

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 10th February 2016

The House met at 9.30 a.m.

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

PRAYERS

QUORUM

The Temporary Deputy Speaker (Hon. Cheboi): Order Members! I think we do not have quorum. I, therefore, order that the Bell be rung for ten minutes.

(The Quorum Bell was rung)

Order Members! Could Members resume their seats? We now have quorum. Therefore, we will begin business.

STATEMENT

The Temporary Deputy Speaker (Hon. Cheboi): Do we have anybody with a Statement?

Hon. Wandayi: Yes, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Proceed, Hon. Wandayi.

Hon. Wandayi: Thank you, Hon. Temporary Deputy Speaker for your indulgence. In a matter of five days, the Independent Electoral and Boundaries Commission (IEBC) will supposedly commence a process of voter registration.

The Temporary Deputy Speaker (Hon. Cheboi): Order, Hon. Wandayi!

Hon. Wandayi: Hon. Temporary Deputy Speaker, I want you to give me a chance--

The Temporary Deputy Speaker (Hon. Cheboi): Of course, I will give you a chance if I know what you are rising on. We are doing Statements and I expect you to stick to that.

Hon. Wandayi: Hon. Temporary Deputy Speaker, I am coming to that. My issue is directed at the Departmental Committee on Justice and Legal Affairs. However, the most important thing is that in about five days, the IEBC is supposed to start the process of voter registration countrywide and yet we are being told that they are not ready in terms of materials and resources. I expect this to be the first business of this House because elections are very important.

The Temporary Deputy Speaker (Hon. Cheboi): Just to be clear, Hon. Wandayi, because I do not want to interrupt you, I really want to know whether you are rising on a point of order.

Hon. Wandayi: Hon. Temporary Deputy Speaker, I rise on a point of order touching on the Departmental Committee on Justice and Legal Affairs. If you indulge me just for one minute, I will prosecute my matter.

My issue is that in a matter of five days, this process is starting and essentially, the journey to 2017 will start in earnest. Elections are such an important matter that the way it is managed right from the time of registration is critical. I expect that you guide us on this matter. If it is possible, the Committee on Justice and Legal Affairs could be directed to make a Statement before the House on this matter. If, for instance, we start this process without the preparedness that is necessary, are we in effect trying to set ground for malpractices or for rigging of elections? If we do not get this thing right from the very beginning, we shall be starting a journey which will lead this country to doom.

Therefore, I want you to guide us or make a directive through the Departmental Committee on Justice and Legal Affairs that the IEBC Chairperson appears before this House. In fact, he should come to the plenary and make a categorical statement whether they are prepared or not. If they are not prepared, the country should know. If they want money, let this House make an attempt to avail the money at the very first instance before that exercise commences.

The Temporary Deputy Speaker (Hon. Cheboi): Your point is made, Hon. Wandayi. There are two things. One, I will not give any directive or guidance, but I will tell you that I am aware that the Chairman, IEBC appeared before the Departmental Committee on Justice and Legal Affairs. I am also aware that he will appear before another Committee of this House next week. What you should do, Hon. Wandayi, is to take your concerns to that particular Committee. I know the Chair of the Departmental Committee on Justice and Legal Affairs will be informed so that whenever there will be that kind of meeting, you will also be asked to make a presentation. Obviously, that is a matter of national importance. Therefore, I am sure it will be treated with a lot of interest by everybody. So, Hon. Wandayi, you probably will have to hold on your horses, but your point has been made.

We will not open that for debate. In fact, I had not noticed that you were rising on a point of order. Otherwise, I would have given you a chance in a different manner.

PROCEDURAL MOTIONS

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, just to guide the House, we will have a series of Procedural Motions. Probably, they will be eight and they will basically guide the limitation of debate on Bills and Motions. We do not intend to take a lot of time on this because under Standing Order 97(4), Members can still modify whatever they pass at this point any time during the Session. So, we will be very brief. In fact, we should take a maximum of 20 minutes on each Procedural Motion. So, we will limit debate to a few Members - one or two - and then we make decisions. These are basically Procedural Motions. The Leader of the Majority Party, could you please prosecute the first one?

LIMITATION OF DEBATE ON BILLS SPONSORED BY PARTIES/COMMITTEES

Hon. A. B. Duale: Hon. Temporary Deputy Speaker, I beg to move the following Procedural Motion:-

THAT, notwithstanding the provisions of Standing Order 97(4), this House orders that each speech in a debate on Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.

These are small Procedural Motions that we usually do at the beginning of every Session every year. This being the fourth year, before we go into the serious business of the House, we are just setting the rules of the game. It is like football. These are the hours indicating half time. This is just a procedure that we do every year. I ask Hon. Chrisantus Wamalwa to second.

I beg to move.

Hon. Wakhungu: Thank you, Hon. Temporary Deputy Speaker. This being a Procedural Motion, I rise to second it. There is no big deal for us to waste much time on. It is just setting the rules of the game. I humbly request other Members that we do not waste time on this. We should just move quickly. We should not even spend 20 minutes but five minutes on each Motion.

I second.

(Question proposed)

Hon. Members: Put the Question!

The Temporary Deputy Speaker (Hon. Cheboi): Do you want me to put the Question?

Hon. Members: Yes.

The Temporary Deputy Speaker (Hon. Cheboi): I will proceed to do so.

(Question put and agreed to)

LIMITATION OF DEBATE ON INDIVIDUAL MEMBERS' BILLS

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, I beg to move the following Procedural Motion:-

THAT, notwithstanding the provisions of Standing Order 97(4), this House orders that each speech in a debate on Bills not sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party be limited as follows:- A maximum of three hours and thirty minutes, with not more than thirty (30) minutes for the Mover in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party who shall be limited to a maximum of fifteen (15) minutes each; and that priority in speaking

be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

Again, this is about setting the rules for specific Bills which are not sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party. This category includes Bills sponsored by individual Members.

I beg to Move and ask Hon. Chris Wamalwa to second.

Hon. Wakhungu: Thank you, Hon. Temporary Deputy Speaker. As I rise to second this Motion, I want to mention to the House that I was in London at the start of the year to attend some training on whipping. Lucky enough, I was privileged to be with Hon. Duale. Something we learnt in London is that when it comes to speaking, party whips from either side of the House normally give the Speaker a priority list of their speakers depending on their competence and preparation. As we move on, my humble request is that this practice be implemented here so that when we are discussing a matter, for instance, the Whip of the Minority Party can give you a list of preference of Members to speak, maybe to present the stand of the party.

I thank you, Hon. Temporary Deputy Speaker. I second the Procedural Motion.

(Question proposed)

Hon. Members: Put the Question!

The Temporary Deputy Speaker (Hon. Cheboi): Order Members! I will give an opportunity to two Members to speak very briefly before I put the Question. I will start with Hon. Makali.

Hon. Mulu: Thank you, Hon. Temporary Deputy Speaker. I support this Procedural Motion but, even as I support it, I want to make some observations. A Private Member's Bill is very serious. Generally, Bills are serious matters in this House. As we pass this Procedural Motion, it is important that we realise that it takes a lot of research for a Member to come up with a Bill.

At the same time, as we agree on these timelines, it is important to also think about the quality of debate. I have realised at times that the 10 minutes might not be enough for Members who have done proper research on Bills. I like what you said earlier that depending on the nature of a Bill, at times the House may make some amendments to these resolutions. I support the Procedural Motion with those observations.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Let us now have the Member for Marakwet East.

(Hon. (Ms.) Kajuju stood in the gangway)

Members should not stand in the alleys. Hon. Kajuju, you are interfering with the view of the Speaker.

Proceed, Hon. Bowen.

Hon. Bowen: Thank you, Hon. Temporary Deputy Speaker. I rise to support the Procedural Motion. The minutes allocated are enough if Members can read through the Bills before they are debated in this House. We should encourage ourselves to read the Bills before

they are tabled in the House so that it becomes easier to pick points to avoid repeating ourselves a lot.

I support the Motion, Hon. Temporary Deputy Speaker.

(Question put and agreed to)

LIMITATION OF DEBATE ON MOTIONS

The Temporary Deputy Speaker (Hon. Cheboi): The Leader of the Majority Party.

Hon. A. B. Duale: Thank you, Hon. Temporary Deputy Speaker.

(Hon. Kaluma consulted with Hon. Bosire and Hon. Arama)

Hon. Kaluma is distracting the House by conducting a meeting with the Members of the Kisii caucus.

The Temporary Deputy Speaker (Hon. Cheboi): Order, Hon. Kaluma. Kindly resume your seat so that the Members can listen to the Leader of the Majority Party.

Hon. A.B. Duale: We congratulate the newly elected Orange Democratic Movement (ODM) Organising Secretary for Homa Bay County, Hon. Kaluma.

Hon. Temporary Deputy Speaker, I beg to move the following Procedural Motion:-

THAT, notwithstanding the provisions of Standing Order 97(4), this House orders that each speech in a debate on any Motion, including a Special Motion be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

Hon. Temporary Deputy Speaker, I beg to move. I kindly request the Chairperson of the Departmental Committee on Justice and Legal Affairs to second the Procedural Motion.

Hon. Chepkong'a: I thank you, Hon. Temporary Deputy Speaker. I rise to second the Procedural Motion by the Leader of the Majority Party. This is a very important Motion in the sense that it provides for the time limit within which every Member should contribute, in particular the Leader of the Majority Party, the Leader of the Minority Party and the Chairpersons of Departmental Committees.

I want to single out the Chairpersons of Departmental Committees because they require adequate time to state what Members discuss in various Committees. As you know, every Member in this House belongs to a Committee. It is important for Chairpersons of Committees to bring to the House the issues that are brought by each Member in the Committees. Therefore, as we think about the chairpersons and the Leader of the Majority Party bringing issues that have been debated in the committees, it is important that we consider all Members, particularly those on the opposite side who have been removed. I would like to ask you to be attentive to this. I know that the other Speaker is also speaking to you.

The Temporary Deputy Speaker (Hon. Cheboi): Order Hon. Chepkong'a! We are consulting. You are totally out of order!

Hon. Chepkong'a: I am sorry, Hon. Temporary Deputy Speaker. I know that you are the one who keeps order but I was just alerting you to the issues that I was raising. As you know, we are extremely magnanimous. I wanted Hon. Kajwang', who is also a Speaker, to hear this. As we walk along this wall, some of us must do good to all people. As you know, I am the Chair of the Departmental Committee on Justice and Legal Affairs and a member of Constitution Implementation Oversight Committee (CIOC). I can see Hon. Mwadeghu and he knows that he could also be a victim in future.

The Temporary Deputy Speaker (Hon. Cheboi): Order, Hon. Chepkong'a! You will not be preaching now. You will have to restrict yourself to seconding the Motion. It has to be brief because we have agreed.

Hon. Chepkong'a: I am not preaching, Hon. Temporary Deputy Speaker. I am seconding the Motion in a very serious manner. I am saying that Members must be accorded opportunity to participate in every committee. Therefore, being very magnanimous, I have spoken to the Leader of the Majority Party and he has agreed that I donate one of my seats to one of those Members who have been unfairly removed from committees by the CORD. I am willing to surrender my seat at the CIOC to Hon.(Ms.) Chidzuga.

In my community, we do not fight women but the other group here does that. Anyway, I have spoken to the Leader of the Majority Party and he has agreed. We want to rescue some of the members who have been thrown into oblivion so that they can also participate in the debates of the House.

The Temporary Deputy Speaker (Hon. Cheboi): Order Hon. Chepkong'a! Which one did you say you are willing to surrender? Is it the Chair of the Departmental Committee on Justice and Legal Affairs or the membership of the CIOC?

Hon. Chepkong'a: The membership of the CIOC, Hon. Temporary Deputy Speaker. In particular, I am singling out a lady because in the community I come from, we do not fight women. However, I see men on the opposite side fighting women. It is very unfair. A curse can befall them. In fact, I have been fearing that women could strip.

The Temporary Deputy Speaker (Hon. Cheboi): Are you on a point of order the Minority Party Whip? What is the point of order? Are you refusing the donation from Hon. Chepkong'a or you want to give it out quickly?

Hon. Mwadeghu: Mhe. Naibu Spika wa Muda, ninaomba nimuulize mwenzagu wa upande ule mwingine, Mheshimiwa Chepkong'a, kama kweli ana uwezo na mamlaka ya kuachia mtu mwingine nafasi yake ya uanachama kwenye kamati ya Bunge. Uwezo huo ameutoa wapi? Hana uwezo wa kufanya hivyo kwa sababu huo uwezo uko Bungeni. Kwa hivyo, asijitwike mamlaka ambayo hana. Amejibandikia mamlaka ambayo si yake. Watu hao wanaitwa, kwa lugha ya mtaani, wezi. Hawezi wala hana huo uwezo na hatakuwa na huo uwezo kwa sababu uwezo huo ni wa Bunge hili.

The Temporary Deputy Speaker (Hon. Cheboi): Order! Hon. Chepkong'a was not in any way pretending to have power. He was simply being a little philanthropic by saying that he is willing to resign as a Member of the CIOC and request the Leader of the Majority Party to consider initiating the process of giving that slot to the Hon. Member. That is what I thought. The Leader of the Majority Party is in the Selection Committee. He can dispose that, in conjunction with you. What is surprising me a bit Hon. Members is that the Leader of the

Minority Party is blatantly saying that he is not willing to take up that matter, on behalf of his Members, which is okay.

Let us proceed with our business. We will not open that discussion for too long. Hon. Chepkong'a has seconded the Procedural Motion. So, I am proposing the Question.

(Question proposed)

I will give two Members an opportunity to contribute on each Procedural Motion. I will start with Hon. Nyikal before coming to the right side of the Speaker.

Hon. (Prof.) Nyikal: Thank you, Hon. Temporary Deputy Speaker. As I rise to support this Procedural Motion, I want to raise an issue generally of Bills, particularly during the Second Reading. I have noticed many times that we do not get committee reports. We go to Second Reading and discuss very important matters when the reports of the relevant departmental committees have not been brought to the House. I know that Standing Orders allow that we can continue with the discussions even without committee reports. However, I know that many times Members may not have time to go into a lot of details. Committee reports guide people. In future, we should make an effort to ensure that as we proceed to the Second Readings of Bills, we have reports from the relevant departmental committees.

It is also important to note that many matters end up in court after this House has passed some Bills. They are challenged in court and sometimes the litigants succeed. That indicates that there are points which the House misses. Those are the things that committee reports should bring out and guide the House.

I am making a very important point through the Hon. Temporary Deputy Speaker, so that Hon. Members can be informed on the Bills that are passed by this House only for the courts to subsequently establish that this House erred. If we have a committee report accompanying every Bill during the Second Reading, it would minimise such cases.

Hon. Temporary Deputy Speaker, may I also wade through the murky issue of parties whipping their members in his House since other members have been allowed to do so. Since there is the provision that mandates political parties to pick their Members who will be sitting in the committees of this House, it is in bad taste for members from the other side to impute improper motive and create bad blood amongst the members on this side. Such sentiments cast other parties in bad light. They erode the wisdom that informed the decision to mandate each political party to decide who sits in which committee. I do not think it is the mandate of any political party to ask another political party why it acted in a given manner. Party loyalty is important. I know that the Jubilee Coalition is very keen on this matter. The Leader of the Majority Party particularly is very keen on the issue of absolute loyalty to their coalition. The same must apply to the CORD coalition so that we can have absolute loyalty to our party.

The Temporary Deputy Speaker (Hon. Cheboi): Order! I want to give an opportunity to Hon. Chepkong'a. I can see that he wants to rise on a point of order. Please Members, let us restrict ourselves to what is before the House.

Hon. (Prof.) Nyikal: Hon. Temporary Deputy Speaker, I have made my point.

Thank you very much.

The Temporary Deputy Speaker (Hon. Cheboi): What is your point of order, Hon. Chepkong'a?

Hon. Chepkong'a: Hon. Temporary Deputy Speaker, I rise pursuant to Standing Order No.83. Is it in order for the Hon. Member for Seme, Prof. Nyikal, who is a former Principal Secretary and Director of Medical Services, to impute improper motive on an offer that was made without any malice? As you know, the Jubilee side is very philanthropic in the manner in which it deals with the other side.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Chepkong'a, you were doing very well until you said that the Jubilee side is philanthropic. I thought it is not Jubilee which seeks to donate seats; it is you.

Hon. Chepkong'a: Hon. Temporary Deputy Speaker, I am a member of the Jubilee Coalition. Is it in order for Hon. Nyikal to impute improper motive on my party when you know that I am very considerate towards the Members who have been whipped? I am including Hon. Nyikal in the event that he is also removed from his committees, which is very possible. I am also willing to donate to him my seat.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Chepkong'a, your point has been made. I will give Hon. Pukose an opportunity to contribute on this Procedural Motion and then I put the Question. I will give an opportunity to two Members to contribute on each Procedural Motion.

Hon. (Dr.) Pukose: Thank you, Hon. Temporary Deputy Speaker for allowing me to contribute to this is very important Procedural Motion regarding how long we should debate special Motions. It is helping us understand how much time each person should spend contributing. There is an issue that was raised by the Minority Deputy Whip about the whips having priority in terms of who should speak from each side.

That is a practice that we cannot allow in this House. They learnt it in Britain, but I do not think it is the right way because each Member in this House has equal opportunity to represent his constituents. Nobody is less important than the other. Each one of us represents diverse constituents and we should air out views that pertain to them. If the whips are given opportunity to decide who speaks here and make a list to that effect, then we are going to be black-mailed by the whips and that will not be a good practice in this House.

With those few remarks I support.

The Temporary Deputy Speaker (Hon. Cheboi): Okay, I will put the question.

(Question put and agreed to)

LIMITATION OF DEBATE ON COMMITTEE REPORT

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, I beg to move the following Procedural Motion:-

THAT, notwithstanding the provisions of Standing Order 97(4), this House orders that, each speech in a debate on a Report of a Committee, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House, be limited as follows: - A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a

maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

I beg to move and ask the Minority Whip, Hon. Mwadeghu to second.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Mwadeghu, have you placed your card?

Hon. Mwadeghu: Asante sana Mhe. Naibu Spika wa Muda. Nikiunga mkono Hoja hii ya kawaida, ninaomba nichukue nafasi hii kufafanua mawili au matatu. Hoja hizi zinaletwa wakati Kamati mbili za Bunge zimeshikana ili kutoa mchango wao kwa jambo lo lote ambalo limeletwa Bungeni. Ripoti hiyo ikiletwa Bungeni, ni muhimu kila Mbunge apatiwe nafasi ya kutoa mchango wake kwa Hoja hiyo.

Hii ndio maana Kiongozi wa walio wengi Bungeni anapendekeza kuwa yule ambaye ameleta Hoja apatiwe dakika sitini na Wabunge wengine wapatiwe dakika kumi kutoa michango yao kwa Hoja hii. Ninaomba pia ieleweke kuwa litakuwa jambo ambalo limekwisha changiwa katika Kamati za Bunge na Wabunge wakatoa maoni na mapendekezo yao na lile ambalo litaletwa hapa Bungeni ni jambo ambalo lishakubalika. Hapo ndipo Wabunge watapata nafasi ama ruhusa ya kulichangia na kuweka msimamo kuhusu jambo hilo.

Nikimalizia, kuna jambo ambalo ninaona linataka kuenezwa hapa ambalo si sahihi. Inaonekana kuwa labda tunataka kufurusha wenzetu upande huu wakimbie upande ule mwingine ama tunawaadhibu. Ninaomba ikubalike wazi kuwa wengi wetu ambao tuko hapa, mbali na wale wachache ambao walikuja Bungeni na tiketi za ubinafsi, tumeletwa na tiketi ya chama. Kabla ya kuingia Bungeni, wengi waliweka sahihi wakikubali masharti ya chama.

The Temporary Deputy Speaker (Hon. Cheboi): This will be the last chance for any Member to speak anything outside this. I am giving you the opportunity because I realise Hon. Chepkong'a got an opportunity in that direction. However, this will be the last one.

Hon. Mwadeghu: Ninashukuru, Mhe. Naibu Spika wa Muda. Umeamua na usawa. Ninaomba ieleweke kuwa kama umefuata sheria, zifuate mpaka mwisho. Sheria zetu za Bunge zinampatia Kiranja wa Bunge nafasi kama ameagizwa na chama chake kuomuondoa mtu mmoja kutoka kamati. Isije ikawa kuna watu ambao wanataka kupeana adhabu.

Ninaunga mkono Hoja hii bila tatizo lo lote.

The Temporary Deputy Speaker (Hon. Cheboi): Order! I will, therefore, propose the Question.

(Question proposed)

I will give a chance to two Members. Be brief. I do not know whether to give the "Organizing Chairman" or the Chairman himself. I will give this chance to the Member for Suba, Hon. Mbadi.

Hon. Ng'ongo: Thank you, Hon. Temporary Deputy Speaker. Even though I do not know the organization you are referring to, if it is the ODM---

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Kaluma told me that he is an "Organizing Chairman" somewhere. But, proceed, Hon. Mbadi.

Hon. Ng'ongo: Hon. Temporary Deputy Speaker, if it is the ODM, we do not have such a position, but I agree that the great Member for Homa Bay Town is actually the Organising Secretary of ODM, Homa Bay County.

Let me take this opportunity, first, to wish the substantive Speaker, the rest of the Speakers Panel and my colleagues a Happy 2016. My Whip is distracting me. I know 2016 is going to be a very busy year for those of us who want to seek re-election and I am sure over 90 percent of the Members in this House want to come back to this House, be Senators or even governors.

I want to contribute to the Procedural Motion very briefly. First of all, I want to support this Motion. In my discussion with Hon. Kaluma, we were just arguing whether a Member requires 60 minutes to move a Motion on a report of a committee. I was telling him that some committee reports are very detailed and of such significance and importance that it requires proper canvassing for the Members to be persuaded to vote either way. For committee reports, especially where a committee has done a thorough job in terms of investigation or even reports of Committees like the PAC or the PIC which come once in a year or half yearly. This requirement is, therefore, good.

I only want to make a contribution with regards to the time allocated to Members to speak on reports or Bills. We need to ask ourselves very difficult questions. This House is going to be on record as the House that has legislated and passed Bills which have been challenged in court in record time.

Hon. Temporary Deputy Speaker, for the first time in the history of this country, many Acts of Parliament have been challenged in courts on matters of constitutionality. The worst part of it is that the verdict of the courts has been to the detriment of this House in terms of indicting us and in terms of quality. My plea to Members of this House is that it does not matter how many Members speak to a Bill. What matters is the quality of that debate. It is high time that two things are done. The first one is that the Speakers Panel and the Speaker on the Chair needs to look at the subject matter of debates and use his discretion at times to decide on which Members can speak to a Bill to enrich debate on those Bills, and also enrich the Committee of the whole House in terms of contribution. If it is a matter that touches on legal issues, however much experienced I am and however eloquent I may be, I would not compare myself, for example, to Hon. Kajwang' or Hon. Opondo Kaluma who are lawyers by profession. But when it comes to matters of economics and finance, again, my colleagues cannot match my depth in understanding. So, that is my plea.

Finally, I have heard my Deputy Chief Whip plead that there is a practice out there and many of us have learnt it. When it comes to contribution, the Speaker should allow the two main coalition parties to propose the first three speakers to a Bill because Kenya is a multiparty democracy. If you read the Chapter on The Republic, you will find that it starts with defining Kenya as a multiparty democracy. It means that parties are recognised as integral parts of our democratic space as a country. Therefore, it is important for us to understand the thinking of the various coalitions and the thinking of the various political players. It is important that parties propose, at least, the first three speakers so that we again allow the discretion of the Speaker and other Members, who probably, would want to enrich debate to participate. I do not think it is out of the ordinary for parties---That is why we have the Leader of the Majority Party and the Leader of the Minority Party being given preference in contribution.

In fact, if you look at the United Kingdom (UK) system, you will find that they have what they call ranking members. So, for any committee report presented in the House, after the Chairman moves it, you would have a ranking member - someone from the Opposition to contribute to that particular Bill. If it is the Budget, for example, you would have Hon. Mbadi,

obviously, as a ranking member. I would make contribution as if it is a shadow minister for finance because this is not a parliamentary system. It is a presidential system and so you would call him a ranking member.

In my view, there is nothing wrong. This is a Commonwealth practice. It is practised in many jurisdictions. I do not see why Members should have a problem with it. All Members are equal but, we must also recognise that parties have positions. At times you get embarrassed when a party has a position and a Member speaking purportedly on behalf of that coalition is speaking as though he is speaking for another coalition. That is not enriching debate. It is not a question of arguing. The question here is that we want to hear both sides of arguments. That is what is called "debate". It is not just a matter of passing---

The Temporary Deputy Speaker (Hon. Cheboi): You have finalised the relevant bit of your contribution Hon. Mbadi. Now, let us leave that last bit. We can handle it in another forum. We have, for example, the Leadership Retreat in which Members can bring up these issues. It can, of course, also be debated in other informal forums because we cannot make decisions on some of these things now. As presiding persons, sometimes we are in between the rock and the hard place. It becomes difficult for us to skip the ranking as we see it here. So, let us look for another forum.

Hon. Ng'ongo: Hon. Temporary Deputy Speaker, I was not seeking for any determination or ruling now. I was just making a contribution which the Speaker can consider. You can take it or reject it, but it is my contribution.

Thank you, Hon. Temporary Deputy Speaker. I support.

The Temporary Deputy Speaker (Hon. Cheboi): We will consider it in other forums. We are beginning to take too long. I will proceed and put the Question on this Procedural Motion.

(Question put and agreed to)

LIMITATION OF DEBATE ON THE PRESIDENT'S ADDRESS

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, I beg to move the following Procedural Motion:-

THAT, notwithstanding the provisions of Standing Order 97(4) and in furtherance to the provisions of Standing Order 24(6), this House orders that debate on the Motion on the Address by the President be limited to no more than five (5) minutes for each Member Speaking, thirty (30) minutes for the Mover in moving and replying and twenty (20) minutes for the Leader of Minority Party.

I ask Hon. Washiali, the Deputy Majority Whip to second.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have Hon. Washiali seconding.

Hon. Washiali: Thank you, Hon. Temporary Deputy Speaker. I rise to second this Motion on the limitation of debate on the Address by the President.

I support this Motion because it has limited Members to contribute to the debate for five minutes. Usually, a Presidential Address has a lot of interest. Five minutes is good enough. Now that this is a Procedural Motion, I want to mention that I was disappointed yesterday. I was disappointed because the Members of CORD who were removed from the House Business Committee were removed un-procedurally. I insist and history will judge me that my boss, the

Majority Whip and the Minority Whip colluded and changed the names. Under Standing Order No.48---

Hon. Kaluma: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): What is it Hon. Kaluma?

Hon. Kaluma: Hon. Temporary Deputy Speaker, I never wanted to intervene. I was waiting to contribute substantively but, you have ruled on the issue of relevance. We need to adhere to that. This CORD thing de-whipping Members from committees keeps coming up and yet we know that a number of those Members, like Hon. Olum, whom the newspapers are today saying was de-whipped for being a rebel actually gave up the position on his own. Could we keep to the track and debate?

The Temporary Deputy Speaker (Hon. Cheboi): Okay. I fully agree with you. We must be relevant now. I have ruled that we have to be relevant. Hon. Washiali, stick to the seconding on this specific Motion.

Hon. Washiali: Thank you, Hon. Temporary Deputy Speaker. My brother had not got that I was talking on procedure. Even yesterday, I was addressing these issues of procedure. This is a House of procedure and we must maintain procedures in this House. Yesterday I stood on a point of order on procedure because I felt that Members of this House had been removed from the HBC un-procedurally.

The Temporary Deputy Speaker (Hon. Cheboi): That has nothing to do with limitation of debate on the Presidential Address. So, please second and then I will propose the Question.

Hon. Washiali: Thank you, Hon. Temporary Deputy Speaker. I second.

(Question proposed)

(Question put and agreed to)

LIMITATION OF DEBATE ON SESSIONAL PAPERS

Hon. A.B. Duale: Hon, I beg to move the following Procedural Motion:-

THAT, notwithstanding the provisions of Standing Order 97(4), this House orders that each speech in a debate on any Sessional Paper shall be limited as follows:- A maximum of sixty (60) minutes, with not more than ten (10) minutes for the Mover in moving and five (5) minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party and that five (5) minutes before the expiry of the time, the Mover shall be called upon to reply; and further that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

*[The Temporary Deputy Speaker
(Hon. Cheboi) left the Chair]*

*[The Temporary Deputy Speaker
(Hon. Kajwang') took the Chair]*

Hon. Temporary Deputy Speaker, these are just sessional papers. In the last Session, we agreed on this arrangement, so that we could deal with more sessional papers from the Executive. A sessional paper is always a small report. Therefore, we can deal with it within 60 minutes and accord five minutes to each member speaking.

Hon. Temporary Deputy Speaker, as I sat here, several issues came up. As of now, the Standing Orders provide that the leadership of the respective coalitions have the right to de-whip their Members. Unless that Standing Order is amended, we have to live with it. It might not be good because even on the other side we have rebellious members, like Hon. Olum, Hon. Mwashetani and Hon. Momanyi---

An Hon. Member: And Hon. Keter!

Hon. A.B. Duale: Hon. Alfred Keter is on our side.

Hon. Ng'ongo: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang'): Order! The Leader of the Majority Party, please resume your seat. I will give you the time you will require to make your contribution.

The Member for Suba, hold on. First of all, allow me to salute you in the New Year and wish you an industrious and prosperous year, this being my first time to engage from the Chair.

The Leader of the Majority Party, it appears like this issue is not going away. We keep on referring to it and end up with side issues. I would like you to know that because I suspect that is what the Member for Suba wants to speak about. Let me say that coming from Nairobi, Hon. Olum is not a rebellious Member. Therefore, you should let go of that issue, otherwise you will be inputting improper motive on the Hon. Member; unless you can substantiate it. We are approaching an election year and we should be fair to Hon. Members. You do not want Members to go with tags they cannot carry to their voters on issues we cannot substantiate. Let us be fair instead of taking a fast one against each other.

The Member for Suba, what is your intervention about?

Hon. Ng'ongo: Hon. Temporary Deputy Speaker, I want you to rule the Leader of the Majority Party completely out of order for referring to the Member for Lang'ata as rebellious in the ODM. I am the National Chairman of the ODM. I am responsible for discipline in the party, based on the constitution of the party. The Leader of the Majority Party was just appointed. In my case, there was a meeting at the Bomas of Kenya to ratify my chairmanship. The appointment of the Leader of the Majority Party was just announced. It should go on record that Hon. Olum is not rebellious. Such statements can damage a politician's career. It is unfair as Hon. Olum is representing Lang'ata Constituency faithfully. He is not like Hon. Washiali, who could not speak at a funeral. I would like to thank the people of Mumias East---

The Temporary Deputy Speaker (Hon. Kajwang'): The Member for Suba, you started very well but you are ending up in a bad way. Your point of order was whether the Member for Garissa Township was in order to refer to another Member as being rebellious. I do not want to entertain that debate. Is it of value to us to entertain it? Why would I not give the Leader of the Majority Party the opportunity to discuss contents of the subject rather than get into this?

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, I would like to go on record that according to the Standing Orders, the leadership of the House, and specifically the Leader of the Majority Party, is elected through a coalition of Parliamentary Group (PG) and the minutes were submitted to the Speaker of the National Assembly---

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Duale, we are not on the election of the Leader of the Majority Party. Where are we now?

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, you were talking to the Clerk-at-the-Table. I would like to set the records straight. I am a former Member of ODM, and I can confirm how ODM conducts its election. Hon. Mbadi must have been elected through some---He removed Hon. Kaluma from the leadership of the party.

The Temporary Deputy Speaker (Hon. Kajwang’): The Leader of the Majority Party, would you really like me to entertain that?

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, I beg to move that sessional papers should be given five minutes. Before you cut me short, I was saying that Standing Orders give coalitions powers to send their Members out of committees of this House.

Yesterday, you were not in the House. Three committee members were replaced by our colleagues but no reason was given why that was done. I am a leader and I talk to people. Yesterday’s changes were made because of other parameters, the details of which I do not want to go into. We must develop a culture of tolerance. As much as we are from different political parties, we represent constituencies. What happened to Hon. Washiali can happen to me some other day. We have been given powers to legislate under the Constitution. A time will come when you will have to strike a balance between the interests of your constituents and the interests of the political coalition you belong to.

As leaders, we must balance and note the interests with the highest premium. From where I sit, I have to balance between the interests of the many voters that brought me to this House and the interests of the coalition that I represent as the Leader of the Majority Party. I want to go on record as saying that the interests of the people of Garissa Township supersede any other interest. We should not play with this matter; it is not a cup of tea. Some of us are leaders in our respective parties. This happened in the 10th and 11th Parliaments. In all our respective parties, we must know that what happens to a colleague today can happen to you tomorrow.

Hon. Temporary Deputy Speaker, I might be the Leader of the Majority Party today, but tomorrow I may not. That is the only issue I wanted to raise. I have been here since morning and it has become a hot debate. If approval of a Member to a Committee is through the plenary, then I am sure that once an amendment is proposed, the removal of the Member should also be through the plenary. Your colleagues can then go ahead and state that you have violated the following rules and we are convinced that you do not serve the interests of the coalition you belong to. For now, unless the Standing Orders are amended, the leadership of the various coalitions has the right to remove a Member from any Committee.

In my capacity, I want to confirm that you can disagree with Jubilee fundamentally, but because we believe in tolerance and democracy, we will not remove any of our Members from any Committee. We will not touch them. We want the voters to deal with them.

I beg to move.

I ask Hon. Dan Maanzo to second.

Hon. Maanzo: Thank you, Hon. Temporary Deputy Speaker. I beg to support this Procedural Motion.

Sessional papers contain the policy of the Government and they are very important. Policy is what informs law-making. Therefore, the time allocations are reasonable.

I beg to second.

(Question proposed)

Hon. Members: Put the Question!

The Temporary Deputy Speaker (Hon. Kajwang'): There are a few Members here who have issues. The Member for Kwanza, you are perpetually on the intervention list.

Hon. F. K. Wanyonyi: Hon. Temporary Deputy Speaker, in supporting the Motion---

The Temporary Deputy Speaker (Hon. Kajwang'): I have recognised you on an intervention.

Hon. F. K. Wanyonyi: Yes, it is a point of order. I did not want to get the Leader of the Majority Party off the hook.

An Hon. Member: It is not in the Standing Orders!

Hon. F. K. Wanyonyi: What do you mean by Standing Orders?

The Temporary Deputy Speaker (Hon. Kajwang'): Now that he is off the hook—

(Laughter)

Order! Order, Hon. Members!

Hon. F. K. Wanyonyi: No! No!

The Temporary Deputy Speaker (Hon. Kajwang'): Order! Just hold on for one minute, the Member for Kwanza. Let me make my point. Now that the Leader of the Majority Party seems to be off the hook, could you consider holding on and coming to debate enhanced? I hope you are also on the contribution list.

Hon. F. K. Wanyonyi: I am on the contribution list and I want to make a contribution. Must I quote the Standing Orders so as to make a contribution? I want to make a contribution.

The Temporary Deputy Speaker (Hon. Kajwang'): We can do this systematically. I picked you from the intervention list. My screen indicated that---

(Hon. F.K. Wanyonyi spoke out of record)

Hold on. Are you able to listen and then I give you an opportunity to respond? I saw you on the intervention list and recognised you to make the intervention. If you are on the contribution list, I will come to you for sure. Let me pick you from the contribution list and not from the intervention list. Is that okay, the Member for Kwanza? I do not want to touch your name on the request list because I will put you down. This is because you are the third on the contribution list. Can you give him an opportunity to intervene without interfering with the request list so that he can be comfortable? Do you understand the method that we want to adopt here?

Hon. F. K. Wanyonyi: Hon. Temporary Deputy Speaker, all I wanted to say is that I support the Motion---

The Temporary Deputy Speaker (Hon. Kajwang'): No! You are not following what I am saying. Okay, let us wait until your time comes.

The Member for Endebess, you have the Floor.

Hon. (Dr.) Pukose: Thank you, Hon. Temporary Deputy Speaker. I support this Procedural Motion. Sessional papers are very important Government documents as they inform policy. They especially assist us in enacting the laws for the implementation of those policies.

Although 60 minutes allocated might not look too much, they are adequate for us to address issues pertaining to sessional papers. This is because it will be important for people to understand Government policies that will inform various sectors that we intend to implement.

With those few remarks, I beg to support the Procedural Motion.

The Temporary Deputy Speaker (Hon. Kajwang'): Yes, the Member for Muhoroni.

Hon. Oyoo: Thank you, Hon. Temporary Deputy Speaker for recognising me.

First of all, I want to take this opportunity to extend a belated Happy New Year to my colleagues. For those who were able to cross over the river, I appeal to them to be tolerant with each other, be sensible and not take joy in other people's miseries. The electioneering period is looming. Therefore, if people are heckled in functions, they should not be items for celebration.

I support this Motion because I believe that sessional papers are very important. Many of them are going to be brought to the Floor of the House, especially now that the election period is beckoning. The Jubilee government had promised many things. They might be working hard to bring sessional papers with the purpose of luring voters. The 60 minutes allocated to the mover would be adequate enough. Equally, five minutes for any speaker will not be very bad.

With those few remarks, I support the Motion.

Hon. Bunyasi: Thank you, Hon. Temporary Deputy Speaker. I also want to extend a word of welcome to everybody to this part of the New Year.

With respect to this Procedural Motion we are discussing, and I have been waiting for a while to make some comments, it might cut across a little bit.

It is important that the leadership of the House to be always conscious that we are now a House of 290 plus Hon. Members. We are actually 349 Hon. Members. It is extremely frustrating for many of us that within this time limitation, it is very difficult to get a chance to contribute.

As much as we agree on these parameters for the length of the debate and individual contributions, I would like to make a plea to the HBC leadership to think seriously about what I feel strongly is pent up anger that builds on and on. It is going to get worse this year. This is because time is very limited and people will not get a chance to contribute. There is no need to have some people speaking for 60 minutes while repeating themselves and looking for words to fill up. They make five sentences instead of one, and yet there are many people in the House who would like to contribute. This is just an overall observation.

Secondly, there have been many comments flying back and forth about the issue of membership staying or not staying in particular committees. This is relevant to what we are discussing. It takes courage not to make a change. It also takes courage to make a change. This House has certain goals to achieve. To miss an opportunity to make a change to help achieve those goals is a major weakness in my view. To make a change simply for the sake of expediency is also a major weakness. We should elevate our debates in discussing these issues to realise that now we have certain things that we must achieve for our people. Committees must stay unchanged, or exist as they are, if they are to meet those goals. They must also be changed to help meet those goals. It is at that level of discussion that we should elevate the debate in this House rather than simply deal with throwing salvo back and forth.

With those few remarks, I support the Procedural Motion.

The Temporary Deputy Speaker (Hon. Kajwang'): The Member for Kwanza, can you press the intervention button? There is a difference between a request and an intervention.

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, I now want to contribute.

The Temporary Deputy Speaker (Hon. Kajwang'): Proceed.

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, I had the intention of saying – and I want to say it very clearly – that I support the Procedural Motion. Secondly, I had an issue, just as my previous speaker said, with the party policy on the basis of the Members that are punished by various parties, for example, our party.

The Temporary Deputy Speaker (Hon. Kajwang'): Hon. Wanyonyi, I am inclined not to allow debate on that matter. Let it come in a procedural way.

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, you are being unfair to me.

The Temporary Deputy Speaker (Hon. Kajwang'): Let us discuss the issue in a more substantive way. We are going to digress on the agenda before the House. Could you just stick to the Motion?

Hon. F.K. Wanyonyi: But you allowed the Leader of the Majority Party to make a sweeping statement---

The Temporary Deputy Speaker (Hon. Kajwang'): Hon. Wanyonyi, when you respond as the Speaker speaks, you are unable to listen. Will you please restrict yourself to the debate before the House, if you do not mind?

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, notwithstanding your ruling, I support the Procedural Motion. The time given is adequate for us to debate sessional papers. The only thing is that 60 minutes is a bit too long, given the fact that we have a lot of business to transact. We have bills that we are supposed to complete. Given the timeframe for some of the bills, 60 minutes is on the higher side.

Secondly, I want to make it clear that the Jubilee and CORD coalitions are here to stay. I did not take it lightly when the Leader of the Majority Party said that Hon. Olum and Hon. Mwashetani were in Jubilee. For all I know, they are in CORD. I want to understand because I am a Member of CORD. I want to know when Hon. Olum and Hon. Mwashetani moved to Jubilee. He said our Members---

The Temporary Deputy Speaker (Hon. Kajwang'): All right. You have said it. Have you completed what you have to say?

Hon. F.K. Wanyonyi: It is only fair for us to get it right.

The Temporary Deputy Speaker (Hon. Kajwang'): Do you want to step to something else?

Hon. F.K. Wanyonyi: We are approaching the election year. It is not good for Jubilee people to---

The Temporary Deputy Speaker (Hon. Kajwang'): My problem with the Member for Kwanza is that when the presiding---

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker---

The Temporary Deputy Speaker (Hon. Kajwang'): Order, the Member for kwanza! It is not possible for two people to speak at a time. That is a lesson you need to take so that we do not speak back and forth.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker---

The Temporary Deputy Speaker (Hon. Kajwang'): Even without you standing, Leader of the Majority Party, you did not say what Hon. Wanyonyi insinuated. What you said was something else.

Hon. Amina Abdalla, I am about to recognise you but would you be kind enough to speak to the next Motion so that I am able to pass through this hurdle? It is almost the same thing. Do you think that your points are different? Spend just one minute.

Hon. (Ms.) Abdalla: Thank you, Hon. Temporary Deputy Speaker.

In supporting this Procedural Motion, I want to highlight the fact that the House does not amend sessional papers. The leadership of this House and the Committee on Procedure and House Rules need to look into this matter. We do not amend sessional papers and yet we give them the authority of being passed by the House. Who takes responsibility for sessional papers that we pass in this House that have typos and incorrect information?

Therefore, regarding these sessional papers, whereas I agree with the timing, the onus is with the House and the Procedural Committee to address this issue. Since we do not amend sessional papers, who takes responsibility for a sessional paper that has been passed by the House, if such a sessional paper is littered with typos and misrepresentation? That is the area that I wanted to speak to in debating the question on sessional papers.

The Temporary Deputy Speaker (Hon. Kajwang'): That is food for thought. The Clerks-at-the-Table, together with the presiding officers will take advice from the Legal Department and look into the matter very seriously. It is one of those things which have not been raised from the Floor. We need to consider it to the extent that Members do not amend sessional papers. What, therefore, happens when there is a substantial error, mistakes or whatever it maybe? We will take responsibility. We will look into the matter and come back to you, at some point, with an informed decision.

Hon. (Ms.) Abdalla: With those remarks, I support the Procedural Motion.

The Temporary Deputy Speaker (Hon. Kajwang'): I appreciate you.

(Several Hon. Members stood on the gangway)

The Temporary Deputy Speaker (Hon. Kajwang'): Order! Calm right there and freeze as you smile.

(Question put and agreed to)

LIMITATION OF DEBATE ON ADJOURNMENT MOTION

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, I beg to move the following Procedural Motion:-

THAT, notwithstanding the provisions of Standing Order 97(4), this House orders that, the debate on any Motion for the Adjournment of the House to a day other than the next normal Sitting Day in accordance with the Calendar of the Assembly, be limited to a maximum of three (3) hours with not more than five (5) minutes for each Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of ten (10) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

Provided that, when the period of recess proposed by any such motion does not exceed ten (10) days, the debate shall be limited to a maximum of thirty minutes (30), and shall be strictly confined to the question of the adjournment.

Hon. Temporary Deputy Speaker, this is basically about motions of adjournment when the House wants to go on recess. If it is within 10 days, these are the rules. For a recess exceeding 10 days – for instance a month – the rules are stipulated in the Order Paper.

I beg to move and ask Hon. Barua, the great man of Gichugu who replaced the great lady, Martha Karua, in the 11th Parliament, to second.

Hon. Barua: Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to second this Motion. I also want to thank the Leader of the Majority Party for the positive comments about me. I appreciate and I want to assure him and the House that I am equal to the task.

I would like, from the outset, to support the Motion as it is. Let us give motions of adjournment a maximum of three hours. However, if the recess does not exceed 10 days, the Motion should be debated for 30 minutes. Three hours is adequate and the five minutes given to each Member will ensure that as many Members as possible contribute to a Motion for Adjournment because it affects them. The 10 minutes given to the Leader of the Majority Party and the Leader of the Minority Party are also adequate.

Hon. Temporary Deputy Speaker, I had placed my request during the debate on the Motion under Order No.10 but I did not get an opportunity. Therefore, I am grateful for this opportunity. There are two issues I wanted to raise. The first issue concerns these Procedural Motions. The second issue is on priority in speaking. I can see that priority has been given to the leadership of the House. I propose that effort should be made by this House to ensure that each one of us is given adequate opportunity to air his/her views since we all represent constituencies and counties.

Hon. Speaker, I am saying this because if look at the *Mzalendo* website, you will find that it gives the highest rated speakers and most of them are leaders of this House. This is because the Standing Orders and these Procedural Motions favour them.

We, backbenchers, also have issues with our competences in prosecuting issues, although we are not in leadership. The fact is that we cannot all be in leadership. I am proposing that Motions and Bills which come from committees such as specialised Motions--- I propose that this House mandates committees to appoint any of their members to present these Bills or Motions in the House on behalf of the committees. This is because if you look at Bills such as the revised Environmental Management and Coordination Bill and the Forest Bill, you will find that they were moved by the Hon. Leader of the Majority Party although they are specialised Bills.

For example, the Climate Change Bill had experts such as Dr. Wilbur Ottichilo and others, but they were not given priority to prosecute it as owners of the Bill. Therefore, I am asking this House to consider those of us who are not in the leadership of committees in this Parliament. Action should be taken to enable us to contribute as we request.

Kenya is composed of 47 counties. Sometimes I come to this House, I press this button but no Member from Kirinyaga County is given a chance. So, the leadership should ensure that everyone is given a chance. It should ensure that counties are given opportunities to make presentation and represent their people. Therefore, as the Chair gives opportunities to speakers, let us not just consider political coalitions like Jubilee and CORD. Let us also give priority to

counties because we have specific issues that deal with counties that need to be prosecuted before this House.

Finally, I am a strong supporter of the Jubilee Coalition and, therefore, I am expected to adhere to the values of the Jubilee Coalition and the National Alliance (TNA) party which I belong to. Therefore, if a member of the Jubilee Coalition or TNA party does not subscribe to the values of Jubilee and TNA, the necessary action should be taken against him. I am not saying that the action taken by the other side was based on the same premises. However, political parties must be given opportunities to do what they are supposed to do.

It was said that somebody should be moved from the plenary. I suppose this action which was presented yesterday must have been considered in the CORD plenary which is appropriate according to me, and parties should not be muzzled to do what they should do.

I support.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you.

Order, Hon. Member for Suba! Just freeze as you are shaking that hand. Do not sit down, just stand. Yes, that is how it is done. You see how Hon. Amina Abdalla is doing it. You need to copy that.

(Question proposed)

Shall I put the Question?

Hon. Members: Yes!

The Temporary Deputy Speaker (Hon. Kajwang’): Let me allow this Member who has been trying to catch my eye without the benefit of his card.

Hon. Nassir, will you please approach the Dispatch Box. Hon. Member for Homa Bay, do not pick ulcers.

Hon. Nassir, be very brief on this because many of these issues have been canvassed. You may proceed. Can you increase the volume of that microphone? Go back to your seat. We will see whether we can get you.

Hon. Nassir: Asante sana Mheshimiwa Naibu Spika wa Muda. Wenzangu wa upande ule wa pili walikuwa wananiita niende upande ule lakini Wakenya wangeona nimewasaliti na ikawa ni bora nikae huku.

Ninakubaliana na utaratibu wa mwendo ambao umeletwa, kwa lugha maarufu ya Kiingereza “*Procedural Motion*”, ili kuweka muda wa ambao utahakikisha kila mmoja ananafasi ya kujadili na kutoa maoni yake katika maswala haya. Hili ni jambo ambalo halitasaidia Bunge hili peke yake, lakini pia litaweza kusaidia Wabunge wajao watakaokaa katika viti vivi hivi na watakaozingirwa na kuta zizi hizi. Wengi wameyazungumzia mambo haya. Ninaomba unipatie fursa na wenzangu wanipatie fursa nitaje hili swala. Kila mmoja wetu alipokuwa anaomba kura na kuzungumza katika mashinani, tulikuwa tuna mrenge fulani ambao tulikuwa tunafuata. Sisi wana CORD tunaamini ule mrenge, ndio njia mwafaka ya kuendesha hii nchi.

Yamezungumzwa mengi kuwa watu wakiwa wametolewa katika kamati fulani, itakuwa wamefanyiwa dhambi. Lakini lile tunalisahau ni kwa njia ile dhambi inavyofanyiwa wale Wakenya wote wengine waliobaki. Hii ni kwa sababu, ikiwa utakuwa ni mwenye kuingia katika kamati fulani na mawazo yako na maoni yako hayalingani na yale matakwa ya Wakenya waliokupigia kura--- Hii ni kwa sababu waliokupigia kura walifanya hivyo kwa minajili ya ile *manifesto* ambayo uliitoa wakati ule ulikuwa unaomba kura.

Japo tunazungumza, na ninaskitika kuwa tumelifanya hili jambo likawa ni la kubinafsishwa, kwamba mtu fulani ametolewa katika kamati, wale wengine watakaoingia katika zile kamati, hawawezi kulifanya lile jambo. Kuna tatizo gani ikiwa wataweza kulifanya na waifanye ile kazi kwa njia mwafaka na inayofaa.

Ninajua wenzangu hapa hupenda sana kwenda nyuma ya zile kanuni na sharia za Bunge wakiona fikira na akili zimewashinda. Hupenda kuenda nyuma na kuyatumia yale maswala ya nidhamu na mambo mengine kama vile anavyofanya.

(Akiashiria Mheshimiwa Dkt. Pukose)

Inafaa tuwe ni wenye kuhoji kwa akili. Tukiwa tunazungumza kuwa tuna njia na tunataka watu wawe katika kamati waweze kupendekeza matakwa ya wakenya, tuachieni kwa sababu sisi ni sauti ya wakenya. Hatuko hapa kuzungumza sauti ya mtu mmoja, bali ni sauti ya wakenya ndio inazungumzwa hapa.

Hon. Ngunjiri: Hoja ya nidhamu Mhe. Naibu Spika wa Muda. Ninashangaa kusikia kuwa mwenzangu anaongea kuhusu mambo ambayo hayako mbele yetu wakati huu. Hatuongei kuhusu vyama au kuwaondoa watu kwa Kamati. Tunajadili Hoja ambayo iko mbele yetu na tunahitajika kuiunga mkono. Mimi ninasema kuwa Hoja hii ni muhimu sana. Tuko wengi sana katika Bunge na tunataka kila mtu apate nafasi ya kuongea. Hii si nafasi ya kuzungumzia mambo ya chama au kuhusu Wabunge ambao walitolewa kwa Kamati. Mhe. Nassir hafuatilii mikakati ambayo tuko nayo wakati huu. Mambo anayozungumzia yako inje ya utaratibu wa mambo tunayozungumzia wakati huu.

An Hon. Member: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): You cannot raise a point of order over another point of order. I agree, with you the Member for Bahati, that we need to be relevant. However, Hon. Nassir, had you finished what you wanted to say? That goes without saying and you know that you were out of the realm.

Hon. Nassir: Mhe. Naibu Spika wa Muda, ninakubaliana, lakini pengine unaweza kutupatia mwelekeo wa lugha mwafaka inayofaa kutumika kwa sababu “huelewanga” ama lugha kama hii sijui kama ni Kiswahili. Tuzungumzeni Kiingereza au Kiswahili.

Asante sana, Mhe. Naibu Spika wa Muda.

(Applause)

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you very much. Let us now have the Member for Turkana South.

Hon. Ekomwa: Thank you, Hon. Temporary Deputy Speaker. I rise to support this Procedural Motion. It is very important to adhere to the rules, namely, the Standing Orders and the Constitution of Kenya.

I urge the leadership of this House that we should even reduce these minutes further. We are about 350 Members who represent constituencies. Our role here is to represent our people. It is sad to note that in a three months’ Session, a Member of the National Assembly has not been given an opportunity to represent his or her people. We are here to make sure that we are given an opportunity to represent our people. We should air our views and make sure that Kenyans have heard our voices.

This challenge is also faced by the Speakers' Panel, the Temporary Deputy Speakers, the Deputy Speaker and the Speaker. We have observed that the chairs sometimes reward their friends and age mates when sitting on that Chair. The chairs should be objective to ensure that they follow the log in list. If I come in first, I should be given the first opportunity. When you give me that opportunity, my people respects you.

That is not enough. I support this Procedural Motion because we want to respect time. If a Member is given two minutes or one minute, he or she must make sure that he or she has made his or her point in one minute. You should not be given ten minutes. It beats logic if you are given 10 or 50 minutes and you do not pass any message. We set these time limits to make sure that in a Session, more Members participate in debates. The only way we can achieve this is to reduce the time to two or three minutes. Every Member should be given a chance to speak without bias.

As I finish, I want to support the Members of this House who are talking about parties. It should be clear to everybody that it is not the party which is supposed to intimidate a Member of Parliament, but it is the Member of Parliament who is supposed to intimidate the party. When I am in the constituency, I mobilise votes for the party, but the party does not mobilise votes for the Member. I work hard for the party. This may be caused by conflict of interest by a party leader or other members of the party. A party leader is only supposed to be a driver and I am the conductor. His role is just to drive the vehicle and my role is to mobilise passengers in the vehicle. The issue of party leaders trying to intimidate Members of Parliament is unfair. We are here to represent constituencies. We do not represent party leaders, but the people of Kenya. We should be respected as Members of Parliament.

Thank you, Hon. Temporary Deputy Speaker.

(Applause)

The Temporary Deputy Speaker (Hon. Kajwang'): Well said. The beauty is that, you applaud even to things which are irrelevant. The last one is the Member for Homa Bay.

Hon. Kaluma: Thank you, Hon. Temporary Deputy Speaker. As we debate these Procedural Motions, permit me to welcome all our colleagues back to Parliament. In all likelihood, this Parliament is going to be dissolved by May, latest June next year. This is something that we have to be very alert to when we consider all the Motions herein. Essentially, we have one year to serve this nation. The burden of this Parliament in terms of useful legislation to the community, the Motions and the Bills that we need to pass is very heavy.

The one year that we have is not going to be very peaceful. We all know that campaigns have begun in our constituencies although they are intense at the level of the members of county assembly (MCAs) and governors, for reasons not best known to me. It is one year that is not going to be very peaceful. This is why I rise to support all these Procedural Motions particularly on the usage of the word "a maximum of". This recognises that we can reduce the time even to one minute instead of going for one, two or three hours. I wanted to urge my colleagues in Parliament to take into account deeply the need for us to achieve the mandate we have as the 11th Parliament. In so doing, I would like to make two suggestions.

I visited Philippines last year and I visited their Parliament. I really liked the habit or the practice that I saw there. The practice is that when there is a Motion coming to the Floor of the House, there is a desk within Parliament where people who want to oppose the Motion upon its

circulation to all Members register their opposition. For a Motion without opposition, the Speaker sits and it is merely read and the Speaker hammers the table to mean it is passed. Due to the structures of the Standing Orders, we are sometimes compelled to move and debate Motions over which the entire nation through the representatives seated here already have unanimity of mind and consensus in terms of its passage. So, we could reduce that, and maybe include in our Standing Orders that we accept that if there is a Motion on which there is nothing burning from a Member on the Floor, we pass it and focus on Bills and those other matters that are important. This is an important thing.

Perhaps, it is also a good time for us, as Members of Parliament, to consider allowing the two sides of Parliament - the Coalitions or the individual parties - to designate particular Members to research in-depth into Bills and Motions so that when a matter comes before this House, the nation is engaged in a proper debate and Parliament can, therefore, pass it. Sometimes it is very sad that we have a very deep issue of law being debated by Parliament, we are seated and you see a lay person really struggling with this issue. We were passing the Fair Administrative Actions Bill last time, an area of law over which we have taken eons of time writing. It goes to the Senate, it is bungled and the time to create a Mediation Committee is too short to readdress it, so that you have a law which ultimately is not speaking to the mandate of the Constitution which Kenyans wanted it to implement.

We passed the Courts Co-ordination and Organisation Bill here the other day. Hon. Mbadi while speaking before me indicated that it becomes very shameful for some of us, particularly in legal practice like Hon. Gichigi, to have a very good Bill speaking to a very important issue which is passed with provisions which are nullified by the court as being unconstitutional. This happens despite us sitting in the House. This is also happening because there is no structured way of engaging meaningfully on these Bills. I want to urge the House to identify the laws which are crucial in order for us to move forward.

Let us have the best on each side. We should speak to them, research on them and prepare on them. The others can also pick their areas and in unanimity, we serve the nation in this short period.

I support all these Motions.

(Question put and agreed to)

The Temporary Deputy Speaker (Hon. Kajwang'): Next Order!

BILLS

First Reading

THE KENYA UWEZO FUND BILL

(Order for First Reading read - Read the First Time and ordered to be referred to the relevant Departmental Committee)

Second Reading

THE BIOMEDICAL ENGINEERS BILL

The Temporary Deputy Speaker (Hon. Kajwang'): Member for Matungulu.

Hon. Mule: Thank you, Hon. Temporary Deputy Speaker. First and foremost, I wish my colleagues and the nation a very unique year preceding the year of the next general elections.

Hon. Temporary Deputy Speaker, I beg to move that the Bill be now read the Second Time.

First, I want to give the analogy and the mind behind this Biomedical Engineers Bill, 2015, which I authored together with my colleagues, to look at a very unique profession in the country. To bring the House to speed, last year, the Government got into partnership and agreement on what they called the Managed Medical Equipment Scheme. This was meant to increase the technology of equipment in our hospitals. One challenge that the Government is facing, which is a reality, is to get proper professionals to manage, service, calibrate and train others on the use of that equipment.

A biomedical engineer has a background on real issues within the medical field. I want to confess that I am one of the beneficiaries who were trained by the German Technical Assistants at the Mombasa Technology when there were less than 30 biomedical engineers in this country. For entry to this field, you need to have knowledge in Clinical Engineering, Clinical Engineering II and Human Anatomy. Then you transform the ideas that you gained from the school of engineering to the actual engineering. I want to kindly request the Clerks to provide copies of this Bill to the Members because quite a number of them might not have the Bill.

The Bill is well structured to ensure that we manage the professionals so that they can have quality, secure and high professionalism in managing medical equipment in the country. Most of the Members here go to hospitals and are probably put on CT scan machines or sent to the laboratory. But they have no clue on the kind of tests which will be done on them. Biomedical engineers install, calibrate, maintain and offer after-sale service for the equipment. If you look keenly, all the other cadres within the Ministry are regulated by Acts of Parliament or some Gazette Notices. The country is acquiring equipment worth Kshs38 billion and we should have clear information on the maintenance of the equipment. It is high time that we have well regulated, qualified and discipline personnel in the medical fraternity. That is very key.

Just recently, this country could not offer even degree courses for that cadre of people. Some of us had to leave this country after doing diplomas for advanced training abroad. I want to appreciate the move which has been taken by the Ministry of Education, Science and Technology and the medical fraternity that, at least, Egerton University and Kenyatta University will start to train students on that.

First and foremost, we wish to establish a board of biomedical engineers in the country because of the uniqueness of the work they do. We do not want to have quacks dealing with medical equipment. It is extremely serious for us not to have a board to manage and know the number of biomedical engineers in the country or to know how to manage that cadre of professionals within the health sector.

The other day, we passed the Engineers and Technologists Bill, which looks into issues related to engineers. As Parliament, we need to be sure that the board that we are looking at here cannot be compromised when it comes to medical issues.

Part II of the Bill has given a clear composition of the Bill. This composition is not cast in stone. We are going to look at the report, which I believe the Chairlady of the Departmental

Committee on Health has prepared, which should be coming to the Floor of the House very soon, and make sure that most of the issues which have been brought to the Health Committee, where I also serve, are captured in this Bill. As a Committee, we have looked at all the aspects which have been raised by the Ministry and the Kenya engineering professionals and we are going to input them on the Bill. The Bill clearly spells out the functions of the board on Clause 6(a) all the way to (v). The Board will try and streamline professionalism in this sector. If we have quacks handling medical equipment in hospitals--- For instance, in the paediatric field where my colleague, Prof. Nyikal, is a professional, mothers in this country can be giving birth to babies. But if the incubators are not well calibrated, the incubators can start affecting those kids and then we can start losing lives. We seriously need to ensure that we have qualified personnel. For instance, if an engineer is installing an x-ray machine, there are certain thresholds of the x-rays which he should not be exposed to because he can get cancer. If you look at the powers vested in the Board, it is clear that they will ensure that biomedical engineers are squarely accountable for what they do in the profession.

We propose to appoint a registrar and give the functions. He or she will be an *ex-officio* member of the Board. This will make sure that he or she will go to the depth because we are talking of a limited number of people or professionals in the world who are supposed to install equipment locally. As a Committee, we sat down and Part III of the Bill deals with the training and registration of biomedical engineers. I know the Committee will be moving some amendments to this section, which I do not oppose. That is because we need to have institutions which we are very sure are properly training biomedical engineers. If you have an institution which cannot even afford microscope training for a biomedical engineer, we are doomed. We have institutions which purport to train biomedical engineers and yet in their curriculum, they have no clue of the criteria they need to use. From the input by the Ministry of Health and the Departmental Committee on Health, we have come up with very clear amendments to this section to make sure that the Bill is aligned to the Education Act. The Ministry has given its input.

Clause 14 of the Bill provides for the persons eligible to be registered as biomedical engineers. Because of lack of colleges to train biomedical engineers, we do not want to make a law which will block the young boys and young girls in this country who will do certificate, diploma, and advanced courses in Europe. They will definitely qualify with degrees from the colleges and universities which have started.

Part IV of the Bill provides that once a person obtains a certificate, diploma or degree, the person has to apply to the registrar of the Biomedical Engineers Board, through the association, for him or her to be registered. That will make sure that we do not have people coming through the backdoor and masquerading as biomedical engineers.

We are also providing a very clear guideline in the same Part on how to engage the Board and how to look at the qualifications of the young Kenyans who will be getting into that field. We are also looking at the qualifications for registration and consultancy within the biomedical engineering field. As we speak, I have seen so many adverts for construction of cancer centres in this country. One such advert was put in the newspapers this week by the Ministry of Health. The advert is clear that for a contractor to qualify for the job, he or she must show evidence in the bid that he or she is a qualified biomedical engineer. You must show proof that you are working with a biomedical engineer to put up the biosafety and catheterisation laboratories.

We are not just talking of a normal engineer. I want to be very clear on this. We are talking of a doctor transformed to be an engineer. He will not be at the level of a doctor as Dr. Pukose, for instance. But on the basis of qualification in medicine, that is the person we are looking at.

In any profession, you will find some people committing offences. We have provided a very clear mechanism in Clause 19 on how to deal with offences and the appeal process. I do not want to be in a profession which is made of people with impunity. Clause 21 provides for clear direction on removal of names from the register. Anyone found culpable of negligence or lack of professionalism will be deregistered. This morning, I heard a debate in this House in which some Members were saying that Members should not be removed from committees. If you cannot follow the laws of this country, you do not need to be in leadership. You do not even need to be in the leadership and profession of biomedical engineering. That is why we are very clear on this. We are putting it into law to make sure that those found guilty will be removed from the register, the way lawyers like Hon. Gichigi do.

Hon. Temporary Deputy Speaker, as a lawyer you know there are limits which you cannot go beyond. This is the only way we are going to make sure that people adhere to the rule of law.

I have been in the medical field for the last 15 years. It is a very tricky field where technology is changing day-in, day-out. Some of the local companies cannot get the manpower in this country. So, we want to give clear provisions on how foreign engineers can come into the country and assist in training Kenyans. But they need to do that within the provisions of this proposed law. Part IV of the Bill provides for qualifications for private practice to make sure that the multinational companies which come into this country train our brothers and sisters on the different technologies they are trying to introduce into the Kenyan market. At the same time, those foreign biomedical engineers and institutions will have to acquire some practising certificate and annual licence.

Hon. Temporary Deputy Speaker, we are vesting that power to the board so that when they come into the country, they do not come through the backdoor. They need to apply, fulfil all the criteria and tell the country that what they have come to do is beneficial to Kenyans. We are also putting very clear provisions on Cap 24 of the same Bill, which is on application. They are very clear. An application for a practising certificate shall be made to the registrar in triplicate, signed by the applicant specifying the name and the place of practice, the registration number and the date of application and registration of the particular biomedical engineer.

Countries like South Africa and United Kingdom (UK) have put it very clearly as to who is supposed to deal with medical equipment and the person to be held accountable in case they mess up with the medical equipment. Those persons will have to act within the law. Today, a biomedical engineer or a company dealing with biomedical equipment will just come to this country and set up a company without observing any rules and yet, we are clearly complying with WHO standards when it comes to medical equipment. As a country, we are saying that it is high time we made sure that this sector is well regulated. If the board and the registrar find out that there are issues with some of the people coming onboard to offer that service, we have spelt out very clearly the procedure of suspending such persons in line Clause 33. We have also provided for the procedure of lifting such suspension. All these resolutions will be passed.

There is the issue of financial provisions, which are very clear and mandatory when it comes to the boards they need to report to. There is the issue of investments account and audit.

Fundamentally, we are saying that the board which will be created within this Act must give annual reports to the National Treasury and to the Ministry of Public Health and Sanitation to make sure that it enables the country to know exactly what they are doing.

I know that time is of essence in this House. I want to say that this is one of the Bills which will make sure that those doctors, nurses and physiotherapists work hand in hand with biomedical engineers in their institutions to provide quality healthcare and service to the people. That will give us a clear indication of what we intend to do.

I urge my colleagues in this House to support this Bill because we have children for whom we pay school fees through bursaries. We have Kenyans who want to acquire more knowledge. They will get into this profession. Therefore, it should be well regulated.

Hon. Temporary Deputy Speaker, I have two able colleagues whom I would want to have an opportunity to contribute. Hon. (Dr.) Pukose will second this debate. Also, I would like Hon. Nyikal to give a clear input as to where we are as far as this Bill is concerned.

With those remarks, I beg to move.

The Temporary Deputy Speaker (Hon. Kajwang'): Hon. Mule, you need to have one clear choice. Who is your choice of the two?

Hon. Mule: It is Hon. Pukose, but I beg you to use your discretion to allow Hon. Nyikal to contribute.

The Temporary Deputy Speaker (Hon. Kajwang'): Proceed Member for Endebess.

Hon. (Dr.) Pukose: Thank you, Hon. Temporary Deputy Speaker, for allowing me to second the Biomedical Engineers Bill, 2015, which was prepared last year. This is National Assembly Bill No. 37.

Who are biomedical engineers? That is the big question. As we discuss this Bill, both the public and Parliament need to understand who they are. The word "bio" means 'life'. Those are the engineers who deal with the equipment that is used within hospitals. They are concerned with the safety and lives of our patients. Biomedical engineers work hand-in-hand with medical staff in various areas within a hospital, including in theatres, where they make sure that the equipment is safe. Even when a patient is put to sleep so that he can be operated on, they make sure that, that equipment functions well and delivers the various gases in acceptable standards. They deal with the X-Ray facilities to make sure that they are well calibrated so that they do not give emissions that are not safe to patients who are using them. They also deal with radiotherapy. Any equipment that is within a hospital set up, be it a simple machine for suctioning fluids from the body or from the various orifices within the human being or complex equipment, a biomedical engineer will make sure that such an equipment is safe to save human life.

Hon. Temporary Deputy Speaker, biomedical engineers are key medical personnel who make sure that when it comes to dealing with renal dialysis, the machine works within the "F" areas acceptable standards. Biomedical engineers are the ones who manage the renal dialysis machines. They are also the ones found in medical laboratories. The Biomedical Engineers Bill will regulate the training, practice and licensing of biomedical engineers.

As the Departmental Committee on Health, we looked at this Bill when it was brought before us for pre-publication scrutiny. There are various areas where we will introduce various amendments to make the Bill meet the required standards. There is a proposal about the board. The Committee feels that we might be having too many boards. We will discuss with the presenter of the Bill as to whether we need a board or we can fit in the Health Bill and make sure that there is proper presentation. We will also look into the issue of sustainability of the practice

as regards registration of such practitioners, bearing in mind the number of biomedical engineers that exist within the country. How many have we trained?

In this country, we have the various levels of healthcare, right from primary healthcare at Level 1 covering dispensaries and health centres, which were formerly sub-district hospitals, to county hospitals and inter-county hospitals - Level 5 or Level 6 hospitals. However, we must ask ourselves whether we have enough biomedical engineers at all those levels in this country. Using our Constituencies Development Fund (CDF), we have built various facilities. For example, last year in my constituency, I handed over several health centres and dispensaries to the Governor. But to date, we do not have basic paramedic staff, leave alone biomedical engineers. We do not have clinical officers to run those facilities. The counties have been promising that they are going to recruit soon - which is not arriving. When it comes to the issue of biomedical engineers, we should encourage the county governments to make sure that the equipment that they have in the various health facilities are maintained for them to provide services.

In as far as the recruitment is concerned, they should consider whether they need a biomedical engineer per facility or one who can manage the various health centres or a conglomeration of dispensaries, so that he or she can run those facilities. To maintain even the simple blood pressure (BP) machines, stethoscopes or refrigerators, you need to have a biomedical engineer to make sure that they are running. They even service equipments. Two facilities in every county are going to be equipped. If an X-ray machine is being fixed at a district hospital and it is not functional, whom will you require? Those are the key issues that we will address through this Bill.

With those few remarks, I want to second the Bill.

The Temporary Deputy Speaker (Hon. Kajwang’): Allow the Member to get a place to sit.

(Question proposed)

QUORUM

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Kipipiri, are you on a point of order?

Hon. Gichigi: On a point of order, Hon. Temporary Deputy Speaker. This is a very important Bill that is being debated, and which is likely to change the course of this particular sector. In view of its importance, it is only fair that as many Members as possible be present when contributions are being made. I, therefore, feel that without the necessary Quorum, it is not good that we debate this particular Bill.

The Temporary Deputy Speaker (Hon. Kajwang’): All right. The Member for Kipipiri has raised the issue of quorum acting under the Standing Order No.35. I, therefore, ask the Clerk-at-the-Table to determine if we have a quorum.

I am satisfied that the House is low on quorum. I, therefore, order that the Quorum Bell be rung for 10 minutes.

(The Quorum Bell was rung)

When the Bell is ringing, nobody goes out especially the Member who has raised the quorum issue. That is fair enough. You can cross the aisle but, of course, at the right place and lobby the other side of the House to persuade them to understand your position.

The Temporary Deputy Speaker (Hon. Kajwang’): Order Members. I, therefore, order the Quorum Bell to cease ringing. We have the necessary quorum to transact business. Where were we? The Question has been proposed. Has is not?

Hon, Members, in the debate this morning, there have been many ideas that you have proposed to strengthen and enrich the content of debate. You have asked the presiding officers to look through the House and see how we can do that. So, when you see us picking one or two names, it is because we want to have the depth for this. Member for Seme, you will be the first to speak to this.

Hon. (Prof.) Nyikal: Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to make a contribution on this Bill. This is an extremely important Bill. It is key in the delivery of healthcare services in this country. The contribution of biomedical engineering in healthcare is paramount at this time and it is increasing. Many times, these days, diagnosis is made using machines and not just the skill of the health personnel. If the machines are not well calibrated, the diagnosis is likely to be wrong. Treatment is now done through the interventions of equipment and machines that are actually manufactured, repaired and even operated by biomedical engineers. So, it is extremely important that we look at this area.

This area of practice straddles the two disciplines of engineering and medicine. In both cases, as we know, those are professions of precision. If there is no precision, the diagnosis and treatment is likely to be wrong and the patient is likely to suffer.

The current situation is that there are many people in this area who are practising and yet, there are no proper regulatory mechanisms. There are no proper training guidelines and curriculum. There is also no proper regulation on what equipment is used, where and how regularly it is maintained and how it is certified.

There is an increasing use of machines in medicine. We are getting more and more high technology equipment in medicine. Most of the people who are transferred to get treatment in other countries often do it because it is not just the skill of the human resource that is lacking, but actually the equipment needed. It is, therefore, important that we have some regulation in this area. The need for regulation will start with a clear training curriculum that will really straddle medicine, biology and engineering. I know now that there is no set up curriculum except programmes as the mover had mentioned. Even in universities, we do not have clear curriculum on this. The medical training institutions have it, but it is not harmonised.

There is no regulation on importation of equipment into this country. There is no regulation on who brings what equipment. Basically, businessmen source for the equipment which they bring. Many times, we have equipment lying in hospitals and in health facilities that cannot be used safely. It is actually sad that when you are using equipment in healthcare, the quality and correctness of the equipment is a life and death situation. So, safety is extremely important.

Therefore, there is need for regulation in training, registration, certifying and use of equipment and maintenance. This Bill brings all those components. It is proposing a board, training, financing and practice in this area.

However, as I support the Bill, there are areas that we need to look at very carefully. To begin with, the very important part is the relationship between this Board and the Board of

Engineers. I wish Hon. Gumbo was here. I think he is probably somewhere in the House. I would suggest that when we have members of this Board, it may be important that a member from the Engineers' Board sits in it because the relationship is important and critical.

The other area that we need to look at is conflicts that are likely to arise with this. The Departmental Committee on Health has looked at this. There are existing laws and we now have the Nursing Council and the Pharmacy and Poisons Board. In all those areas, because of lack of clear structures, there are sections of the laws that relate to equipment. What is likely to happen is that you may have a conflict where the Nursing Council will want to regulate this area particularly on equipment. The Pharmacy and Poisons Board is currently requesting that they regulate the equipment that is used. Therefore it will be extremely important that there is harmonisation. Some laws will have to be repealed. Some will have to be amended. We will have to go into the Education Act because training of engineers is with the universities and it will touch on it as well. Even the new Health Act that is being brought in place has a section that deals with health technologies. Again, this is in this area. We will need to look at the amendments that are required. As Hon. Pukose asked, do we need a full board on its own or do we need to incorporate it in the other existing laws.

(Hon. (Eng.) Gumbo walked into the Chamber)

I am happy that Hon. (Eng.) Gumbo has come. I was saying before he came that if this board is in place, I would propose that a member from the Engineers' Board sits on it.

The other area we need to look at very carefully is private practice. As things stand now, most of the biomedical engineers are employees of health facilities or business people who bring in the equipment. If they are going to go into private practice, we need to look very carefully at what exactly we mean by private practice in this case. Who is going to make the payment? Is it the institutions? Is it the businessmen? How are the patients going to be protected in this area?

I have looked at Clause 22. It looks at regulating the human resource, but I have not seen how exactly it is going to ask what exactly is being practised and where. As I said, this will straddle from engineering to medicine. So, we have to be quite clear what we are going to do in that area.

Hon. Temporary Deputy Speaker, there is the issue of funding. Part IV of this Bill proposes that funds that will be used to manage the proposed board will come from the fees paid. Do we have enough people to raise enough money to run a whole board properly with all the intricacies of a difficult and precision area like this one? The regulation should be a function of the Government. In my view, where the health of the people is concerned, we may need to use taxpayers' money to ensure the regulation protects the health of the people.

I support this Bill. I think there will be a lot of consultations with the Engineers Board, the Medical Board, the Nursing Council and the Pharmacy and Poisons Board, so that we do not end up with a law that does not serve what is required because of conflict of interest within its application.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. Kajwang'): Member for Rarieda!

Hon. (Eng.) Gumbo: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Bill.

The objectives of the Bill are noble. To that extent, it should be supported. Up to now, we have a lacuna in the sense that anybody who has an experience in the handling of medical equipment can come up and call him or herself a biomedical engineer. It is important to have a framework where we can make professionals in that field be accountable to the people they serve – who are the public – whether they are in private or public employment. We should have a framework for licensing, registration and making sure that only those who qualify can be called biomedical engineers. I would like to thank Hon. Mule.

However, I have two concerns. I have noticed that, ultimately, biomedical engineers are engineers. We have seen this with the Engineering and Technicians Bill, which was moved by Hon. Cecilia Ngetich. I would urge my friend not to lose sight of that fact. As we regulate that field, we know that it has been a problem and the practice of engineering has been evolving. With some of the new universities coming up, we have had problems.

In the olden days, engineering as we knew it was electrical, mechanical, civil and software engineering. We must accept that, that is now limiting. The world has moved and it is more complex. The demands of humanity are more complex and we must accept that we have the professions that we must accommodate within the profession of engineering. Ultimately, we will not have each of these units regulating themselves. I am happy with what has been observed. I would urge Hon. Mule to take into account that, as they constitute the board, they should give space for the Engineers Board of Kenya to put in a nominee so that we are more or less aware that we are building synergy. Ultimately, we are all working towards the same thing. Engineering is a highly specialized field. Before I came here, I had the opportunity to design burns units for Kenyatta National Hospital. You get some of the complex equipment coming into that unit because there are certain degrees of burns. I am not a doctor but Hon. Nyikal will tell you that to handle such equipment, you need specialization. When you talk of somebody getting burnt to the point of 90 degrees, you need specialized equipment. But we have had problems because of shortage of biomedical engineers and people who are competent enough to understand the equipment. Without this Bill, we could end up as dumping ground for substandard equipment. We will not have qualified people to advise us according to the law to assess and maintain the equipment. There are debates going on in the Departmental Committee on Health. I am sure that ultimately, the matter will come to the Public Accounts Committee as regards medical equipment deployed to the counties. The biggest problem we have been talking about is that we have bought equipment worth billions of shillings, but who is going to maintain it? Do we have the capacity at the county level?

As we go about this Bill, we should propose an amendment as we did when we debated the Engineers Bill. Most people were surprised by what one does to qualify to be called an engineer. Right now, this country has about 2,000 engineers for a population of 45 million – a percentage which is inadequate. This Bill must aim to help with the training of more biomedical engineers. As Hon. Nyikal has observed, the problem I see Hon. Mule running into is that when the board is run based on subscription, there are no numbers. These things are done in the interest of Kenyans. Let us not be shy to ask the taxpayer to pay for something that is going to help the people of Kenya. At the end of the day, you will need a registrar and staff for the board, and people who will be going around making sure that those who call themselves biomedical engineers are trained and competent to offer that practice. All this will require resources. If you have 100 members and you charge Kshs10,000 per year, you will have Kshs1 million, which cannot help much.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Rarieda, you are more audible when you address the Speaker. That is what the Standing Orders say.

Hon. (Eng.) Gumbo: I am well guided, Hon. Temporary Deputy Speaker. One of the areas that need to be addressed is the question of making the board to run on subscription. In my view, qualified biomedical engineers in this country are so few that if resourcing is through subscription, the good intention of this Bill may not work. Somewhere along the line, we may have to find a way of asking the taxpayer to pay for it. I read somewhere that five years ago, three to five hundred new diseases arise every year. Right now, we have the Zika virus. We did not know about it. We will probably require equipment to handle the virus. As human life gets more and more complex, one can say authoritatively that we will need complex equipment to understand how to deal with the diseases that keep emerging. The provisions as provided in this Bill are good as a starting point, but do they help us in achieving the intentions of this good Bill?

With those remarks, and with notice of intention to bring amendments, I support. I would like to thank my good friend, Hon. Mule, for bringing to this House a Bill that is going to bring regulation into an area that we live in as a country.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Butula!

Hon. Onyura: Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to contribute to this important Bill. It is only right that a professional group of biomedical engineers have an Act that regulates their activities.

As the Bill provides, it is able to regulate the training, registration, licensing and the practice of that profession. We also have addressed a number of other professional cadres through legislation in this House. That is a very positive step because we need to encourage professionalism and specialisation, particularly in an area such as medical engineering, which is a fairly new field that needs to be looked at very carefully.

In the light of what the Ministry of Health has been doing in procuring medical equipment through the Medical Equipment Services (MES), it is important for us to prepare and have professionals who have the necessary skills to operate that equipment.

This is an area that is fairly delicate. It is an important area and it needs to be given the attention we are according it now. We are talking of a cadre of staff that is dealing with human life and health. It is important that they get the support and a body through which they can regulate themselves, just as other professionals are doing. That way, they will be able to address their problems and challenges. Members of the profession would be in a much better position to appreciate and address the challenges that the profession will face.

While on this, I will just mention something on the general provision of medical services in the country. We can do all we are doing here; pass such a good Bill which will provide the legislative and legal framework for the biomedical engineers to work in. But unless we address the challenges and the concerns in the wider medical field, I do not think we will be doing justice to the expectations of the citizens. There are a lot of complaints about medical services. If we do not watch out and be careful, medical services could collapse. When you go to hospitals and dispensaries, there is no medicine, the staff is inadequate and demoralised. Unless these issues are addressed properly, the entire medical system is heading in the wrong direction.

This is not to say that we do not support the devolution of that particular sector. We support it very much and we want it to succeed. But there are challenges. I would call upon the Ministry of Health and the new Cabinet Secretary (CS) and the Principal Secretary (PS) who

have come into office to look at the overall provision of health in the country, to work very hard. Even when you look at the structure and organisation, you find that in health centres where certain fees are charged, that money is deposited into a central account in the counties. It is so difficult for the money to be disbursed back for use by those facilities. That needs to be looked at very carefully and given priority so as to save our health sector.

Otherwise, I support this Bill. It is a very important Bill and should allow promotion of professionalism and specialisation in a field that is very important to all of us and our health sector.

With those few remarks, I support the Bill.

The Temporary Deputy Speaker (Hon. Kajwang'): Hon. Member for Kwanza.

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, I also take this opportunity to support the Bill and congratulate my brother Stephen Mule for coming up with this Bill. It is a very important Bill today. It is good that this specialised line of medical practice like any other profession, be given the space to operate in terms of training, registration and even licensing of those involved.

I am aware that we have a lot of problems out there. The sooner we have the board of those biomedical engineers the better.

Recently, I had two very sick people from my area who were referred to Kenyatta National Hospital (KNH). It is common knowledge that the equipment had broken down for quite some time. Can you believe somebody having heart problems being told that he would be there for nine months? I do not know how the patients are as of today, but the hospital should be able to provide the basics---

(Loud consultations)

There is a lot of noise. I cannot even hear myself. I do not know whether you can protect me, Hon. Temporary Deputy Speaker. There are a lot of discussions here. Can they go and consult out there?

The Temporary Deputy Speaker (Hon. Kajwang'): Order Members! Can you lower the volume of your consultations to a level that is permissible?

Hon. F.K. Wanyonyi: They cannot even hear. Hon. Temporary Deputy Speaker, I would like to continue despite that. It is important that---

The Temporary Deputy Speaker (Hon. Kajwang'): Order! I suggest that Dr. Oburu sits just next to the Hon. Member so that you are able to consult in a more favourable way.

Hon. F.K. Wanyonyi: Thank you for your protection, Hon. Temporary Deputy Speaker.

It is important to have those biometrical engineers being given space to operate on their own. Initially, when I saw this Bill, I wondered why they cannot be part of the engineering body. I realised that they may be so specialised that we should give them the greenlight to operate on their own.

As proposed by Eng. Gumbo, let us have the engineers sitting on the board, but those biometrical engineers should also have their own board to deal with the problems we have today. As I had mentioned, we had a patient who was supposed to have been referred to KNH, but he was told to wait until August because the equipment was not there. If it was there, it was out of order. We need to have the board so that it can regulate the biomedical engineers and have them assigned specific areas. For example, we can have some engineers in western Kenya with a sub-

station there, others in central Kenya, Coast and the Eastern region so that they can visit some of the health centres there.

Sometimes, we lose lives because a microscope does not work or because there is nobody who can look after it. With this proposed board, the regulations will be very strict and there will be discipline in the medical service.

Hon. Temporary Deputy Speaker, we were forced to take our patient to India because of lack of or an equipment being out of order. I happened to be in India some time back and I was amazed at how organised they are such that, when you have a patient, he gets into one of the machines and everything is diagnosed immediately to know what the problem is. That is lacking in this country because we are not organised. It should not be surprising that when we have this kind of board. The biomedical engineers will eventually be able to have equipment and assist some of our patients. It is very expensive as you all know. You are a Kenyan. I am sure in your own way you have been asked to raise money for patients to go to India. This kind of thing is a step forward to be able to help our people because we are dealing with human lives and the safety of our people. So, instead of us taking patients all the way to South Africa, Germany and India, with that kind of board in place, there will be some discipline. The other thing that I want to mention is the un-sustainability of the board. To me, it may be very expensive to run and sustain it, as advised by one of the engineers. We should be able to look at a way of funding the board through the Exchequer and have minimal staff to be able to operate. The other field engineers can be paid from the health centres that they have been assigned. That way, there will be harmony and proper regulation of the people manning this.

The other thing is: Because of the complexity of the recruitment, some countries which I do not want to mention will eventually dump their equipment here. If we do not have a body that deals with importation and licensing of equipment, we will run the risk of importing obsolete equipment. I know of a place in my county where a machine that was bought for over Kshs200 million is lying idle. So, if you have equipment coming in, it should be specified and licensed by the board so that we do not have people just dumping equipment here for the sake of doing business.

With those few remarks, I support the formation of the proposed board so that we can save our people from incurring expenses arising from taking them abroad for specialised treatment.

With those remarks, I support the Bill.

The Temporary Deputy Speaker (Hon. Kajwang'): Hon. Members, even as we proceed with this debate, I would like the Mover – the Member for Matungulu – to look at why the Bill is classified as non-money Bill within the provisions of the Constitution. Definitely, it will exert an appropriation to the Exchequer within the meaning of Article 114 of the Constitution. Those are some of the issues you may want to reflect on. If you want to go ahead and create the proposed boards, they will have to be remunerated. If you want to raise loans and gifts and so on, it means that public money will be spent, which will exert pressure on the Exchequer. So, you may want to reflect why the Bill has been classified as a non-money Bill and how you can reconcile it with Article 114, specifically Sub-section 2 of the Constitution of Kenya.

Member for Kitui Central!

Hon. Mulu: Thank you, Hon. Temporary Deputy Speaker, for giving me the chance to contribute to this important Bill.

I want to start by thanking Hon. Mule, the MP for Matungulu, for coming up with this important Bill. This being a Private Member's Bill, we must all appreciate the fact that the efforts which have gone into it are commendable. As a Member of the Wiper Party of Kenya, I want to associate myself with Hon. Mule. He is doing well by promoting our party as well as the coalition that we belong to. Thank you Hon. Mule for coming up with this Bill.

Having read this Bill, I want to say that it is quite timely. We are aware that there has been a shift in terms of policy in the health sector, where the Government is talking more about leasing medical equipment rather than buying. One of the issues that I have been raising even as a member of the Budget and Appropriations Committee, has always been whether, as a country, we have the capacity to sustain, maintain and make proper use of equipment that comes from outside this country. This Bill tends to shed some light at the end of the tunnel because biomedical engineers are people who can maintain medical equipment. This Bill is timely. It will help this country a lot in terms of ensuring that we have standardised training programmes for engineers. At the same time, it provides basic qualifications in terms of who should be called a biomedical engineer. This provision is very important because, at the end of the day, we will have people who are qualified to undertake the important task of maintaining medical equipment. At the same time, there is the issue of registration. Other than one just being called a biomedical engineer, the Bill stipulates very clearly the qualifications one requires so that one can be registered as a biomedical engineer. That also provides quality assurance in this important sector.

Another interesting aspect of this Bill is that there is a whole section on disciplinary action that can be taken against unqualified individuals pretending to be biomedical engineers. If I am claiming to be a registered biomedical engineer and it is discovered that I do not have the right qualifications, there is clearly stated disciplinary action that can be taken against me. That provision is very important because it will shield us from quacks in that important sector. In this Bill, there are three or four issues I would want to raise so that even as we move forward, we can think of amendments. One of them is the issue that you have just raised – of the Bill not being a money Bill. I had actually picked it with Hon. Mule. The question I was asking is: When you look at the composition of the proposed board and even the hiring of a registrar, there is heavy involvement of the Cabinet Secretary (CS); meaning that we expect the CS in charge of health services to be involved with the matters of this board. I was wondering why we need to bring the CS into this matter. If you bring in the CS in terms of approving of the budget and appointment of the registrar, you would most likely expect them to fund the board. That ties very well with the issue that Hon. Gumbo raised: whether, looking at the number of biomedical engineers who are qualified to be registered by the proposed board, they can sustain the operations of board without funding from the Exchequer.

Personally, I would go the way of the lawyers. In the activities of the Law Society of Kenya (LSK), there is very minimal Government involvement. That puts us in a catch 22 situation. What will happen if we go that way is that the number of the biomedical engineers in this country might not make the board effectively operational because they might not be able to generate enough financial resources. At the same time, if you bring funding from the Consolidated Fund, then we need to change the title of the Bill in terms of it not being a money Bill. That is because it becomes a money Bill. At one point, we will need to bring in the Budget and Appropriations Committee and the CS of the National Treasury so that we do not go against the law.

Another issue that we also need to consider is what I would call “non-status organisations”. This would be more of a parastatal. If it gets public funding, the question is how we tie the parastatal reforms in this country. We are talking about merging parastatals which perform similar functions so that we reduce the number, implying that we are reducing administrative expenses emanating from parastatals and yet this Bill will effectively be proposing an increase in the number of the existing parastatals.

These are the critical questions we need to ask as a House and see how we can balance them. But at the end of the day, ensure that Kenyans benefit out of those important services. As it has been said, many a times you hear of cancer patients being referred to Kenyatta National Hospital and while there, they get into a queue which last for ten months. If you go and join a queue, it takes ten months for you to get access to that machine. That becomes a very tricky situation because we want our people to have that equipment bought so that these biomedical engineers can be employed in this country to help us get the very important machines always operating. However, there are all those other questions.

Therefore, we will be proposing some amendments to this Bill to ensure that it helps Kenyans. But at the same time, it does not raise issues which go against the Constitution. As we move forward, these are some of the issues Hon. Mule needs to consider. The issue of bringing a member from the Association of Engineers to sit on this Board will be important in terms of synergy. That is because they will think together and see how they will help the Board. However, where the number is less than 300 in the whole country, it would be a critical issue which we cannot ignore as we think about forming the board.

Generally, this is an important Bill which can go a long way in helping this country; especially when we are talking about leasing of medical equipment.

So, with those comments, I support this Bill. Thank you.

The Temporary Deputy Speaker (Hon. Kajwang): Let us have the Hon. Member for Kaiti.

Hon. Makenga: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this very important Bill; the Biomedical Engineers’ Bill. I would like to seize this opportunity to congratulate the Mover of this Bill, Hon. Mule.

At the outset, I would like to say that this Bill is very important because the structures proposed in it will definitely bring a lot of sanity in this field. As we are aware, this industry has been riddled with a lot of people who are not professionals and they behave like quacks. Therefore, this Bill will cure those types of people who practice in this industry and they are not qualified. The Bill has looked at the registration of professionals and I believe the qualifications have been clearly set out in the Bill. They will be regulated by this Bill and they will practice professionally.

Part 13 of this Bill sets out provisions of approving training institutions. These provisions also set out penalties to people who would contravene that particular law. So, the Bill will ensure that training institutions are well regulated and practice as per the law. This Bill and its passage will significantly streamline the health sector.

In Kenya, the quality of health care is very important and must be maintained. If this Bill will bring that kind of sanity in streamlining and improving the health sector, with those kinds of professionals, people who seek medical attention outside the country will be treated in this country. Therefore, this Bill is very timely and will improve and streamline the health sector.

In addition to the provisions set out on Part IV, this Bill has come out very clearly on the issue of private practitioners. They will be prohibited not to practice as public biomedical officers and, at the same time, engage themselves in private practice. This Bill has come out very clearly. If an officer is serving in the public service, he may not practice privately. However, if he wants to practice privately, then he has to leave the public service and practice privately. That will root out any corrupt practices whereby people who are not qualified just sneaks out of their jobs and go to practice behind the streets of towns and cities.

Therefore, I think this Bill is very timely. This is a very important discipline. We know that those professionals will also be dealing with human health, particularly the ones who deal with fixing implants in human bodies. Those are people who are very important to this country.

Finally, this Bill will create morale for the biomedical engineers who might want to practice and work in this country. They may not want to seek green pastures out of this country and may want to retain or serve their country diligently. This Bill will improve the morale of Biomedical Engineers. As my colleagues have said, let the Mover also look at the issue of the Money Bill so that it can be aligned to this Bill.

With those few remarks, I beg to support this Bill.

Thank you.

The Temporary Deputy Speaker (Hon. Kajwang): Hon. Member for Kaiti, those cannot be few remarks. You need to just say that, “with those remarks---“But all of you say the same thing.

Let us have the Hon. Member for Bureti.

Hon. Sang: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I want to congratulate my friend and colleague Hon. Eng. Stephen Mule for coming up with this very important Bill. For a very long time, the medical engineers in our Hospitals have been working without regulations. I want to congratulate him.

I know we have a good number of products for Kenya Medical Training College (KMTC) where I also graduated. At the outset, I support Engineer Mule for coming up with this very important Bill and as my friend has rightly put it, the medical engineers will have their morale boosted and with the regulations, they are going to do a good job.

For a very long time, those engineers have been doing a wonderful job. A number of equipment or machines become dysfunctional in hospitals and the engineers are doing a very important job. I know that engineers who are qualified from outside have been getting into the job market without being controlled. Once the graduates come from outside, they will have to register with that particular board, so that quacks do not come to work on our equipment without regulation. The Kenya Medical Training College (KMTC) has a good number of graduates. It has been unfortunate. For a very long time, KMTC has produced graduates who have been working in our hospitals without any regulations. Within a very short time, we passed a good number of Bills, so that we can have the graduates of KMTC having their own regulations.

I know Hon. Mule is going to work on the issue of a money Bill. My colleagues have already indicated that if we work on it, the Kenya medical engineers who are in hospitals, including where I used to work in Kapkatet, are going to get a boost and they will have their own body.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Shinyalu.

Hon. Anami: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I would like to support this Bill. The quality of our peoples' life depends on health care and the kind of services that they access through interventions by our health facilities and health personnel. The biomedical engineers sector is very critical. Two extremes make our people lose their lives, namely, the aspect of diagnosis and the process thereof and the aspect of prevention.

I would like to agree with the Mover, Hon. Mule, that we need regulations, so that the process is water-tight and safe all along. We have lost patients because of wrong diagnosis. Sometimes, wrong diagnosis comes about because of the biometric practitioners who use equipment that is not properly maintained. I want to agree that minimum standards should be put in place to guarantee accurate diagnosis and prevention thereof.

In cases where we have accurate diagnosis, we also need to guarantee sustainability. Because of the kind of life that we live, and I have said this before, the process needs to be cost-effective. Again, we need to incorporate our traditional systems, so that occupation therapy is also carried along. This will be achieved through putting clear regulations in place, as has been proposed. I support the idea of the board, which needs to have a very clear networking with all practitioners and institutions.

More importantly, we need to qualify this as a money Bill, so that there is facilitation. We have experienced frustration when we construct health facilities, but after constructing beautiful buildings, we cannot move on from there because we do not have practitioners and equipment. When the equipment is donated to us, as has rightly been said, we are not guaranteed of its efficiency. We just use it the way it is because it is the only facility that we have. This regulation, the access and maintenance of the equipment will be factored in the budgetary process and the overall management of the institutions.

There is the aspect of co-ordination with the Cabinet Secretary (CS) responsible for the Ministry and even co-ordination between the CS and the grassroots institutions. You can only find such services in Nairobi, Mombasa and Kisumu, if you are lucky, and other exclusive institutions like the Eldoret Teaching and Referral Hospital and yet, sicknesses occur at the grassroots. We need to get a coordination process where a minimum of those facilities can be taken to the grassroots where our people live and where the fundamentals of our society are found.

We also have elements of double standards in the health sector. This is where we need equitable distribution of resources. This should be factored in the regulations so that, as we approve these provisions, we guarantee that the services will trickle down to the village where our people live.

I would like to thank Hon. Mule for this Bill.

The Temporary Deputy Speaker (Hon. Kajwang'): Member for Shinyalu, I do not need to hurry you. You still have some time to debate this. Is it the correct time that you want to rest your case and then take it again on Wednesday when we resume on the Private Members' Bills?

Hon. Anami: Hon. Temporary Deputy Speaker, I will really appreciate.

The Temporary Deputy Speaker (Hon. Kajwang'): I am advised by the Clerk-at-the-Table that you have about four minutes when we resume this debate. Make sure that you are there on time when the Bill is called out. Otherwise, you may lose your time.

Hon. Anami: Most obliged.

The Temporary Deputy Speaker (Hon. Kajwang'): That is the appropriate time that you can resume your seat.

Member for Matungulu, Members have raised important issues which, as you think through, you can make the debate easy in the Assembly. There is the issue concerning whether or not the Budget and Appropriations Committee has looked at your Bill, whether or not the Health Committee has looked at your Bill, how you want to reconcile other competing legislations with this to harmonise them and to what extent you want to involve the engineers. There is also the issue of whether or not the board should be a parastatal or whether it can be a board within the Health Act. You also know that health is a devolved function. So, the Senate will have a bite on the pie, so that you have a wholesome Bill that does not come back to us. Members have done this in good faith that; if you put them together, you should have a Bill which will help you or help the practitioners in that field of study. But because the Member for Shinyalu is still on his feet, the Bill is still alive and will still be discussed. So, as all these things are going on, put together your act, so that we can get there.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Kajwang'): Hon. Members, the time being 1.00 p.m., this House stands adjourned until today at 2.30 p.m. It is ordered accordingly.

The House rose at 1.00 p.m.