Nilifanya kazi katika eneo la Miti Mbili katika Chepchoina, na tulikumbana na matatizo haya ya wizi wa mifugo. Tunaweza kuwa kwa kambi na ng'ombe waibiwe kwa jirani pengine usiku. Wezi wako na mbinu za kukimbiza ng'ombe kwa dakika mbili na wewe huwezi kukutana nao. Itabidi ufuatane nao kwa siku mbili, wanakunja mkia ung'ombe, wanamtia kijiti huku nyuma, ng'ombe anakimbia hata huwezi kuona mahali yuko baada ya dakika kama kumi.

Vilevile, kuna stesheni za polisi katika hizo sehemu. Yafaa Inspekta Mkuu wa Polisi aambiwe kwamba kuna sehemu wale polisi wanashindwa nguvu na wale wezi wa mifugo kwa sababu wanakuja zaidi ya mia. Pale stesheni ni kichumba kidogo, askari ni watatu, hawajui wapigane nao, wawazuie ama wajifiche. Kwa kweli, wale askari wanaopoteza maisha yao Chepchoina, ama sehemu zingine ni wengi sana.

Kitambo nihamishwe kutoka Chepchoina na kuletwa headquarters Nairobi, nilishuhudia askari zaidi ya watano wa GSU wakiuliwa kule na wezi wa mifugo. Hata hivi tunapozungumza, pengine wanasema kwamba askari hawafanyi kazi. Kuna watu ambao wanaangalia runinga na kulia kwa sababu wazazi wao waliuliwa pale wakiwa kazini.

Ninamshukuru ndugu Sakaja na kusema kuwa kuwe na sheria kali kama ile inatekelezwa sehemu nyingine, na ninakuhakikishia kwamba mambo haya yataisha. Hivi sasa, kwa sababu tumesema mambo ya mila, wizi wa mifugo umeanza kuenea sehemu za Kisumu, Nyanza, na sehemu zinginezo kwa sababu kila mtu amejua ni jambo la kawaida.

Kwa hivyo, ninasema kwamba tuwe na sheria kali na Inspekta Mkuu wa Polisi ahakikishe kwamba maofisa katika sehemu hizo wanalipwa *hardship allowance* kwa sababu wanafanya kazi ngumu sana.

Ninaunga mkono ndugu yangu Mhe. Sakaja. Mungu ambariki kwa sababu wengi watafaidika kutokana na huu Mswada

Asante.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Before I call upon the next speaker, Hon. Member for Emurua Dikirr, you have inserted your card and you are walking out. You are the next speaker because there was no other speaker until you walked in. Are you sure you want to contribute to this particular debate?

Hon. Kipyegon: No, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Okay. Before I call upon the Mover to reply---

Hon. Kaluma: (*Off record*)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): You have not indicated. I have already given notice to the Mover to reply. Before I do that, I want to recognise the national examiners under the leadership of the Headmaster, Kari Primary School in Nyaribari Chache, Kisii County.

You are welcome to the National Assembly.

(*Applause*)

Hon. Sakaja, you can reply.

Hon. Sakaja: Hon. Temporary Deputy Speaker, thank you for this opportunity to reply. I would like to start by thanking the Members who have contributed to this Bill. I listened to each and every contribution from yesterday. Even today, I was listening from outside the Chamber. The contributions that have come through will enrich the work that we are doing to address this issue of cattle rustling with finality. This matter has caused a lot of pain and suffering across this country.

I appreciate the efforts that have gone in there. I want to single out the clerks of my Committee from both the National Assembly and the Senate for the great work they have done. There are certain clerks who were there earlier but they changed. I want to thank all the clerks who have worked on this issue with my Committee.

I want to thank the Speaker for having permitted us to go to certain areas where normally we would not be allowed to go. We were allowed to use choppers, go to all those areas and listen to these Kenyans over a period of time.

I want to particularly single out His Excellency the Deputy President for the work he has done to restore calm in this area. He has gone beyond the normal call of duty. He rallied Members of Parliament, the senators and governors from these areas in 2014 and 2015. They conducted many peace tours which have contributed to the peace that exists in those areas even now.

I also want to thank the Members of Parliament from the North Rift. In every place we have visited, the Members have accompanied us, and many of them have contributed. I will single out a situation when we were in Baringo County where the crowd was very hostile to one of the Members we were with. The crowd did not want him to speak. Despite that, we calmed them down and they were able to listen. It was *Mhe. Asman Kamama*. We agreed because I told them that it is a wound, and for us to heal the wound, it must cause pain. He did not have to accompany us to the next meeting because it was not in his constituency, but he still accompanied us. He preached that message of peace and today, there has never been a single case of cattle rustling in those areas.

I want to thank the administration, from the Regional Commissioner who was there at the time, Mr. Warfa, the county commissioners in the various counties to the chiefs in the areas we have visited.

There is an area called “Mukutanik”. It is also called “Makutano”. It is one location with two chiefs, one from each community. They have decided to draw their boundaries. Those two chiefs have to walk a very thin line to balance the interests of both communities that have refused to let go of that location. It is one location with two chiefs and two different names. They work in hard conditions. They are Kenyans who have given up a lot of luxuries. They could have been posted in Nairobi or Mombasa or Kisumu, but they have stayed there and they are very diligent. I must salute them.

I must salute the doctors posted in Government hospitals in many of these hardship areas for agreeing to take this patriotic call to serve Kenyans in those war-torn areas.

I see light at the end of the tunnel even as I thank the National Cohesion and Integration Commission (NCIC). If you compare the past two or three years with the years before, you will find that there has been a lot of success in dealing with these matters.

Many of the Members who have contributed have said that we need to look at the issue holistically, and we agree as a Committee. We are providing, first of all, for the offence because it was not provided for under the law. It was in different pieces of legislation, whether it was the Anti-Stock Theft Act or the Livestock Act. Now, we are bringing them together. We are making it punitive whether it is rustling, theft, being in possession of stolen goods or moving without a permit. This is because even the transporters are part of this chain. I can say authoritatively, this is no longer a cultural activity. It stopped being a cultural activity. It is an economic activity.

For those who will have time to look at the Report, they will see what KRA gave us in terms of the amount of money and the worth of this industry of livestock. A lot of contribution comes from cattle rustling.

Beyond the punitive measures, we are pushing for improved infrastructure in these areas. I hope and pray that the Members from these counties will at some point read the HANSARD. There is an area we went to where it had taken three days for the bodies of women and children who had been killed to be retrieved. When we talked to the residents, they said they have never

had development. There are no roads and children read under trees. We were very sympathetic. This is the case and yet we have had the National Government Constituencies Development Fund (NGCDF) money going to every constituency for more than 10 years.

Many constituencies in the North Rift, because of the land size and the poverty index get the highest allocation of the NG-CDF. We have now had devolution for four years and these counties receive the highest allocation in terms of devolution. There can never be an excuse in the years to come why children still read under trees when the national Government has provided money through the NG-CDF and the transfer to counties.

Many times we accept the perpetration of this victim mentality: That because we are from these areas, we should not be held to account and yet we have heard many of these governors buying hotels in Nairobi and many are also involved in corruption. They have become fabulously wealthy because they can always say that they are marginalised or they have been marginalised. The story of marginalisation in Kenya must end. In fact, there is probably more marginalisation in areas in Nairobi in terms of access to water and food. The levels of poverty are high, but many hide behind the veil and say that because they are from Mandera or Turkana, they are marginalized and yet they receive the third highest allocation. We are saying enough is enough. It is time that these communities - I remember someone was saying and I repeat - moved from stock theft to the stock exchange.

We need to modernise livestock farming. A small country like Botswana cannot be making much more economically out of livestock farming than Kenya does and yet we have better resources to convert and transform the lives of our people through modern livestock farming.

I want to thank the Director of Veterinary Services who has consistently moved with the Committee in these areas and attended our meetings. He shared with us the bolus technology, for example, where we can track animals. Instead of just marking the animals like my friend Hon. Muthomi Njuki does in Chuka-Igambang'ombe, the bolus technology is a chip that is put either on the rumen or the reticulum of a cow. You can always tell by using the GPS where your cows are. Everybody has full technology today because it has moved across the country. We can use the bolus technology.

Hon. Temporary Deputy Speaker, we can also teach them how to do more sustainable bee farming. You will be shocked that in Kenya we still export blue hides and process leather. Once you export processed leather, the value of a cow goes up by more than 10 times. In fact, leather alone is more valuable than the entire meat that the cow has. I think we need to do much more in transforming these societies.

As I said, and I am glad some Members have pointed to that, we must look at the security agencies. We have proposed measures to be taken in the Report of the Committee. We have seen there are some instances where certain members of the security forces stay for too long in those areas, get accustomed to that culture and suddenly start cooperating. It is very interesting. We had a meeting in Baragoi to discuss the issues between the Turkana and the Samburu in Baragoi. One of the communities---

(Technical hitch)

What happened?

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Go ahead.

Hon. Sakaja: I am sorry I have not seen any light go on. One of the communities, and I will not specify, told us that they are tired of the security agencies because they are very bad, they are biased and they are involved in cattle rustling. In the next room, we had the other community and the minute we walked in they said that the security officers are the best and their salaries must be increased because they are doing an excellent job. Why would two people in the same area have a diametrically opposed view on the effectiveness of security agencies? It obviously says that there could be bias and certain culpabilities. There are many cases where we have seen individuals being enriched personally with the cattle rustling menace.

Hon. Temporary Deputy Speaker, cattle rustling is what has led to proliferation of arms. The young people in these areas are now transforming from cattle rustling to thugs because they have guns which find their way into big towns. Many of these guns are brought into the country through Ethiopia, South Sudan and Uganda. I am glad that the President of Uganda has done a lot to stop that from that side. So, a lot of proliferation of arms is from South Sudan and Ethiopia.

I am glad today that the CS for Interior and Coordination of National Government is addressing issues of border cooperation in Mombasa and this is one of the issues. I spoke to him and told him he must make it clear, especially to our counterparts in Ethiopia and South Sudan that in as much as they are having some troubles right now, let them not bring that mess into Kenya.

Hon. Temporary Deputy Speaker, the young people in Loruk and Nginyang told me that they are ready to be engaged productively because they have energy. They also told me that they do not need to be trained even when they are recruited into the Kenya Defence Forces (KDF) or the Kenya Police. This is because they already know how to use those guns. But they want some quota systems once they leave the guns. I must thank Hon. Lomenen and his counterpart across the border in Pokot because there are joint peace committees now. These warriors are now walking together and singing together.

You might not appreciate the gravity of this, but only a few years back it was taboo for a Turkana to be seen with a Pokot. A few years back, a Pokot who would bring the head of a Turkana would be a hero, but if he were to touch his neighbour in Pokot he would be a villain. So, a lot of progress has been made by our Members of Parliament. Let us look at how we can integrate the young people into the society and into our security systems once they have been trained and properly conditioned to do that.

We must look at the economic aspect in these areas and I am glad Members have raised that. I have talked about the amount of money that goes into those counties. However, we must also look at how we can have UWEZO Fund in every constituency. I am not a single-Member constituency. Every constituency has received UWEZO Fund a couple of times. However, we are talking about the last allocation.

(Hon. Kipyegon gestured to Hon. Sakaja)

I am not addressing you but Hon. Temporary Deputy Speaker.

Why are we not getting the amount that is sent through UWEZO Fund to those young people? I am glad a cleanup is being done on the Youth Enterprise Development Fund (YEDF). We hear there is an issue within this Fund, and money is being embezzled in Nairobi and yet this is the money that can address cattle rustling in the North Rift. So, let us ensure that the money we are sending--- We have fought here together to ensure that a Bill that gives 30 per cent

allocation of opportunities to these people was passed. The young people can be trained, helped and coached to supply things to county governments and the national Government.

Hon. Temporary Deputy Speaker, I thank Members for the comments they have raised. This will go a long way in slowing down cattle rustling. This is not the only thing we are doing. We are also doing other things. I would like to ask Members to come up with proposed amendments. We have said that the offenders should get a minimum sentence of 15 years for cattle rustling. It cannot be getting elders to sit together around a fire and exchange cows when women have been raped, people have been killed and houses have been torched. Let us make it punitive. Let us also see how we can rehabilitate those communities and move them into other areas of productive life.

Thank you, Hon. Temporary Deputy Speaker. We will also go to the Departmental Committee on Justice and Legal Affairs because it is amending the Penal Code. We will look into their proposals before the Third Reading.

I beg to reply.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you. Hon. Sakaja, the challenge is not in putting in place good laws but the challenge is in the implementation aspect. Let your Committee also look at how the implementation of this will happen so that the people you visited know that you have done some good work for them. I thank you. I also thank the Joint Committee on National Cohesion and Equal Opportunity for the good work.

Hon. Members, we can now move on to the next Order.

THE LAND VALUE INDEX LAWS (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): The Leader of the Majority Party is not available to move the Bill. So, we will defer it to another day.

Let us move on to the next Order.

(Bill deferred)

THE NATIONAL HONOURS (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): On this Bill, the Chairman of the Departmental Committee on Administration and National Security is not available. He had made that known to the Speaker. So, we will also defer this Bill.

(Bill deferred)

Let us move on to the next Order.

MOTIONS

ADOPTION OF THE REPORT ON INVESTIGATION INTO WILDLIFE POACHING IN KENYA

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on the Investigation into Wildlife Poaching in Kenya, laid on the Table of the House on Thursday, October 01, 2015.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Again, we do not have the Chairperson of the Departmental Committee on Environment and Natural Resources or her Vice-Chair. So, we will defer the Motion.

(Motion deferred)

Next Order!

ADOPTION OF REPORT ON INVESTIGATION
INTO GARISSA UNIVERSITY COLLEGE TERRORIST ATTACK

THAT, this House adopts the Report of the Departmental Committee on Administration and National Security on the Investigation into the Garissa University College Terrorist Attack, laid on the Table of the House on Tuesday, November 17, 2015.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Again, the Chairperson of the Departmental Committee on Administration and National Security is not available. The Motion will be put in the next Order Paper.

(Motion deferred)

ADOPTION OF REPORT ON PROCUREMENT
OF APRON BUSES BY KAA

THAT, this House adopts the Report of the Departmental Committee on Transport, Public Works and Housing on the Inquiry into the Procurement of the Apron Buses by the Kenya Airports Authority, laid on the Table of the House on Thursday, November 19, 2015.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): This Motion is supposed to be moved by the Chair of the Departmental Committee on Transport, Public Works and Housing. Is he or the Vice-Chair in the House?

Hon. Members: They are not here!

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): We will also defer this Motion. The Motion should be put in the next Order Paper.

(Motion deferred)

Next Order!

ADOPTION OF REPORT ON IMPORTATION
OF FERTILIZER THROUGH NCPB

THAT, this House adopts the Report of the Departmental Committee on Agriculture, Livestock and Co-operatives on the Inquiry into the Importation of a Consignment of Fertilizer by the Ministry of Agriculture, Livestock and Fisheries through the National Cereals and Produce Board, laid on the Table of the House on Tuesday, November 24, 2015.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Is the Chairperson of the Departmental Committee on Agriculture, Livestock and Co-operatives here? He is also not in the House.

Hon. (Ms.) Odhiambo-Mabona: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Yes, Hon. Millie. Are you a Member of the Committee?

Hon. (Ms.) Odhiambo-Mabona: Thank you, Hon. Temporary Deputy Speaker. I am a Member of the Departmental Committee on Agriculture, Livestock and Cooperatives. The Chairman was here for too long. Perhaps, when he looked at the business on the Order Paper, he presumed that we will not get to his Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): You are right. I saw Hon. Savula Angatia.

Hon. (Ms.) Odhiambo-Mabona: Yes, he was here for a long time. But my concern is that Members have been sitting here to debate very serious issues on the Floor. I think it will be in order for the House leadership to read the riot act to the chairpersons of committees that if they are not able to undertake their tasks, they should resign and let other Members take over. I know this is a very serious period. Even if it is not officially campaign time, many Members are already in their constituencies. But the work of the House must continue.

So, perhaps, the House leadership could take that matter up.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I totally agree with you, Hon. Millie. We have noted those sentiments. They will be passed on to the right people. I agree with you.

About the Chairman of the Departmental Committee on Agriculture, Livestock and Cooperatives, I saw him. As you are saying, I think he looked at the Order Paper and thought we might not get to his Motion. The only other person I have apologies from is the Chairman of the Departmental Committee on Administration and National Security. So, those sentiments are noted, Hon. Millie.

Because the Chairman of the Departmental Committee on Agriculture, Livestock and Cooperatives is also not here, we will defer the Motion on Order No. 19 and move on to the next Order.

(Motion deferred)

ADOPTION OF REPORT ON DEGAZZETEMENT OF GOVERNMENT
LAND BELONGING TO CHORLIM COOPERATIVE SOCIETY

THAT, this House adopts the Report of the Departmental Committee on Lands on degazettement of Government Land belonging to Chorlim Co-operative Society, laid on the Table on Tuesday, December 2, 2014.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): The Chairperson of the Departmental Committee on Lands is also not in the House. So, we also defer this Motion.

Just to put it on record, we will raise concerns with the chairs of committees to be available. This is especially at this time when we are about to go for the Christmas break. We should, at least, do as much work as possible.

(Motion deferred)

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, the time being 5.41 p.m., this House stands adjourned until tomorrow, Thursday 24th November 2016, at 2.30 p.m.

The House rose at 5.41 p.m.