

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 16<sup>th</sup> March, 2016

The House met at 9.30 a.m.

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

PRAYERS

QUORUM

**The Temporary Deputy Speaker** (Hon. Kajwang'): Good morning Members. I understand that the House is still low on quorum. So, I will order that the Quorum Bell be rung for 10 minutes. It is so ordered.

*(The Quorum Bell was rung)*

Hon. Members, I am informed by the Clerk-at-the-Table that we now have sufficient quorum to transact business.

Next Order!

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

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

IN THE COMMITTEE

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

## THE HEALTH RECORDS AND INFORMATION MANAGERS BILL

**The Temporary Deputy Speaker** (Hon. Kajwang'): Order, Hon. Members! This is a Committee of the whole House convened to consider the Health Records and Information Managers Bill (National Assembly Bill No. 24 of 2015). We shall start.

*(Clauses 3 and 4 agreed to)*

*Clause 5*

**The Temporary Deputy Chairman** (Hon. Kajwang'): Who is the Chair of the relevant Committee?

**Hon. (Ms.) R.K. Nyamai:** Thank you, Hon. Temporary Deputy Chairman. I beg to move:-

THAT, Clause 5 of the Bill be amended—

(a) by renumbering the existing Clause 5 as Clause “5(1)”

(b) in sub clause (1) by inserting the words “in consultation with the Cabinet Secretary to” immediately before the words “enter into agreement” appearing in paragraph (d)

(c) by deleting sub-clause (3) and substituting therefor the following new subclause—

“(3) The terms and conditions of service of the members of the Board shall be determined by the Board in consultation with the Cabinet Secretary and upon the advice of the Salaries and Remuneration Commission.”

This is to correct a typographical error.

*(Question of the amendment proposed)*

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

**The Temporary Deputy Chairman** (Hon. Kajwang'): Hon. Member for Kitui Central, what is your point of order?

**Hon. Mulu:** Hon. Temporary Deputy Chairman, we need your guidance because Clause 5 has a number of amendments and she needs to tell us the import of others and not just the first one.

**The Temporary Deputy Chairman** (Hon. Kajwang'): There are several amendments on it and we are addressing ourselves to the entire clause, but it will depend on how the Assembly reacts.

**Hon. (Ms.) R.K. Nyamai:** Thank you, Hon. Temporary Deputy Chairman, the justification for that amendment in part (b) is to give power to the Board and to ensure that there is consultation with the Cabinet Secretary. For part (c), the justification is to ensure that any fees, allowances and remunerations should be paid to the staff as per the Salaries and Remunerations Commission (SRC) for it to be constitutional.

**The Temporary Deputy Chairman** (Hon. Kajwang'): All right. Do you want me to put the Question in piecemeal, so that you are sure of what you are voting for? I did not hear any serious objection and that is why I am handling it as a whole.

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

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

*(Clause 5 as amended agreed to)*

*Clause 6*

**Hon. (Ms.) R.K. Nyamai:** Hon. Temporary Deputy Chairman. I beg to move:-  
THAT, Clause 6 of the Bill be amended—

(a) by inserting the following new sub clauses immediately after sub clause (2) —  
“(3) The Board shall meet at least four times and not more than twelve times in every financial year.

(4) The chairperson may at any time convene a special meeting of the Board and shall upon a written request signed by at least four members, convene a special meeting within fifteen days of such a request.

This is for regularization.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang'): Hon. Member for Kakamega, what is your point of order?

**Hon. (Ms.) Amolo:** Sorry. I was inserting my card.

**The Temporary Deputy Chairman** (Hon. Kajwang'): All right. Member for Kakamega, good morning. Hon. Member for Kajiado, what is your point of order?

**Hon. Manje:** Why should they restrict the Board to meet 12 times? Suppose they have a critical issue?

**The Temporary Deputy Chairman** (Hon. Kajwang'): Are you on intervention?

**Hon. Manje:** I wanted to contribute.

**The Temporary Deputy Chairman** (Hon. Kajwang'): I saw it as intervention. Just keep your cool. Let us have the Member for Chuka/Igambang'ombe. One of these fine days, you will remove the stroke so that we have just one name that we all know.

**Hon. Njuki:** Thank you, Hon. Temporary Deputy Chairman. If I do that, I will go home because I will have left out half of the constituency. I wanted to contribute to the same.

**The Temporary Deputy Chairman** (Hon. Kajwang'): I saw you on intervention. Just hold your horses. If we are going to request for contributions, I will start with the Member for Ugunja. Order, Member for Ugunja! I know you are supplying political knowledge to your caucus and particularly your Chair, but I think it is the fingers which were doing the walking. Let us have the Member for Makueni.

**Hon. Maanzo:** Thank you, Hon. Temporary Deputy Chairman. The new amendment provides that the Board shall meet, at least, four times and not more than 12 times every financial year.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Member for Makueni, just hold your horses. Member for Suba is on intervention.

**Hon. Ng'ongo:** Hon Temporary Deputy Chairman, I just wanted to apologise because this caucus was discussing something very important. We see a lot of harassment from the Jubilee Government which has panicked because of losing in Malindi and it is causing a lot of concern in the country. As my political advisor, being the Director of Political Affairs, we were trying to see how to approach the panicking Jubilee Government and how to treat them for the

remaining 14 months when they are in power and how we will take over from them and correct the messes.

**The Temporary Deputy Chairman** (Hon. Kajwang'): All right. Let us have the Nominated Member, Hon. Johnson Sakaja.

**Hon. Sakaja:** Hon. Temporary Deputy Chairman, for a long time, I have been wondering what happened to my colleague who is my opposite number in the ODM since he became Chair. I am glad he has confirmed that the caucus of confusion happens where he is sitting with Hon. Opiyo Wandayi and he has been misadvising him terribly. So, I would like to remind him of the Standing Order of relevance. Whatever you are saying has nothing to do with the Bill on Health Records and Information Managers, but I am glad today we know where the confusion has been coming from all along.

**The Temporary Deputy Chairman** (Hon. Kajwang'): All right. Members, this is the National Assembly at its best. You need salt and pepper to enliven debate in the House. Hon. Member for North Horr, you are almost on your nails. What is happening?

**Hon. Ganya:** On a point of order. Is it in order for the Chairman of Jubilee to demand my Chairman to substantiate the obvious?

*(Applause)*

**The Temporary Deputy Chairman** (Hon. Kajwang'): Member for North Horr, what is obvious that should not be substantiated? I want to understand your point of order. What is this that is so obvious according to you?

**Hon. Ganya:** It is obvious that the Jubilee Government lost miserably in Malindi after trying to bribe the entire Coast in cash and other forms of bribery. The nation is very much aware of this. Now they are harassing our governors left and right all over the country. That is very obvious.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Nominated Member, Hon. Johnson Sakaja, are you in order to explain what in the view of the Member for North Horr is obvious and for the words that he has spoken which I do not want to repeat here?

**Hon. Sakaja:** The Malindi by-election was almost two weeks ago. It is not usual for CORD to win and that is why they are still excited until today about a small victory in a very tiny constituency. What the Member for North Horr is not saying is that he himself is a founder Member of the United Republican Party (URP) and because he could not get one or two things that he wanted, he moved to ODM. He moved because of the ticket. He is ODM on the outside, but deep down, he is Jubilee to the core. He even looks like Jubilee and you can see how he is smiling. So, I know CORD is not used to winning, but we are used to victory. We are not talking about our victory in Kericho every day. So, just get used to winning once or twice and let us move on with the Bill.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Thank you. We return to business now. Member for Makueni, I am sorry for that intervention.

**Hon. Maanzo:** Thank you, Hon. Temporary Deputy Chairman. I want to support the new addition 6(a)(3) where the Board shall meet at least four times and not more than 12 times in every financial year. Any serious board can meet quarterly, at a minimum so that boards do not have very many unnecessary meetings where people merely go to collect allowances and leave business pending. I support the inclusion of this so that there is a maximum number of times a

board can meet in a financial year. This should be copied in all other parastatal boards so that they can execute their mandate efficiently.

Thank you, Hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Hon. Member for Kipipiri.

**Hon. Gichigi:** Hon. Temporary Deputy Chairman, I also rise to support the proposed amendment. In the recent past, we have had experiences of rogue boards and we need to rein on them. If you remember what the Judiciary and some of the other funny boards that we have been having were doing, it is important we stop them abusing certain powers that they have.

If you go to the next provision, if there is necessity for something very special, there is provision that they can summon a meeting to deal with that but they will have to give an explanation.

Thank you.

*(Hon. ole Ntutu stood up in his place)*

**The Temporary Deputy Chairman** (Hon. Kajwang'): I beg your pardon. I do not see any Narok on my list.

**Hon. ole Ntutu:** It must be there.

**The Temporary Deputy Chairman** (Hon. Kajwang'): No, I do not see. Is it Narok West?

**Hon. ole Ntutu:** Thank you, Hon. Temporary Deputy Chairman. I oppose this amendment because I do not see the rationale of limiting the number of times a board meets. If we want to control the allowances these people are going to be paid, the Chairman or the Chief Executive Officer (CEO) can do that. I think we should really oppose the amendment.

Thank you.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Member for Kajiado North.

**Hon. Manje:** Hon. Temporary Deputy Chairman, I oppose this insertion. Since it is a new insertion in the clause, why should we restrict the operation of the Board? Supposing they have a critical issue they want to solve? If the Board meets once a month, it might not have an impact in the organisation.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Member for South Imenti?

**Hon. Murungi:** Thank you, Hon. Temporary Deputy Chairman. I oppose this amendment especially on the upper limit of 12 times. If you go to Clause 6(4) which is in the same amendment, there is this other provision which says: "The chairperson may at any time convene a special meeting---" Therefore, if we have the "at least four times" and they meet six or seven times, that can be catered for because the Chairman will convene any other meeting.

I am opposing the upper limit of 12 times because those meetings may not be necessary.

**The Temporary Deputy Chairman** (Hon. Kajwang'): I hear you Member for Imenti South. What we will do is to let me split these two proposed amendments and we take a vote on each of them because they seem to be inviting different opinions.

*(Hon. Muluvi stood up in his place)*

I suppose everybody has said everything that can be said. The rest is an opinion which can be put to vote. What is the issue, Member for Kitui East?

**Hon. Muluvi:** Hon. Temporary Deputy Chairman, the issue is that if corruption has to be fought, we must regularise boards because they do not give room to the executives to run organisations. There are boards which literally sit in their boardrooms from January to December. They regulate procurement, get into corruption of the organisations and even manage the affairs of the corporations from there. I want it to be on record that corruption must be fought from all angles. One of the ways corruption has manifested itself is through the boards which run corporations. They should give the executives the latitude to run organisations as per the statutes.

Thank you, Hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Hoping Members have followed the discussion, I will put the Question.

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

*(Clause 6 as amended agreed to)*

*Clause 7*

**Hon. (Ms.) R.K. Nyamai:** I beg to move:-

THAT, Clause 7 of the Bill be amended—

(a) by renumbering the existing provision as sub clause (1);

(b) in sub clause (1) by—

(i) deleting paragraph (c);

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

“(h) two Managers, one in public practise and the other in the private practise appointed by the Cabinet Secretary.”

(iii) deleting the words “two other members” appearing in paragraph (i) and substituting therefor the words “one other member.”

(c) by inserting the following new sub clauses immediately after sub clause (1) —

“(2) The Registrar who shall be a registered Manager, shall be the Secretary to the Board.”

“(3) The Board may appoint functional committees on finance, standards and education, registration and licensing, human resource, discipline and ethics for the effective performance of its functions.”

The justification for those amendments is to correct typographical errors. On part (b), it is to ensure that the Registrar is the secretary to the Board. The rest is per the Order Paper.

*(Question of amendment proposed)*

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

**The Temporary Deputy Chairman** (Hon. Kajwang'): Member for Kiminini on a point of order.

**Hon. Wakhungu:** Hon. Temporary Deputy Chairman, it has been the practice and tradition that you give justification as per clauses when you bring these amendments. The

Chairlady has just generalised. She has not explained the import of deleting paragraph (c). She has skipped parts (a) and (b) and gone to part (c) and justified the issues of the Registrar.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Member for Kiminini, I am rather conservative when I deal with points of order. They must only relate to Standing Order No.107 which relates to order and disorder in the House. About how a Chairperson manages this is their discretion. She is moving in the direction and suggestion of the Hon. Temporary Deputy Chairman. When I come to a point when I think Members are not following the discussion, I will ask her to explain. Should you be in a situation where you seem not to be following her discussion, you raise that.

Do not rise on points of order unless it is an issue that degenerates to order or disorder of the House so that we can move on.

Member for Westlands, please.

**Hon. Wetangula:** Thank you, Hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Kajwang'): We are on Clause 7.

**Hon. Wetangula:** Hon. Temporary Deputy Chairman, I wanted to speak on Clause 6 but I still support the amendment on Clause 7.

**The Temporary Deputy Chairman** (Hon. Kajwang'): All right. Member for Kathiani.

**Hon. Mbui:** Hon. Temporary Deputy Chairman, this is a point of order. I have observed that the Members for Narok, Kitui and another Member---

**The Temporary Deputy Chairman** (Hon. Kajwang'): Which Narok? There are several Naroks.

**Hon. Mbui:** The incoming Governor.

**The Temporary Deputy Chairman** (Hon. Kajwang'): This is Narok West, is it not?

**Hon. Mbui:** Narok West, Kitui East and another Member got opportunity to contribute because they stood. I am wondering whether there is a change because I have used the procedure of the House which is to put my card and press and I was not getting opportunity. Do we have to stand so that you see us?

**The Temporary Deputy Chairman** (Hon. Kajwang'): Thank you very much. The Hon. Temporary Deputy Chairman will, as much as possible, try to follow the request order unless circumstances are different.

Member for Kaiti?

**Hon. Makenga:** Thank you, Hon. Temporary Deputy Chairman. I support the amendment as proposed by the Chairperson of the Committee. Clause 7(2) says: "The Registrar who shall be a registered Manager, shall be the Secretary to the Board." Being the holder or the manager of the records, I think it is appropriate for the Registrar to be the secretary to the board. I support.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Member for Endebess, I bring you in, not because you are on the list, but because of the expertise that you bring to this discussion. I know the Member for Kathiani will complain.

**Hon. (Dr.) Pukose:** Thank you, Hon. Temporary Deputy Chairman. I want to support the amendment by the Chairperson of the Departmental Committee on Health because this clause captures the involvement of both public and private sector so that those who are in private and public sectors can also participate.

You will find that in part (3) it creates various sub-committees. It gives us the opportunity to create sub-committees so as to enable the Board operate. For instance, you have committees

on finance, standards and education, registration and licensing, human resource, discipline and ethics. This will enhance the performance of the Board.

With those few remarks, I want to support.

**The Temporary Deputy Chairman** (Hon. Kajwang'): All right. Member for Ndhiwa, you are actually the proposer of this legislation. If I have not come to you, it is just by a slight oversight. So, will we please hear you on this?

**Hon. Oyugi:** Thank you, Hon. Temporary Deputy Chairman. I would like to agree with the Committee on the deletion of Clause 7(c). There is an error that the Committee is trying to delete. If you see Clause 7(c) on the initial Bill, it says that the Registrar who shall be registered manager, shall be the Secretary to the Board. The Committee has introduced the same provisions under Clause 7(2) which is a new provision. What they are doing there is just tidying the Bill and I agree with the Chair.

I thank you.

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

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

*(Clause 7 as amended agreed to)*

*(Clause 8 agreed to)*

#### *Clause 9*

**Hon. (Ms.) R.K. Nyamai:** Hon. Temporary Deputy Chairman, before I move this Clause, I would like to say that I will go by your guidance. The matters that we are raising, for example, in Clause 9 are matters of clarity and correction of syntax error. So, I will go by your guidance.

Hon. Temporary Deputy Chairman, I beg to move:-

THAT, the Bill be amended by deleting clause 9 and inserting the following new clause —

“9.(1) The Board shall elect from among its members a chairperson and vice-chairperson who shall serve for a term of three years.”

(2) The vice chairperson shall in the absence of the chairperson discharge the duties of the chairperson.

(3) In the absence of both the chairperson and the vice chairperson, the members present shall elect a member to preside at the meeting.

(4) Where a chairperson or vice chairperson for any reason vacates office before the term expires, a new chairperson shall be elected in the manner specified in sub section (1) in a meeting first scheduled immediately after the vacation of the office holder.

(5) notwithstanding the provisions of this subsection, the Cabinet Secretary may, if at any time it appears to him that the Board has failed to



carry out any of its functions under this Act in the national interest, revoke or annul the appointment, nomination or election of any member of the Board and may himself nominate a new member in the place of that member for the of the period of office of that member.”

The justification for those amendments is all for clarity and for correction of syntax.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang'): Member for Rarieda.

**Hon. (Eng.) Gumbo:** Hon. Temporary Deputy Chairman, in so far as these amendments bring clarity to this clause, I wish to support. Some of it may appear repetitive but they bring the necessary clarity to this clause. The marginal note of Clause 9 is about the Chairman of the Board.

I support this amendment as proposed.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Member for Kiminini.

**Hon. Wakhungu:** Thank you, Hon. Temporary Deputy Chairman. It is a straightforward purpose of clarity.

I support.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Member for Chuka/Igambang'ombe.

**Hon. Njuki:** Thank you, Hon. Temporary Deputy Chairman. I want to support this amendment. If you look at the previous version of that clause, it was too wordy. It is a matter of semantics in the language the drafters have used. They have used a spoken language rather than a written language which is business English. So, I support.

Thank you.

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

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

*(Clause 9 as amended agreed to)*

*Clause 10*

**Hon. (Ms.) R.K. Nyamai:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, clause 10 of the Bill be amended by deleting the expression “3” and substituting therefor the word “three”

This is for clarity.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang'): Member for Kakamega.

**Hon. (Ms.) Amolo:** Thank you, Hon. Temporary Deputy Chairman. I stand to support the amendment made by the Chairperson. This is straightforward. It is deleting the number “3” and replacing it with the word “three”.

I support. Thank you.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Member for Mbooni.

**Hon. Kiso:** Hon. Temporary Deputy Chairman, I support. This is an issue that is very clear.

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

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

*(Clause 10 as amended agreed to)*

*(Clauses 11 and 12 agreed to)*

### Clause 13

**Hon. (Ms.) R.N. Nyamai:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, clause 13 of the Bill be amended—

(a) by deleting the word “rolls” appearing in sub clause (3).

(b) by deleting sub clause (4).

The justification is that the word “rolls” is seen to be archaic and is no longer used in this context.

Thank you.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang'): Member for Westlands.

**Hon. Wetangula:** Thank you, Hon. Temporary Deputy Chairman. I support. It is just for purpose of clarity.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Member for Kaiti.

**Hon. Makenga:** Thank you, Hon. Temporary Deputy Chairman. I support the amendment.

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

*(Clause 13 as amended agreed to)*

### Clause 14

**Hon. (Eng.) Gumbo:** On a point of order, Hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Member for Rarieda, on a point of order.

**Hon. (Eng.) Gumbo:** Hon. Temporary Deputy Chairman, just for purposes of drafting, when we amended Clause 13 by removing the word "rolls" there is a comma there. I am concerned about the quality of drafting. I thought the Chairperson should have also indicated that by deleting "rolls," you should also delete the comma so that it becomes "registers and records". There is no point of having that comma there.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Well, I thank you Member for Rarieda for being a conscientious legislator. In ordinary practice of legislative drafting, commas, syntax, punctuation and generally tenses that bring to life the legislation will almost automatically be done by the drafters without bringing it before the Assembly. There is a time that a comma can change the meaning of a particular legislation. When that time comes, it is something we can look at. That is good enough.

**The Temporary Deputy Chairman** (Hon. Kajwang'): I had proposed the Question on 14. Just hold your horses, Member for Endebess.

**Hon. (Dr.) Pukose:** The Chairperson has not moved the amendment.

**The Temporary Deputy Chairman** (Hon. Kajwang'): She has moved, I had proposed it.

**Hon. Members:** No.

**Hon. (Ms.) R.K. Nyamai:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 14 of the Bill be amended by deleting paragraph (b).

It is a deletion.

*(Question of the amendment proposed)*

**Hon. Njuki:** *(Inaudible)*

**The Temporary Deputy Chairman** (Hon. Kajwang'): I know. Just allow me to control the proceedings, Member for Endebess.

**Hon. (Dr.) Pukose:** Thank you, Hon. Temporary Deputy Chairman. I want to support the deletion of Clause 14.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Clause 14, paragraph (b).

**Hon. (Dr.) Pukose:** There is confusion.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Are you reading the Order Paper, Page 173, Member for Endebess? Please, just be with me. I am able to guide you as much as I can. You will do well by just following.

**Hon. Njuki:** *(Inaudible)*

**The Temporary Deputy Chairman** (Hon. Kajwang'): Member for Chuka/Igambang'ombe, I have heard you. So just allow me to come to you when your time comes. Member for Endebess, please.

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Chairman, initially, we regulated the operations of the Board in Clause 9, but before that, we had talked about how soon the Board should organise its meetings. It should hold, at least, a maximum of four meetings.

**The Temporary Deputy Chairman** (Hon. Kajwang'): But Clause 14 refers to eligibility qualities.

**Hon. (Dr.) Pukose:** How they operationalise their activities.

**The Temporary Deputy Chairman** (Hon. Kajwang'): No, qualifications of the Registrar. Are we reading the same Bill? Unless there is a different print from the one I have, we are on qualifications of the Registrar.

**Hon. (Dr.) Pukose:** That is Clause 14.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Yes, Clause 14.

**Hon. (Dr.) Pukose:** That the Registrar shall be a person who in part 14(b), has attended a course of instruction for managers recognised by the Board as equivalent to the course prescribed at any training institution outside Kenya approved by the Board. That is what we are deleting.

**The Temporary Deputy Chairman** (Hon. Kajwang'): What is your point of debate and reaction on it?

**Hon. (Dr.) Pukose:** I do not think I support those qualifications of a Registrar.

**The Temporary Deputy Chairman** (Hon. Kajwang'): The Chair is proposing it be deleted.

**Hon. (Dr.) Pukose:** Yes, I am opposing.

**The Temporary Deputy Chairman** (Hon. Kajwang'): You are opposed to it?

**Hon. (Dr.) Pukose:** Yes.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Let us come to the Member for Chuka/Igambang'ombe on a point of order.

**Hon. Njuki:** On a point of order, Hon. Temporary Deputy Chairman. Sometimes when we ask for a point of order, we may have seen something that you have skipped. If you look at the amendments in Clause 13, we amended only Clause 13(a), but (b), which is suggesting deletion of sub clause 4, was skipped.

**The Temporary Deputy Chairman** (Hon. Kajwang'): No, that is not true. We took Clause 13 as whole. We did not split it.

**Hon. Njuki:** Yes, but the Chair never moved the deletion of sub clause 4.

**The Temporary Deputy Chairman** (Hon. Kajwang'): When you hear the Chair saying that she is moving amendment as per the Order Paper, it means that everything that is contained on the Order Paper in Clause 13 is moved.

**Hon. Njuki:** With all due respect, Hon. Temporary Deputy Chairman, when she tried to move Clause 13(b), you did not listen. You continued putting the Question. She can clarify that because there was contribution on it. It is a critical sub clause that is suggesting about a fee, which was not discussed. It provides that a fee to be known as the retention fee may be prescribed for payment annually or at such longer interval as the Board may deem appropriate. It was not debated.

**The Temporary Deputy Chairman** (Hon. Kajwang'): I suppose I may have gone too fast than I should have. If you want me to be slower I will try, but unfortunately, we have passed this one and I am not able to go back. I also have to push you at a speed that retains the time that we are working here. Member for Mbooni, are you on intervention?

**Hon. Kisoi:** Yes, Hon. Temporary Deputy Chairman. My reaction is to the amendment on Clause 14(b) on the deletion.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Just a minute. Are you on intervention or point of order?

**Hon. Kisoi:** That was on Clause 13, but it has already been passed.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Member for Likuyani, are you on a point of order?

**Hon. (Dr.) Kibunguchy:** On a point of order, Hon. Temporary Deputy Chairman. Just to allay the fears of my colleague who was talking about a retention fee, I think he should hold his horses until we go to Clause 15 where we have reintroduced that retention fee and it is very clear at that point.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Shall I put the Question? Member for Ndhiwa.

**Hon. Oyugi:** Thank you, Hon. Temporary Deputy Chairman. I would like to plead with the Chair of the Committee to understand the import of 14(b). I understand anyone looking at it on face value would think that Clause 14(a) and (b) are the same. When looking at 14(b), it tries to anticipate the fact that training can have been done outside Kenya and it ought to be in an institution that the Board has approved, whereas Clause 14(a) is talking about an institution in Kenya. That is the difference. However much as it is not harmful, I am hoping that she can allow that we retain it. That clarifies it.

**The Temporary Deputy Chairman** (Hon. Kajwang'): So, you are urging the House to oppose that deletion? Member for Kitui Central.

**Hon. Mulu:** Thank you, Hon. Temporary Deputy Chairman. Kitui Central is the top in Kitui, so you should not miss the word "Central". I want to oppose this amendment just as the Mover of the Bill has said because it targets external institutions. I want to plead with you that we ask the Chair of the Departmental Committee on Health to explain why they are doing some of the things which they have proposed here. The reason why Members are confused, including Hon. (Dr.) Pukose who is a Member of that Committee, is because justification for some of these deletions has not been explained. Let us be given the justifications.

**The Temporary Deputy Chairman** (Hon. Kajwang'): The Chairperson, can you come again.

**Hon. (Ms.) R.K. Nyamai:** Hon. Temporary Deputy Chairman, we have consulted with the Vice-Chair and looked at the document on the qualifications that have been prescribed here to see if they appear anywhere else in the Bill. Since we have not seen them, we have dropped that amendment.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Thank you very much. The amendment is hereby dropped.

*(Proposed amendment by Hon. (Ms.) R.K. Nyamai dropped)*

*(Clause 14 agreed to)*

Next Clause!

*Clause 15*

**Hon. (Ms.) R.K. Nyamai:** Temporary Deputy Chairman, I beg to move:-

THAT, Clause 15 of the Bill be amended—

- (a) in sub clause (1) by deleting the word "Registrar" and substituting therefor the word "Board."
- (b) in sub clause (3) by inserting the words "Upon the recommendation of the Board" immediately after the words "The Registrar shall"

- (c) by inserting the following new sub clause immediately after sub clause (4) —  
 “(5) A fee to be known as a retention fee, may be prescribed for payment annually or at such intervals as the Board may deem appropriate by any person whose name appears on a register as a condition of maintaining the name thereon.”

By deleting the word “Registrar” and substituting with the word “Board” and in part (b) where we are inserting the words “upon the recommendation of the Board”, it is just giving more powers to the Board. Clause 15(5) provides that a fee to be known as retention fee may be prescribed for payment annually or at such intervals as the Board may deem necessary. All these are to give more powers to the Board and to provide for means of cleaning up the register regularly.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Member for Turbo.

**Hon. Busienei:** Thank you, Hon. Temporary Deputy Chairman. I support the amendment to delete the word “Registrar” and substitute it with the word “Board”. In every institution, it is the Board that is responsible. I support the amendment.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Member for Nyamira.

**Hon. (Ms.) Chae:** Hon. Temporary Deputy Chairman, I also support the amendment as proposed by the Chair. It is giving the Board the energy to do its work properly.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Member for Luanda.

**Hon. Omulele:** Hon. Temporary Deputy Chairman, it is quite in order that the Board should be responsible rather than the Registrar. It is good practice.

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

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

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

*(Clause 15 as amended agreed to)*

*(Clauses 16 and 17 agreed to)*

*Clause 18*

**Hon. (Ms.) R.K. Nyamai:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 18 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub clause—

“(1) A person, being in charge of a training institution in Kenya shall not —

- (a) admit persons for training for the purpose of qualifying for registration under this Act;
- (b) conduct a course of training or administer the examination prescribed for the purposes of registration under this Act; or
- (c) issue any document or statement implying that the holder thereof has undergone a course of training or passed the examinations prescribed by the Board for purposes of registration; unless the training is to be conducted by the Kenya Medical Training College or an institution approved and accredited by the Kenya Medical Training College or is established or accredited under the Universities Act 2012”

The purpose of this amendment is to ensure that there is no conflict of interest between the existing institutions, especially the training institutions, and the legal entities that already exist within the country. It is also to ensure that there is no harassment by the Board.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang'): Let us have the Member for Mathira.

**Hon. Kinyua:** Thank you, Hon. Temporary Deputy Chairman. I support this amendment by the Chair. Knowing what is happening with regard to examinations in this country, it is very important that we come up with this new clause to ensure the autonomy of persons and to make sure that there is no conflict of interest.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Let us have the Member for Keiyo South.

**Hon. Kiptanui:** Thank you, Hon. Temporary Deputy Chairman. I support this amendment. It is very good that we come up with a Bill which does not create conflicts within institutions at the end of the day. The other day we had conflicts between the Kenya Medical Training College (KMTC) and the Kenya Universities and Colleges Central Placement Service. This will give clarity. We must ensure that these provisions do not conflict with other existing legal frameworks.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Lastly on this, let us have the Member for Likuyani.

**Hon. (Dr.) Kibunguchy:** Thank you, Hon. Temporary Deputy Chairman. I also stand to support the amendment with the understanding that institutions like KMTC and universities already conduct training with regard to medical records. We do not want the Board to interfere or upset the arrangement that is already in place.

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

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

*(Clause 18 as amended agreed to)*

*Clause 19*

**Hon. (Ms.) R.K. Nyamai:** Hon. Temporary Deputy Chairman, I beg to move:-  
 THAT, Clause 19 of the Bill be amended in sub clause (5) by deleting the words “shall be liable to” and substituting therefor the words “shall be liable on.”  
 This is for correction of syntax.

*(Question of the amendment proposed)*

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

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

*(Clause 19 as amended agreed to)*

*(Clauses 20, 21 and 22 agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang'): Let us have the Member for Rarieda.

**Hon. (Eng.) Gumbo:** Hon. Temporary Deputy Chairman, this is a House of rules and traditions. I am confused although I am not a legal drafter. In all the time that I have been in this House, when referring to conviction we always say “upon conviction” and not “on conviction”. We have done this in so many laws. Why are we then saying “liable on conviction”?

**The Temporary Deputy Chairman** (Hon. Kajwang'): Sorry, Member for Rarieda. Can you explain yourself so that I understand what you mean?

**Hon. (Eng.) Gumbo:** Hon. Temporary Deputy Chairman, when amending Clause 19, the Chair proposed deletion of the words “shall be liable to conviction” and replacing them with the words “shall be liable on conviction”. You are a lawyer, Hon. Temporary Deputy Chairman. I thought we usually use the phrase ‘liable upon conviction’ and not “liable on conviction”? That is how we have done it all along. Is it “liable on conviction” or “liable upon conviction”?

**The Temporary Deputy Chairman** (Hon. Kajwang'): With a lot of respect, be advised by the Member for Luanda, who is sitting next to you. You will discover that the words “upon” and “on” are the same depending on the context. One is adverbial. Is there an issue here, Member for Luanda?

**Hon. Omulele:** Hon. Temporary Deputy Chairman, my brother just wanted the Bill to be neater. The essence of the matter is captured whether you say “on” or “upon”.

**The Temporary Deputy Chairman** (Hon. Kajwang'): I understand that where he comes from people speak English as the mother tongue. This is where the problem is coming from. He is speaking his mother tongue. That means that his mother spoke English, is it not?

**Hon. Omulele:** He is an engineer but in his heart he wishes that he was a lawyer. On this one we can correct him.

*Clause 23*



**Hon. (Ms.) R.K. Nyamai:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 23 of the Bill be amended by deleting the word “enrolled” wherever it appears.

Given that we removed the word “role”, the word “enrolled” does not apply.

*(Question of the amendment proposed)*

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

*(Clause 23 as amended agreed to)*

*Clause 24*

**Hon. (Ms.) R.K. Nyamai:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 24 of the Bill be amended by deleting the word “enrolled” wherever it appears.

This is for the same reasons as Clause 23.

*(Question of the amendment proposed)*

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

*(Clause 24 as amended agreed to)*

*(Clause 25 agreed to)*

*Clause 26*

**Hon. (Ms.) R.K. Nyamai:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 26 of the Bill be amended in sub-clause (1) by —

(a) deleting paragraph (c) and substituting therefor the following new paragraphs

—

“(c) a representative of the Attorney-General.”

(b) by deleting (d) and substituting the following paragraph after paragraph —

“(d) a representative appointed by the Institute of Certified Public Secretaries.”

(c) By inserting the following new paragraph immediately after paragraph (e) —

“(f) the Registrar who shall be an ex-officio member of the Committee.”

The justification is that one representative of the Attorney-General is sufficient.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang'): Let us have the Member for Kitutu Chache North.

**Hon. Angwenyi:** Thank you, Hon. Temporary Deputy Chairman. I rise to support that amendment because we do not want to have too many people on the committee. One person is capable of representing the Attorney-General in this committee.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Let us have the Member for Endeless.

**Hon. (Dr.) Pukose:** Thank you, Hon. Temporary Deputy Chairman. This is about the disciplinary committee of the Board. The disciplinary committee consists of the chairman of the Board and a representative of the Cabinet Secretary. The Bill was proposing that there should be two representatives of the Attorney-General. We felt that it is not necessary to have two representatives. One person can adequately represent the Attorney-General. The other member who was not captured is the Registrar who shall be an ex-officio member and who will not take a vote. His responsibility will be to take notes.

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

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

*(Clause 26 as amended agreed to)*

*(Clauses 27 and 28 agreed to)*

#### *Clause 29*

**Hon. (Ms.) R.K. Nyamai:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 29 of the Bill be amended in sub clause (6) by deleting the words "of the" appearing immediately before the words "appeal to the High Court."

This is for correction of syntax error.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman (Hon. Kajwang'):** Member for Kitui East.

**Hon. Muluvi:** I support the proposed amendment by the Chairlady of the Departmental Committee on Health.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Member for Kitui Central.

**Hon. Mulu:** Hon. Temporary Deputy Chairman, this is just to make the clause clearer and I support it.

**The Temporary Deputy Chairman** (Hon. Kajwang'): The Kitui corner is very active this morning. Member for Mbooni.

**Hon. Kiso:** I support the proposed amendment by the Chairlady of the Departmental Committee on Health.

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

*(Clause 29 as amended agreed to)*

*(Clauses 30 and 31 agreed to)*

*Clause 32*

**Hon. (Ms.) R.K. Nyamai:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 32 of the Bill be amended by—

(a) deleting Sub clause (1).

(b) in Sub clause (2) by—

(i) inserting the word “granted” immediately after the word “been”

(ii) deleting the words “may either on its own motion or” appearing in Sub clause (2).

Regarding part (a), the purpose is to ensure that there is no conflict with provisions in Clause 32(2) and for part (b) we are correcting a syntax error where we are making an insertion and a deletion.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang'): Member for Rarieda.

**Hon. (Eng.) Gumbo:** Hon. Temporary Deputy Chairman, I support the proposed amendment because it makes it more grammatical.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Member for Kakamega.

**Hon. (Ms.) Amolo:** Hon. Temporary Deputy Chairman, I support the proposed amendment by the Chairlady.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Member for Mwingi West.

**Hon. Kitungi:** Hon. Temporary Deputy Chairman, I support the proposed amendment by the Chairlady.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Member for Kipkelion West.

**Hon. Rop:** Hon. Temporary Deputy Chairman, I support the proposed amendment because it clears the conflicting clauses.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Nominated Member, Bishop R. Mutua.

**Hon. (Bishop) R. Mutua:** Hon. Temporary Deputy Chairman, I support the proposed amendment.

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

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

*(Clause 32 as amended agreed to)*

*Clause 33*

**Hon. (Ms.) R.K. Nyamai:** Hon. Temporary Deputy Chairman, I beg to move:-  
 THAT, Clause 33 of the Bill be amended by deleting paragraph (i) and substituting therefor the following new paragraph—  
 “(i) is convicted of a crime under any other law.”

Hon. Temporary Deputy Chairman, the justification for this is to ensure that we look at other laws and not only focusing on corruption-related convictions.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Member for Endebess.

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Chairman, I support the amendment because it makes it difficult for the manager to have somebody practising when he is not registered. It makes sure that the person registered is qualified.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Member for Kitui East.

**Hon. Muluvi:** Hon. Temporary Deputy Chairman, I equally support the proposed amendment by the Chairlady of the Departmental Committee on Health.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Member for Nyeri Town.

**Hon. (Ms.) Mathenge:** Hon. Temporary Deputy Chairman, I want to support because it makes it more holistic by covering all the crimes and not just one.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Member for Rarieda.

**Hon. (Eng.) Gumbo:** Hon. Temporary Deputy Chairman, as explained by the Committee Chairlady, if you look at provisions, it is limiting it to only a person convicted under the Anti-Corruption and Economic Crimes Act. The proposed amendment in part (i) makes the environment of the crime wider as opposed to what is provided which is just referring to one Act of Parliament.

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

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

*(Clause 33 as amended agreed to)*

*(Clauses 34 and 35 agreed to)*

*Clause 36*

**Hon. (Ms.) R.K. Nyamai:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 36 of the Bill be amended in Sub clause (2) by deleting the words “those members of the Board who require to be elected” appearing in paragraph (j) and substituting therefor the words “the chairperson and the vice chairperson.”

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Member for Magarini.

**Hon. Kombe:** I support the amendment because it gives the Board power to act on the records or obtain people capable of keeping health records. It is in order and I support.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Member for Nyamira.

**Hon. (Ms.) Chae:** Hon. Temporary Deputy Chairman, I support the proposed amendment by the Chairlady because the only people who can be elected to the Board are the chairperson and the vice chairperson to guide proceedings.

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

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

*(Clause 36 as amended agreed to)*

*(Clauses 37, 38 and 39 agreed to)*

#### *New Clause 14A*

**Hon. (Ms.) R.K. Nyamai:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, the Bill be amended in Part III by inserting the following new clause immediately after Clause 14—

Person eligible  
to be registered.

“14A. (1) A person shall be eligible for registration under this Act as a health records and information manager if the person—

- (a) is the holder of at least a diploma or a degree in health records and information management which is recognised by the Board;
- (b) after obtaining that qualification, has engaged in training employment under the supervision of a registered health records and information manager for such period, being not less than six months, as the Board may approve;
- (c) the Board shall approve the suitability for registration of a person under paragraphs (a) and (b) through such examinations as may be administered by the Board

from time to time.

The purpose of this clause is to set up the criteria for eligibility and registration under this Act as a health records and information manager. This is to ensure that we have clear criteria for eligibility.

*(Question of the new clause proposed)*

*(New clause read the First Time)*

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

**The Temporary Deputy Chairman** (Hon. Kajwang'): Member for Ndhiwa.

**Hon. Oyugi:** Thank you, Hon. Temporary Deputy Chairman. I would like to thank the Committee for this inclusion. In my lack of drafting skills, I proposed to have the qualification in the interpretation stage. The Committee has done a good job by tidying it and making sure that this falls within the body of the Bill.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Member for Bobasi.

**Hon. Manoti:** Hon. Temporary Deputy Chairman, I support the amendment.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Member for Kitutu Chache North.

**Hon. Angwenyi:** Hon. Temporary Deputy Chairman, I support the proposed amendment although I would urge the Chairlady to remove the words “or a degree” because when you say “at least a diploma” then anything above that is eligible. There is no point for stressing further. A degree is not equivalent to a diploma. Once you have said “at least a diploma”, then that should be enough.

**The Temporary Deputy Chairman** (Hon. Kajwang'): That is quite a good point to take because it makes that legislation ambiguous. You either have a diploma or a degree. You should choose the basic one you want to have.

**Hon. Angwenyi:** A degree is above a diploma and so when you say “at least a diploma”, then you have included anything above a diploma

**The Temporary Deputy Chairman** (Hon. Kajwang'): Chairlady, think through it as I come back to you. Member for Kaloleni.

**Hon. Chea:** Thank you, Hon. Temporary Deputy Chairman. I support the inclusion of this clause because it brings certainty and clarity on who qualifies to be a health records and information manager.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Member for Mbooni.

**Hon. Kisoi:** I support the amendment. Just as you have said, it says that the basic qualification should be a diploma or a degree. All the other courses within the technical training start at certificate. So, it definitely means that this amendment is not giving room for anyone who has either worked in health records management or one who has a certificate. So, I really beg the Committee Chair to consider including a certificate as the minimum instead of limiting it to the diploma level.

**The Temporary Deputy Chairman** (Hon. Kajwang'): But the Committee has studied this and they have decided that diploma is the basic qualification that is necessary.

**Hon. Kisoi:** Yes, they have done it but if you look at the standard that is all over, you will find that all trainings start at certificate level. So, they are completely inhibiting anyone who wants to start training at the certificate level.

**The Temporary Deputy Chairman** (Hon. Kajwang'): This is not training but registration to practise.

**Hon. Kisoi:** Yes. I am saying that specifically to sub-clause (a), which should say "is the holder of at least a certificate." That is where it should start. That is my argument.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Thank you. Can the Committee Chairperson come on this again? What is your feeling regarding what the Member for Kitutu Chache has just mentioned?

**Hon. (Ms.) R.K. Nyamai:** Thank you, Hon. Temporary Deputy Chairman. I have listened to the matter raised by the Member for Kitutu Chache. I have also looked at the wording and I agree that the amendment should read; "is the holder of at least a diploma in health records."

**The Temporary Deputy Chairman** (Hon. Kajwang'): Before we take a decision on it, let me hear from Member for Ndhiwa.

**Hon. Oyugi:** Hon. Temporary Deputy Chairman, I am in agreement with the Committee that we really need to put some qualification. The only thing I wanted to say is that this particular Bill relates to two different categories of persons – there are those we call Health Records and Information Managers and the Health Records and Information Officers. That distinction requires that the qualifications are different. One has a diploma and the other one has a degree.

**The Temporary Deputy Chairman** (Hon. Kajwang'): What is your view on the latest position taken by the Committee Chair on that diploma and degree business?

**Hon. Oyugi:** I support the Chair's position.

**The Temporary Deputy Chairman** (Hon. Kajwang'): If that is supported by the sponsor of the legislative proposal, this is how we are going to do it. First of all, Committee Chair, we are going to take a vote on the amendment as it is before you further amend it. So, let us go through that motion.

Committee Chair, let us deal with the further amendment. Express yourself on New Clause 14A sub-clause 1(a) and say if it is your wish to delete the words "or a degree" as a further amendment.

**Hon. (Ms.) R. K. Nyamai:** Hon. Temporary Deputy Chairman, I propose an amendment on New Clause 14A by deleting the words "or a degree."

*(Question of the amendment proposed)*

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

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

*(The new clause was read a Second Time)*

*(Question, that the new clause be added to the Bill,*

*put and agreed to)*

*New Clause 18A*

**The Temporary Deputy Chairman** (Hon. Kajwang'): These are Hon. Kimani Ichung'wah's amendments. Do I understand that this Member has allowed another Member to move them on his behalf? Can I hear from the Member for Kitui Central? I have written information here that there is that kind of delegation.

**Hon. Mulu:** Yes. Hon. Temporary Deputy Chairman.

I beg to move:-

THAT, the Bill be amended by-

- (i) inserting the following new Clause 18A immediately after Clause 18-

Limitation of powers  
on approval or  
accreditation

18A (1) If there is a conflict between the provisions of this Act and the provisions of any the Universities Act in matters relating approval or accreditation of academic programmes offered by universities or any other part, the provisions of the Universities Act shall prevail.

(2) Despite the provisions of this Act, the approval or accreditation of any academic programme offered at a university shall be the exclusive mandate of the Commission for University Education established under the Universities Act to be exercised in accordance with the Universities Act at the exclusion of any other person or body, but the Commission shall consult with the Board before approving an academic programme in the field of health record and information management

The import of this insertion is to make sure that since universities are also offering these courses, in a situation where the University Act and this Act are in conflict, the University Act shall prevail. Those are institutions of higher education. We need to make sure that programmes being offered at the universities are given first priority in terms of curriculum development. At the same time, this amendment also brings in the issue of the Commission for University Education (CUE), which has the mandate to approve and accredit courses or university programmes. That is the import of this amendment. It makes a lot of sense to make sure that we also protect universities.

Thank you.

*(Question of the new clause proposed)*

*(New clause read the First Time)*

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

**The Temporary Deputy Chairman** (Hon. Kajwang'): The Member for Mbooni, can I start with you on this?



**Hon. Kisoi:** Yes, Hon. Temporary Deputy Chairman. I support the amendment. It is very important that we also recognise the role of universities when it comes to accreditation. That will ensure that any loophole that would have been created by this Bill would have been catered for in terms of recognising those who have passed through university education. Therefore, it is very critical that Hon. Ichung'wah has thought to really look into that to ensure that even the university students who are accredited through that system have a say.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Yes, the Member for Machakos Town.

**Hon. (Dr.) Munyaka:** Hon. Temporary Deputy Chairman, I support that amendment because it is going to remove any possible conflict in the operation of the institutions so that there is no ambiguity.

Thank you.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Is there any other member who has a divergent opinion on this? The Member for Kathiani, you have the Floor.

**Hon. Mbui:** Thank you, Hon. Temporary Deputy Chairman. I also support the amendment but I have made an observation on the grammar. The second line of New Cause 18A says; "If there is a conflict between the provisions of this Act and the provisions of any---" There is something missing there. It then goes on: "the Universities Act in matters relating approval" The word "to" is also missing there.

**The Temporary Deputy Chairman** (Hon. Kajwang'): These are serious typographical errors, which I am sure the Member for Rarieda is looking at. They must be corrected by way of further amendment. So, can the person to whom this delegation has been made rise to correct them by way of further amendment?

**Hon. Mulu:** Thank you, Hon. Temporary Deputy Chairman. We are only missing the word "of" so that it can read: "provisions of any of the Universities Act."

**The Temporary Deputy Chairman** (Hon. Kajwang'): Can you address yourself to the HANSARD?

**Hon. Mulu:** I propose a further amendment which will include the word "of" between the words "any" and "the Universities Act."

**The Temporary Deputy Chairman** (Hon. Kajwang'): We are veterans here so we know these things. Why do you not reward yourself in a way that helps us to move?

**Hon. Mulu:** Do I read the Clause?

**The Temporary Deputy Chairman** (Hon. Kajwang'): No! Say what the further amendment you intend to propose is. Say: "Hon. Temporary Deputy Chairman, I beg to propose to delete this word and replace with another word or to delete a word entirely."

**Hon. Mulu:** Hon. Temporary Deputy Chairman, I beg to propose that we include the word "of" between the words "any" and "the."

**The Temporary Deputy Chairman** (Hon. Kajwang'): But the word "of" is already there.

**Hon. Mulu:** There is another "of" after the word "any."

**The Temporary Deputy Chairman** (Hon. Kajwang'): Unfortunately, it will now lead to a bigger confusion.

**Hon. Mulu:** No, it will not.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Clause 18A (1) says: "If there is a conflict between the provisions of this Act and the provisions of---"

**Hon. Mulu:** Clause 18A (1) says: “If there is a conflict between the provisions of this Act and the provisions of any of the Universities Act---”

**The Temporary Deputy Chairman** (Hon. Kajwang'): Let me help you. Beg to delete the word “any”. That is enough.

**Hon. Mulu:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT the Bill be further amended by deleting the word “any” in the New Clause 18A(1).

*(Question of the amendment proposed)*

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

**The Temporary Deputy Chairman** (Hon. Kajwang'): Rise again, the Member for Kitui Central. Please, add something between the words “relating” and “approval” in the New Clause 18A.

**Hon. Mulu:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT the Bill be further amended by inserting the word “to” between the words “relating” and “approval” in New Clause 18A(1).

*(Question of the amendment proposed)*

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

**The Temporary Deputy Chairman** (Hon. Kajwang'): We will go back to the amendment. The Member for Ndhiwa, are you alright?

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

*(The new clause was read a Second Time)*

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

**The Temporary Deputy Chairman** (Hon. Kajwang'): The Member for Machakos Town, there is a typo in the printing of the Order Paper. Your amendment is shown as 18B.

**Hon. (Dr.) Munyaka:** Hon. Temporary Deputy Chairman, the amendment has been overtaken by events because the issues have been addressed by Hon. Mulu.

**The Temporary Deputy Chairman** (Hon. Kajwang'): Do you wish to drop this amendment? Express yourself to the HANSARD in that manner?

**Hon. (Dr.) Munyaka:** Hon. Temporary Deputy Chairman, I wish to drop the amendment to Clause 18A because it has been addressed by the amendment by Hon. Mulu.

**The Temporary Deputy Chairman** (Hon. Kajwang'): I order that, that amendment be dropped.

*(Proposed amendment by Hon. Munyaka dropped)*

*New Clause 37A*

**Hon. Mulu:** Hon. Temporary Deputy Chairman, on behalf of the Member for Kikuyu, Hon. Ichung'wah, I beg to move:-

THAT, the Bill be amended by-

(ii) inserting the following new Clause 37A immediately after Clause 37-

Protection from 37A (1) No matter or thing done by a member of the Board or  
personal liability any officer, employee or agent of the Board shall, if the matter  
or thing is done bona fide for executing the functions, powers  
or duties of the Board, render the member, officer, employee  
or agent or any person acting under the directions personally  
liable to any action, claim or demand whatsoever.

(2) The provisions of subsection (1) shall not relieve the  
Board of the liability to pay lawful compensation or damages  
to any person for injury to the person or property.

Hon. Temporary Deputy Chairman, the import of this clause is to make sure that we protect individual members of the Board from personal liability. This is in line with corporate governance practice where as an individual you might not be held responsible for some of the decisions which have been made. The Board is collectively held responsible. This is the essence of this insertion.

*(Question of the new clause proposed)*

*(New clause read the First Time)*

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

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

*(The new clause was read a Second Time)*

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

*(Schedule agreed to)*

*Clause 2*

**Hon. (Ms.) R.K. Nyamai:** Hon. Temporary Deputy Chairman, I beg to move:-

THAT, Clause 2 of the Bill be amended by inserting the following new definition in its proper alphabetical sequence—

‘public practice’ means the practice of health records and information management in a public health facility.

*(Question of the amendment proposed)*

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

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Temporary Deputy Chairman** (Hon. Kajwang’): Who is the Mover of this Bill? Are you on intervention, the Member for Ndhiwa?

**Hon. Oyugi:** Hon. Temporary Deputy Chairman, I am not on intervention but I would like to move the Committee’s report. I was waiting for you to call me.

**The Temporary Deputy Chairman** (Hon. Kajwang’): Are you the Mover of this Bill, the Member for Ndhiwa? I have received representation here that you are on intervention. You are a veteran Member of the National Assembly. So, you know where we are.

**Hon. Oyugi:** Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the Health Records and Information Managers Bill (National Assembly Bill No.24 of 2015) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

## REPORT AND THIRD READING

### THE HEALTH RECORDS AND INFORMATION MANAGERS BILL

**Hon. (Ms.) R.K. Nyamai:** Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Health Records and Information Managers Bill (National Assembly Bill No.24 of 2015) and approved the same with amendments.

**Hon. Oyugi:** Hon. Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report.

I request Hon. Rachel Ameso to second the Motion of agreement with the Report of the Committee of the whole House.

**Hon. (Ms.) Amolo:** Thank you, Hon. Temporary Deputy Speaker. I second the Health Records and Information Managers Bill (National Assembly Bill No. 24 of 2015).

*(Question proposed)*

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

**Hon. (Eng.) Gumbo:** Hon. Temporary Deputy Speaker, while I want to agree with the Committee on the said Report and I support, I am a stickler for quality and I am concerned with the lack of quality in drafting of Bills that we have.

Almost every Bill that we debate here has either grammatical or syntax errors and it is giving a bad impression of the House. If you look at Clause 4 of this Bill, you will find that it says: "The headquarters of the Board shall be in Nairobi, Kenya the board may be---" We should have drafting that portrays the right image of this Parliament. This is happening across the board. There is hardly any Bill without errors. So, as I support the agreement of the Committee with the said Report, I think it is important that we improve on the quality of drafting so that we put the image of Parliament and the National Assembly of Kenya where it belongs.

These small grammatical and syntax errors that we keep seeing in Bills, some go up to the Government Printer and this is giving a bad image of Parliament. Otherwise I support.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Let us have the Member for Ndhiwa. I do not see you here but I want to recognise you.

**Hon. Oyugi:** I would like to agree with the Committee Report. I appreciate that there have been a couple of things. I would like to thank the Departmental Committee on Health for the support it has given. I would like to specifically pay a lot of tribute to the Chairperson of the Departmental Committee on Health who has been magnanimous. She has been very supportive. There were a couple of things that we agreed with her. I thank the Committee for its support.

Lastly, the House Business Committee (HBC) has done very well in terms of supporting us to get to this level. I thank and pay tribute to everybody else who has been of assistance. I appreciate.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Do we have quorum? Shall I put the Question? Hon. Mwaura, I am waiting for you.

*(Question put and agreed to)*

**Hon. Oyugi:** Hon. Temporary Deputy Speaker, I beg to move that the Health Records and Information Managers Bill, (National Assembly Bill No. 24 of 2015) be now read the Third Time.

I also request Hon. Rachel Ameso, the County Women Representative, Kakamega County to second.

**Hon. (Ms.) Amolo** seconded

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Kajwang'): Let us have the Nominated Member, Hon. Bishop Mutua.

**Hon. (Bishop) R. Mutua:** I wanted to speak to the next one that is coming and not this one.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you very much. Yes, the Member for Endebess.

**Hon. (Dr.) Pukose:** Thank you. I thank the Hon. Member for Ndhiwa, Hon. Aghostinho Neto for the work well done and for coming up with this Bill that caters for the Health Records and Information officers who are a key part of hospital management. These are officers who keep the most important data about hospitals and diseases within our country. The information that they keep is very key in any management of health care within a system.

I also thank our Committee Members for supporting Hon. Neto and for the good work that we have done on this Bill. I know it has errors but this was a Private Member's Bill that we put in as much effort as we could as a Committee. Coming from where it was to this level means that we have done good work. We will ask our drafters to look at the errors which are typographical and grammatical so that the Bill is put in a better perspective.

With those few remarks, I thank you.

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

**Hon. (Prof.) Nyikal:** Thank you. I also wish to thank the sponsor of this Bill. Professional health records are extremely important. These are the people who give data on which decisions and policies are made. When we implement this Act, there are two areas that we will look at as it translates to the sector.

First, there are many cadres in the sector and so each cadre is seeking regulation under a certain Act. Therefore, at one point, as a House or as a country, we are going to look at a way of harmonising all these so that all the various Acts work in harmony.

Secondly, we have indicated here that the requirement is, at least, a diploma. However, many training institutions as of now have people trained at certificate level. So, as we implement this we will have to see how that relates to that cadre of staff with a certificate.

With that, I support.

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

**Hon. Ng'ongo:** Thank you, Hon. Temporary Deputy Speaker. I support this Bill and congratulate my friend Hon. Aghostinho Neto for coming up with this piece of legislation. It is true that record keeping is very important.

**The Temporary Deputy Speaker** (Hon. Kajwang'): The Member for Suba there is a distraction just in front of you.

**Hon. Ng'ongo:** It is okay. This is my Deputy Chairman and a good friend. The importance of record keeping in matters health is very critical. We need to be sure of who is keeping records. If you make a slight mistake in terms of keeping records in matters of health and then those who are responsible like the doctors get it wrong in terms of your health history, the results will be disastrous. I appreciate that now we are defining those who are supposed to keep these records and how they are supposed to be kept. They will now have a body which is going to look at their welfare and interests.

Thank you, Hon. Temporary Deputy Speaker. I support. Maybe you can now put the Question!

*(Laughter)*

**The Temporary Deputy Speaker** (Hon. Kajwang'): I was going to put the Question but because you have directed me, I will defy you and ask the Member for Kitui South to speak.

**Hon. (Ms.) R.K. Nyamai:** Thank you, Hon. Temporary Deputy Speaker. I thank Hon. Aghostinho Neto for coming up with this Bill. I also thank our Committee for showing interest in reading through this Bill clause by clause and making many corrections. As you have heard, we realised that there were weaknesses and the Committee, together with the secretariat, worked very hard to ensure that this Bill becomes what it is today. I would like to reiterate what has been said by Hon. Mbadi that health records are key in any health system. This is a Bill that will make a difference either now or in the future. We will be able to have a board that is going to focus on health records and move towards digitisation where someone can access their records from every part of the country. So, I would like to congratulate and thank him for accepting to respond to many questions that we asked him.

Thank you very much.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Order, Members!

The Member from Kiambu just freeze. Having confirmed that there is quorum to transact the business before us, I will put the Question.

*(Question put and agreed)*

*(The Bill was accordingly read the Third Time and passed)*

**The Temporary Deputy Speaker** (Hon. Kajwang'): Before we move on to the next Order, allow me to appreciate the girls who are in the Speaker's Gallery. These are girls from Tumutumu Girls High School. Could you just rise so that Members are able to recognise you?

*(The students rose in their places)*

*(Applause)*

These girls are from Mathira Constituency in Nyeri County. You are most welcome.  
Let us move on to the next Order.

## MOTIONS

### ACCESSIBILITY TO PUBLIC BUILDINGS BY PERSONS WITH DISABILITY

THAT, aware that Article 54 (c) of the Constitution provides that a person with disability is entitled to reasonable access to all places, public transport and information; further aware that Section 21 of the Persons with Disability Act, 2003 provides that persons with disabilities are entitled to a barrier-free and disability friendly environment to enable them have access to buildings, roads and other social amenities, assistive devices and other equipment to promote their mobility; concerned that over the years, persons with disabilities have not been given the right to enjoy all their fundamental freedoms; cognizant of the fact that accessibility is vital in increasing the mobility of these individuals and reducing

the ratio of dependency on people; this House resolves that the Government provides Parliament with a clear plan of action with timelines for making the necessary structural design adjustments to all public buildings, Government Ministries, departments and agencies to make them more user-friendly to persons with disabilities, and that the National Council for Persons with Disabilities approves all new public structures to ensure their designs are compliant to minimum accessibility standards.

*(Hon. Mwaura on 17.2.2016)*

*(Resumption of Debate on interrupted on 17.2.2016 – Morning Sitting)*

**The Temporary Deputy Speaker** (Hon. Kajwang'): Order! Hon. Members, this is Communication from the Chair on an amendment to the ongoing Motion.

Hon. Members, before we proceed to debate the Motion regarding accessibility to public buildings by persons with disability, I wish to inform the House that we require to move some amendments to the Motion. This Motion was moved on 17<sup>th</sup> February, 2016 by Hon. Isaack Mwaura who had a balance of 45 minutes. In the course of the debate, the Motion was amended. I have, however, noted that the Motion as amended is not implementable. This is because the National Council of Persons with Disabilities (NCPD) does not have the mandate or capacity to approve the designs of all public structures to ensure their compliance to minimum accessibility standards. Such functions lie with the National Construction Authority (NCA). It is in this regard that I have allowed Hon. Zuleikha Hassan Juma to move an amendment to the Motion to enrich the final resolution of the House and make it possible for the Government to execute it.

I thank you.

**Hon. (Eng.) Gumbo:** On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang'): The Member for Rarieda, what is your point of order?

**Hon. (Eng.) Gumbo:** Hon. Temporary Deputy Speaker, before we debate this Motion, which I recognise is very important, I rise on a matter which touches on the Constitution of the Republic and our own Standing Orders.

Article 94(2) of our Constitution says that Parliament manifests diversity of the nation and represents the will of the people and exercises their sovereignty. Article 95(2) on the National Assembly in particular says that the National Assembly deliberates on and resolves issues of concern to the people.

Article 124 of our Constitution provides for making of Standing Orders for orderly conduct of business. If you look at our Standing Orders under part 12, you will find that they provide for manner of submission, debating and approving Motions. I am bringing up this matter because every Wednesday, Members bring very important Motions to this House which we debate. We have had motions here which have been debated compelling the national Government, for example, to provide 20 kilometers of tarmac every year to every constituency.

Recently, we had a Motion which this House passed. The Motion was moved by Hon. (Dr.) Chris Wamalwa. The Motion was to compel the Kenya National Examinations Council (KNEC) to rank schools. I am getting a bit confused because the way I have known it, the tradition of this House is that when the House passes a Motion, it is an instruction to the



Executive to implement the resolution of that House. This is not just gainsaying. We know that even the reports of Committees are debated in this House as Motions.

Recently, a report by the Public Accounts Committee (PAC) on the Judicial Service Commission (JSC) was debated here as a Motion. Among the recommendations of that report was some very specific actions on some individuals and key institutions even in the banking sector in the country. When it starts to look like a mere ritual that we bring Motions here, pass them and the Executive is not bound to take any action on them, then it is important for the leadership of Parliament, particularly where you sit, to pronounce itself on what is becoming of this Motion.

If you look at the Motion that Hon. Mwaura has brought, it requires specific action from the Executive targeting disadvantaged Members of the society. Are we merely going to debate and approve this Motion and then that marks the end of it? The Executive is not bound to take action. What is the position on Motions in this House? I know for a fact that right now in our schools, girls are getting sanitary towels. That was a result of a Motion which I moved in the 10<sup>th</sup> Parliament and was implemented immediately by the Ministry of Education, Science and Technology. What is it that is not binding the Executive now that we debate Motions, they are approved by the House and yet the Executive does not seem obliged to implement them? Why are we spending quality time debating Motions which impact on the lives of the people of Kenya and yet Executive does not seem obligated to implement the resolutions of this House?

If you look at the provisions of Article 95(2) of the Constitution, you will find that the National Assembly deliberates on and resolves issues of concern to the people. The Motion we are about to debate is of concern to a particular section of our society.

My understanding of that is that if this Motion is passed and the Executive does not implement it, then it amounts to disobeying the Constitution. I would wish the House to pronounce itself on the position of Motions so that we debate Motions knowing that at the end of this Motion, this is what we expect the people of Kenya to get.

Hon. Temporary Deputy Speaker, I request you to allow a few Members to pronounce themselves on this matter because I think it is important so that we get to hear what other Members are saying about it. Personally, I feel that Motions have become mere rituals and an exercise in futility. We are spending time here debating issues that are ending nowhere.

I thank you.

**The Temporary Deputy Speaker** (Hon. Kajwang'): All right. Well spoken. Let me take a few ventilations on this. The way of letting me know that you want to ventilate is by intervening. I shall give you two minutes each.

**Hon. Wakhungu:** I will start!

**The Temporary Deputy Speaker** (Hon. Kajwang'): Member for Kiminini, who says you have the first say? Member for Seme, you have the Floor.

**Hon. (Prof.) Nyikal:** Thank you, Hon. Temporary Deputy Speaker. I want to support what Hon. Gumbo has said. It is pointless to have Motions in this House which are not implemented. There are laws with regard to the Motion we are debating that are in place. These laws have timeliness and should have been implemented. Once again, we are coming here to bring a Motion to get them implemented. Going by what has happened, we suspect that this Motion will not be implemented. We need to make a decision in this House and give timeliness that when a Motion has been passed we get back a report on what the Executive has done. Otherwise, we will be wasting our time.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Yes, the Member for Mbooni. Can you look for him and give him the microphone?

**Hon. Kiso:** Thank you, Hon. Temporary Deputy Speaker. What Hon. Gumbo has raised today is quite important to this country because the National Assembly has a very clear Constitutional mandate on how it is supposed to execute its function. We are all equally concerned that unless we take action as a House, deliberate and come up with the way forward on why the Executive has really made it a habit of completely ignoring the resolutions that come from this House, this House will be deemed to have failed completely. Kenyans have been wondering what exactly the work of the National Assembly is because when we pass resolutions, no action is taken.

I really want to call upon this House, through your guidance, so that we can carry an audit on the resolutions that have come from here, have gone to the Executive but have never been implemented so that we can know where rain started beating us. This is a crucial matter that we cannot sit down and allow the status quo to remain. We have to stand up and find a solution as to what action ought to be taken.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Let us now have the Member for Kiminini.

**Hon. Wakhungu:** Thank you, Hon. Temporary Deputy Speaker. It is, indeed, very embarrassing for Parliament to legislate in vain. I am saying this with a lot of bitterness. I brought a Motion here on structured ranking of schools and the KNEC has been very arrogant on it. Looking at what happened during the release of the Form Four exams, nothing was said. It is really embarrassing. This House passed the Motion overwhelmingly and I went ahead to come up with a Bill. Does it mean we are wasting time on these Motions? We need to be told.

Not only that, I have also brought a Motion in line with heroes Act, for instance, in Trans Nzoia where I come from. The Motion sought that Kitale Technical Training Institute be renamed "Wamalwa Kijana University of Science and Technology." I had a chance to meet the Departmental Committee on Education, Research and Technology where the CS in charge appeared and said they were to do it. As at now, they have named the polytechnic but they have not put the name of Wamalwa Kijana in line with the Heroes Act.

Are we legislating in vain? We should be told not to waste time. If the House resolves on something there must be a timeframe for implementation. The Committee on Implementation must wake up because that is why we are having problems. We have said this several times. We pass things in vain. Hon. Soipan should wake up if she is in this House today. The Committee on Implementation has let us down badly. We must change and move forward.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang'): The Member for Kiminini, have you referred to a specific Member to be asleep?

**Hon. Wakhungu:** I said the Chair of that particular Committee.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Did I hear you to be referring to a Member to be asleep.

**Hon. Members:** Yes!

**The Temporary Deputy Speaker** (Hon. Kajwang'): Can you respond please.

**Hon. Wakhungu:** What I said is that the Committee on Implementation has to wake up because in line with our Standing Orders, this Committee's responsibility is to follow up with the Executive on House resolutions for purposes of implementation. So, it needs to pull up its socks.

**The Temporary Deputy Speaker** (Hon. Kajwang'): It is all right, with that substantiation. I hear you. I can see we are on a very important issue as has been allayed by the Member for Rarienda but which we should not take too much time on. Where is the Member for Narok County? Is she in the Chamber? There is only one county called "Narok". Is the Member in the Chamber? This is because I understand you are the Chairperson of the Committee on Implementation. Who is the Vice-Chair of this Committee? Is he in the Chamber? Is there any conscientious Member of this Committee in the Chamber? Yes, the Member for Nyeri Town. These Members are raising very varied concerns. Can I hear, in two minutes, your reaction on some of these issues?

**Hon. (Ms.) Mathenge:** Thank you, Hon. Temporary Deputy Speaker. The issue of Motions and resolutions coming through the House was raised in the Committee yesterday. I want to quote one particular resolution where Parliament actually objected to nuclear energy. The Ministry of Energy and Petroleum was not supposed to go on with nuclear energy. When we called them we found that they were already implementing that. We have made a proposal to the Speaker that when these Motions are brought before the House, he must also ensure that what they are requesting is not already ongoing because some of these things are ongoing. We are having handicaps because we call the CSs about eight times before they come. I will pass the message to the Chair and the Vice-Chair so that they can respond adequately.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Is it true that this Committee is awake?

**Hon. (Ms.) Mathenge:** I am here and I am awake. I am sure the Committee is also awake.

*(Hon. (Ms.) Kedogo crossed the Floor without bowing to the Chair)*

**The Temporary Deputy Speaker** (Hon. Kajwang'): No, you have not reached the Bar. Order! Sergeant-at-Arms, can you bring that Member back and show her the Bar? Sometimes what you do can only amount to a commercial break in the National Assembly.

The Member for Nyeri Town, are you in the Chamber? Listen to me very carefully. Despite all those things you have said, I am referring you to Standing Order No.209, so that you know your job description. What the Members are saying is that there is work which you have been entrusted to do and we want results, we do not want too much information. Standing Order No.209 states:-

“(1) There shall be a select committee to be known as the Committee on Implementation.

(2) The Committee shall scrutinize the resolutions of this House (including adopted committee reports), petitions and the undertakings given by the National Executive and examine-

(a) whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been

implemented; and whether such implementation has taken place within the minimum time necessary; and

(b) whether or not legislation passed by the House has been operationalised and where operationalised, the extent to which such operationalisation has taken place within the minimum time necessary.

(3) The Committee may propose to the House, sanctions against any Cabinet Secretary who fails to report to relevant select committee on implementation status without justifiable reasons.”

What we want to hear are reports that a resolution was passed, implemented or not implemented, implemented in part or in whole and you give us recommendations on what we should do with a certain Cabinet Secretary. Your role is simply to go through the records of the House and find out if these things are implemented. You can even come with a report and say that the resolution of the House is un-implementable so that we debate from there and see if we are able to recast that resolution.

The Member for Kiminini has said that the Committee is not awake. Members are now starting to see. It is either you are waking up or you need to wake up and go back to what your job description is. That way, members will be satisfied that you are pursuing and following-up on resolutions that have been made. Members, shall we leave this because we now know where it is and go back to business? The Member for Homa Bay, are you comfortable? You do not seem to be comfortable where you are. I will allow two Members just one minute each. They are the Member for Emurua Dikirr and the Member for Homa Bay. Let me start with Member for Homa Bay.

**Hon. (Ms.) Nyasuna:** Thank you, Hon. Temporary Deputy Speaker. I do not belong to the Committee on Implementation but I remember a couple of weeks ago they gave a Report on the Floor of the House on the status of resolutions. That, at least, shows that they are working on something.

The last point on sanctions must be really looked at seriously. What sanctions are we going to impose on these Cabinet Secretaries and Ministries? The Committee must propose very specific sanctions on resolutions that are not implemented and very specific resolutions such as what we want to pass now and what has been passed in the past.

There is also the issue of whether some of these resolutions can be implemented. That should not be left to the Members only. Before the Motion comes to the Floor of the House, our legal team should look at the Motion being proposed and advise the Member accordingly as to whether it is already in law.

**Hon. Kipyegon:** Thank you, Hon. Temporary Deputy Speaker. I also want to contribute to this matter. There are Motions in this House which urge the Government to a particular course of action. Those Motions should be done away with. They cannot be implemented. It is an exercise in futility in this House. We end up lacking time for very crucial Bills or Motions which need to be implemented. One is told that he or she only has two minutes to speak. We waste a lot of time discussing Motions which “urge” the Government. We need to differentiate. Motions which “urge” the Government should be done away with. We should only consider Motions that can be implemented and that have timelines for implementation. The resolutions that we come up with in this House must be implemented. The bodies that should ensure implementation is done are the Committee on Implementation and the Government. They must take action and implement them.

**The Temporary Deputy Speaker** (Hon. Kajwang'): I do not think the Speaker has to express himself on this anymore. We have read Standing Order No.209. As the Member for Homa Bay has said, we have seen reports from that Committee. We hope to see more reports so that Members feel that they are doing what Article 94(2) of the Constitution refers to.

Allow me to recognise St. Paul's Githakwa Secondary School from Tetu Constituency in Nyeri County. The students are in the Public Gallery. Can you rise wherever you are so that Members can appreciate you? Members, please, give them a round of applause? Encourage these young girls because they have come to learn how it is done correctly.

*(Applause)*

There are also children from Tahadhib Academy in Nairobi County. You can see those sweet little young people. They wish that at some point they will take over from you. Let us give them another round of applause.

*(Applause)*

Let us have Hon. Zuleikha Juma.

**Hon. (Ms.) Juma:** Hon. Temporary Deputy Speaker, I beg to move that the Motion be amended as follows:-

By deleting all the words after the words "this House" in the 10<sup>th</sup> line and substituting them with the following words "urges that the Government develops a clear plan of action to ensure the necessary structural adjustments to all public buildings and that the National Construction Authority only approves designs for new public structures that are compliant with the minimum accessibility standards (KS 21542) for persons with disabilities".

You already gave the details and the reasons as to why we should amend the Motion. Fifteen per cent of Kenyans have a form of disability. That translates to about 6 million individuals. People with disabilities feel marginalised not only in the communities but also in general national issues and development plans. Despite there being efforts to have opportunities for nominations for the disabled in the National Assembly, counties and other sectors, the majority of the disabled who are normal citizens do not feel that they are considered. Many of them live in deplorable conditions. As they try to seek services from the Government, they find accessibility to Government structures and meetings prohibitive. In supporting and amending this Motion, I agree that the new plans coming about for Government buildings should take this into consideration.

You will agree with me that Kenya is really behind in terms of this consideration. It should have happened years ago. As you are aware, in other countries, it is very easy for people with severe disabilities of mobility to be mobile. They do not need to have somebody with them for 24 hours for accessibility. I am sure in other countries you have seen buses which are made such that people with disability can access and get off them with wheelchairs. The points of alighting are aligned to the pavement. Pavements in the streets are accessible for people with wheelchairs and crutches. Elevators are also accessible to people who are blind. It is about time. I would like to congratulate Hon. Mwaura for moving this Motion. It will go a long way in making lives of persons with disability in this country a bit more comfortable.

I would have loved to contribute in Kiswahili because majority of the people in the country, especially where I come from in Coast, understand Kiswahili better and are more conversant with it. Unfortunately, in Parliament when you want to bring a Motion or Bill in Kiswahili since it is the national language, you are unable to do so. You are told that we should do it in English. That is a big disappointment.

The Parliamentary Service Commission (PSC) should ensure that we hire people who can translate Bills or draft Bills and legal notices into Kiswahili. We should have Motions in Kiswahili because the majority of the people in our country cannot really follow when they are listening to proceedings in Parliament. Sometime, they think that Members from our region are not doing much work because they cannot hear us in local media contributing in local languages. Even if we contribute, somebody else has to confirm that we have said something important. It will be nice if they can hear proceedings in their own language. I am even disappointed because it is now three years since we raised this issue.

With those few remarks, I beg to move the amendment and ask Hon. Wanjiku to second.

**The Temporary Deputy Speaker** (Hon. Kajwang'): There is that last phrase that we are waiting for. Can you beg to do something?

**Hon. (Ms.) Juma:** I am sorry if I was too quick in speaking. I said that I beg to move this amendment. I asked Hon. Wanjiku to second.

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

**Hon. (Ms.) Muhia:** Thank you very much, Hon. Temporary Deputy Speaker. First, I want to thank Hon. Mwaura for coming up with this Motion. Secondly, I thank Hon. Zuleikha for moving this amendment. I beg to second the Motion as amended.

I would like to contribute briefly and say that six million people in our country is no less a number for this group of people to be living like second class citizens. We have seen them as second class citizens in all manners be it in business, education or accessing any service in our country. The Persons with Disabilities Act, 2003 requires a lot of amendments. I brought some amendments on the same Act on sign language because this group was denied information. Going by what Hon. (Eng.) Gumbo has raised, it is serious that this country is not able to implement the Bill leave alone the Motion. I am informed because I have the official position from the House leadership that my Bill was signed by the President but up to date if you watch our television sets, you will find that only two media houses cast news through sign language. It is very sad for Members to do research, put something on paper, make contributions, use taxpayers' money and finally, the Motion is taken to the drawers. Although I did not get a chance to contribute on that, the Committee on Implementation is asleep and---

**The Temporary Deputy Speaker** (Hon. Kajwang'): Where are you? You are engaging a reverse gear.

**Hon. (Ms.) Muhia:** I am driving the point that this is a good Motion and I am supporting it as amended. My worry is that it will go to the drawer and as we complain that the Executive is not implementing, we should also blame our own Committee. As we pass this Motion, the Committee on Implementation should wake up and do the necessary. The Government has given 30 per cent tenders to affirmative action group where, about five per cent is given to persons with disabilities. The buildings where these jobs are found are not accessible. They visit those offices--

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

**The Temporary Deputy Speaker** (Hon. Kajwang'): The Member for Saboti, what is your point of order?

**Hon. Wekesa:** On a point of order, Hon. Temporary Deputy Speaker. Did you hear the Member say that---

**The Temporary Deputy Speaker** (Hon. Kajwang'): Are you referring to the Member for Nyandarua?

**Hon. Wekesa:** Yes. She said that she is supporting the Motion as amended. I thought she is seconding the amendment by Hon. (Ms.) Zuleikha.

**The Temporary Deputy Speaker** (Hon. Kajwang'): I take that to be a slip of the tongue. The Member for Nyandarua, please proceed.

**Hon. (Ms.) Muhia:** Well guided, Hon. Temporary Deputy Speaker. When I rose, I seconded the Motion as amended and I continue supporting it as amended.

On accessing buildings, the Government has done a lot but it is not implementable. When it gives 30 per cent tenders to persons on affirmative action group, five per cent is mainly meant for persons with disabilities. They sometimes have the papers and the capacity but it is terrible that they cannot access the Ministries. That notwithstanding, several Members with disabilities find it difficult to access Parliament. Our Houses should be accessible. I support and urge relevant Ministries particularly the one concerned with construction to move quickly without following the procedure of implementation and give these citizens a privilege to access the buildings so that they can make their lives better.

Hon. Temporary Deputy Speaker, if you allow me, I would like to move slightly away from these persons with physical disabilities. Last Saturday, I attended a sports day at Visual Arts Campus. There were several schools and parents but I did not see any person from the Ministry of Sports, Culture and the Arts. These people continue to be marginalised and yet they support the Government. They vote and pay tax but the Government of the day, particularly, the Ministries concerned assume these people do not live. Just like they support teams like Gor Mahia and athletes, they should also support people living with disabilities when they have events. I would like to urge the Ministries, the Executive and the persons who are supposed to implement this to move with speed so that these people can feel equal with any other citizen.

I beg to second the amendment.

*(Question of the first part of the amendment,  
that the words to be left out be left out, proposed)*

**The Temporary Deputy Speaker** (Hon. Kajwang'): As we proceed, I want to recognize young men who are seated in the Speaker's Gallery. They are Ulari Youth Group from Homa Bay County. Could you rise where you are so that we can recognise you?

**Hon. (Ms.) Nyasuna:** On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang'): The Member for Homa Bay, is your intervention related to who these people are?

**Hon. (Ms.) Nyasuna:** Hon. Temporary Deputy Speaker, these young men, the Ulari Youth Group are from Homa Bay County. They were visiting Parliament and wanted a chance to see us transacting business. I would like to ask their Member of Parliament from Rangwe to say hallo.

**The Temporary Deputy Speaker** (Hon. Kajwang'): It is not upon you to do that. Now that you have said it, I will allow the Member for Rangwe to intervene for half-a-minute.

**Hon. Ogalo:** Thank you, Hon. Temporary Deputy Speaker. I want to take this opportunity to welcome my constituents to the House to see what we do here. I was not aware that they would attend this session and I nearly walked out before realising they were here. I would like to thank the Member for Homa Bay County for notifying me. I welcome them to the National Assembly.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Members, let us give a round of applause to the young people in the Speaker's Gallery.

*(Applause)*

This matter has been ventilated fairly well. Hon. Members have enough information about what should go on. The Member for Seme, do you want to give us more problems on this?

**Hon. (Prof.) Nyikal:** Thank you, Hon. Temporary Deputy Speaker. I do not want to give a problem but I want to support it. Having seen the discussion the House has gone through, I would probably call upon the Mover to amend it on the Floor and put it as "resolves" instead of "urges". I think we are exactly where we were. Standing Orders allow the Member if she so wishes to say "resolves"

Hon. Temporary Deputy Speaker, you explained to us that the need for this amendment is to make it actionable. Further, this Motion has come to the House before and there is need for action. There are regulations in law regarding this. In terms of transport, there are regulations regarding how vehicles and platforms in the railway stations and bus stops should be. We should have talking streetlights so that a blind person will just touch them and it will be indicated that it is safe to cross. We should do these things for our people. We should even have lifts which have Braille to indicate the floors. These are options that owners of buildings can put. As the Hon. Member has indicated, we need all television shows and public meetings to have people who translate them into sign language. That is in law. There are regulations to that effect and the ministry in charge of people with disability should implement them. Two years ago, there was a major conference which called all stakeholders so that those things are put into action. I do not know why it has not been followed up. So, the problem of not following up is going to kill debate in this House. About three years ago, this House passed a Motion by Hon. Mbadi. The Motion said that we should increase the stipend for elderly persons from Kshs1,500 to Kshs2,000. The Member for Nyeri was the minister then. We had to go to the National Treasury and include it in the Appropriations Bill, so that it could be increased from Kshs1,500 to Kshs2,000. That is being implemented. That is what we expect the Executive to do. So, I support, but urge the Mover that we should amend the Motion on the Floor so that it reads "resolves" and not "urges."

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Nominated Member Isaac Mwaura, you are the proposer of the Motion. I do not see that you are objecting. So, I just want to confirm that you are comfortable. I am trying to chase time so that we can come back to your Motion as amended. Can we save more time on it?

**Hon. Mwaura:** Thank you, Hon. Temporary Deputy Speaker. This Motion has gone through a journey of "urges" and "resolves." In fact, the first time I proposed it was in 2013. It



went to the Budget and Appropriations Committee. I had to remove it from there because I wanted it to be passed. To be honest, it has been very frustrating. When you are frustrated, you do what you are being told to do. Instead of using the word “resolves,” you use “urge” so that it can come to the Floor of the House. Those are my frustrations.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Did I hear you say that you have some sentiments which may result in a further amendment?

**Hon. Mwaura:** Yes, I request so. That is because when I used the word “resolves”, I was told that I made it a money Bill. I had to go to the safe ground. I do not know whether that will apply in this case. If it were to be the case, then I would go with the word “resolves” other than “urges.”

**The Temporary Deputy Speaker** (Hon. Kajwang'): Just express yourself so that we know where we are. You are here on your own right and you are able to make a decision and express yourself.

**Hon. Mwaura:** Hon. Temporary Deputy Speaker, I propose that the Motion be amended by deleting the word “urge” and replace it with the word “resolves.”

**The Temporary Deputy Speaker** (Hon. Kajwang'): Order! I will now put the Question on Hon. Zuleikha Hassan Juma's amendment.

*(Question of the first part of the amendment,  
that the words to be left out be left out, put and agreed to)*

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

*(Question of the Motion as amended proposed)*

Member for Kaiti, according to my records, you had a balance of four minutes to complete your submissions on the Motion as amended. Let us hear you in four minutes. Give him the microphone.

**Hon. Makenga:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to complete my submission. I would like to start by saying that people living with disabilities have been marginalised for a very long time. Continuous denial of access to information, buildings and public places is continuous marginalisation. This should come to an end. We should ensure that public and private buildings are accessible by people living with disabilities. The people living with disabilities form about 15 per cent of the total population of this country, which translates to about 6 million people. That is not a small number. I urge my colleagues to support this Motion because it is very important. It touches on a vulnerable group in our society. If this is dealt with, people living with disabilities will have a good life. We can attribute the denial of access to public areas as structural violence. If we are going to pass the Motion we are debating, I believe the Government will come with an action plan. The Government will also ensure that the National Construction Authority (NCA) only approves designs for new public structures that cater for the needs of the people living with disabilities. That will reduce the number of new buildings that are being constructed rapidly. The counties should ensure that public buildings coming up in the devolved system of government comply with the standards, so that people living with disabilities are able to access the buildings to seek

information or assistance. I believe that timelines are of essence. Improvement of the existing structures is also very important. Timelines should be put in place so that we know that within a particular period of time, those buildings will be renovated to make them accessible by people living with disabilities. Awareness campaigns should be conducted so that people can know that all public buildings, other forms of infrastructure and public transport systems are supposed to be renovated to make them accessible by people living with disabilities.

With those remarks, I support the Motion as amended by Hon. Zuleikha.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Members, this Motion has been sufficiently canvassed. It has been debated and amended by the Member for Seme. It has been amended again. The essence of debate is to enable the National Assembly to have enough information on a particular issue as members of the public follow our discussions. You resolved that motions like this one should take three hours. According to the timing that I have, I must close this debate in the next eight minutes. Debates are sweeter when they are ending.

I shall now call upon the Mover to reply. There is the Member who is directly seated in front of Hon. Mwaura and the Member from Mukurweini, who want to contribute. The Member for Bobasi is almost killing--- I have eight minutes to give to these Members. Let me give them opportunity to contribute before they turn to the Mover for time.

Hon. Bishop Mutua, please proceed.

**Hon. (Bishop) R. Mutua:** Thank you, Hon. Temporary Deputy Speaker, for giving me this wonderful opportunity to contribute.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Because I have only eight minutes, I will give each Member two minutes.

**Hon. (Bishop) R. Mutua:** Hon. Temporary Deputy Speaker, I would like to support this Motion as amended. This Motion seeks to enable people living with disabilities to access the many places that they cannot access. It is a shame that, up to now, we have not become sensitive enough to make the necessary adjustments to buildings, public places and the transport system to enable people living with disabilities to access them. It is a shame that some storey buildings rendering public services do not have lifts and ramps. Some buildings render services from very high places, like the first, second and third floors. That is not acceptable.

Each level of government must make sure that this particular Motion is implemented once it is passed. If it is not implemented, people living with disabilities will not benefit. They have been marginalised. This is the time for them to be considered. Money should be set aside for the necessary changes to be made.

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

**Hon. Mwanyoha:** Ahsante sana, Mheshimiwa Naibu Spika wa Muda. Nakushukuru kwa kunipatia nafasi hii haswa ukijua kwamba nilikuwa kapteni wako kule Malindi. Ninaiunga mkono Hoja hii kwa sababu kuna haja kubwa ya walemavu kushughulikiwa kikamilifu na Serikali yetu. Walemavu wamekuwa wakihangaika sana. Kuna haja kubwa ya kuhakikisha kwamba majengo yamefanyiwa ukarabati na kupigwa msasa. Ngazi katika majengo yote zinapaswa kufanyiwa marekebisho ili kuwawezesha walemavu kuzitumia. Kuna haja magari, kuanzia sasa, yatengenezwe ikijulikana kwamba kuna watu ambao hawawezi kuinua miguu yao na kuabiri. Magari yanapaswa kuundwa kwa namna ambayo itawawezesha walemavu kuabiri bila ya kupata usaidizi kutoka kwa mtu yeyote.

Kwa hayo machache, naunga mkono Hoja hii.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Member for Bobasi, where are you? Is there an arrangement between you and Member for Kitutu Chache North?

**Hon. Manoti:** Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this Motion. First, I have to congratulate the Member who brought this Motion to the House.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Let me recognise the caucus of the Hon. Members which is on your left and right. I can see that it is a very strong one.

Proceed, Hon. Manoti.

*(Laughter)*

**Hon. Manoti:** Hon. Temporary Deputy Speaker, Hon. Mwaura has brought a very important Motion to this House. Approval of building plans in this country must be done by the relevant authorities. Such activity must be supervised by the National Construction Authority (NCA). The NCA does not have enough supervisors to inspect buildings. We encourage them to increase the number of supervisors to make sure that what has been approved is what is built.

We have seen buildings come down several times. There are so many problems. This Motion is very timely. We need to make sure that the Government implements it. We must not just debate and pass the Motion without it being implemented. There are so many people living with disabilities in Kenya. They have to be taken seriously. The right facilities must be provided to enable them enjoy life like other Kenyans. I thank Hon. Mwaura for bringing this Motion to the House.

With those remarks, I support.

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

**Hon. Kabando wa Kabando:** Thank you, Hon. Temporary Deputy Speaker. Firstly, I want to congratulate Hon. Mwaura. His initiative in this House reminds us of the work of a nominated Member of Parliament. He is concentrating and focusing on the mandate to serve people with special needs. He needs to be congratulated for doing that. I do so profusely.

Secondly, although there are challenges of devolution, there is a lot of positive work that is going on in the 47 counties in terms of enabling constructions that are in agreement with the needs of the local communities. That is being done by NCA together with the county governments. Once we pass this Motion, we need to proceed and operationalise it, with the help of NCA. We need to talk to the respective governors. Hon. Mwaura knows the relevant Committees. Even in his individual capacity, that can be done so that his work can be enhanced. I would like to commit that this requirement will be complied with in my constituency. It is a big job.

Finally, I take this opportunity to join Hon. Gladys Wanga in welcoming the youth from Homa Bay County, the home of the late Hon. Otieno Kajwang'. He volunteered and represented my team of eight Students Organisation of Nairobi University (SONU) officials then. He appeared in court for two years representing us free of charge. It is time for us to look into positive ways of reconnecting and, particularly, even reviving the spirit of Jaramogi and Jomo Kenyatta in this era.

Thank you very much.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Members, I now call upon the Mover to reply.

**Hon. Mwaura:** Thank you, Hon. Temporary Deputy Speaker. I have 10 minutes. I want to give each of the following Members, at least, one minute. They are Hon. Mwinga Gunga, Hon. Fatuma Ibrahim, Hon. Ibrahim Saney, Hon. (Dr.) Chebet and Hon. Mwadime.

**The Temporary Deputy Speaker** (Hon. Kajwang'): How many minutes do you think you have and how many are you giving to the hon. Members?

*(Laughter)*

**Hon. Mwaura:** Hon. Temporary Deputy Speaker, six minutes. One minute each to those Hon. Members and then I can finish replying within the remaining minutes.

**The Temporary Deputy Speaker** (Hon. Kajwang'): So, can you go through the list again.

**Hon. Mwaura:** Hon. (Ms.) Fatima Ibrahim, Hon. Mwinga Gunga, Hon. Saney, Hon. (Dr.) Chebet, Hon. Ali Wario and Hon. Mwadime as the sixth one.

**The Temporary Deputy Speaker** (Hon. Kajwang'): All right. Let us begin with the Member for Wajir.

**Hon. Saney:** Thank you. I strongly support this Motion with the new amendment. As a country, we are lagging behind in terms of compliance with the disability requirement. We are also failing Persons Living with Disability (PLWDs) in terms of ensuring an inclusive society. The environment is difficult. I was in a tour where we were in one of the counties of this country. We carried a person with disability with our own hands because the buildings were inaccessible. We need to change that and ensure we have an accessibility audit in this country to establish the level of compliance of this country.

Thank you.

**The Temporary Deputy Speaker** (Hon. Kajwang'): All right. Is the next one the Member for Kaloleni?

**Hon. Chea:** Yes. Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I thank Hon. Mwaura for bringing this Motion. I support the Motion as amended. I believe the passage of this Motion will go a long way towards ensuring that People Living with Disability (PLWDs) reap the fruits of Article 54 (c) of our Constitution. It is important that all the institutions that are meant to create an enabling environment for the disabled perform their role.

As I conclude, I wish to call upon and urge the society to ensure that all PLWDs are brought to the fore. The greatest problem we have in our society is that most of those people are being hidden, specifically in our rural areas. They are not brought in the public so that they can reap the benefits of our new constitutional dispensation.

**The Temporary Deputy Speaker** (Hon. Kajwang'): The next is the Member for Wajir East.

**Hon. Mohamed Abass:** Thank you. The disabled in Kenya have been vulnerable and marginalized and communities have been insensitive to their plight. They have suffered much indignation and stigma. They have been disadvantaged. It is good to know that today's able is tomorrow's disabled. With over six million PLWDs in Kenya, it is important that the Kenyan society have a mindset of inclusivity to appreciate that they are part and parcel of our society.

Most important, is the bad environment which has been the discriminating part for the disabled Kenyans. It is important to come up with friendly structures, especially ramps, lifts and toilets that are friendly and accessible to the disabled.

**The Temporary Deputy Speaker** (Hon. Kajwang'): The next one is Dr. Chebet.

**Hon. (Ms.) Chebet:** Thank you, Hon. Temporary Deputy Speaker for giving me this minute. I thank Hon. Mwaura for this gesture on PLWDs. We want to empower them, but we cannot do so if they cannot access buildings and information. As we talk of Affirmative Action Social Development Fund which has been given to Women Representatives to run, there are a lot of challenges in the quest to empower PLWDs to access the funds, information and work on their own. So, this Bill is going to empower them so that they can work with little support from people who take care of them.

Thank you.

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

**Hon. Wario:** Ahsante sana Mheshimiwa Naibu Spika wa Muda. Kongole Mheshimiwa Mwaura. Zamani zile za kuwaficha na kudhulumu walemavu; zamani zile za kuamini walemavu ni laana, zilipita. Hivi sasa, lazima tuje na mikakati mipya, kama hii iliioletwa na Mheshimiwa Mwaura. Katika Mwada huu, tuwe na sera na sheria zitakazowalinda walemavu na kuwawezesha kupata elimu au kuingia kwa nyumba za ghorofa bila matatizo yoyote.

Naunga mkono Mheshimiwa Mwaura.

**Hon. Mwadime:** Shukrani Mheshimiwa Naibu Spika wa Muda. Nasimama kuunga mkono Msada huu. Ukiangalia hiki kikundi cha watu, ni kama asilimia 15. Ni kama watu zaidi ya milioni sita. Ni kikundi ambacho kimepuuzwa - si kwa mahospitali, benki, shule na makanisa. Naomba Kamati Tekelezi, baada ya huu Msada kuwa sheria, watekeleze. Wahakikishe kuwa imetekelezwa na hicho kikundi cha walemavu, angalau, kimesaidika ili wajione wako sawa na Wakenya wote kwa ujumla. Nasimama kuunga huu Msada.

Ahsante sana.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Let us have Hon. Isaack Mwaura.

**Hon. Mwaura:** Ahsante sana Mheshimiwa Naibu Spika wa Muda. Nawashukuru Wabunge wote ambao wamechangia Hoja hii na hata ile ari ambayo imekuwepo ya kuweza kuchangia zaidi. Hususan, ningelipenda kuwatambua *Architect* Kiaraho, Mhe. Abdulswamad na Wabunge wengi ambao wangelipenda kuchangia Hoja hii. Sasa hivi, tumetoka kuzindua kitabu kuhusu mambo ya vijana kutokuwa na ajira. Nimeweza kuandika sura nzima hapa katika hicho kitabu kuhusu vile walemavu wanakosa nafasi za ajira. Jambo hili linatokana na kwamba watu hawana nafasi ya kuingia katika majumba. Hawawezi kupanda maghorofa na hata magari. Kwa hivyo, ni muhimu sana kuhakikisha kwamba watu wetu wenye ulemavu wanaweza kuridhia katika nafasi zilizoko za umma.

Vile ambavyo tunaunda nyumba zetu, tunafaa kuzingatia kwamba leo hii unaweza kuwa mzima wa afya, lakini kesho mambo yanaweza kubadilika. Kwa hivyo, tukiyajenga majumba yetu, tusiwazingatie tu wale walio wazima wa afya bali pia walemavu.

Pili, ikiwa tunaweza kutumia asilimia kumi na tano ya Wakenya wenzetu kuchangia mipango ya maendeleo, imaanisha kwamba tutainua hali ya uchumi wetu, tutaendelea kuondoa umaskini na uchochole ili walemavu wajitegemee na wajihisi wenye hadhi. Tunaweza kutunga sheria nyingi katika Bunge hili lakini la muhimu ni kuhakikisha mambo haya yanatekelezwa. Natoa mwito ya kwamba, tuhakikishe kwamba tunafuatilia na tunaweza kukadiria hizo pesa.

Tayari tumekuwa na kikao na Kamati ya Uwiano wa Kitaifa na Usawa wa Nafasi ambayo inaongozwa na Mhe. Johnston Sakaja. Pia, tumeweza kukutana na Kamati ambayo inaongozwa na Katibu wa Wizara ya Miundo Msingi ili waweze kutathmini ni changamoto zipi zipo katika sheria na ni zipi zipo katika utekelezaji ndiposa tuwe na suluhu ya kudumu.

Msada huu unatoa mapendekezo mawili. Kwanza, ni kuwa ile Taasisi ya Kitaifa ya Ujenzi ihakikishe kwamba majumba ya umma yote ambayo yataundwa katika, katika ule uchoraji, yazingatie maswala ya watu wenye ulemavu.

Pili, ni kutoa ratiba ambayo iko na wakati mwafaka wa kuhakikisha kwamba mambo haya, hatutayazungumzia tu, bali yanaweza kutekelezwa. Ningependa kusema ahsante sana kwa Bunge hili. Ni muhimu kuwa na uwakilishaji wa watu wenye ulemavu katika Bunge hili. Tukija hapa, kuna wale ambao wametufanya tukateuliwa katika viti hivi vya Bunge na tutaendelea kuwatetea kwa sababu sisi ni kama wao. Tungependa kuona hali yao ya maisha imeinuka ili waonekane kwamba hata wao kweli wanafaa katika nchi hii ya Kenya.

Nashukuru na ninapongeza.

Ahsante sana.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Order, hon. Members!

Having established that we have sufficient quorum to conduct business, I put the Question.

*(Question of the Motion as amended put and agreed to)*

*Resolved accordingly:*

THAT, aware that Article 54 (c) of the Constitution provides that a person with disability is entitled to reasonable access to all places, public transport and information; further aware that Section 21 of the Persons with Disability Act, 2003 provides that persons with disabilities are entitled to a barrier-free and disability-friendly environment to enable them have access to buildings, roads and other social amenities, assistive devices and other equipment to promote their mobility; concerned that over the years, persons with disabilities have not been given the right to enjoy all their fundamental freedoms; cognizant of the fact that accessibility is vital in increasing the mobility of these individuals and reducing the ratio of dependency on people; this House urges that the Government develops a clear plan of action to ensure the necessary structural adjustments to all public buildings and that the National Construction Authority only approves designs for new public structures that are compliant with the minimum accessibility standards (KS 21542) for persons with disabilities.

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

**The Temporary Deputy Speaker** (Hon. Kajwang’): Member for Rongo is on a point of order. As a ranking Member, can we hear you?

**Hon. Anyango:** Hon. Temporary Deputy Speaker, the issue of implementation of parliamentary deliberations keeps arising. I had suggested, previously, that whenever there is a Motion or a Bill touching on the mandate of a Government department, the liaison office of that Ministry should attend Parliament to be able to receive the sentiments of the Members -

originally from the Members themselves, instead of waiting for the HANSARD or any other communication from Parliament.

Apparently, this process worked briefly and only used to work when the Ministers came here to answer Questions. Now, the presidential system which we have has weakened the inter-governmental relations, particularly between Parliament and the Executive. In fact, a number of Committee Chairmen tend to pretend in this House that they are part of the Executive and that what they hear, they would communicate to the Executive. They are also at the mercy of Principal Secretaries (PSs) and other Cabinet Secretaries (CSs) who may choose to listen to them or even mislead them. They keep pretending before the House that they are representing the Executive and yet, we know they are not.

My appeal is that Parliament should develop a more formal mechanism of departments on whose functional areas Parliament is debating on any particular day. The relevant liaison officers from that department should attend Parliament so that they hear from us our sentiments and then commit to commence the policy formulation process so that when we come to implementation, we should find that they have already commenced some action on the issues which Parliament regards as important and should be prioritized.

Thank you.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Thank you very much for that invaluable information. When we see wisdom from veteran Members like you, we will not miss the point. But you are in the Committee on Implementation. Am I right?

**Hon. Anyango:** Hon. Temporary Deputy Speaker, before I answer the question, let me explain.

**The Temporary Deputy Speaker** (Hon. Kajwang’): I have opened a can of worms. All right!

**Hon. Anyango:** Let me respond as if I am---

*(Laughter)*

In my experience, implementation of any policy measures in Government requires a number of champions in those relevant Government departments. Those champions must be in touch with people of similar views in the House who would wish to see implementation of those particular objectives accurately done in Government. What is happening is as a result of the separation. When CSs are no longer in the House here, we have nobody in the Executive who is likely to build the passion for implementing anything we say here. So, it is as if we are talking in vain and yet, this is supposed to be the Assembly of some of the best Kenyan citizens who have been elected and brought here to initiate reform agenda in our country.

I noticed when I was in the Committee on Implementation that we are starting afresh requesting implementation of parliamentary resolutions or laws and we are working with the department in Government that is totally ignorant of what ought to be done and, many times, even lacking interest in pursuing what we are calling on them to implement. So, there has to be a reform in this area to establish a stronger communication between Parliament and the Executive that is supposed to take note of what Parliament initiates in terms of better administration, governance and development of the country.

Thank you.

**The Temporary Deputy Speaker** (Hon. Kajwang’): All right. Thank you very much. Next Order!

DECENTRALIZATION OF REGISTRATION OF  
NATIONAL IDENTIFICATION CARDS

THAT, aware that devolution was meant to devolve governance and public services across the country, including access to basic services like acquisition of identity cards, passports, birth certificates, voters cards, among others; further noting that currently all registration of national identity cards only happens at one centre in Nairobi; cognizant of the fact that this delays the acquisition of identity cards, thus denying Kenyans their right to employment, ability to vote, access to public funds like Uwezo Fund and other crucial services, this House resolves that the Government decentralizes the registration of national identification cards and passports to the county level to expedite the process and allow Kenyans to access public services in a timely manner.

*(Hon. Wakhungu on 2.3.2016)*

*(Resumption of Debate interrupted on 2.3.2016)*

**The Temporary Deputy Speaker** (Hon. Kajwang’): This is resumption of debate. We have 20 minutes on this debate. We have looked at it for quite a while. Was there somebody who was on his feet? Member for Roysambu, where are you?

**Hon. Ndirangu:** Thank you, Hon. Temporary Deputy Speaker for casting your eyes on Waihenya Ndirangu, the son of Wanjiru. I wish to declare my support for this Motion by the Member for Kiminini who is also my brother-in-law. He has betrothed our daughter.

We cannot say that we are proud of promoting democracy in Kenya if over 6,000 of our young people do not have identity cards (IDs). You know that universal popular suffrage is an important beacon of measuring democracy. So, it means we are doing very poorly in Kenya if we have disenfranchised over 6,000 young people who cannot be registered as voters. This is a big number. It is sufficient to elect a President of this nation.

The importance of this Motion is that, if it is passed, it will help to decentralize registration of persons and issue IDs at the county level. This will improve efficiency and offer wide coverage, accessibility and reduction of cost to the applicants. It will also reduce the waiting time for the people who have registered as voters or who have applied. It will also reduce the big queues we always see at our county headquarters when young people are looking for voter’s cards.

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

*[The Temporary Deputy Speaker  
(Hon. (Ms.) Mbalu ) took the Chair]*



It is also important to know the critical role played by issuing people with ID cards in the control of crime. Today, there are so many illegal and unlicensed firearms in the hands of many people who have no ID cards. It becomes a challenge even to the investigating authorities who will need to do forensic investigations in order to obtain details and finger-prints of culprits. In places like Nairobi where there are so many strangers, it is important that each person has an ID card so that we are able to attribute crime to specific people.

Allow me to thank the PS, Ministry of Interior and Coordination of National Government Dr. Karanja Kibicho, who has taken it upon himself to help the young people in slums and garbage dumps in Dandora to register as voters. It is my appeal that, as we concern ourselves in decentralizing registration, we should give specific emphasis to slums. I have in mind places like Marurui, Githurai, Soweto and Njathaini in my constituency. In those slums, there are young boys and girls who are orphans and are of age. If the registration officials are going to insist on them producing their birth certificates, their parents' ID cards or their pastor's recommendations, most of them are going to remain without ID cards.

There are many HIV/AIDS orphans in the slum villages of Mukuru-Kayaba and Kibera. If you ask them to bring a relative, parent, sister or brother, they will not. As a result of that, we have young people as old as 19, 20 and 22 years who have not been issued with ID cards. This is one of the reasons why there is a lot of hopelessness in our slums. Slums are characterized by relative deprivation. The young people are feeling that this Government is insensitive to their welfare. So, it is important that we register all those young people in the counties.

In the recent registration of voters, there were skirmishes in Kariobangi involving followers of different parties. They were competing over where a polling station or voter's registration centre should be. I want to appeal to all politicians in Nairobi to avoid skirmishes. They are setting the communities against each other and, at the same time, trying to secure votes in 2017. We have not forgotten the skirmishes that we had in Kenya in 2007/2008. We appeal to politicians to stop being warlords and inciting communities. We want all communities to register as voters peacefully. We regret those incidences that happened at Kariobangi. We know that those are concerted efforts and orchestrated schemes to stop some communities from voting in the next general election.

I had invited my good friends from *Mzalendo Kenya* to come and see that Waihenya Ndirangu, the son of Wanjiru, has a mouth to speak. It is important that some of those institutions do not belittle the work that Members of Parliament do. I am a very active member of the Departmental Committee on Justice and Legal Affairs. We sit three days every week to go through Bills and Motions, and develop policies and procedures that are finally put into law and brought into this House. In the recent past, I have personally put my signature in the Committee's Report on all Bills regarding the Judiciary, Independent and Electoral Boundaries Commission (IEBC), the Gender Act, the Fair Administrative Action Act, the National Cohesion Act and matters to do with Director of Public Prosecutions (DPP) and the Attorney-General. The other day, we vetted the Ethics and Anti-Corruption Commission (EACC) nominees. It is important that members of public know that a lot happens behind the scenes in committees in the process of legislation.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Very well spoken message. Thank you, hon. Member for your contribution. Order, Members! This Motion had a balance of 20 minutes. We have 18 minutes for the Mover to reply. This is a House of rules and procedures.

So, the Mover has his 10 minutes and I call upon him to reply. If he is philanthropic enough, he can do the necessary.

**Hon. Wakhungu:** Thank you, Hon. Temporary Deputy Speaker. Before I reply, I want to donate some few minutes to my colleagues. I will start with Hon. (Prof.) Nyikal.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): How many minutes.

**Hon. Wakhungu:** Two minutes each. They are hon. Mwashetani, Hon. Shariff Nassir, Hon. Emanikor, Hon. Janet Nangabo, Hon. Wafula Lazaro, Hon. Bunyasi and Hon. (Ms.) Nyiva Mwendwa senior.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Unless we give each one minute, that is already past 10 minutes. Let us start with the first beneficiary, hon. (Prof.) Nyikal, for one minute.

**Hon. (Prof.) Nyikal:** Thank you, Hon. Temporary Deputy Speaker and hon. Wamalwa. I support this Bill because one, it says “resolve”; which means what we pass here can be implemented. It is a fallacy to say that what is passed here cannot be implemented, if it does not go through the Committee on Budget and Appropriations. This House makes rules and decisions, and the Executive looks for the money.

Two, I support it because it is possible. In 1979 when I got my first ID card, I went to the officers, my photograph was taken and I got it immediately. It is practical. We should give ID cards at the local level.

I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Rashid Juma, what is out of order from the contribution by Hon. Nyikal?

**Hon. Bedzimba:** Sioni kama vile hii mambo inavyoendelea ni sawa. Sisi tumefinya tukitaka kuzungumza---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): You are actually out of order. You should have spoken to hon. Chris Wamalwa and if he is philanthropic, he should have given you a chance. I rule you out of order on this matter. Let me have one minute going to hon. Mwashetani.

**Hon. Mwashetani:** Thank you, Hon. Temporary Deputy Speaker. I would like to---

*(Hon. Bedzimba interjected)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Rashid! You are out of order. Talk to hon. Chrisantus and sort out your issues.

**Hon. Mwashetani:** I would like to thank Hon. Chris Wamalwa for giving me one minute to contribute to this Motion. Devolving registration of persons is very possible because I remember I got my ID card from school. In areas that are really marginalized such as Lungalunga - the area that I represent - it has become a nightmare for youths to acquire identity cards (IDs). It is important because the strength of Members of Parliament or other representatives comes from registration of persons. After registration, it is about voter's cards.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Your one minute is over. Hon. Members, if you did not benefit when the Mover was donating minutes, this is the wrong place to make your statement.

Let me give one minute to Hon. Abdulswamad Nassir.

**Hon. Nassir:** Thank you very much, Hon. Temporary Deputy Speaker. I agree that there is need. It is high time IDs are given out at the grassroots level in the counties. The reason is very simple. Our youth are being marginalised. They cannot get IDs or any form of employment because of that. The Constitution of Kenya is very clear: Sovereign power belongs to the people of Kenya. Article (1)(2) of the Constitution states that the people may exercise their sovereign power either directly or through democratically elected representatives. That cannot be possible without an ID card.

Secondly, in Article 12(b) of the Constitution, every citizen is entitled to a Kenyan passport and any document of registration or identification issued by the State to citizens. This is feasible. It can be done.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Your minute is over. Hon. Members, plan well for your one minute. Let us have Hon. Nangabo.

**Hon. (Ms.) Wanyama:** Ahsante, Mheshimiwa Naibu Spika wa Muda. Ningependa kusema kuwa namuunga mkono Mheshimiwa Chris Wamalwa kwa kuleta Hoja hii katika Bunge hili. Watoto wengi katika yale maeneo tumetoka---

*(Hon. Bedzimba interjected)*

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

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): There is a point of order from Hon. David Wafula.

**Hon. Wekesa:** Mheshimiwa Naibu Spika wa Muda, je, umeridhika na vitendo vya Mheshimiwa Bedzimba wakati mjadala unaendelea hapa Bungeni?

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order, Hon. Member! You are out of order. Please, resume your seat or walk out of the Chamber. We need sanity in the House. We will have it. You can sort out your issues outside the Chamber. Carry on, Hon. Nangabo.

**Hon. (Ms.) Wanyama:** Mheshimiwa Naibu Spika wa Muda, tulikuwa tunazungumza kuhusu vitambulisho. Namshukuru Mheshimiwa Chris Wamalwa kwa sababu watoto kutoka eneo letu, haswa la Trans Nzoia, wako na shida sana. Tumeongea kuhusu mambo ya walemavu. Hao walemavu pia hawapati nafasi ya kupata vitambulisho. Tukiwa na ofisi kule mashinani, itatusaidia sana ili watu wapate vitambulisho kwa muda unaofaa. Tuna pesa ambazo tumepewa kama akina mama. Akina mama wenzetu hawapati pesa hizo kwa sababu hawana vitambulisho. Vitambulisho vikipeanwa kule mashinani, vitawezesha watu hao kupata nafasi na pia kula “keki” ya nchi hii.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Ngikor, you have one minute.

**Hon. Ngikor:** Thank you, Hon. Temporary Deputy Speaker for giving me this chance. ID cards are essential to each individual in this country. It is in the law. Without an ID card, you cannot get employment. You cannot be identified as a Kenyan. You cannot travel outside this country or go anywhere in this country. You cannot even get accommodation because nowadays, if you go to a hotel, you have to produce your ID card so that you can be given accommodation. Without an ID card, you cannot enter into a social place to see your friends. You cannot elect leaders of your choice. People need to be given ID cards at the local level, so that they can do that. Without ID cards---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Let us have the Member for Kitui.

**Hon. (Ms.) Mwendwa:** Thank you very much, Hon. Temporary Deputy Speaker. I stand to support this Motion because it is long overdue. Since we now have county governments, this should be done at the county level. I will go as far as to suggest that when children complete high school, the ID card should be part of the certificates that they collect from schools to identify themselves. We should have our passports processed at the counties.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): The last Member to contribute is Hon. Wafula. I will then give the Mover a chance to reply.

**Hon. Wekesa:** Ahsante sana Mheshimiwa Naibu Spika wa Muda. Pongezi kwa Mheshimiwa Chris. Ijapokuwa naunga mkono Hoja hii, lazima tuwe waangalifu sana. Tayari katika Saboti, sehemu ambayo naiwakilisha Bungeni, kuna tetezi kwamba kuna watu ambao wanaleta watu kutoka Uganda wakiwa na nia ya kuwapa mashamba wakisingizia ni wakimbizi. Kwa hivyo, ni lazima tuhakikishe kuwa maafisa wetu wanafaa. Isiwe tu ni maafisa ambao wanakimbilia pesa.

Naunga mkono Hoja hii.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, I now give the Floor to Hon. Chris Wamalwa. You only have three minutes. Hon. Rashid Juma can now understand why you were not in a position to give him an opportunity.

**Hon. Wakhungu:** Thank you, Hon. Temporary Deputy Speaker. I want to thank everyone who has contributed to this. An ID card is very critical in a citizen's life. Section 3(a) of the Elections Act states that any citizen who has attained the age of 18 years and has been given a waiting card must be allowed to use it when it comes to voter registration. We are now calling upon the Independent Electoral and Boundaries Commission (IEBC) to allow the young people who have waiting cards to register as voters during the next phase of registration. It is allowed in the Elections Act, but it is not being implemented.

Lastly, on the issue of IDs, we are calling upon the National Registration Bureau (NRB) to ensure that students who are in Form Four are allowed to get ID cards before they leave school. This will help them to open a bank account or an *Mpesa* account or access funds like the Uwezo Fund when they leave school. This is very critical. I hope the Government and the Committee on Implementation are listening, so that this matter is implemented immediately. Many resolutions are passed but, unfortunately, they are not implemented.

I beg to move.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): We are not in a position to put the Question. The Question will be put in the next sitting at the most appropriate time.

Next Order!

#### IMPROVING MANAGEMENT OF CANCER IN THE COUNTRY

**Hon. (Ms.) Nyasuna:** Hon. Temporary Deputy Speaker, given the time, I would like to begin to move the Motion, but if I do not conclude, I will continue in the next sitting.

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

THAT, aware that cancer is a leading cause of death globally with more than 70% of all cancer deaths occurring in developing countries; further aware that in Kenya, the disease ranks third among the main causes of death after

infections and cardio-vascular diseases and accounts for up to 18,000 deaths annually, with over 82,000 new cases reported annually; noting that over one-third of cancer patients experience clinical anxiety and depression, profoundly affecting the families psychologically and economically; cognizant of the fact that some of the patients travel up to 600 kilometers to Kenyatta National Hospital (KNH), the only public hospital that hosts most of the oncologists in Kenya; further cognizant of the fact that the remaining small number of oncologists are mainly based in Nairobi; deeply concerned that only a few patients get admission or outpatient treatment due to monetary constraints; this House resolves that the Government mitigates the situation by offering scholarships to, at least, one (1) Medical Masters student per county to study oncology, and signing contractual agreements with them to serve in designated cancer treatment and management centres; building partnerships with existing medical institutions in local public universities for provision of training opportunities; and emphasizing on the use of telemedicine and e-medicine to eliminate distance barriers and improve access to medical services.

Hon. Temporary Deputy Speaker, allow me to thank the Budget and Appropriations Committee. Given that this Motion has monetary implications, it went before the Budget and Appropriations Committee which reviewed and approved that it comes before this House. Today, we spoke a lot about implementation and given that this Motion got an okay from the Budget and Appropriations Committee, and given the critical nature and specific issues it raises, I hope it will get to a point of implementation. This Motion seeks approval of the National Assembly for the Government to offer scholarship to, at least one Medical Masters student per county to study oncology. After the scholarships, those students will get into a contract with the Government to serve in specific county hospitals. That is because, currently, there is a huge concentration of oncologists and medical practitioners in urban areas such as Nairobi and Mombasa, where they find life easier. County hospitals are left without competent medical personnel, particularly specialists of that nature.

The wording of the Motion shows that cancer now ranks third in causes of death in this country after infections and cardio-vascular diseases. Previously, cancer was considered a disease for the rich and, perhaps, that is why treatment of cancer is not as considered as that of other diseases. Initially, it was considered a lifestyle disease. It is now emerging that a lot of deaths occurring among our people, even in our constituencies and even those in the lowest cadre are resulting from cancer.

According to the Kenya Network of Cancer Organizations, globally, cancer causes more deaths than HIV/AIDS, Tuberculosis (TB) and Malaria combined. It is also said that 70 per cent of the global cancer burden is in low and middle income countries like Kenya. That gives us a reason to worry. If detected early, 30 per cent of cancer types are curable. As I move, I know that, as Members of this House and people listening out there, we have, in one way or the other, been affected by cases of cancer. The unfortunate bit is that cancer is catastrophic. Apart from the distress it causes the mind, it also causes catastrophe in the economies of families. It can turn you around from a middle income family into paupers after paying bills and, unfortunately, sometimes, you end up losing the patient. It is estimated that there are 39,000 new cases of cancer every year with more than 27,000 deaths every year.

About 60 per cent of Kenyans affected by cancer are below 70 years old. We, sometimes, sit back and imagine that cancer is a disease of older people. However, now research shows that 60 per cent of those affected by cancer are below 70 years old. As I have said, we suffer acutely from lack of awareness, inadequate diagnostic and treatment facilities as well as the high cost of treatment. You will find that when people who suffer from cancer go to their first point of contact, a lot of times they are mis-diagnosed. That has occurred in many cases. You are told you are suffering from another disease - which you begin to treat. You treat it but you do not get better. Finally, you discover that it was cancer. That is why we are saying that we must have specialists at the lowest level possible so that we have early diagnosis of cancer cases.

Just to give some numbers, in 2010, we had 11,995 people dying from cancer in Kenya. That accounted for 12 per cent of the deaths. In 2011, we had 11,500, accounting for 13 per cent. In 2012, we had 12,574, accounting for 14 per cent. In 2013, we had 13,720, accounting for 15 per cent and in 2014; we had 14,175 accounting for 16 per cent. I just want members to note the rising percentages. It has moved from 12 per cent in 2010 to 16 per cent in 2014. So, we are on a rising trend and we need to do something about it. In terms of health facilities, there are very few hospitals that offer some form of basic services to cancer patients. The public one that we know is Kenyatta National Hospital (KNH). Of course, we also have private hospitals such as MP Shah Hospital, Nairobi Hospital and Aga Khan University Hospital. However, how many of the people we represent can afford to go to MP Shah Hospital, which charges Kshs10,000 per session of radiotherapy? How many people can afford to go to Nairobi Hospital, which charges Kshs15,000 per session of radiotherapy? The facilities I have named are mainly in Nairobi. Let me use my own county. Imagine a person coming from Nyadhiwa in Suba, Homa Bay County, trying to reach KNH. We have read reports and seen what is going on. I know members of the Departmental Committee on Health, while contributing, will tell us that there are only two radiotherapy machines at KNH. Those two machines have a queue for 18 months. When you go now, you have hopes of being treated two years from now. Do you have any chance of surviving? The other day, we heard that one of the two machines has broken down.

So, what we are dealing with here is a major crisis. This Motion only deals with one very small aspect of the crisis that we are facing. We are facing a major crisis. This Motion is dealing with just a small aspect – the aspect of human resource. Let me get to that point of the human resource. In terms of the human capacity for cancer treatment in our public hospitals, there are only four radiation oncologists, six medical oncologists, four paediatric oncologists, five radiotherapy technologists and three oncology nurses that are available to serve the entire Kenyan population. There is an acute shortage of personnel. This is the part of this crisis that this Motion is trying to address. Due to shortage of facilities and staffing, most Kenyans who can afford have had to travel to India as a common destination. I know we are invited for *Harambees* all the time. Other destinations that patients go to get treatment are like the United States of America, the United Kingdom, South Africa and other countries. Substantial resources are required and I am afraid to say that many Kenyans who cannot afford to get treatment abroad have sadly often succumbed to complications.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. (Ms.) Wanga, following our resolution on Wednesday, 20<sup>th</sup> February 2016, the Mover has 20 minutes to move. You still have your 10 minutes in the next sitting at the most appropriate time to continue moving your Motion.

**ADJOURNMENT**

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, it is time to disrupt the business of the House and the time being 1.00 p.m., this House stands adjourned until this afternoon at 2.30 p.m. I thank you all.

The House rose at 1.00 p.m.