

PARLIAMENT OF KENYA

THE NATIONAL ASSEMBLY

THE HANSARD

Wednesday, 26th February 2020

The House met at 2.30 p.m.

[The Speaker (Hon. Justin Muturi) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

DELEGATION OF STAFF FROM THE PARLIAMENT OF UGANDA

Hon. Speaker: Hon. Members, I wish to introduce to you a delegation of senior staff from the Parliament of Uganda, seated in the Speaker's Gallery. They are:

1. Mr. William Lubowa - Assistant Director and leader of delegation.
2. Mr. Douglas Ewongu - Senior Economist.
3. Ms. Mataka Janet - Senior Economist.
4. Mr. Martin Basala - Economist.
5. Mr. David Senyonjo - Economist.
6. Mr. Sam Mwekwatse - Economist, and
7. Ms. Flavia Babirye Ritah - Economist.

They are in the country on a benchmarking visit and attachment to our Parliamentary Budget Office running from 24th to 28th February 2020.

On my own behalf and that of the National Assembly, I welcome them to Parliament and wish them fruitful engagements during the course of their stay in the country.

I thank you, Hon. Members. I am aware that there are quite a number of Members who have brought some petitions and apparently they have not reached the Chamber. I have looked at them and approved them. They must have brought them a bit late. So, they will present them tomorrow.

PAPERS LAID

Hon. (Dr.) Victor Munyaka (Machakos Town, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House.

Report of the Departmental Committee on Sports Culture and Tourism on:

- i. The study visit to the United Kingdom by the Committee on the Gaming Bill 2019, and
- ii. The Committee's delegation to the 2019 all African Games in Rabat, Morocco.

I beg to table.

Hon. Speaker: Hon. Wafula Wamunyi, Departmental Committee on Administration and National Security.

Hon. Wafula Wamunyi (Kanduyi, FORD-K): Hon. Speaker, I beg to lay the following Paper on the Table of the House.

Report of the Departmental Committee on Administration and National Security on the vetting of Mrs. Mary Wanjira Kimonye for appointment to the position of Principal Secretary for the State Department for Public Service.

I wish to table the Report.

Hon. Speaker: Next Order.

NOTICES OF MOTIONS

REPORT ON VETTING OF NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY

Hon. Wafula Wamunyi (Kanduyi, FORD-K): Hon. Speaker, I wish to give notice of the following Motion

THAT, taking into consideration the findings of the Departmental Committee on Administration and National Security in its Report on the Vetting of the Nominee for Appointment as Principal Secretary, laid on the Table of the House on Wednesday, 26th February 2020, and pursuant to the provisions of Article 155(3)(b) of the Constitution and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of Mrs. Mary Wanjira Kimonye as Principal Secretary for the State Department for Public Service.

Hon. Speaker: Very well. There is an indication that Hon. Kenta is to give Notice of Motion.

REJECTION OF NOMINATION OF MS. MWENDE MWINZI FOR APPOINTMENT AS AMBASSADOR

Hon. Richard ole Kenta (Narok North, ODM): Hon. Speaker, I beg to give Notice of the following Motion:

Taking into consideration the findings of the Select Committee on Implementation on its examination of implementation status, the Resolution of the House of 6th June 2019 regarding the constitutional approval of Ms. Mwende Mwinzi for appointment as ambassador of Kenya to Seoul, South Korea, laid on the Table of the House on Wednesday 27th November 2019 and pursuant to provisions of Section 8 of the Public Appointment Parliamentary Approval Act 2011, this House rejects the nomination of Ms. Mwende Mwinzi for appointment as ambassador representing the Republic of Kenya.

Thank you, Hon. Speaker.

Hon. Speaker: Very well. Next order!

QUESTION BY PRIVATE NOTICE

Hon. Speaker: In this segment, Questions by Private Notice, the first Member will be the Member for Narok East, Hon. Aramat.

Question No.006/2020

HEALTH STATUS OF CHINESE NATIONALS IN NAROK EAST CONSTITUENCY

Hon. Lemanken Aramat (Narok East, JP): Hon. Speaker, I rise to ask a Question by Private Notice to the Cabinet Secretary for Health.

(i) Could the Cabinet Secretary confirm that eight Chinese “nationalists” arrived from Wuhan City, China, the epicentre of the outbreak of Coronavirus, and travelled to Section 5, Duka Moja Camp of the Standard Gauge Railway (SGR) construction site in Narok East Constituency on Saturday, 22nd February 2020 and have been in isolation since then?

(ii) Could the Cabinet Secretary clarify whether the said Chinese nationals were properly screened and provide the reasons why they were allowed into the country instead of being isolated in a suitable designated isolation centre?

(iii) What mechanisms are in place to ensure that all foreigners and visitors from China and other affected countries are properly screened and, where necessary, isolated for the standard period in places before being allowed entry into the country?

Thank you, Hon. Speaker.

Hon. Speaker: Apparently, you have avoided to read the word “designated places”. What is the problem? They are not Chinese nationalists, but nationals. The Question will be prioritised by the Departmental Committee on Health because it is a Question by Private Notice about those eight Chinese nationals who are said to be hiding somewhere in Narok East Constituency in a construction site. It is important. When you are a Chairperson, you must pay attention to the Questions which are being asked. This is a Question by Private Notice. It, therefore, requires a response within three days.

ORDINARY QUESTIONS

Hon. Speaker: The next Question is an Ordinary Question. It will be asked by the Member for Mwala, Hon. Vincent Musau. Proceed.

Question No.019/2020

CLASSIFICATION OF HARDSHIP AREAS

Hon. Vincent Musau (Mwala, MCCP): Thank you, Hon. Speaker. I would like to ask this Question to the Cabinet Secretary for Education:

(i) What criterion is used to determine and classify hardship areas in the country, and why has Mwala Constituency not been classified as a hardship area?

(ii) Could the Ministry consider classifying Mwala Constituency as a hardship area to avoid the mass transfer of teachers to other areas?

(iii) What measures is the Ministry undertaking to address the increasing teacher-student ratio due to high enrolment as a result of the Government policy on 100 per cent transition?

Thank you.

Hon. Speaker: The Question will be responded to before the Departmental Committee on Education and Research. The next Question is by the Member for Kipkelion West, Hon. Hilary Kosgei.

Question No.020/2020

RECRUITMENT AND APPOINTMENT OF MANAGING DIRECTOR OF KEBS

Hon. Hilary Kosgei (Kipkelion West, JP): Thank you, Hon. Speaker. I rise to ask this Question to the Cabinet Secretary for Industry, Trade and Cooperatives:

(i) Could the Cabinet Secretary explain the process followed in the recruitment and appointment of the current Managing Director of the Kenya Bureau of Standards (KEBS)?

(ii) Could the Cabinet Secretary explain the basis on which experienced technical managers were transferred by the Managing Director of KEBS in December 2019 without regard to their professional and technical qualifications and subsequent approval by the National Standards Council?

(iii) What is the progress made so far with regard to the implementation of the Standards and Quality Infrastructure Reforms Taskforce Report since the Taskforce concluded its work?

(iv) Could the Cabinet Secretary clarify whether KEBS has implemented the recommendations of the Auditor-General's Report of July 2019 and further explain why KEBS is still pursuing the expansion of the Pre-Export Verification of Conformity (PVoC) programme before addressing the concerns raised by Auditor-General's Report?

Thank you, Hon. Speaker.

Hon. Speaker: The Question will be responded to before the Departmental Committee on Trade, Industry and Cooperatives. The next Question is by the Member for Awendo, Hon. John Owino.

Question No.021/2020

STATUS OF SONY SUGAR FACTORY

Hon. John Owino (Awendo, ODM): Thank you, Hon. Speaker. I rise to ask this Question to the Cabinet Secretary for Agriculture, Livestock and Fisheries:

(i) When will the outstanding arrears owed to sugarcane farmers who delivered cane to Sony Sugar factory be paid, including other suppliers for the goods and services rendered to the factory?

(ii) When will the management of the company pay workers and employees considering that they have not been paid for over six months?

(iii) What measures has the Ministry put in place to ensure that plant maintenance is carried out regularly on the said factory?

(iv) Could the Ministry consider upgrading all Government-owned sugar factories in the country with modern technology and equipment for efficient and effective operations that will cut on maintenance costs and increase production?

Thank you, Hon. Speaker.

Hon. Speaker: The Question will be responded to before the Departmental Committee on Agriculture and Livestock. The next question is by the Member for Kikuyu, Hon. Ichung'wah.

Question No.022/2020

STATUS AND QUANTUM OF UNPAID BILLS IN THE MINISTRY OF
INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Speaker. Before I read that Question, let me appreciate you for recognising...

Hon. Speaker: Not yet.

(Laughter)

Hon. Kimani Ichung'wah (Kikuyu, JP): Let me appreciate the presence of pupils from Kikuyu Township Primary School, which I attended. The Class Eight pupils are seated in the Speaker's Gallery. I was a Class Eight pupil in Kikuyu Township Primary School exactly 30 years ago. I welcome them to the National Assembly. I encourage them to work hard in their Kenya Certificate of Primary Education (KCPE) this year. Maybe in another 15 to 20 years, they will stand here as Members of Parliament and respectable citizens of this country.

Hon. Speaker, I want to ask the Cabinet Secretary for Interior and Coordination of National Government:

(i) What is the status and quantum of all the unpaid bills in the Ministry headquarters, National Police Service, Prisons Department, including those that have been classified as ineligible or unpayable?

(ii) What are the reasons why part of the pending bills have been ascertained as ineligible or unpayable, what persons or companies are owed these amounts, and what is the period the unsettled bills have been outstanding?

(iii) What measures have been instituted towards resolution of the payment dispute with some of the suppliers - some of whom you have seen demonstrating in the streets - especially from the Prisons Department, including authenticating their claims and when will these outstanding bills owed to the suppliers and contractors be paid?

Thank you, Hon. Speaker.

Hon. Speaker: The Question will be responded to before the Departmental Committee on Administration and National Security. The last Question is by the Member for Mwea, Hon. Kabinga Wachira.

Question No.023/2020

OWNERSHIP OF A PARCEL OF LAND IN MWEA CONSTITUENCY

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Speaker. I had asked this Question under Private Notice because of the urgency of the matter. I hope it can be considered.

I would like to ask this Question to the Cabinet Secretary for Lands and Physical Planning:

(i) Could the Cabinet Secretary state the current ownership of a parcel of land, Land Reference No.Mwea/Mutithi/Strip/1449 that is earmarked for the construction of Wamumu Kenya Medical Research Institute (KEMRI) centre in Mwea Constituency and who were the original owners?

(ii) Could the Cabinet Secretary provide details of those who have illegally acquired the said land?

(iii) What urgent steps is the Ministry taking to ensure that KEMRI is given the title deed?

Again, Hon. Speaker, this is a very urgent matter. We have a presidential directive to have this project commence, but it cannot start because the title deed is still not available.

Hon. Speaker: Bearing in mind that there has not been any other Question directed at the Departmental Committee on Lands, you know how hardworking the Chairperson, Hon. Nyamai, is, I am sure within no time, she will give you a response to this one. This is to be responded to before the Departmental Committee on Lands.

Hon. Members, that concludes Question Time. Before we proceed to the next segment of that Order, let me recognise now formally the pupils from Kikuyu Township Primary School, Kikuyu Constituency, Kiambu County, in the Speaker's Gallery. In the Public Gallery, there is Kapkures Primary School, Entebbes Constituency, Trans-Nzoia County; Koelel High School, Gilgil Constituency, Nakuru County, and PURES Village Pupils, Dagoretti North Constituency, Nairobi County. They are all welcome to observe the proceedings of the National Assembly this afternoon.

(Loud Consultations)

If you were not consulting so loudly, Prof. Tuitoek, we would not have difficulties. I said that that was the first segment of that Order. Obviously, that implies that there is another segment.

Now, before we go to that, let me allow Hon. Wafula Wamunyinyi, who has stepped in as an agent of necessity into the leadership of the Departmental Committee on Administration and National Security, to give response on the business that was transacted by the Committee in the last Session of Parliament.

STATEMENTS

STATUS OF QUESTIONS REFERRED TO DEPARTMENTAL COMMITTEE

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Thank you very much, Hon. Speaker Sir. Pursuant to the provisions of Standing Order No.42 on Report on Questions and your Communication of 13th February 2020, I wish to present a Statement on the status of Questions referred to the Departmental Committee on Administration and National Security and state as follows:

You will recall that on Wednesday, 19th February 2020, I issued a Statement on the status of Questions referred to the Departmental Committee on Administration and National Security during which a concern was raised by the House Majority Leader, Hon. Duale, that there was variance between the number of Questions referred to the Committee as stated in my Statement against the records at the Table Office.

Mr. Speaker, I wish to confirm that, indeed, there was variance which was inadvertent and is highly regretted. The variance has since been reconciled and I now wish to report to the House on the status of Questions before the Committee during the past Session. The Committee received a total of 101 Questions, of which 35 were answered and disposed. Seven (7) Questions were answered, but the Committee requested for clarification from the Ministry as the answers were not satisfactory. Twenty one (21) Questions were deferred for various reasons: Thirteen Questions were dropped and 25 are still pending before the Committee. The reasons for the Questions to have either been deferred or dropped are as follows:

- a) When a Member has failed to come and ask the Question without the permission from the Chairperson of the Committee.
- b) A request by a Member for the answer to be suspended or postponed.
- c) Inability of the Cabinet Secretary to appear before the Committee and respond to Questions due to other official engagements.

The Cabinet Secretary for Interior and Coordination of National Government has never appeared before our Committee to respond to Questions. You will recall that this matter has been before the House. This is a factor that has affected the performance of the Committee. The Ministry has occasionally provided unsatisfactory answers making it very difficult for the Committee to proceed.

(d) Cabinet Secretaries requesting for more time to allow them to bring comprehensive answers.

(e) The inability by the Cabinet Secretaries to respond to matters which are under investigation by either the Directorate of Criminal Investigations (DCI) or pending in court.

A schedule is attached and I would like to seek your approval to table the schedule which has details on the particulars of the Member, the Question and the status.

On behalf of the Committee, we apologise for the fiasco of what has taken place and for failure to present this statement accurately. I thank you.

(Hon. Wamunyinyi laid the Document on the Table)

Hon. Speaker: Members have heard for themselves and they are able to make their own independent judgment. The Member for West Mugirango already says poor performance of the Committee.

(Loud Consultations)

I notice that even Members of that Committee are not listening, but I think it is fair that the House, at an appropriate time, has an opportunity, maybe after going through the Report which has been tabled, to express themselves on the performance of this Committee whose membership includes the indomitable Hon. Peter Opondo Kaluma and Hon. Didmus Barasa, among others. We have just been told that 35 Questions out of 101 were satisfactorily responded to and then 21 were deferred. They say that the Cabinet Secretary has never appeared before

them. Anyway, it is upto you Members to make decisions as you find appropriate regarding that performance, but I think it will be good for Members to look at the Report.

Yesterday, Nominee 001 had indicated that his Committee had done very well with 24 Questions. Now these are 101, but you have not even covered half of the Questions. Anyhow, that is just recorded fact and may be the House should debate this at an appropriate time. Hon. Kaluma, we are not passing any judgment at all. Hon. Kaluma, do you want to say something?

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Speaker, the fact of the matter is that the sensitivities of the issues that the Committee deals with make it difficult for us, at times, to report directly to the House. This is a security committee, but you will note that although we are talking about 101 Questions against 35 substantially reported to the House, even Members who asked the Questions are not complaining. Many are the matters that we deal with in terms of direct enforcement.

I will give you an example. When the Members of Parliament from Kitui County raised concerns with the security situation in Kitui and neighbouring counties - Hon. Duale will confirm - we flew there under very difficult circumstances. You will not see a report, but the Members are very satisfied in terms of having the issues they raised addressed. That is the direction we will be seeking in future. Where an issue that needed to be addressed has been substantially dealt with, do we still need to report, more so considering the sensitivities of the situation?

Hon. Speaker: The report would be saying that the Question was dealt with.

Hon. Peter Kaluma (Homa Bay Town, ODM): I remember one day we went to Baragoi and you know how sensitive it was. The Members from there will tell you that under very difficult circumstances, they heard their colleagues and the issue has been sorted out. So, a report may not be seen and the fact that you do not see a report does not mean that there is no action. The fact of the matter is that each Member of Parliament who raised a Question with the Committee will tell you that they are quiet because they are satisfied with the actions so far taken.

Thank you, Hon. Speaker. We will report on the other ones.

Hon. Speaker: Maybe those two examples you have given are among the 35 which have been reported as satisfactorily answered.

Hon. Peter Kaluma (Homa Bay Town, ODM): We have not reported on those ones. Hon. Speaker, this is the Committee Hon. Orwa Ojode used to call "Government". Government goes into action in most of the matters. We may not write much, but we go into action.

Hon. Speaker: Member for Mogotio.

PURPORTED CONSTITUENCIES PERFORMANCE
SURVEY BY MIZANI

Hon. Daniel Tuitoek (Mogotio, JP): Thank you, Hon. Speaker for giving me this opportunity. I rise on a grave matter concerning a firm called Mizani Africa purported to have carried out a survey in our constituencies. We are concerned that the public may have given information which may not be factual. The information may have been half baked.

(Applause)

We would like to know whether this particular firm used a particular methodology to carry out surveys in our constituencies. We would like to know whether they contacted the National Government Constituencies Development Fund Board to check on all our proposals and their status before they embarked on evaluating them. We also want to know whether they contacted our fund managers in various constituencies. They may have talked to a few Members here, but they cannot purport to extend that information or conclusion to the 290 constituencies. Therefore, I want this particular firm to be investigated or the relevant Committee looks into it to find out how they carried out this activity because many Members here are concerned.

Hon. Speaker, I ask for your guidance on this matter. Thank you.

Hon. Speaker: Hon. John Mbadi, do you want to speak to the matter?

Hon. John Mbadi (Suba South, ODM): Hon. Speaker, personally, I have not looked at that report because I do not spend my valuable time looking at conmen in the streets.

My fund manager called me and said that constituencies have been ranked. First of all, I did not want to ask him how my constituency had been ranked. But the next thing I asked him was whether the people went to our constituency. He said that the only thing he received from the people was an e-mail which he did not even respond to because it was after the time they had requested. What I hear was happening is that some information was sought by an amorphous institution whose name I cannot remember.

Hon. Members: Mizani Africa!

Hon. John Mbadi (Suba South, ODM): Members know it. Hon. Speaker, one was supposed to fill a form and return it to them and based on that, they ranked constituencies whether they are the best performing or the least performing.

I want to give confidence to my friend who has raised this matter, and that is why I have stood, that I do not think that this is a matter on which we should spend our time as a House debating. Someone just sent a form for people to fill, some filled it, some did not complete the form, but they decided to make some people happy by saying that some constituencies are best performing. When a constituency is best performing in managing resources, it will be known because the Auditor-General will come to your constituency, audit and report.

Let the Member not be bothered because I know the objective of some of these things. I have been here for a while and some Members used some institution called the National Taxpayers Association, and I am told that is what is probably happening in this one. If you do not give money, you will always be ranked low. Some Members were always ranked number one or two. Coincidentally, people bought it and they became governors. One of them is the most unpopular governor today because he cannot manage resources. Managing resources is not something you fake. If you are good in managing resources, it will be seen on the ground.

I want to tell Members not to bother with these reports. Let them rank you even the lowest so long as you know you are doing the right thing. Those paying people all over the place to rank them high, I do not know if you paid or not, I am just reporting what I have been told. I have heard. Hon. Babu Owino has told me that he was called to give them money, but he abused them. Personally, nobody approached me and so, I cannot say they asked me for money. I am experienced and if they want to rank me high or low, the Suba people see what I do. Let us have our peace. I am happy the National Government Constituencies Development Fund Board has already communicated. So, what do we need a committee to go and do? So, do we want the committee to deal with every quack in the streets? My only concern is with Members who go every time they are invited by people whose character we do not know. I saw Abdullswamad, who is a very loyal Member of the party, taking Baba and putting him into such shame!

(Laughter)

That is what annoyed me. Baba is someone we need to respect.

(Laughter)

(Loud consultations)

Even the registration of this institution is in doubt. Its registration is questionable. How do you take a report of such an institution to Baba? That is the bit I did not like at all. I want to question those who take every other thing to Baba. Please, be careful. Baba is an institution and we do not want to be scandalised anyhow.

Hon. Speaker, that is what I wanted to say. Thank you.

Hon. Speaker: Hon. Members, there is heavy business. Is it the desire of the House that the select committee digs into this matter and reports?

Hon. Members: Yes.

Hon. Speaker: The select committee is a committee of this House and it may be in a better position to find out, in conjunction with the Board, who those people are. Do not get excited. Some of you are fond of raising one finger like this. It is not good. Do not raise one finger.

(Loud consultations)

I do not want us to spend time on this matter. The House can either agree that a committee goes and deals with the issue and reports to the House on who these people are.

Hon. Maore.

Hon. Maoka Maore (Igembe North, JP): Hon. Speaker, the business name is Mizani Soft Africa, Business No.BN-2RCDYEB, and date of registration being 14th June 2019. The nature of business is supposed to be online digital marketing. The address of that company is P.O. Box 987, Ronald Ngala Street. The information raised by Members is pertinent. The ratings were done up to No.29 and the rest of the information appearing was created by clever Kenyans. Some clever Kenyans created another list. That must be raising eyebrows amongst Members. On top of the 29, they are not said to have done anything else. I want to state that the committee will summon this entity called Mizani Africa and the National Government Constituencies Development Fund (NG-CDF) Board, so that they can give to the committee the scientific methodology used in the surveys.

Hon. Speaker: If at all.

Hon. Maoka Maore (Igembe North, JP): The committee will also assess the company's capabilities in terms of resources and personnel to traverse the 290 constituencies in order to give any information that they purport to give. Between now and that time, I ask for patience from Members, so that the Clerk can organise the necessary summonses as soon as possible or as soon as the House may direct.

Hon. Speaker: Two weeks?

Hon. Maoka Maore (Igembe North, JP): Two weeks should be enough.

Hon. Speaker: Two weeks is enough. We hope they can be located through those addresses. Let us not discuss it. Not everything is business. Let us not spend valuable House time. Let the committee deal with it and in two weeks' time, report to the House what they have found.

Hon. Abdullswamad Nassir (Mvita, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Hon. Abdullswamad, Chair of the Public Investments Committee (PIC), do you have another issue?

Hon. Abdullswamad Nassir (Mvita, ODM): Mhe. Spika, kwa heshima na taadhima, kwa sababu kiongozi wangu amenitaja kwa jina hapa, ningependa tu kumweleza kwamba sina haja na nafasi yake. Ukiona niko na "Baba" ujue mapenzi yetu yalitoka kabla ya wewe.

(Laughter)

Na ule msimamo wetu ni kabla ya wewe. Haya mengine tutayatatia yatakavyokuja. Mimi ningependa uwaachie wengine waingize jina la "Baba". Wewe uko hapa kuhakikisha kwamba unalitetea sio kuliingiza...

Ahsante sana.

Hon. Speaker: Debate in the House is never conducted the way you have. You are never supposed to address any other Member, more so as leaders, in the House in the manner that you have. It should always be through the Chair. You could attract some other consequences. It can be either noisy or messy. I am sure you are used to those terms.

Let us go to the next Order.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): On a point of order, Hon. Speaker.

Hon. Speaker: What is your point of order, Chair of Departmental Committee on Health?

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Speaker. I thank you for that directive because I know there is also another one circulating. I wanted to ask you about the directive you have given from the Question asked by Hon. Aramat from Narok. The issue of Corona Virus is a serious issue in the Republic of Kenya. I also appreciate that you have given three days so that we are able to answer that Question. That drives us to the next week. If we have Chinese who came and are now in Naivasha being held somewhere, is that a matter of health or security? We know that at Immigration, there is supposed to be a lot of monitoring for people who are coming into the country. The Immigration Department is managed heavily by the Ministry of Interior and Co-ordination of National Government. I would have loved that you give further direction whether we can do a joint meeting with the Ministry in charge of security because this is not just a health matter, but also a very heavy security risk.

Thank you.

Hon. Speaker: Your Ministry would be able to confirm whether they have quarantined any Chinese nationals. If they are not aware of such, they will just give that kind of answer and the matter ends there. It is up to the Member now. If the Member chooses knowingly and wilfully to misdirect a Question, he must bear the full consequences of inadequacies of the response that may come. Because he chose health, the docket you oversee will just come and state whether they are aware of any Chinese or whatever nationalities they may be, who will be quarantined. That should end there.

Next Order!

PROCEDURAL MOTION

EXTENSION OF TIME FOR CONSIDERATION OF THE 2020 BUDGET POLICY STATEMENT

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Speaker, I beg to move the following Motion:

THAT, notwithstanding the provisions of Standing Order 232(7) relating to presentation of the Budget Policy Statement and the Debt Management Strategy, this House resolves to extend the period for consideration of the Budget Policy Statement, 2020 by a period of seven (7) days from 27th February 2020.

As I mentioned in the Statement that I read yesterday, the House is aware that we have been listening to departmental committees. We concluded that process today, having listened to the last Committee at 2.00 p.m., namely, the Departmental Committee on Finance and National Planning. We are yet to meet with the Parliamentary Service Commission (PSC), which we intend to meet tomorrow. We will also meet the Auditor-General and the Judiciary tomorrow. Thereafter, we will meet with the National Treasury on Friday and retreat on the same day to Sunday to prepare our report on the Budget Policy Statement (BPS) and the Debt Management Strategy (DMS) for 2020. We will, all factors being held constant, table our report next week on Tuesday, 3rd March 2020.

As you are aware, the PFM Act gives us only 14 days from the time the BPS and DMS Paper is tabled in the House. If you count the days from the time these documents were tabled in the House by the Leader of the Majority Party, 14 days lapse tomorrow, Thursday. As I have indicated, it was not practical given that this year we were interrupted by the unfortunate passing on of His Excellency the late President Daniel Moi. Therefore, committees had a very short time to consider the BPS and DMS Paper.

We are all aware that there is effort to amend the Act to, at least, provide more time to allow departmental committees and other stakeholders to engage more meaningfully than just the 14 days. The proposal was to have it extended to about 28 to 30 days to mid-march, so that committees can have adequate time to consider the BPS.

I, therefore, want to ask that the House supports this extension of time and hopefully we will do this and complete it by end of next week by having it approved hopefully by Wednesday or Thursday. Thereafter, the Division of Revenue Bill will be published. Hopefully, we will consider and finalise it the week after. There are also indications that there is likely to be a second Supplementary Budget this quarter, which we must consider before we get the final Estimates for the Financial Year 2020/2021 by the end of April.

With that, I beg to move. I request the Leader of the Majority Party to second.

Hon. Speaker: Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, that Procedural Motion is clear. The Chairman is just asking for an extension of time, so that between now and Monday, he concludes the BPS and tables the report on Tuesday, next week. The House Business Committee (HBC), under your chairmanship, last night agreed to the Procedural Motion.

I beg to second

Hon. Speaker: Order, Members! Even as you move around, allow us to transact the business of the House.

Those of you who have never looked at an Order Paper, please, I want to encourage you to know how to access it on your gadgets. I know those of you who have not taken time to understand how to access the Order Paper on the iPads are having problems.

(Hon. Khatib Mwashetani and other Hon. Members consulted loudly)

Hon. Khatib Mwashetani and the team there! This is a plenary of the National Assembly of the Republic of Kenya.

(Question proposed)

Hon. Members: Put the Question!

Hon. Speaker: I am assuming that everybody understood what was being said including the team which appears... How is it that Hon. Khatib Mwashetani and his team... Are you advancing the principle enshrined in Article 27 of the Constitution about gender equality?

(Question put and agreed to)

Next Order!

BILL

Second Reading

THE TEA BILL (SENATE BILL NO. 36 OF 2018)

(Hon. Emmanuel Wangwe on 19.2.2020 – Afternoon Sitting)

(Debate concluded on 25.02.2020)

Hon. Speaker: Just look at the Order Paper. You will know what we are supposed to be doing.

(Hon. (Dr.) Naomi Shaban and other Hon. Members consulted loudly)

Serjeant-at-Arms! For the new Members like those ones who are busy arguing there... One of those Members is the Vice-Chairperson of the Parliamentary Service Commission. Once you have got past that door, you cannot purport to have another consultation there. It is either you make your way through or you take a seat.

Hon. Members, debate on this Bill was concluded. What remained was the putting of the Question, which I hereby do.

(Question put and agreed to)

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

Next Order!

MOTION

REPORT ON AUDITED FINANCIAL STATEMENTS FOR AGRICULTURAL
SETTLEMENT TRUSTEE FUND, UNIVERSAL SERVICE FUND
AND WATER SECTOR TRUST FUND

(Hon. Erastus Nzioka on 25.02.2020)

(Debate concluded on 25.02.2020)

Hon. Speaker: Order, Members! The Leader of the Majority Party, the Leader of Minority Party and the Chairman of the Public Investment Committee (PIC), you are out of order! You are interfering with the flow of business.

Hon. Members, again, debate on this one was concluded. So, what remained is the putting of the Question, which I hereby do.

(Question put and agreed to)

Next Order!

SPECIAL MOTIONS

APPROVAL OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

Hon. Moses Cheboi (Kuresoi North, JP): Thank you, Hon. Speaker. I beg to move the following Special Motion:

THAT, taking into consideration the findings of the Committee on Appointments in its Fourth Report on the Vetting of the Nominees for Approval as Cabinet Secretaries (CSs), laid on the Table of the House on Tuesday, 25th February 2020, and pursuant to the provisions of Article 152(2) of the Constitution and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of the following persons as Cabinet Secretaries:

(i) Hon. Mutahi Kagwe - Ministry of Health; and,

(ii) Ms. Betty Chemutai Maina, CBS - Ministry of Industrialisation, Trade and Enterprise Development.

As I proceed to move this, I want to thank you, Hon. Speaker, for the wonderful steering that you have done to the Committee on Appointments. I also want to thank the Clerk of the National Assembly together with his secretariat for a wonderful job well done.

The Committee on Appointments is established under Standing Order 204(1). The Committee's functions are set out under the same Standing Order and it provides thus:

"The Committee on Appointments shall consider, for approval by the House, appointments under Article 152(2) of the Constitution."

Article 152(2) of the Constitution provides that:

“The President shall nominate and, with approval of the National Assembly, appoint Cabinet Secretaries.”

Hon. Speaker, His Excellency (HE) the President, through the Head of Public Service, forwarded, to the National Assembly for consideration, the notification of nomination of Hon. Mutahi Kagwe, EGH, former Cabinet Secretary, as a Cabinet Secretary nominee for the Ministry of Health and Ms. Betty Chemutai Maina, CBS, as a Cabinet Secretary nominee for the Ministry of Industrialisation, Trade and Enterprise Development. This was in accordance with the provisions of Article 152(2) of the Constitution and Section 5 of the Public Appointments (Parliamentary Approval) Act, 2011.

Hon. Speaker, you will recall that the notification of both Hon. Mutahi Kagwe and Ms. Betty Chemutai Maina as Cabinet Secretaries was received on 23rd January 2020, a time when the House was on recess. Pursuant to provisions of Standing Order 42(2), you then caused the message to be transmitted to every Member of Parliament on 24th January 2020.

Hon. Speaker, pursuant to provisions of Standing Order No.42(1) on Monday, 10th February 2020, in your Communication, you informed the House of the notification for nomination of Hon. Mutahi Kagwe and Ms. Betty Chemutai Maina, nominees for the positions of Cabinet Secretaries for the Ministry of Health and the Ministry of Industrialisation, Trade and Enterprise Development respectively, by the President.

Further, pursuant to Section 4 of the Public Appointments (Parliamentary Approval) Act, 2011, and Standing Order No.204, their names and curriculum vitae were committed to the Committee on Appointments for approval hearing and reporting to the House within 14 days.

Hon. Speaker, when the Committee sat, and you are aware, there was a lot of concern about the 14-day notice. That in 14 days, you cannot do all that is supposed to be done for a proper vetting process.

I had the benefit of attending an approval hearing sometimes ago in the United States - in 2006 where they were vetting the Attorney-General. It would take two months and sometimes even up to six months. You need to go to the details. For example, you need to write letters to specific corporations to look at a particular nominee. You then have to look at their responses, so that you make an informed decision. I wanted to mention that bit because going forward, I am aware that you are interested in changing the Standing Orders and even the law, so that the Committee on Appointments can do a better and more thorough job.

Hon. Speaker, by close of business on Tuesday, 18th February 2020 at 5.00 p.m., the Committee had not received any submissions. This should be clear, Hon. Members. When these matters are taken to the public, it is expected that any issues against those particular nominees will be sent to the National Assembly, specifically to the Committee that is going to deal with it. But by the end of the time that was given, no complaint or memoranda - whether in support or opposition - had been brought before the House.

So, pursuant to the provisions of Article 118 of the Constitution, the Public Appointments (Parliamentary Approval) Act of 2011 and Standing Order No.45(3), the general public was on Friday, 14th February 2020 notified in the print media by the Clerk of the National Assembly of the intention of the Committee on Appointments to conduct approval hearing for the nominees on 20th February 2020 at 10.30 a.m.

On Wednesday, 12th February 2020, pursuant to Sections 4 and 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011, the Clerk, in writing, invited the nominees for approval hearing indicating the time and the place for vetting. On the same day on Wednesday, 12th February 2020, the Clerk of the National Assembly wrote to the Ethics and

Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), the Higher Education Loans Board (HELB) and the Office of the Registrar of Political Parties.

There were also concerns by the Committee particularly on issues like HELB being involved in this. When citizens are approached to bring this to the House, some of them continuously pay, for example, the HELB loans, but when they are given appointments, there is a requirement that they should pay off the loan immediately in one go. That was a concern of the Committee that for as long as a person has not defaulted and continues paying, there should be no necessity of them having to pay the entire amount at one go.

There was also an issue where at times tax authorities in terms of giving out the tax compliance simply write a letter and says an individual has complied or has not complied. Tax issues are complicated and complex. As you are aware, we have some tax gurus in this House including the Minority Leader. It is extremely difficult to determine whether somebody has complied with tax payment or not. Sometimes you might deny a person employment because of matters tax which are not completely substantiated. These are things that are arguable. Therefore, the Committee looked at it and said that it is a thing that we need to do in future by looking at it properly. Remember also, one nominee that was brought before this House before, the criminal records did not indicate that they could be given a certificate of good conduct, but when they went to court, they brought it and we approved on that basis. These are some of the things that we will probably need to further look into, so that we can ensure that every nominee who is brought before the House is given due fairness.

The other thing is the issue of political affiliation. If you have nominees for a ministerial position, some of them will have participated in serious political activities including leading political parties. It becomes difficult for you to deny a person an opportunity just because they have political party affiliation. Maybe what should happen is for us to say that once somebody has been approved, they should not hold those party affiliations. Those are some of the concerns that we looked at.

When we went to the real issues of vetting the candidates, we noticed that we need to go further to completely differentiate - for the public to know - between vetting and looking at a person you want to give employment by way of an interview. So, those are the concerns that the Committee had. When we went to the details, there was a lot of interest for both nominees because there are some life issues that, as we speak, are public. For example, the issue of the coronavirus. The nominee for the Ministry of Health was taken to task on the issue of the coronavirus. Are we prepared? Looking at the way things are happening in the world, it is not “if”, but “when” we are likely to be hit by some of these serious issues.

(Technical hitch)

That virus was a bit difficult. What I am saying is that we need to look at issues. That is what we discussed with the nominee.

At that point, we wanted to know whether he is sufficiently prepared to deal with some of these real life issues. In terms of the Corona Virus, for example, do we have sufficient areas where we can confine or quarantine people who are affected? Those are the kinds of issues that the Committee raised in great detail. There were also issues of cancer. The Committee was concerned that many citizens in this republic are going to other countries for treatment. Is it a possibility that this particular nominee had the mind to ensure that in a short time he will

establish centres, so that citizens are not left to the mercies of having to go to very far places to seek treatment and have cheap treatment locally? It came to the knowledge of the Committee, through the discussions that we had, that, in fact, some governments abroad and the Government here are willing to do it, but probably they did not have sufficient land where they could set up this centre. So, we asked the nominee whether he could fast-track that if he got the opportunity.

There was also the issue of the National Hospital Insurance Fund (NHIF). It is a serious matter. The NHIF is supposed to serve the public. Sometimes we are not sure whether it is still a social responsibility or it has become commercialised. Those are the kinds of things that the nominee was taken to task about among others. He did well. I think because of his long standing workings with the public and the private sector, he seemed to have a grasp of some of these things. We realised that when you have to appoint somebody to a technical ministry like the Ministry of Health, we do not need to have a doctor. We could also have a manager and the nominee proved that he is a manager. He was able to convince Members that he is able to work in this docket well.

When we looked at the other nominee - I want to be brief because I know the seconder of this Motion will have much more to say in this light - she looked like she has good experience. She has worked in different departments. She has worked in the private sector and at one point she was in charge of the Kenya Private Sector Alliance (KEPSA) as a CEO. That is relevant to the Ministry that she has been nominated to. She has also been a Principal Secretary. In the departments that she has worked in, she has proved that she is very efficient. The Constitution, in addition, sets out certain requirements regarding appointments of persons to public office. The Constitution provides that the State shall take legislative and other measures to implement the principles of not more than two-thirds of members of elective or appointive bodies will be of the same gender. The Committee observed that if the nominees were approved, the Cabinet will comprise of seven women and 14 men which, therefore, will be in compliance with the two-thirds gender requirement.

Article 132 of the Constitution provides that the composition of the national Executive shall reflect regional and ethnic diversity of the people of Kenya. The Committee observed that Hon. Mutahi Kagwe hails from Nyeri County and Ms. Betty Chemutai Maina hails from Sosiot in Kericho County. The Committee further observed that although Article 130 of the Constitution provides requirement for regional and ethnic diversity of the people, there is need for these terms to be clearly defined.

Hon. Speaker, I want to be clear on this matter, particularly the issue of regional balance. There used to be regions in the previous Constitution, the eight regions. It is very difficult to find regions in the Constitution. Nairobi was a region and the Rift Valley was another region, but in the current Constitution, it is not very clear. This is an area which we need to look at and make sure that we define the regions. Are we talking about counties? Are we talking about constituencies? Or are we talking about ethnicities? If we talk about ethnicities, that is also found in the Constitution. When you look at the ethnic question - I will give you a good example of the Luhya nation - is it a tribe or a conglomeration of tribes? The Kalenjin too. I can see a Member from that region looking at me with very poking eyes. Let us look at the Kalenjin. Do we consider them one tribe or a series of sub-tribes? Those are some of the issues. When we conducted census the other day, we now have even the very small sub-clans like the Lembus, the Sengwer, the Endorois and the Tugen. So, these are the issues that we need to describe. When we talk about ethnic diversity, are we going to consider the Kalenjin, for example, or the sub-tribes

of Kalenjin, which are recognised by the census? Those are the issues we need to look at very seriously.

As I wind up, because I do not want to take too long especially when I know it is the Leader of the Majority Party who will be seconding and I know he has quite a lot of issues that he would want to say, allow me to inform the House that the Committee's observations on the suitability of Hon. Mutahi Kagwe were as follows:

1. In accordance to Article 78(1) and (2), the nominee is eligible for appointment to the State office since he is a Kenyan, born in Nyeri County, and does not hold dual citizenship.

That is very critical. We have had issues before in this House, where we have approved some particular persons then discovered they possess dual citizenship. We observed that Hon. Mutahi Kagwe is pure Kenyan. He does not have any other citizenship.

2. The nominee is currently serving as the Executive Director of Telem Public Relations East Africa Limited since 1999 and he is also the Chairman of TNS-RMS East Africa Limited since 1994. The nominee is also the immediate former Senator for Nyeri.

He is quite familiar to a number of Members here. He was a Member of this House between 2002 and 2007, with you, Hon. Speaker and I. He was, at least, luckier than us then to become the Minister for Information and Communications, and he did very well. For some of us who served with him, we know he is a perfect gentleman. He is also very hard working. At that time when things were a bit difficult, he was a fair Minister and he delivered. We have no doubt that he will deliver in this Ministry.

His having served as a Senator was critical for the Committee. I can see the Leader of the Majority Party telling me I should summarise, but fortunately today I am the one who is moving. So, I think I will proceed for another few minutes. On his having been a Senator and being nominated to the Ministry of Health, we wanted to know clearly that he understands the boundary between what is devolved and what is not devolved. He convinced the Committee on this particular area. Then we realised that probably his having served in the National Assembly, which takes care of national matters, and in the Senate, which protects the counties, is an added advantage. In terms of matters to do with health, we really have to be careful. We do not want to play politics with that particular issue because it is a matter of life and death. So, we realised that this is a person that is well versed in this particular field.

On the nominee for the Ministry of Industrialisation, Trade and Enterprise Development, we observed that she is quite competent and she has worked very well. We were convinced that it was proper for us to request the House to approve the two nominees. Therefore, I urge Members to fully appreciate and enrich the debate. I further urge the Members to adopt the recommendation of the Committee and approve the two nominees.

I beg to move and request the Leader of the Majority Party to second. Thank you, Hon. Speaker.

Hon. Speaker: Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, as I second, I really wanted the Deputy Speaker to continue, because he is very diligent to his other business at the Members' Lounge. He does not miss any single day when the House is sitting. You need to see the other sides of the Deputy Speaker namely, when he is chairing the Liaison Committee, when on the Chair and when he is moving a Motion. You can see the way he has moved the Motion.

Hon. Speaker, you are our Chairman at the Committee on Appointments. These two nominees complied with the law. The President sent us two names, one man and one woman.

The President sent us two names from two different regions and communities. The statutory institutions under the Act - the EACC, the DCI, the KRA and the HELB - are obligated to give their opinion on the nominees, whether they comply with the functions of those institutions. We want to confirm that those institutions have given these two nominees, Hon. Mutahi Kagwe and Betty Maina, a clean bill of health.

Hon. Mutahi Kagwe was a Member of this House between 2003 and 2007. He was also the Senator for Nyeri between 2013 and 2017. He was also a Cabinet Minister. I do not know how he performed then because I was not in Parliament. Maybe the record of PAC and other parliamentary reports will show. Even in those reports of Parliament, we did not find any adverse mention of Hon. Mutahi Kagwe. He really convinced us. Let me be very honest, and I kept telling the Leader of the Minority Party who was sitting next to me that if you look at those people we have vetted in the Fourth Session, Cabinet Secretary nominees with political backgrounds perform far much better. I have nothing against the technical team and those who come from the private sector or the public service. That is why, in my presentation as the leader of the pastoralists, we said going forward, Ministers must come from the House. Right now, even the Member for Gem could have been an Assistant Minister, driving a GK vehicle. So, going forward, let us recommend that.

Number two, if this House approves Hon. Mutahi Kagwe, he will have another function, namely the health function in Nairobi County. The transfer of the health function at Nairobi County to the national Government is an extra responsibility. The problem is that people do not read the law. If you read Article 187 of the Constitution and Sections 24 to 29 of the Intergovernmental Relations Act, the principles and procedure of transfer of functions are well stipulated. I think the President, the Governor of Nairobi, the Attorney-General and the Cabinet Secretary for Devolution acted within the law. If you read particularly the Act, the 21 days window before the transfer takes effect is when public participation is to be done.

Hon Speaker, this is a wakeup call to all governors. That is why the framers of the Constitution put in place Article 187, that if any function is not done well by one level of Government, it is transferred to another level. That is what the framers of the Constitution had contemplated. I am sure Hon. Mbadi and the Chair of the Budget and Appropriations Committee are here. I am sure the Division of Revenue Bill this year will have a column for that. The resources which were given from the national Government to Nairobi County, both in the Kenya Alliance of Resident Associations (KARA) and the Division of Revenue Bill, must be returned to the national Government.

I think Hon. Mutahi Kagwe has serious issues to deal within the Ministry of Health. He must deal with the Report which is being investigated by the Senate Health Committee. He should clean up the Ministry of Health in terms of the NHIF mess. The NHIF cannot claim to be a social security portfolio at the same time compete with other private insurance funds and remain unregulated by the Insurance Regulatory Authority (IRA). If I want to buy their premiums for Ksh500,000, of which Parliament pays on my behalf, then that becomes a social security aspect. It is for other Kenyans. However, if they want to compete with Jubilee Insurance, then they must be under IRA. They must provide how claims have been launched and how many have been paid on a weekly or monthly basis. Otherwise, they cannot have both ways.

Hon. Speaker, Mrs. Betty Maina has a long history in the private sector. She was the CEO of the Kenya Association of Manufacturers. She also worked for KEPSA and was the Principal Secretary for Environment, Trade and Industrialisation. One thing must come out clearly that pending bills must be paid.

A Hon. Member: On a point of order, Hon. Speaker.

Hon. A.B. Duale (Garissa Township, JP): What is out of order? Anyway, pending bills must be paid. The President of the Republic of Kenya, in June last year in Narok, gave a directive to that effect. The Small and Medium-size Enterprises (SMEs) and the people of Kenya are suffering. Houses are being auctioned. People are unable to take their children to school because of the pending bills especially by county governments. Today, the County Secretary of Isiolo and two of his finance officers have been issued with summons because of pending bills. People in this country are suffering. When you do not pay your pending bills, you affect the liquidity in the country, growth of the economy, cash flow, growth of small industries and employment of young people.

I want the Cabinet Secretary for Finance and the Cabinet Secretary for Devolution and Planning to direct their accounting officers to enforce this order. I remember the President put his foot down. County governments that do not pay pending bills must be held accountable. There are people who were worth Ksh20 million to Kshs30 million before devolution and were doing very well, but today, they are paupers. We cannot grow our economy when we are killing small and medium traders. The KRA is also not collecting money as it is required. People are asking why their collection is very low. Pending bills have not been paid. People are not doing business as it was before. I think the Chair of the Budget and Appropriation Committee brought their Report and the House approved that within 60 days that pending bills must be paid. That was in December. I think the Committee on Implementation must take charge of that matter. The resolutions of the House must be acted on.

Finally, all cabinet secretaries must comply with Article 153(4). A few cabinet secretaries have complied with this Article of the Constitution which says that cabinet secretaries shall provide Parliament with full and regular reports concerning matters under their control. The President of the Republic of Kenya in his State of the Nation Address every year complies with the Constitution. After his Address, he delivers certain reports and documents to the two Speakers of the National Assembly and the Senate. He delivers reports on the state of the national security, the fulfilment of Article 10 of the Constitution on national values and the foreign policy of his Government. How is it that there are cabinet secretaries who were appointed in 2013 and to today, they have not complied with Article 153 of the Constitution? Let me make it very clear and go on record of the *Hansard* that, that alone can be an avenue for impeaching a cabinet secretary if they do not know. That is a violation of a provision of the Constitution. I want to thank the cabinet secretaries who comply every year, including last year, and they know themselves. They are Hon. Fred Matiangi, Hon. Macharia for Transport and Infrastructure and Hon. Rachael Omamo formerly of Defence. In fact, they are not more than five. The last Report she sent to Parliament was from Defence. There are cabinet secretaries who have never complied. We are sending a warning to them. We are telling them to do what their boss normally does. The President complies with the provisions of the Constitution. This Committee felt that they must comply.

Hon. Speaker, as a Committee, we have agreed that the 14 days window is too short. I confirm to the House that the Legal Department of Parliament has already drafted the amendment to expand the 14 days period to one month, so that we can get more time to vet the nominees. We can do it within 14, 15, 16 or 17 days. In the USA, the Senate can take six months. We have also agreed that institutions like KRA, EACC, HELB and DCI must appear before the Committee. Maybe, the DCI can send the report because he will give you a certificate of good conduct. However, the others need to appear and go on the *Hansard* record and give us clear and

concrete information that the person is clean. There was a case where a nominee was vetted and approved and after taking the oath of office, three weeks later, he was arrested by the EACC or the DCI. That is not tidy because you told us how he or she was clean. That was the case with the ambassadors to Austria and Russia. You can remember the issue of the National Land Commission nominee, who at one point was compliant and at other times, he was not.

With those many remarks, Hon. Mutahi Kagwe and Mrs. Betty Maina complied with the law. They are qualified, experienced and I am sure given an opportunity by this House, they will serve this country and work under the administration of President Uhuru Kenyatta. Governors, be warned. It is the beginning. If you do not deliver on certain functions, Article 187 comes in because service delivery to the people must be the core function.

Thank you, Hon. Speaker. I beg to second. Service delivery to the people must be the core function.

With those remarks, I beg to second.

(Question proposed)

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Speaker. The Constitution has placed on us, as a House, a very important responsibility. Under the Constitution, we are required to vet and approve for appointment Cabinet Secretaries. Both Articles 132 (2) and 152 (2) of the Constitution speak on this matter. In fact, Article 132 (2) says that the President, with the approval of the National Assembly, will appoint the Cabinet Secretary. Again, Article 152(2) speaks about the appointment of the Cabinet Secretary or members of the Cabinet.

Hon. Speaker, we did vet these two Kenyans and I want to associate myself with the sentiments of the mover and seconder of the Motion that the two nominees fulfilled most, if not all, of the requirements to occupy these positions. I also want to agree, with due respect to nominee Betty Maina, who is going to handle the very crucial Ministry of Industrialisation, Trade and Enterprise Development that she demonstrated very high technical knowledge of the Ministry.

Hon. Speaker, you will also agree with me that Mutahi Kagwe came out very well. I think his coming out very well is correctly diagnosed for being a former Member of National Assembly and a former Senator and someone who has worked in the Public Service and engaged with Members of Parliament for a long time. He was easy in terms of dealing with us and explaining himself to the extent that he came out very well.

However, that does not mean that Betty Maina did not do equally well. I am happy that Hon. Mutahi Kagwe is actually alumni of the University of Nairobi, Faculty of Commerce, and there we associate. I am happy because even though he is not a health expert, he is a manager by training. From the way he explained when we asked him a question, I am sure he is going to inject fresh blood in this Ministry in terms of managing human resources. This Ministry is one that has faced a lot of challenges in terms of management of resources. I am not trying to cast aspersions on those Cabinet Secretaries who have previously occupied this Ministry but the truth is that we have a lot of unanswered questions on a lot of programmes that are being run by this Ministry.

Hon. Speaker, the question on medical equipment has not been addressed to date. A special committee of the Senate is investigating it and this House has even included in the reports of the Committee on Budget and Appropriations, and the Committee on Health that this is a

matter that needs to be looked into. We expect Hon. Mutahi Kagwe to look into this matter once he assumes office. We want him to interrogate it and help Kenya realise value for money.

Hon. Speaker, I want us, as a House, to be ruthlessly honest with ourselves. What is expected of us in the process of vetting? When you are vetting, it means you are supposed to be vetting a process. Therefore, the process of appointing the Cabinet Secretary is pretty straightforward. It is the appointing authority- who is the President of the Republic of Kenya- who decides who should sit in his Cabinet. However, besides that, this House is supposed to deal with other legal and constitutional issues. We are not even supposed to interrogate the competence, academic or otherwise. I do not think it is even our duty to be looking at your certificates to ascertain whether you have a degree of first class or second-class honours or lower second, *etcetera*. That is not even a requirement in the Constitution. However, we are required to look into issues of regional and ethnic representation and other issues like compliance with Chapter Six of the Constitution.

However, are we well equipped to look and determine compliance with Chapter Six of the Constitution? My answer is no. We are not equipped and we rely on State agencies to make this determination for us. These State agencies a lot of times, I realised, do not take their work seriously. That is why there are some Cabinet appointments which this House approved immediately at the beginning of this term of Parliament. You remember that time when we were approving the first Cabinet in the 12th Parliament of the National Super Alliance (NASA) Coalition. Through my instructions, we were not attending Parliament and so we did not participate in the vetting of these Cabinet Secretaries. However, you will agree with me, Hon. Speaker, that Kenyans are asking a lot of questions. We are now seeing some of the people who were vetted and approved without much questions in this House doing things that cannot be done in a civilised nation. These are people we approved not long ago. These are people this House approved without questions being raised by the Ethics and Anti-Corruption Commission (EACC), the Directorate of Criminal Investigations (DCI) and all the other agencies vested with the responsibility of doing background check on individual nominees.

I am the Member of Parliament for Suba. What I know best is how to talk with the Suba people. I do not do investigations. I cannot know whether Hon. Mutahi Kagwe for Heaven's sake could have been a criminal. I am just giving an example, let no one pick it wrongly out there that I have said Hon. Mutahi Kagwe is a criminal. I know he is not. Or at least the information I have is that he is not. But how would I know even if he was a criminal? It is for these agencies to help us. Therefore, if we cannot get credible information on the Cabinet nominees, then there is no need of getting engaged in an exercise that makes us appear like a conveyor belt. Therefore, as a House, we are not well equipped.

Hon. Speaker, the questionnaire that we give to Cabinet Secretary nominees to complete and requires each of them to indicate their net worth, stating their sources of income, how do we verify that these people have given factual information? We need to revise the law to require that such information given to Parliament is interrogated and verified by a body like the Ethics and Anti-Corruption Commission. I know of a Cabinet Secretary nominee whose name I am not going to mention. I suspect very strongly that the information he provided to this House is not correct. I looked at his declaration of his net worth and I know that is not correct. He overstated his net worth for obvious reasons. He knows very well that the moment he gets to that office he is going to enrich himself. So, if you ask him tomorrow how comes you have Kshs1 billion, he will tell you I came in when I had Kshs800 million. So, I have only added Kshs200 million.

Hon. Speaker, I know that his net worth could not even have been Ksh100 million. Such are the things and this House should not keep information that is evidently wrong. Someone needs to pick this information and deal with them. You will find immediately they get in those Ministries, problems begin. It is because these are people with no integrity. Even in completing a questionnaire, some people indicate that they have a PhD and yet they have never seen the inside of a university classroom. I know nowadays we have online studies. Some people climb on top of buses to get degrees and so on. Such things were unheard of sometime back but that is how the world is. It has moved to that level and we can accommodate it.

Hon. Speaker, on regional and ethnic representation, let us be candid and honest with each other. The appointing authority is at times; I would say... Should I use the word “conning”? I think that is a very strong word. The point is that the appointing authority, and I am not just talking about the President although in this case it is him... These things happen even in the counties. If you want to appoint someone from Homa Bay, just do that. Do not appoint your sister or cousin who finds himself or herself in Homa Bay by residence or in a shaky marriage which we do not know if it may last. Recent developments make me wonder whether any marriage is ever solid because it is worrying when you see people disengage after being in marriage for over 30 years. Anyway, the point I am trying to raise is that there are concerns.

When we were in the meeting approving these nominees, there was a big question as to whether other appointments in the past had someone from Lower Eastern. It is debatable; the people from lower Eastern say there has never been. You ask people from some other region and they say the nominee is from the Lower Eastern. In the western region they are questioning whether they have representation; the closest representation is from Trans Nzoia which is in Rift Valley. I can go on and on. There are some people saying some villages have two Cabinet Secretaries, others have two Principal Secretaries and yet others have none in the whole county. These are issues that we need to address.

Hon. Speaker, Hon. Junet keeps talking about Homa Bay. I do not know what is wrong with Homa Bay. I know Homa Bay just got someone appointed to the position of PS the other day. We are very happy. In fact, that is my uncle although I did not influence his appointment. He is a very capable Kenyan and everybody knows. We will approve him here and so I do not want to go there.

(Laughter)

Yes, we will approve his name. I do not see why my uncle cannot be approved.

Hon. Speaker, if we want regional spread of appointments... We know there are only 22 positions available. Let the 22 positions reflect the face of Kenya. I would not mind if the whole of Nyanza had one or two CSs if that is what was happening in the whole country. If coast had one or two, central and other regions the same, then we would be comfortable. However, when one region has four people and yours has none, then there is problem. That is why the Building Bridges Initiative (BBI) is very important. That is where I have a problem with people who are trying to gag Kenyans who are expressing themselves.

Hon. Speaker, let Kenyans talk. I keep on referring to this: The Kurias came to a BBI meeting and told us that they are being marginalised in Migori County. For them to get an elective political position, which is a county position, they have to beg and lie low. That is not the country we want to live in. We want this country to be open and easy for all of us. Even if you are just 50,000 people and others are 8 million let us be comfortable. We do not know how

we found ourselves here but God brought us here and we are now a nation. Let us live as a nation through actions. It is not about talking. Some people are condemning people who talk about ethnicity but their action is terrible. When you give them an opportunity to appoint people in the Cabinet, if it is their share, the entire team will be from one area in their village and yet it is supposed to be shared fifty-fifty. I know I am now talking about *Tanga Tanga* and that is why its chairman is getting jittery.

Hon. Speaker, as I conclude, remember that immediately Jubilee came to power, the team that was brought by the President reflected the face of Kenya. But the Deputy President went to his village and is now standing out there to lecture Kenyans on ethnicity. That to me is dishonest and we need to call it for what it is. Let him allow Kenyans to talk and he cannot stop reggae. You cannot stop something you did not start. If you do not even know...

(Technical Hitch)

Hon. Speaker: Hon. John Mbadi, I add you one more minute.

Hon. John Mbadi (Suba South, ODM): Hon. Speaker, I was concluding by saying that you cannot stop reggae when you do not even know how to dance reggae. You have to come first for tutorials on how to dance reggae, then you can stop reggae if you want. So, let us speak what we are doing.

Hon. Speaker: I am just wondering whether in this Motion there is anything called “Reggae”.

Let us have Hon. Katoo.

Hon. Katoo ole Metito (Kajiado South, JP): Thank you, Hon. Speaker. I support this Motion for the approval of the two nominees. I know Hon. Mutahi Kagwe. I have worked with him in this House in the Ninth Parliament. He was a Minister and I have no doubt...

(Loud consultations)

Hon. Speaker, the consultations are high.

I have no doubt that Hon. Mutahi Kagwe is up to the task. As has been said, he served as a Senator and now he has been nominated to serve in a Ministry in which most of the functions are devolved. He has the experience and that coupled with his ability, I am sure he is going to resolve those issues. I have also seen the way he responded to questions put by the Committee on issues of Universal Health Care (UHC), the high cost of health care, lack of medicine in our health institutions, matters National Hospital Insurance Fund (NHIF). Indeed, he responded very well. He needs to implement that and we will give him support.

The other nominee is Betty Maina who had served as a PS in one of the departments and is now going to be in charge as the CS if approved by this House. She was the PS in the Ministry of Industrialisation and Trade and I am sure she will address issues to do with trade especially on the Small and Medium Enterprises (SMEs) that have been tough on them. Those are the enterprises that are oiling our economy.

There is the issue of pending bills, about Ksh58 billion save for the Ksh15 billion which was said to be payable. Those are the issues that Betty Maina, if approved, needs to handle very well. We have the Uwezo Fund, the Youth Enterprise Development Fund (YEDF), the Women Enterprise Development Fund (WEDF) and there was a proposal by His Excellency the President

that we collapse all of them to Biashara Fund. If that is fast-tracked, it is going to create wealth and jobs for our youth. It will also be a catalyst for our economy.

Hon. Speaker, I also wanted to address the following issues: We always have time for public participation as allowed in the Constitution and also in the Public Appointments (Parliamentary Approval) Act. If you look at the window the public is given to participate through writing memoranda to the Clerk of the National Assembly, many a times the public does not participate or write anything whether for or against the nominees. Like in this case, by close of business there was no memorandum whether for or against the nominees from the public.

I think the public needs to participate in these exercises. There is no need of coming later to say that the National Assembly did not act in good faith or was not thorough in vetting of nominees. While the public was given a whole week to participate in the vetting process, they did not. An issue was raised by the Leader of the Minority Party, Hon. Mbadi who I want to support on honesty by nominees while filling the questionnaire.

There is a very honest nominee who I know and that honesty has turned to haunt her. This afternoon a Notice of Motion has been given by the Chair of the Committee on Implementation for further rejection of that nominee by the House. That is Madam Mwendu Mwinzi. After the nominees fill in the questionnaire, at the Committee level we lack the capacity to check whether what is said is correct or not, but we believe that since they filled under oath, they must have stated the correct position.

One of the questions is for the nominee to fill whether he or she has dual citizenship and they are supposed to answer yes or no. Hon. Speaker, please protect me from Hon. Maoka Maore. He is consulting loudly and is a seasoned Member. He knows he should not stand in front of the person contributing. The honesty of nominees while filling these questions is important. If Madam Mwendu Mwinzi did not indicate that she has dual citizenship we would not have known.

The question is how many have not indicated their correct and truthful position in all the questions the way Hon. Mbadi said it in terms of their net worth. The nominees need to be honest. I know Hon. Mbadi has not heard what I have said and wants me to repeat but I will not. Again, according to the Public Appointments (Parliamentary Approval) Act, 2011, there are many institutions that are supposed to do validation on behalf of this House. For example, the EACC, DCI, Higher Education Loans Board (HELB), Kenya Revenue Authority (KRA) and political parties.

As a House we rely on the reports and certificates awarded by these institutions. You find all nominees including those before the House are cleared by the DCI and EACC and get their certificates of good conduct. These two institutions are very critical. The EACC has a standard form in which they indicate they do not have active investigation on the nominee.

A good example given by the Leader of the Majority Party is the two ambassadors, Hon. Ali Wario and Mr. Richard Akai who were approved by this House. They both had been cleared by these institutions. The DCI gave them certificates of good conduct and EACC gave them a clean bill of health. At the Committee level these institutions are mandated by law to inform the House and the public the position of the nominees. But, after approval by the House within a month or two the nominees were recalled. This is because the same institutions said they have files on corruption or integrity issues against those nominees.

Therefore, I support what the Committee on Appointments has proposed. That, it would be good to invite these institutions, talk to them face to face and ask questions about nominees they have cleared. So, the two key issues are honesty by nominees while filling the questionnaire

and investigative institutions that clear nominees. They need to go further rather than use standard certificates stating they have no active investigation against the nominee.

Hon. Speaker, with those few remarks, I beg to support.

Hon. Speaker: Hon. Wamalwa.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Thank you, Hon. Speaker. I rise to support. First and foremost, I want to thank the Committee on Appointments which you Chair for the work well done. I support the two nominees for appointment as CSs starting with Senator Mutahi Kagwe who I personally know. I have no doubt that he fits the job. The Ministry of Health has many problems and there is a lot of mess particularly on matters of the National Hospital Insurance Fund (NHIF) and the medical equipment hiring scheme.

Hon. Mutahi Kagwe is a person I have known for some time. He has the skills of being a legislator and this adds a lot of value when a legislator becomes a CS. That is why we are praying that in the new Parliament we shall have CSs coming on the Floor of the House. If we are not going back to the parliamentary system maybe we can have a hybrid system. Hon. Mutahi Kagwe was a Minister under the Kibaki Government in charge of Information and Communication Technology (ICT). During that time fiber optic was installed in this country and he is the one who oversaw that exercise. Right now, almost the entire country is covered when it comes to technology.

Hon. Mutahi Kagwe under the Kibaki Government was one of the active Ministers. We know very well that we will remember *Mzee* Kibaki because during his time the Gross Domestic Product (GDP) of this country grew at a very high rate. From the former regime where it was negative to 7 per cent. I have no doubt that the role Hon. Mutahi Kagwe played was very critical. He is very suitable for this position.

Right now, when it comes to the matters health, we know it is devolved. We know the Senate is there to oversee matters of the counties. Some of us were shocked because of the transfer of powers from the County Government of Nairobi to the national Government. We have talked so much about public participation and we do not know whether it was done. We do not even know how the oversight role will be done. Now, that Hon. Mutahi Kagwe is coming in and having worked at the Senate, I think he has what it takes to operationalise the Ministry of Health for the smooth running of Nairobi County.

Coming to Betty Maina, before she was a Chief Executive Officer (CEO) of Kenya Association of Manufacturers (KAM). She became a Principal Secretary and right now she has risen to become the CS. Betty Maina is a lady I closely worked with in my former Committee in the last Parliament. She has very good interpersonal skills and has risen through the ranks from a PS in a department of that Ministry and now she has been promoted to become the CS. I have no doubt she will make it.

So, the two nominees have what it takes. But, when you look at the Public Appointments (Parliamentary Approval Act) that is in place, I think we should amend it. We have issues when it comes to academic qualifications. When you go to the Member of the County Executive Committee (CEC) at the county level they are required to possess a degree but when it comes to the national level it is not a requirement for a CS to possess a degree. I think it is high time, as we move forward, we amended so that in future a Cabinet Secretary, just like a CEC at the county level, should have minimum academic qualification of at least a degree as we move forward. There is no way we can force the CECs at the county level to be graduates, but fail to do so at national level. As a matter of fact, directors should have a master's degree but when it comes to the Cabinet at the national level, there is no threshold when it comes to academics. So,

it is indeed important as we move forward that CSs from now henceforth should have a minimum of a degree.

As we move forward, we have issues to do with the NHIF. The NHIF plays a very critical role. I have met some of the colleagues who did not make it back to Parliament and the way they are leading is very pathetic. We request the NHIF to come up with a policy that can cater for Members of Parliament who have not been elected back. There is a mess at the NHIF. We recently saw a report about a lot of corruption cases when it comes to this body. We call upon the EACC, wherever they are, and the DCI to move with speed so that the corrupt individuals who have messed up the NHIF can be brought to book. We have referral hospitals like Kenyatta National Hospital and the Moi Teaching and Referral Hospital (MTRH). They need a lot of funding for purposes of equipping them. Right now, we have a problem with the coronavirus. I was reading the World Health Organisation report and I think Kenya does not have the capacity to manage the coronavirus. We empathise with the Kenyans who are now in China suffering. How I wish that the Government can move with speed and get a facility where we can quarantine them so that those Kenyans wherever they are can be brought back for proper care. For now, I know we do not have the facility in place. Wherever they are, as the ambassador said, we continue praying for them and wishing them well but we call upon the Government of China to come in and give a hand.

I have no doubt these two officers have what it takes and when they get into the Cabinet, we are going to see an improvement. It is going to move forward. I thank you for the work well done. We support that the respective CSs for health and industrialisation be appointed by His Excellency the President.

I thank you, Hon. Speaker. I support

Hon. Speaker: Member for Ainabkoi.

Hon. William Chepkut (Ainabkoi, Independent): Hon. Speaker, thank you very much for giving me this opportunity. First of all, and more particularly, I must thank His Excellency the President for appointing them according to Article 152(2) of the Constitution and Section 3(a) of the Public Appointments (Parliamentary Approval) Act. Ours is only to approve. We have vetted them and now ours is to approve.

Hon. Mutahi Kagwe is a very brilliant person. He has been a Minister and so he has earned experience in governance. Therefore, I have no doubt in my mind that he proved in your presence that he is going to move with speed more particularly on the NHIF matter. He promised to move with speed and put all the energy required to have all the professionals required in place. Again, since he is a top manager and he has legislative skills that he acquired in this Parliament, he is a great man.

I have known Madam Betty Maina for a while. She is a good performer. When it comes to industrialisation, trade and enterprise development, she is perfect. She will deliver. If the President had been working like this before, Kenya would have been very far. So, I urge the President to move with speed and remove all those who are corrupt. At the same time, I want His Excellency the President to move with speed and reward those who are great performers in this country. I tell all Members of Parliament that loyalty pays. If loyalty and humility pay, these two are very loyal to the President. I want them to perform to a logical conclusion to make sure the NHIF gets back to its own standards.

I request the Chairman of the Budget and Appropriations Committee to allocate a lot of money to the Kenyatta National Hospital but more particularly to the MTRH because it serves 22 counties. I want expansion, modern equipment and digital infrastructure to be put in place. We

are very loyal to you, Hon. Speaker. It is only that I am still mourning. That is why I do not have a lot of energy. We lost His Excellency President Moi. I thank His Excellency, the five-star general, Uhuru Kenyatta. He gave him a State burial. That is my happiness. Hon. Speaker, I was not happy because you were not given an opportunity to convey your heartfelt sorrows. I was not happy. Mine is saying nothing but the truth. I must say nothing but the truth and the truth shall set us free. President Moi was not just an ordinary person. He was a great man. Hon. Muturi, you remember very well that you worked with President Moi for many years. Even Hon. Cheboi and Hon. (Dr.) Naomi Shaban can confirm to me. President Moi was a great man and a great leader of this Republic. There is no bad person in this Republic. You are not God to judge. You do not have the ability or the capacity to judge. When President Moi called me, I gave it to the Leader of the Majority Party, Hon. Duale, and he spoke. I did that.

Hon. Speaker: Relevance! Relevance! Relevance!

Hon. William Chepkut (Ainabkoi, Independent): Hon. Speaker, sorry. All I wanted to say is that Hon. Mutahi Kagwe and Ms. Betty Maina are great people. These are people and products we want in this country. They have travelled all over the country. They can negotiate both bilateral and collateral negotiations. So, what is it? They are very good in engagement. I remember very well we were with Ms. Betty Maina in a delegation of Heads of State and Government. She argued a lot when we were attending a meeting on African Growth and Opportunity Act (AGOA) and we won. I can confirm to you that she is indeed a very competent person. The only thing that is killing this country is culture. I want us to be very serious when it comes to culture. We take things for granted. I want us to be serious. When it is reporting time, let us report at 8.00 a.m. and leave at 5.00 p.m. When in Parliament, let us participate fully and dedicate ourselves. Let us have commitment, consistency, competence, discipline, energy, and let us be God fearing people. I want us to tolerate and forgive each other. Let us live in any part of this country. Kenya belongs to all of us. Kenya is one country. We are one nation and people. The issue of leaders saying that they want one... Personally I do not care. I am a patriotic person. Therefore, I do not belong to these small issues; I am above them. There is only one five-star general and that is His Excellency President Uhuru Kenyatta, and all of us are loyal to him because this is his time. Let us do development. When it comes to politics, 2022 will come.

Finally, Hon. Speaker, leadership comes from God. If God says that you are going to be a president one day, you will be. Leadership is a calling from God. So, in the realisation that it is a calling from God, we must serve humanity with honour, dignity, fairness and justice, as opposed to personal greed and sycophancy.

(Laughter)

Hon. Speaker: Member for Funyula, do you have a point of order? I had seen a request from the Member for Funyula. What is your point of order, Member for Emuhaya?

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker. After Hon. William Chepkut has spoken, as you have seen, the mood in the House is that these two nominees qualify. Therefore, we should invoke Standing Order 95 so that we can ask the Mover to reply.

Hon. Speaker: Unfortunately, I had already recognised the Member for Funyula. Hon. (Dr.) Wilberforce Oundo.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Speaker for this opportunity. Essentially, I want to put in a word in respect of the nominee for the position of

Cabinet Secretary for the Ministry of Industrialisation, Trade and Enterprise Development more so, being a member of the Departmental Committee on Trade, Industry, and Cooperatives.

Hon. Speaker, as you are aware, under Vision 2030, Third Medium Term Plan (MTP III) and Big Four Agenda, a lot of emphasis has been laid on manufacturing and related activities, to the extent that it is expected to contribute 15 per cent to the GDP of the country. That has however not happened. In the past few years, the first CS in the 12th Parliament as well as the second CS did not achieve that target. We hope and pray that the new CS will come up with means and ways of actualising the target that has been set by the President. The issue of trade imbalance, difficulties faced by local traders and trade deficit, are matters that need to be addressed on a serious note by the CS in charge of this Ministry.

As I conclude, Hon. Speaker, I echo my colleagues who have raised the issue of public participation in the vetting process. It is incredible and inconceivable that such a critical position has got no memorandum, either in support or opposition. We need to relook at how we undertake the vetting process and take it to the people so that they can have a say in everything that they do.

Finally, Hon. Speaker, I hope the new CS, Ministry of Health will address the chaos that are at the NHIF. The harrowing stories coming from the people we represent are so heart-breaking, such that we need to address the mess at the NHIF.

With those few remarks, Hon. Speaker, I support the appointment of the two nominees for the Ministry of Health and the Ministry of Trade, Industrialisation and Enterprise Development.

Hon. Speaker: Hon. Members, the Member for Emuhaya, Hon. Omboko Milemba, stood in his place claiming to invoke the provisions of Standing Order 95, that the Mover be called upon to reply.

*(Question, that the Mover be now called upon to reply,
put and agreed to)*

Mover.

Hon. Moses Cheboi (Kuresoi North, JP): Hon. Speaker, mine is basically to thank the Members who have contributed and to encourage them, especially on issues of their concerns that under your leadership as the Chair of the Select Committee on Appointments, many of these concerns will be canvassed and taken care of. I request the Members to quickly approve these two nominees because there is a lot of work awaiting them in their respective Ministries.

I thank you and I move, Hon. Speaker.

(Question put and agreed to)

Hon. Speaker: Next Order!

APPROVAL OF NOMINEES FOR APPOINTMENT AS PRINCIPAL SECRETARIES
STATE DEPARTMENT FOR VOCATIONAL AND TECHNICAL TRAINING/
STATE DEPARTMENT FOR UNIVERSITY EDUCATION AND RESEARCH

Hon. Julius Melly (Tinderet, JP): Thank you, Hon. Speaker. I beg to move the following Special Motion:

THAT, taking into consideration the findings of the Departmental Committee on Education and Research in its report on the Vetting of Nominees for Appointment as Principal Secretaries, laid on the Table of the House on Wednesday 26th February 2020, and pursuant to the provisions of Article 155(3)(b) of the Constitution and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act 2011, this House approves the appointment of the following persons as Principal Secretaries:

- (i) Dr. Julius Ouma Jwan - State Department for Vocational and Technical Training; and
- (ii) Amb. Simon Nabukwesi - State Department for University Education and Research.

Hon. Speaker, the Committee sat severally to look into these two nominees and pursuant to Article 124 (4) of the Constitution, which looks into the procedures under which the nomination was made, as a Committee, we found out that the two nominees actually applied as PSs way back in 2017. The information was indicated in the data bank by the Public Service Commission (PSC).

Hon. Speaker, we considered the matter. When you communicated to the Committee to look into the relevant statutory provisions, we can state that these positions were advertised in the local dailies as per the requirements. We asked for memoranda from the public.

At the time of vetting Dr. Julius Ouma Jwan, there was no memorandum to the contrary where any issue was raised. When the names of the nominees were forwarded, the Clerk sent the questionnaire to the nominees and they gave us a lot of information about themselves. Even during oral submissions, Dr. Julius Ouma Jwan is a seasoned scholar. He is a renowned officer who has ably managed the Kenya Institute of Curriculum Development (KICD).

The officer had very good credentials having gone through the Kenyan education system. He has also gone through the United Kingdom (UK) education system. He also had a very good track record especially in rising through the management system at the KICD. He has also transformed that sector. When he came before us, he showed that the KICD was very vibrant. In the documents that we asked for as per the statutory requirements, Dr. Ouma Jwan met all the requirements of the EACC, the certificate of good conduct by the DCI and HELB. He gave us the documents to prove that.

The nominee has a wide background especially in educational leadership and management. He has worked and showed a lot of commitment to curriculum development while at Moi University. Dr. Ouma also worked at the National Cohesion and Integration Commission (NCIC) where he did a lot of work integrating communities even those as far as Tana River. The nominee also showed that he had experience and the relevant management skills having served in the Public Service for over 30 years. In fact, Hon. Members and Speaker, this nominee is quite passionate especially on issues of technical education. He is a curriculum development expert especially on the Competence Based Curriculum (CBC) and the various pathways that our students will take. He showed us how best the Technical and Vocational Education and Training (TVET) subsector can be taken forward in this country so that the youth can be self-employed and also be employed because every Kenyan needs to have a skill. When every other Kenyan has a skill, it will enable them to earn a living.

Dr. Jwan demonstrated adequate leadership and extensive research skills gained during his long academic period. The nominee showed a lot of integrity in terms of management. He talked to us on how he passionately tried to make KICD the face of Kenya. He tried to look for representation of small communities in the KICD. He looked for communities that were not

represented within the sector and applied affirmative action. He showed that he is a true Kenyan. He can be trusted to take this department forward.

Based on the nominee's submission and the oral interviews during the approval hearing, the nominee demonstrated the passion that he had for the TVET sector through abilities, knowledge, understanding and the qualities necessary for the State Department. Dr. Jwan gave the Committee a very good vision for the TVET subsector in this country; how it will link up with industries; how it will be run; and how the private sector, the Government and the TVET sector will link up. He even talked to us on policy development that will take TVET to an even greater level.

On the linkages between the TVET subsector and the Big Four Agenda, we were amazed as a Committee on the knowledge and information that he had especially on how to link the young skilled men in the current TVET institutions to the industrial factories and sectors of the economy so that we can move this country forward.

Having looked at that and the Constitution, our Committee felt that Dr. Julius Ouma Jwan qualified for this position. I beg that the House approves his nomination. If this House approves him, he will add a lot to the department.

The other nominee that we vetted is Ambassador Simon Nabukwesi. Ambassador Nabukwesi appeared before us. He met the necessary requirements in the Articles of the Constitution. He is a Kenyan. He has worked and risen through the ranks as a teacher, principal and the Chair of the Kenya Secondary School Heads Association (KSSHA). He also moved through the ranks until he was appointed the Ambassador of Kenya to Canada. He has also been a director at the Kenya Foreign Service Academy. Finally, he was the head of the Africa Division at the Foreign Office.

Having appeared before us, the nominee has the requisite academic qualifications. He has a master's degree in educational administration and planning management. The nominee also demonstrated adequate leadership and management experience having served as a career educationist and a diplomat for a period spanning over 30 years. Based on the evidence adduced before the Committee, submitted during the approval hearings and pursuant to the Constitution and the Act, the nominee met all the constitutional and statutory requirements for the appointment.

I also want to echo what other Members - and especially what the Leader of the Majority Party said - about the EACC approval. We got information. We got approval writings from the EACC on the two candidates. The EACC gave them a clean bill of health. They also got a clearance from the DCI especially on good conduct. When such offices give such letters, it would not be good if after one or two days, the same offices come up again and go against the officers that they cleared less than 24 hours or two days before.

Having looked at what Ambassador Nabukwesi did during his tour of duty in Canada, what he did when he was an educationist and what he did in the Ministry of Foreign Office, the Committee was satisfied that the nominee is suitable to be appointed as the Principal Secretary of the State Department for University Education and Research. Therefore, I ask Hon. Prof. Ogutu to second.

Hon. Speaker: Professor who?

Hon. Julius Melly (Tinderet, JP): Professor Ogutu.

Hon. Speaker: Let us have Professor Ogutu.

Hon. (Prof.) Zadoc Ogutu (Bomachoge Borabu, Independent): Thank you, Hon. Speaker. On behalf of the Departmental Committee on Education and Research, I want to second

this Report and make a few comments. When interviewing the two nominees, our focus was to look at the critical areas that the two State Departments face. These include limited resources, competent management within our universities and TVET. We also looked at the innovations that they will bring on board.

I want to begin with Dr. Jwan who has been in the Ministry of Education for some time. He was involved in the development of the Competency Based Curriculum. After listening to his vision for the new State Department for TVET, we feel like he has a good grip of the needs of the new job. He was involved in the development of the new curriculum. He also understands the main pathways that will follow after the students have finished basic education, including the pathway way to technical sector. He has good knowledge about the needs of this country, in terms of developing and creating jobs. He views promotion of TVET as one of the fair ways to ensure that industrialisation and manufacturing sector in this country grows as one of the main opportunities to make the country prosper. He demonstrated good knowledge on youth's problem and gave options, including expanding the funding sources of TVET education and also increasing the link between TVET and the industry. In terms of his academic credentials, Dr. Jwan has a PhD. He has published quite a lot of books in education, especially in education management area.

I want to look at the next nominee. He is a new blend in terms of the persons who have been leading the State Department for University Education and Research for the two years that I have been around. As a Committee, we are concerned. The Ministry has been experiencing a lot of change in the top leadership. The turnover rate of the CS has been quite significant. We have now the third CS in two years. We also have the State Departments' Principal Secretaries who have changed during this period. We have Mr. Nabukwesi who is an educationist. However, he has a wide experience in international field as an ambassador. In his profile, he features, in detail, how he handles the education sector. He appears to be a person who has a lot of passion in new approaches of the way universities will be funded and how their programmes will be run.

Having listened to him and looked at his curriculum vitae and given that there was no objection from the public about his suitability for this job, I strongly feel that the candidate is fit for the new job as the PS for the State Department for University Education and Research.

With those few remarks, I second this Motion.

(Question proposed)

Hon. Speaker: Member for Seme.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Speaker, for giving me this opportunity to contribute. The vetting of these senior officers is an extremely important role of this House. The Members who contributed before me indicated that sometimes we vet nominees and the outcome proves that we did not do our work properly.

I see three factors that are responsible for this. One, it is time. We really seem to have a predilection and forget to complete the work regardless of the quality of the work. When we were vetting the two CSs today, only three Members spoke, apart from the House leadership. You can see how I feel because I did not talk during the vetting of the CS for Health. We need to give more time for vetting, so that we can look at it seriously. This is also in other areas where we have timelines either in the Constitution or Standing Orders of the House. That is something that we need to look at.

Two, it is on the role of the agencies that give us facts on integrity: KRA and DCI. This House must depend on them for the information they give. If there is more time, we may add more information from our research. If there is no much time, we only depend on them. So, they must give us that information. It is not right for them to give information and we vet the person and approve him or her and then later on, they again give information that puts to question the integrity of the person.

The third one is politics. As Members of this august House, we should put aside politics when we vet people of this level. I am sure things have improved since the Handshake. I can assure you that our debate has become more objective and oriented towards the welfare of the country than serving partisan interests.

Having said those general statements, there was a twindom in the two nominees for the positions of PSs, starting with Dr. Jwan. According to the information that we have about his education, there is no question about him. As I said, we can only depend on the bodies that give us information to comment on his integrity. We take what they give us. He was given a clean bill of health.

Dr. Jwan has 30 years' experience in public service which is a long time. He spent a lot of this time at the KICD. That really puts him in good state to head the State Department for TVET. In curriculum development, you need to link education, skill and how you can feed that into the industry. The biggest problem we have in this country is unemployment amongst the youth. The only way you can solve that problem is to get young people who have skills. We should not get those who give papers in our offices but they do not have skills.

Hon. Speaker, I have realised that in the rural areas, Standard Eight dropouts sometimes end up employing people with Form Four education. They have realised that they would not find a job in an office. They work with them as masons and acquire skill. Sooner or later, they are able to do some jobs. Somebody gives them a house to build, a plaster to do or plumbing job. On the other hand, their colleagues who went up to Form Four who have knowledge without any skill, now come to work for them. That is why TVETs are here; to get people even with secondary school education certification to get some skills they can actually apply after they leave. When building a house in the rural areas, many of us here get plumbers and electricians from Nairobi while we have children there who would do these jobs but they lack these skills.

In my view, TVETs are going to be very key to the industrialisation of this country, particularly when looking at value addition and agro-industrialisation. As an agriculture-based economy, I do not see how we are going to move into industrialisation without going through agro-industrialisation. Who will do this? It is the people who come from TVETs.

If you go to Gikomba, you will find that those people produce metal boxes and wheelbarrows. These are things many of them learnt on their own. What if they had an added advantage of having gone through formal training and formal education, giving them skills? This is an area that Dr. Jwan will help us actualise.

We are talking of manufacturing. You do not need PhDs in engineering and manufacturing. You need technologies and technicians. The PhD and master's degree holders design things but the actual doing is by technicians. That is why you will hear people saying that engineering graduates from our universities cannot work in industries. This is because people are employing them as technologists and technicians. That is not what they are trained to do. We have manufacturing as one of the President's Big Four Agenda, which cannot be successful unless we have someone leading in that department that will do that.

We talk of housing and assume that we are going to have high-level buildings. Real housing for people in the rural areas will be led by people who have these skills, who can build neat simple houses with proper electrification and proper plumbing systems. This will only come from the TVETs.

Hon. Speaker, the Government has heavily invested in TVETs. I support this because it will take us far. Therefore, to appoint a man of this calibre is something I support. If he is hearing me, I hope that we are looking forward to changing our production. We should not import small things from other countries. Now that we cannot go to China, we should be able to produce the small radios and the small things we get from them.

Regarding the Ambassador, again, this is State Department for University Education and Research. If he has 30 years' experience in public service as a diplomat in education, that is necessary. The challenge we have in our university education now is that about five to 10 years back, we had massive expansion of the university space as a result of two factors. One, there was obvious cheating in exams, which led to a large number of students who actually qualified. When we tightened that, now we do not even have enough students for the spaces available. We now want to put the universities together. The other factor is that we delinked bed-space based admissions. This has now become a big security problem.

The third one is that we are now talking of the CBC. This must be based on research with somebody who understands research, so that we run our country in these matters with a scientific and technical background and not because someone is well connected or they have some political backing.

With those remarks, I support the appointment of the two officers in the respective positions.

Hon. Speaker: Just to draw the attention of the House, there are three more approvals after this one. Also, for the comfort of the Member for Seme, the sentiments that you have expressed were captured in the general observations of the Report of the Committee of Appointments. There is need to have a fresh look at the roles played by some of those institutions. Indeed, in some jurisdictions, witnesses are even called and sworn-in to testify about what they know about a nominee.

More importantly, again, that may not be achieved here because of the timelines we have put in the Public Appointments (Parliamentary Approval) Act, which is the reason the Committee has recommended that, that needs to be removed alongside the words, "if the House does not, they shall be deemed to have been appointed". All that is contained in the Report. But you got it right because those are some of the concerns that the Committee has raised in its Report.

All these Committees have had this kind of problem – that, you must give the public sufficient time but after that the timelines become too tight and it becomes very difficult to invite people you might have wanted to invite to come and speak about a nominee even in your own Motion. If we can extend the period to two or three months, Members will have sufficient time to express themselves. Those are the concerns captured in the earlier Report you referred to.

Again, I am drawing your attention to the fact that there are three others. Let me hear what the 'Father of the House' has to say in two minutes.

Hon. Jimmy Angwenyi (Kitutu Chache North, JP): Thank you, Mr. Speaker, for giving me a chance to contribute on these important appointments. I rise to support the recommendations of the Departmental Committee on Education and Research on these appointments. The two proposed Principal Secretaries are very well qualified. As my colleague,

Hon. (Dr.) Nyikal has said, for this country to develop from third world to first world, we must have people with technical skills; not necessarily with PhDs. I think it is much more important for this country to have people with technical skills.

We should thank the Government for coming up with this policy on TVET. I understand that we are now going to have a TVET in every constituency in this country. We must, therefore, find a way of attracting students to join these institutions. This House has the ability to do so, if we set aside a specific amount of money for bursaries for those students who want to join TVETs.

Hon. Speaker, the nominee for the State Department for University Education and Research, Amb. Simon Nabukwesi is a man of vast experience on research. I am sure and confident that he will perform in that position once it is given to him.

Therefore, I support the recommendations of the Committee. Thank you.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): On a point of order, Hon. Speaker.

Hon. Speaker: What is your point of order?

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Thank you Hon. Speaker. Looking at the business pending on the Order Paper, looking at the mood of the House and from the exhaustive way the Committee Chair of the Departmental Committee on Education and Research moved the Motion for the appointment of Dr. Julius Ouma and Amb. Simon Nabukwesi, will I be in order to request the Mover be called upon to reply in line with Standing Order No.95 so that we can move to the next business?

Hon. Speaker: Is that the mood of the House that the Mover be called upon to reply?

Hon. Members: Yes.

(Question, that the Mover be now called upon to reply, put and agreed to)

Mover, Hon. Melly.

Hon. Julius Melly (Tinderet, JP): Hon. Speaker, I want to thank the Hon. Members and the Departmental Committee on Education and Research for the good work they have done and the contributions they have made. I know that if the House approves the two nominees, they will do a good job. They will be the officers who will take the education sector to the next level.

Hon. Speaker, thank you. I beg to move.

Hon. Speaker: Hon. Members, for obvious reasons, I defer putting of the Question and move to the next Order.

(Putting of the Question deferred)

APPROVAL OF NOMINEE FOR APPOINTMENT AS PRINCIPAL
SECRETARY IN THE STATE DEPARTMENT FOR PHYSICAL PLANNING

Hon. Speaker: This one is by Hon. Rachael Nyamai.

Hon. (Ms.) Rachael Nyamai (Kitui South, JP): Hon. Speaker, I beg to move the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Lands in its report on the Vetting of the Nominee for Appointment as a Principal Secretary, laid on the Table of the House on Wednesday, 26th

February 2020, and pursuant to the provisions of Article 155(3)(b) of the Constitution and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of Mr. Enosh Onyango Momanyi as the Principal Secretary for the State Department for Physical Planning.

Hon. Speaker, before I go to the subject, I would like to take this opportunity to thank your office and that of the Clerk of the National Assembly for ensuring that as a parliamentary Committee we stick to the laid procedures. Without going to details, I would like to thank the members of the Departmental Committee on Lands for their commitment. They scrutinised issues and interacted closely with the nominee who was being vetted.

Hon. Speaker, following your Communication on 24th January 2020, and also in exercise of your powers after reading the Message from the President of the Republic of Kenya on 10th February, 2020, the Departmental Committee on Lands took the steps that are required before the nomination. I wish to confirm that the Committee complied with the Constitution and statutory requirements regarding the vetting exercise and placed an advert in the print media on Wednesday, 12th February 2020 as stipulated in the law.

[The Speaker (Hon. Justin Muturi) left the Chair]

[The Temporary Deputy Speaker (Hon. Christopher Omulele) took the Chair]

Further, in fulfilment of the provisions of Article 118 of the Constitution, Section 6(4) of Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order the Clerk of the National Assembly on the Friday, 14th February 2020 placed an advertisement in the print media inviting the public to the Departmental Committee on Lands approval hearings on Thursday, 20th February 2020.

Hon. Temporary Deputy Speaker, by close of submissions deadline, the Committee had received two statements on oath, one by Mr. Mwangi Abdi Omari and the other by Mr. Rashid Abraham Omar contesting the suitability of the nominee to hold office as Principal Secretary, State Department for Physical Planning. The two statements and the replying affidavits were also received and they are also annexed in the Report in terms of the way the nominee responded to the matters. The Committee considered the affidavits and observed the affidavit by the deponent Mr. Rashid Omar and Mr. Mwangi Abdi to be jointly considered because the subject matter was the same. The Committee observed that the two affidavits by the deponents were written statements on oath, therefore they were admitted. Further, the deponents raised issues on the suitability of the nominee in terms of ability and personal integrity of the candidate which in accordance to Sections 6(7) and 7 of the Act are some of the issues I would like to look into to show this House that the Committee really looked into the matters that were raised.

On the question of leadership and integrity, the Committee sought clarification from the nominee on whether he had received any money and the matter that was in question was collection of Ksh2,000 per individual in a place where a slum upgrading project was being done. The place is the Korogocho Slum Upgrading Project where the nominee was involved as a leader. The nominee stated that he actually was involved in the project and he gave a detailed affidavit in response to the allegations. The nominee stated, to the best of his knowledge, that being a Government officer, he did not benefit from the money. The money was for the

committees that were meant to agree on issues of how the survey was being done and other costs that were going together with the slum upgrading. So, he clarified to the Committee that he was not a beneficiary.

On the question of what role a company called Geodev Limited played in the Korogocho Slum Upgrading Project, the nominee observed that the company had been procured competitively to provide beaconing services and was paid Ksh2 million and as the leader of the project, he was not involved anywhere. He added that no statutory payments were made to the said company as it was alleged by the people who had written the two documents.

On the question of whether he had ever received any complaints from the residents of Korogocho Slum Upgrading Programme, the nominee stated that he had received several complaints during his work from the residents and he responded to all of them adequately and timely.

On the question of the correct name of the nominee, which was also raised by several Members of the Committee, the Committee noted that the nomination notification indicated that the name of the nominee was stated as Enoch Momanyi Onyango while the attached curriculum vitae recorded the name as Enosh Onyango Momanyi. The EACC, DCI and the Office of the Registrar of Political Parties also stated the name as Enoch, save for HELB and KRA. All the others had cleared him as Enoch. So, Hon. Temporary Deputy Speaker, we decided to delve into this matter to make sure that we clarify.

During the approval hearings, the nominee submitted his original birth certificate, identification card and his passport which indicated that his name is Enosh Onyango Momanyi. He also informed the Committee that he had inquired from the appointing authority about the anomaly and had been informed that the same would be rectified by communication to the Clerk of the National Assembly.

I would like to clarify that before we finalised writing this Report, we, indeed, received a letter from the appointing authority which clarified the issue of the name, that it is Enosh Onyango Momanyi and not Enoch Onyango Momanyi. We decided to follow this matter because we felt that it is a matter that was important to clarify especially when it comes to identification.

On other matters, Mr. Enosh is highly educated and highly experienced in public service. He has worked a lot for the Government of Kenya and beyond. He has been involved in running several projects within the Ministry that he is working in. The Committee felt convinced that he is suitable in terms of his education and his experience to sit in the Office of the Principal Secretary. Further, the Committee observed that the nominee was passionate about matters relating to physical planning and also had broad experience, understanding and knowledge on physical planning thematic field. He understood the subject matter.

The nominee also possesses adequate and vast experience and a lot of training both within the country and also outside the country in matters relating to project management and urban development and housing, which are all related to physical planning. Also, the nominee has broad experience in public service as I had said earlier, having worked in various capacities including as a housing officer, rising to the rank of an assistant head in charge of Human Settlement Division, Assistant Director of Human Development in the Ministry of Local Government, Senior Assistant Director of Urban Development in the Ministry of Local Government, Director of Urban Development and Secretary, Urban and Metropolitan Development where he is currently.

The nominee was tax compliant. He did not also have any issues with EACC, DCI or being affiliated to any political party. He had clearance from KRA.

I would like to end at that and say that, as a Committee, we feel that Mr. Enosh is qualified, has the experience and is suitable to be Principal Secretary in the Ministry. Having conducted approval hearings for the nominee pursuant to Article 155(3)(b) of the Constitution, Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order No.199, the Committee recommends that this House approves the nomination of Mr. Joash Onyango Momanyi for appointment as Principal Secretary, State Department for Physical Planning.

I beg to move and invite Hon. Baya to second.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Chair, just before you sit down, you may want to correct the name Joash to Enosh. Because of the confusion that you, as a Committee, wanted to correct, it is good to have the record that you are seconding the right name.

Hon. (Ms.) Rachael Nyamai (Kitui South, JP): Hon. Temporary Deputy Speaker, I would like to state that it is Mr. Enosh Onyango Momanyi and not Enoch. I would like to move that this House approves the nomination of Mr. Enosh Onyango Momanyi for appointment as Principal Secretary, State Department for Physical Planning, and invite Hon. Baya to second.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well done, Chair. Hon. Baya.

Hon. Owen Baya (Kilifi North, ODM): Thank you, Hon. Temporary Deputy Speaker. It is an honour and great pleasure that I stand to second my Chair for the nomination of Mr. Enosh Onyango Momanyi as the Principal Secretary, State Department for Physical Planning. Having interrogated and participated in the vetting process of Mr. Enosh Onyango Momanyi as a Member of the Departmental Committee on Lands, we are convinced beyond any reasonable doubt that the nominee is appointable and he will do a good job as the Principal Secretary in that Department. When we interrogated the said gentleman and we looked at the qualifications in terms of academic qualifications, he possesses a bachelor's degree in lands and master's in housing and administration.

Looking at his experience, you realise that this is a man who has worked himself up the ladder in the public service. For many years, he has held positions since he graduated at the University of Nairobi until he joined the public service. He has gone through one rank after the other and has immense wealth of knowledge and experience in executing the mandate and the duties ahead of him. We were convinced through his passion and his thoughts about what physical planning is and what this country requires in terms of physical planning. He expressed himself very well with passion, ability and skill. You realise that this is a man who has immense knowledge about physical planning. Every time we asked him a question in the subject matter, we could see he was flying, able to express himself and able to delineate facts from opinions. Looking at the risks that this country has taken for many years where development, especially in our cities and in urban centers, has gone on without due process in physical planning, he has the wherewithal to say: "Let us correct here. Let us change this. Let us make it better here."

Moving forward especially with the new laws that we are passing in this House like the Land Value Index Laws (Amendment) Bill and also Sectional Properties Bill, he is in tandem with the requirements. He is in tandem with the many Acts and laws that regulate physical planning. If there is a man who is aware, knowledgeable and conscious about the laws that exist in physical planning, this is the man who carries all that information. Therefore, we have no doubt as a Committee that Mr. Enosh Onyango Momanyi will do a good job as a Principal

Secretary. He is also aware of the kind of laws that need to be changed to thrive within the current setup in this country.

In terms of leadership, Mr. Enosh Onyango Momanyi came out as a true leader in the area and in the discipline. If you look at his history, he was happy to tell us that he was once a teacher. He talked to us as a person with that kind of a background, that he is able to educate, teach, learn and give other people leadership. The fact that he is nominated for the position of Principal Secretary does not remove him from the fact he needs to provide leadership in the subject area even to those guys who are physical planners by training. I heard him say clearly that the only thing that he needs to do is provide leadership to the State Department and things will run. Without leadership, even if you are knowledgeable in the area, even if you know everything, if you are unable to lead a team, you will not succeed.

On his experience during the upgrading of Korogocho slums, of course, there were issues that were mentioned here and there that were not very good about him, but I think he learnt a lot of things on how to handle people, how to handle departments and how to provide leadership. I can stand here confidently and tell you that the vast leadership trainings that he has attended and the vast leadership skills that he has is what we need for success in the Department of Physical Planning.

One interesting thing is that, although we are still waiting for the order from the Executive on delineation of functions from the State Department of Lands and now Physical Planning, he is aware of what needs to be done to correct the many issues that have bedevilled it. For many years, physical planning has not had a budget. Right now, I think the budget is around Kshs48 million for the whole sector because it was just a small appendage of lands. But when it is delineated, there will be a proper budget. With the support of the Departmental Committee on Lands and my Chair, we will allocate funds for physical planning. Those funds should be used in things like the growth of new urban centres and implementing the Big Four Agenda of the President like housing. It all pertains to one thing that we need to have good planning in this country, especially physical planning.

With Enosh's ability, thoughts and leadership in the area, I can say that the President's agenda is safe and secured. The President will be able to achieve what he wants with a person of this ability.

Hon. Temporary Deputy Speaker, I urge the Executive to hurry up and ensure that they have delineated those two functions so that we have the State Department for Lands and Physical Planning and their functions so that, as we give the job to this gentleman, he can run it and bring success to the country in this area.

I only have one thing to add which my Chairperson mentioned. During the vetting process, there was confusion on the names. The State Department headed by Dr. Kinyua clarified that it was not Enoch, but Enosh. However, what disappointed us, and my Chairman pointed it out, is that the other bodies that were supposed to give clarifications actually gave us the wrong names. That is what really surprised all of us.

The President's appointment showed that he nominated Enoch, but gave a different identification number. The guys who are supposed to clear the nominees cleared him as Enoch, which does not exist. The identification number was correct, but they gave us a different name. They ought to have told us that the said Enoch was not the nominee and that the real nominee was Enosh. Instead, they told us that Enoch was the holder of that identification number. That is when we asked a question, as a Committee: What do those institutions do?

When the President nominates someone, do they go out and advise correctly or they just perpetuate the mistake that has been made? The question is: Do they actually have our records? Those are some of the things that we need to rectify. They should know that vetting is an important exercise and that is why it has to come to Parliament. With that seriousness, they also need to reciprocate by doing proper due diligence on the nominees of the President so that we get their true records.

It is only HELB and KRA that gave us the correct name of the nominee. However, the EACC, DCI, Kenya Police Service, *et cetera*, gave us the wrong name against the identification number that belonged to the person we were vetting.

These are the things that the Leader of the Minority Party, Hon. John Mbadi, talked about; that there is need of seriousness in the vetting processes that are done by other statutory bodies as they provide information to Parliament.

Having said all that, I second the Motion and say that this gentleman is fit to hold that position and he will make Kenya proud in the State Department for Physical Planning.

Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): It is usually very difficult to please Hon. Owen Baya. He seems to be very confident in this particular nominee. Maybe, those vetting institutions were also in the same hurry that some of us were accused of by Hon. (Dr.) James Nyikal. That, sometimes, we do things in a hurry.

Hon. Members, having said that, allow me to propose the Question.

(Question proposed)

Hon. Patrick Makau King'ola will have the first go at it.

Hon. Patrick Makau (Mavoko, WDM-K): Thank you, Hon. Temporary Deputy Speaker. Listening to the Chairperson of the Departmental Committee on Lands, I am now convinced that he is the right person to be there.

Physical planning is the future and heart of any nation that cares about the physical, social and economic welfare of a place and its dwellers. I have a lot of passion for physical planning. From Clause 286 of the Physical Planning Act provisions, when I look around, we have not been embracing the Act. If we embrace the Physical Planning Act and the provisions in it... I will not be ashamed to say that, now that Nairobi is under the national Government, we can now have the physical planning of those towns. When I look at the country holistically, unless we embrace physical planning, in 20 to 30 years' time, this country will not be able to feed itself. When you look at all the agricultural lands in this country, they have been subdivided for building houses and we have left this country without arable lands that we can use to produce food that can sustain this nation. When you look at the Big Four Agenda of the President, there is no way we can achieve them unless we are food self-sufficient.

With the Principal Secretary for the State Department for Physical Planning being a person with a background and profession in this field, I am now convinced that this country might get fixed. This is the time that the Executive should implement the Physical Planning Act to its end.

I was once a mayor and I can tell you that only 10 years have elapsed, but when you look at our towns, they are in a pathetic state in terms of planning. There is no zoning. You will find industrial and residential areas mixed up. We now lose the meaning of physical planning because

it is supposed to improve the physical, social and economic welfare of an area to ensure that its dwellers are happy and live well. But now, what do we see?

Hon. Temporary Deputy Speaker, you have seen areas, even the estates in Nairobi such as Kileleshwa, Lavington, *et cetera*, which are almost becoming slums. That is due to failure of us to plan and zone our cities. When I went to London, I felt embarrassed to see big chunks of farmland there and it is now 300 years and more since their democracy. Due to planning, they have big farmlands to produce enough food for their population and land for expansion.

I agree with the findings of the Committee that, that person is the right one to be there. When I listen to the Chairperson and Hon. Owen Baya, I believe we can fix this Act and we have the person who can implement it to the letter.

Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Jimmy Angwenyi.

Hon. Jimmy Angwenyi (Kitutu Chache North, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to contribute on this nominee.

Before I make my comments, I want to declare my personal interest. This nominee comes from my constituency. I have known him since he was a young boy. He is a guy who has worked in public service committedly over the years.

Mr. Enosh has worked at all those levels. He started from a very low level. If we approve his appointment, he will make sure that other employees of the public service will be working committedly believing that if they perform well, they will be rewarded with promotions.

Mr. Enosh Momanyi is a person with vast experience in physical planning and housing. As my colleague said, this country is moving to an era where we have no land. Whatever little land we have, we must plan well for it just like in New York, Dubai, Washington DC *et cetera*. This is a person who has first experience and he can accomplish that. With our Big Four Agenda on housing and manufacturing, he is a person who can plan where to set up industries and human settlements for our people. So, I thank the Committee. They did a thorough research even to correct his name. You know, somebody would have, probably, mischievously misspelled his name when they were giving the name to the appointing authority. Since it has been corrected, the correct name is Enosh Onyango Momanyi. That is his name. Next time we should talk to the other agency that gave a wrong name before we seriously take their recommendations. We must know what they do. Do they check out the information they give or they do not?

[The Temporary Deputy Speaker (Hon. Christopher Omulele) left the Chair]

[The Temporary Deputy Speaker (Hon. Patrick Mariru) took the Chair]

With those few remarks, I beg to seek the support of all of you for this nominee to be approved for appointment as Principal Secretary for the State Department for Physical Planning.

Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us go to the far end. Hon. Mishi Mboko.

Hon. (Ms.) Mishi Mboko (Likoni, ODM): Thank you, Hon. Temporary Deputy Speaker. I stand to support the Report by the Departmental Committee on Lands on the nomination of Mr. Enosh Momanyi.

Mr. Momanyi has demonstrated that he has a lot of knowledge on physical planning. The person has the requisite academic credentials. He has a Bachelor's Degree in Land Economics and a Master's Degree in Housing and Administration. That is an added advantage. Right now, we have the Big Four Agenda and one of its components is housing. When we were vetting Mr. Momanyi, he answered technical questions and demonstrated that he has knowledge in physical planning. Although there was a petition by Korogocho slum dwellers, he elaborated and informed us how Kshs2,000 was paid by members of Korogocho slum to the committee of Korogocho slums. That money was given to the committee for the purpose of slum upgrading. He also informed the Committee that, that money never benefitted him or any official from the Government.

We have had so many challenges in terms of physical planning at the national level and at the county level. This is the right time to get a Principal Secretary in charge of physical planning. We should have somebody who is knowledgeable – somebody who can bring new proposals and formulate new policies to ensure that the gaps that have been witnessed in terms of physical planning are filled. Mr. Momanyi is humble, gentle and passionate about physical planning. My advice to Mr. Momanyi is that he needs to be strong and bold in making decisions in case he is given the opportunity, so that all the challenges that have been witnessed in the country on physical planning can be history. Kenyans have been crying on so many issues regarding physical planning, and there have been no solutions. When we were vetting Mr. Momanyi, he gave us proposals that he thought if they are employed in this department, things will change. He also talked about challenges that are currently there and proposed solutions that we, as Members of the Committee, found tangible and they could bring reforms in this sector.

Mr. Momanyi is tax compliant. In terms of leadership and integrity, he passed all the tests. He has clearance from EACC, DCI, Registrar of Political Parties and has a certificate from KRA. This shows that he is a patriotic Kenyan who has been paying his taxes to KRA. He also has done some short courses and gone to many international conferences on physical planning and housing issues. He has many certificates showing that he has the capacity to execute the duties pertaining to physical planning. He also demonstrated excellent leadership skills that were evidenced by the various positions he has undertaken in the Republic of Kenya. He is currently the Secretary to the Urban Metropolitan Development. In that docket, he has done many things, including formulating many policies and creating many systems to avert the challenges witnessed in physical planning. I want to urge my colleagues in this House to approve the nomination of this man because he is knowledgeable, experienced, humble and he knows the subject matter well. This is the person that will bring reforms in the sector of land, especially on physical planning.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have Hon. Orori.

Hon. Ben Momanyi (Borabu, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I rise to support the recommendations of the Departmental Committee on Lands on the nomination and appointment of Mr. Enosh Onyango Momanyi as Principal Secretary in the State Department for Physical Planning.

At the outset, I want to make it clear that in as much as the nominee is Mr. Momanyi and I am also known as Ben Momanyi, I set the records straight that we are not related and we have never met. I have only seen on paper all the things that have been said about Mr. Momanyi, and I have gone through them in the Report of the Committee. From what we have heard from the Committee, this is a competent person. He is a person who will bring change in the Department.

Those are the kinds of people that, perhaps, the President needs given that he is doing his last leg in the office of the presidency, so that he leaves a good legacy as the fourth President of the Republic of Kenya.

On the issues that have been raised here about his name and clearance by agencies using the wrong name, I wish to inform the House that these days, most of the records are captured by the identification number. Once you key in the identification number, all the records will come out. Therefore, I believe that most of those agencies relied on his identification number, which was correct, to clear him. Therefore, I wish to agree with the Committee that Mr. Enosh Onyango Momanyi be appointed Principal Secretary for the Department of Physical Planning.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Kioni.

Hon. Jeremiah Kioni (Ndaragwa, JP): Thank you, Hon. Temporary Deputy Speaker for giving an opportunity to add my voice to the debate that is before the House. I support this nomination and commend the Committee for the work they have done. When I left the university and was employed in the Ministry of Housing—that was like my second or third opportunity to work in the Civil Service—I was placed under the management of Enosh Onyango Momanyi. I must say from the outset that when we were working together, we used to call him Enoch. This name Enosh is not very easy especially for those of us who come from an area where ‘s’ and ‘h’ and ‘c’ and ‘h’ give us a problem. So, we were more comfortable calling him Enoch. I want to thank the Committee for having done due diligence and establishing his actual name, so that the person we are approving is the same person as per the documents.

He has correctly been described by Members who have spoken before me. He is a person who chose from the beginning to serve the public. Certainly, at the time when I was under his management, I was a young person. And you can see 30 years later he is still keen on serving the public. I believe that he is going to be useful to this Department. Like others have said, he has vast experience in the area of physical planning, housing administration and matters related thereto.

It is important to say that he comes on board at a time when the physical planning aspects of our country are sidelined. Not a lot of attention is being paid to that aspect. I do not know but I believe he will have an opportunity to even influence the issue of land use in our country. If we do not pay attention to the way we are using our land – and I know the Committee Chair and the whole team is up to speed with this issue - we are certainly going to find ourselves having lost that land that would have been useful to us in terms of agriculture. Speaking of Kiambu, which is next to us and every one of us would have passed through there going home or elsewhere, you see what we are doing with what used to be coffee plantations. The red soil, which is really a rare commodity across the world, we now have decided to cover it with concrete. And we are happy to do so. Last night I passed through that area. Unfortunately, quite a number of houses that have been put up are now empty. There are no tenants or buyers. So, we have issues that we need to think about. The turning of our land from agriculture to residential use, without some form of consideration... The sub-division of our agricultural land to plots of 50 by 100, which the Member for Funyula might have sold a few and found his way to Parliament, is not quite a very good thing. It is something that we need to be careful about as a country. It may help you for now, but the coming generations will certainly suffer. We hope that Enosh will address himself to those issues and help us get some direction as a country.

His demeanour is that of a person who wants to serve. Even when I was a Member of Parliament the other term, he and the former Deputy Prime Minister Musalia Mudavadi helped

me get an ambulance in Ndaragwa. That was more than 10 years ago. And it is the only ambulance that is still serving that constituency. So, I have a reason to support him. Other than his good performance, he is also careful to look at areas that are not considered by many others. That was very important for me as a person coming from an area that really deserves.

I am told from the Report that his net worth to date, which is a very important thing for us as Members of Parliament because we need to know whether we give you an opportunity to go and steal or enrich yourself, *vis-à-vis* the time for which he has been working in the Civil Service, shows a person who certainly has had opportunity to steal. I can tell you in my first profession, with the Member for Funyula, you come across these issues and you can decide to do the wrong things or the correct thing. Given the way Hon. Oundo and I struggle around here, we chose to do the right thing. This nominee also has chosen to do the right thing. He had the opportunity to steal but he never did. If for nothing else, I would want to support him for that. He is a good example of how a public servant should use the office that has been entrusted to him. We ask him, even as he tends towards retirement, he should not be tempted to do what others have done.

With those remarks, Hon. Temporary Deputy Speaker, I am delighted and happy that my boss has finally been nominated to do that which he sought to do when he joined the profession of the learned individuals. I thank you. I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Kioni, I am not sure you look like you are struggling. You said you have been struggling around. Or is the struggle different from what people are thinking? There is nothing to clarify, Hon. Oundo.

What is out of order, Hon. Washiali? You seem to have pressed the intervention button.

Hon. Benjamin Washiali (Mumias East, JP): Thank you, Hon. Temporary Deputy Speaker. I have been listening keenly to contributions of Members, those from the Committee and those from outside the Committee. For this assignment we have under Public Appointments (Parliamentary Approval) Act, most of the work is done at the committee level. Most of the details, questions and issues to be raised are usually dealt with at the committee level. For those of us who also belong to other committees, we actually rely mostly on what the committee that oversees a sector does. I have listened to the Chair...

The Temporary Deputy Speaker (Hon. Patrick Mariru): I know you have a point, but you seem to be taking the longer route, Hon. Washiali. I do not want to assume you are contributing.

Hon. Benjamin Washiali (Mumias East, JP): Hon. Temporary Deputy Speaker, I wanted to take a longer route because Hon. Oundo's name was mentioned, and it is like he must also contribute. But I wanted to request Hon. Oundo and many other Members who may wish to contribute, given the other business we have in this House, I rise under Standing Order 95 to request them to allow this to come to a close unless they want to oppose. If they want to support, which is what all of us have been doing, I would wish that they understand my position, so that the Mover be called upon to reply.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): You see, Hon. Washiali, you may not request them. It is now the responsibility of the Speaker to establish whether you read the mood correctly or not.

(Question, that the Mover be now called upon to reply, put and agreed to)

Mover.

Hon. (Ms.) Rachael Nyamai (Kitui South, JP): Thank you, Hon. Temporary Deputy Speaker. Let me take this opportunity to thank the House for the deliberations that we have had concerning this nominee, Mr. Enosh Onyango Momanyi. I would like to thank them for the positive comments that they have made, and the good comments they have made about the quality of the work that we have done.

Without much ado, Hon. Temporary Deputy Speaker, I beg to reply.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, we shall not put the Question at this particular time. We shall do that at a later time, possibly tomorrow.

(Putting of the Question deferred)

Next Order.

APPROVAL OF NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY
STATE DEPARTMENT FOR TRADE AND ENTERPRISE DEVELOPMENT

The Temporary Deputy Speaker (Hon. Patrick Mariru): The Chairperson, Departmental Committee on Trade, Industry and Cooperatives. Hon. Oundo, you are the Chair, at least, for purposes of this Motion. Please, you have the Floor.

Hon. Dr. Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker.

My senior made a lot of reference to me, but in view of the fact that I am here to move the Motion, I will look for an appropriate opportunity to make a rebuttal. In any case, suffering or struggling is relative, but we have lived a very clean and square life that is why we can sit here without any fear of being arrested or arraigned anywhere. Rest assured that most of us who studied Land Economics know how to manage our affairs.

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

THAT, taking into considerations the findings of the Departmental Committee on Trade, Industry and Co-operatives in its Report on the vetting of the nominee for appointment as a Principal Secretary, laid on the Table of the House on Wednesday, 26th February 2020, and pursuant to the provisions of Article 155(3)(b) of the Constitution and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of Amb. Johnson Mwangi Weru as the Principal Secretary for the State Department for Trade and Enterprise Development.

On 23rd of January 2020, the Speaker of the National Assembly received a notification from His Excellency the President, who in exercise of his powers under Articles 132(2)(d) and 155(3) of the Constitution has nominated Amb. Johnson Mwangi Weru for appointment as the Principal Secretary of the State Department for Trade and Enterprise Development.

On 12th February 2020, and in exercise of the powers conferred on him by the National Assembly's Standing Order No. 42, the Hon. Speaker read the Message from His Excellency the President to the House and referred the nomination to the Departmental Committee on Trade, Industry and Co-operatives for vetting and reporting to the House within 14 days in accordance with the provisions of Standing Order No.45.

On behalf of the Chair of the Departmental Committee on Trade, Industry and Co-operatives, I wish to confirm that the Committee complied with the constitutional and statutory requirements regarding the vetting exercise and placed an advert in the print media on Wednesday, 12th February 2020, inviting the public to submit memorandum by way of written statement on oath on the suitability of the nominee in conformity to Section 6(9) of the Public Appointments, Parliamentary Approval Act, 2011. The advert indicated that the submissions were to be received by Tuesday, 18th February 2020, at 5.00 p.m.

Further, in fulfilment of the Provisions of Article 11(a) of the Constitution, Section 6(4) of the Public Appointments Parliamentary Approval Act, 2011 and Standing Order No.45(3), the Clerk of the National Assembly on Friday, 14th February 2020 placed an advertisement in the print media informing the public of the intention by the Departmental Committee on Trade, Industry and Co-operatives to conduct the approval hearing on Tuesday 20th February 2020 from 10.00 a.m.

By close of submission deadline, the Committee had not received any affidavit contesting/supporting the suitability of the nominee to hold office as the Principal Secretary, State Department of Trade and Enterprise Development. During the approval hearing, the nominee submitted his original Identification Card and clearance letter from DCI, the Office of the Registrar of Political Parties, HELB and KRA. The EACC, on 20th February, 2020, wrote to the Clerk of the National Assembly, informing him that the Commission had not conducted any investigation with regard to the nominee.

The Committee, having considered the nominee's curriculum vitae, both written and oral submissions, made the following observations and findings:

- (a) The nominee is a Kenyan citizen by birth, of Identification No.8678895 and does not hold any other citizenship. He was born in Nyeri County in 1967.
- (b) He holds a Masters of Arts Degree in Economics and Finance from the University of Leeds and a Bachelor of Arts Degree in Economics and Finance from The University of Nairobi. He indicated orally that he is a registered student for a PHD Degree programme in a University in Belgium majoring in APS.
- (c) Pursuant to Article 155(3)(a) of the Constitution, the nominee was duly nominated as per the letter, Ref. OBCAB.1/40A dated 20th February 2020 from the Head of Public Service conveying the Report of the Public Service Commission to the Committee.

By close of notice on Tuesday, 18th February 2020 at 5.00 p.m. the Office of the Clerk had not received any affidavit contesting the suitability of the nominee following an advert placed by the Clerk of the National Assembly on Wednesday, 12th February 2020 in the print media informing the general public of the nomination by the President and the intention of the Committee to conduct approval hearing.

As many other Members have indicated, the lack of interest by the public to provide any information either contesting or supporting any Presidential appointee that comes for approval in this House is a matter of concern. As a House, and as the Speaker has directed, that matter will have to be addressed.

The nominee satisfied the requirements of Chapter Six of the Constitution of Kenya on Leadership and Integrity by being cleared by the DCI, KRA on tax compliance, HELB and the Office of the Registrar of Political Parties. In regard to EACC, the nominee submitted to the Committee a duly stamped copy of the self-declaration form received by EACC on 14th February 2020.

It is instructive to note that during the oral presentation, the EACC had submitted to us a letter dated 19th February 2020 in which they had indicated they had not received the self-declaration form from the nominee and yet the same EACC, at its Huduma Centre, had stamped the self-declaration form on 14th February confirming they had received it. Indeed, at that particular time, and I am sure it has been in the media, issues were raised whether it was in order to proceed with the vetting and yet, the EACC had not provided a clear and unequivocal statement on the suitability of the candidate. However, we were duly advised by the Legal Department of Parliament that the mere fact that EACC had not submitted a report did not bar the Committee from vetting the candidate. Consequently, the Clerk wrote and submitted the self-declaration form by the nominee for the Commission to finalise the clearing process. After the approval hearing, the EACC, indeed, confirmed by a letter Ref: EACC.7/10/5 VOL8917 dated 20th February 2020 that they had not undertaken any investigations where the nominee had been found culpable.

(d) The nominee has never been charged with a criminal offence in any court of law in Kenya or elsewhere in the world. Pursuant to Article 75(1) of the Constitution, the nominee has no engagement or association that will cause any conflict of interest. At this particular time, the nominee was put to task to really explain and expound on that particular aspect. He clearly said he has no other source of income other than employment as he is currently employed in the Ministry of Foreign Affairs. Again, he indicated that his spouse is a civil servant without any other interests other than the interest in Public Service. We confirm that, indeed, when appointed, there will not arise a matter of conflict of interest.

(e) He has never been dismissed from office for contravention of the provisions of articles 75, 76, 77 and 78 of the Constitution which deal with the conduct, financial probity, restriction activities and leadership of State officers.

Hon. Temporary Deputy Speaker, as we concluded the vetting process, we took the nominee to task on policy issues considering that the sector or the department the nominee was going to head is part of the basket that constitutes manufacturing and that is why it is one of the key aspects of the Big Four Agenda. We made him understand the challenges affecting the sector and more so, we told him the issue of the widening trade deficit amongst international trading partners. We told him the challenge faced by local traders due to the crackdown on counterfeits which also, of course, nets in genuine traders or genuine importers.

We noted that the wholesale retail and trade sector has been supporting and has accounted to about 74 percent of the Gross Domestic Product (GDP) in 2018, and has had a positive impact on employment. It has constituted to about 13.5 percent of employment in the private sector. In 2018, the sector grew by 6.3 percent and in 2019 – considering three quarters – it grew by 5.4 percent.

Having taken him through all those and having received his response and commitment to serve in the industry, we concluded that having worked as a Director, Economic and External Trade at the Ministry of Foreign Affairs and as a Kenyan Ambassador to Brussels and representative to the European Union, he demonstrated adequate knowledge in international trade and diplomacy sector and enough knowledge in local trade issues.

Hon. Temporary Deputy Speaker, having considered the suitability, capacity and integrity of the nominee, and pursuant to article 155(3) of the Constitution and section 8(2) of the Public Appointment (Parliamentary Approval) Act 33 of 2011, the Committee unanimously recommended that the National Assembly approves the nomination and subsequent appointment of Ambassador John Mwangi Weru to the position of Principle Secretary, State Department of

Trade and Enterprise Development. I ask a member of the Committee, Hon. Gichimu Githinji of Gichugu, to second the Motion.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Gichimu, you have the Floor.

Hon. Gichimu Githinji (Gichugu, JP): Hon. Temporary Deputy Speaker, thank you. I rise to second this Motion of approval of the nominee for the position of Principle Secretary, State Department for Trade and Enterprise Development. Amb. Johnson Mwangi Weru appeared before the Committee very composed and appeared to have the grasp of whatever is required in international trade. He appears to have wide exposure and network in the international arena and this would be a very great advantage to this country in terms of establishing new markets for our goods and services. We trust and hope that Amb. Weru will be key in the promotion of trade by way of establishing new markets. I believe he will work hand in hand with the Export Promotion Council which has already been merged with Brand Kenya so that matters of trade can benefit the country especially in matters agriculture. This is because agriculture is the highest foreign exchange earner with tea leading, coffee following closely and other crops.

Amb. Weru also demonstrated that he is a true civil servant and he has spent the better part of his life serving this country in various capacities. He was instrumental in crafting the Vision 2030. We are ten years to the destination of vision 2030 and we believe he will serve critically and positively in achieving the aspirations of the crafters of the vision for the benefit of this country.

Hon. Temporary Deputy Speaker, we have no doubt as a Committee that the nominee demonstrated that he would serve selflessly and in the interest of the public. He confirmed that he would work hand in hand with the Committee on Trade, Industry and Co-operatives to achieve the aspirations that the Committee has been bestowed by this Parliament on matters trade, industry and co-operatives.

I do not want to belabor the points. A lot has been exhibited in the Report by the Mover and we believe that this is a person who will help this Government to reach out to other countries and expand our trade. He was also committal that he would work with the committees to address the issues that affect local traders.

Hon. Temporary Deputy Speaker, I beg to second.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well.

(Question proposed)

Why do we not have one or two Members then we make progress? Let us have two Members. I am sure they get the feeling of Members even if it is just briefly. I will have two Members then I will deduce the mood. Shall we start with Hon. Oyoo Onyango?

Hon. Onyango Oyoo (Muhoroni, ODM): Thank you very much, Hon. Temporary Deputy Speaker, for at last giving me an opportunity. I have been hanging around and was wondering what it takes to get an opportunity. I am not going to competently debate on the suitability of Amb. Johnson Mwangi Weru. A lot has been said by the Acting Chair of that Committee and his Member but during this debate, something has come up that is worth putting on record. This House needs to vet people and pass them when they really meet the threshold. But something has come up that we have serious weakness in the agencies that we trust for the purpose of vetting those people for us. As was well canvased by Hon. Washiali, a lot of this work of vetting is done in committees which largely rely on the agencies that have the ability and

capacity to get the correct information about the personalities. I am complaining that Parliament must take its work seriously and these committees must be put on notice. They should not mislead Parliament so that we end up passing people who do not meet the threshold of what we require.

I am saying this against the backdrop that many of those who have passed through this House are now principle suspects in major frauds outside and their names are in the headlines.

Hon. Temporary Deputy Speaker, people are wondering how some of them who did not have the requisite education got appointed. They are also wondering how some of them who were criminals from the outset were passed by this House. So, I urge the agencies concerned to ensure that they do their work competently such that if my name is James K'oyoo and somebody sends my name to the EACC or to the DCI as John K'oyoo and we do not get approval for such a name, it will be very bad. Those people must learn to take their work seriously.

Otherwise, we will follow what my good friends, very bright "boys" such as the one who purportedly today is the Chair of the Departmental Committee for Trade, Industry and Cooperatives has espoused about the competency and suitability of the nominee. This is because, I trust the economist very well. The Committee has not misled this House. Let the Committee know that the evidence they have adduced here will follow suit. Should anything happen in future, we will ensure that we follow you.

Thank you very much and I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Well, the Hon. Member does not take individual responsibility. He was doing that on behalf of the Committee. The decision will be made by Hon. Members. Let us have Hon. Makali.

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Speaker. Let me also take this opportunity to congratulate the Committee for the good work they have done. Listening to the Mover of this Motion, it was very clear that a lot of work has been done and the vetting has been very effective. I support the appointment of Amb. Johnson Weru.

I know Weru in person. We worked together at one point when I was a consultant in the Governance, Justice, Law and Reform Programme. He was the liaison person for the Government of Kenya. I can confirm to Hon. Members that this officer is very competent in the Republic of Kenya. He is also very committed to his work. He is an officer who works not caring much about the pay, but works to get results.

That time the programme was promoting the issue of results-based performance, so that you work more looking at the results rather than the processes. I can tell you that if we want a PS who will work to achieve results in this important docket, we cannot get a better person than Amb. Johnson Weru. Having been the Director of Trade at one point, I can assure this House that in terms of competency and experience, he will deliver in this docket. I only wish that we give him the necessary support in terms of ensuring that we are providing the resources.

This country is facing the challenge of counterfeit goods. That is a fact and we need somebody who can clean that process so that we develop our own local industries. Then we can achieve the Big Four Agenda and contribute to the Gross Domestic Product (GDP) of 15 per cent.

The other issue is that of the pending bills in this Department. The Mover of this Motion will agree with me that, at one point, they had a serious challenge getting officers from that Department coming to interact with the Committee whenever they were doing their oversight work. However, I can assure them that with Amb. Johnson Weru, the Committee will get all the

co-operation they require to drive this country to the next level.

With those remarks, I support his appointment.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Well, what is out of order Hon. Kioni?

Hon. Jeremiah Kioni (Ndaragwa, JP): I rise under Standing Order No.95 to ask that we allow the Mover to reply for reasons that he decided to do everything. He did a very thorough job. Others are saying he is the best, but you remember what I had said earlier on. The contributions from the two other Hon. Members suffice because we are all in agreement as to the quality of these individuals. So, I ask that we allow the Mover to reply.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well. I must deduce on the degree of the mood in the House. Hon. Oundo seems to have got quite a bit of compliments having been very detailed in his moving.

(Question, that the Mover be now called upon to reply, put and agreed to)

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Hon. Temporary Deputy Speaker, as I conclude and move to reply, let me just state one or two issues.

Dr. Makali Mulu has raised the issue. Yes, we have had challenges with the past CS. We hope now with the new CS, PS and a new PS in charge of Industrialisation, we should take this sector to the next level.

With those few remarks I beg to reply.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well, Hon. Members. We shall also pend putting the Question on that particular item to a subsequent time.

(Putting of the Question deferred)

Next Order!

APPROVAL OF NOMINEE FOR
APPOINTMENT TO THE STATE DEPARTMENT FOR TRANSPORT

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Speaker, I beg to move the following Special Motion:

THAT, taking into consideration the findings of the Departmental Committee on Transport, Public Works and Housing in its Report on the vetting of the nominee for appointment as a Principal Secretary, laid on the Table of the House on Wednesday, February 26, 2020, and pursuant to the provisions of Article 155(3)(b) of the Constitution and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of Mr. Solomon Kitungu as the Principal Secretary for the State Department for Transport.

The candidate was nominated in accordance with Article 155 (3) of the Constitution and we made that as a condition. The Constitution requires that the candidate must have been nominated on the list presented by the Public Service Commission to His Excellency the President. This Committee, therefore, confirms that the candidate was on that list.

Secondly, the nominee exhibited vast knowledge and experience having served in various capacities and as a career civil servant from 1991 with experience, especially in the investment sector. We also found out that he went to one of the best universities in the world where I was - and not the University of Nairobi - but University of Bradford in the UK. That is the best university in terms of management and peace studies.

Thirdly, the nominee possesses impressive knowledge of topical issues that we asked him, one of which was restructuring of the aviation sector which we are doing as a Committee and a nation. When we put the nominee to task about those issues, he convinced us. We wanted somebody who is also convinced that this industry requires restructuring so that we can save our nation in aviation, particularly Kenya Airways.

Fourthly, in accordance to Article 78(1) (2), he is a Kenyan citizen and does not hold dual citizenship. He is fit to hold public office. This is a very important reason from my Committee. There was a problem in this House where we had approved somebody with dual citizenship. However, my Committee just wants to confirm to the House, yourself and the people of Kenya that this one has no problem. There is no collusion and so he qualifies.

The fifth point is that his academic credentials are above board. He is well read and has many certificates among them from the University of Bradford where I was.

Reason No.6 why my Committee is asking the House to approve the candidate is that he satisfies the requirements of Chapter Six of the Constitution. It is very critical that when we appoint public servants, they should meet the requirements of Chapter Six of the Constitution which Kenyans know is about integrity. This is one of the few candidates who, when his integrity was put to question, we found he has never received an audit query and yet, he was the CEO of the Privatization Commission.

The evidence is that he was cleared by the DCI, the Registrar of Political Parties (RPP), he does not hold any seat in political parties and was also cleared by HELB because he paid his loan in accordance with the law and EACC. When he was cleared by those institutions, we just had to present him to the House as fit to hold the position.

Reason No.7 from my Committee is that the nominee has never been charged in a court of law having been cleared by the DCI. He has not been involved in the fracas we hear around. Reason No.8 from my Committee is that, as stipulated under Article 75(1) of the Constitution, he has no potential conflict of interest. My Committee looked through this and we can confirm to the House that there is no conflict of interest as he joins us. Reason No.9 why we want to convince you and the people of Kenya to agree is that he satisfies the requirements of Article 77(1) of the Constitution in that, he does not intend to participate in any other gainful employment.

Reason No.10 is that he does not hold office in any political party as I said earlier. This is also a requirement by the Constitution in Article 77(2). Finally, we want to apprise the House and ask it to agree with us as a Committee that the nominee has never been dismissed from office under Article 75 of the Constitution and for contravention of the provisions of Article 75(1). Therefore, if a candidate has all these things, in fairness, there is no reason to deny that person an opportunity.

As I conclude, let me clear the air about some small issues which occurred during the vetting process. One of them which is good for the people of Kenya to hear so that they do not think we did not know is there was some information that came to the Committee that the candidate did not have a performance record attached to his name. When the candidate was taken

to task about it when he was at the Privatization Commission, the question he was asked was how many institutions he privatised?

The candidate convinced the Committee that he was a boardroom officer and had done extremely well as required of him. This is because being a boardroom officer you do not make decisions. He rose from the smallest rank of entry into the Public Service until Job Group S as a director. For those who worked in the Public Service before, you know this rank is for a boardroom officer. You do cabinet memos and lead research. If you receive a letter from another Ministry, the PS or CS marks it to you to research and present back to them and the Board. We inquired and found the nominee did extremely well in his responsibilities.

The evidence is that he rose uninterrupted from Job Group K up to R which means he was doing very well. So, we cannot blame the candidate for his success. This is because the success of the CS was the success of this candidate since he was the brain behind. Therefore, we give him credit. He actually did a lot of cabinet memos that were approved and implemented and were from the mind of the candidate, Solomon Kitungu.

We want to tell Kenyans that when he was the CEO of the Privatization Commission, there was a moratorium not to proceed with privatisation issues. So, you cannot blame a candidate when there was a moratorium. But what he was expected to do, he did. We want to convince this House and the people of Kenya to give this man a chance. From the 10 reasons we have given you, we are sure you are convinced.

With those few remarks, I move and ask Hon. Architect Kiaraho to second. I have called him Architect because my Committee is full of professionals. So, it is good to recognise them. I beg to move.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Who did you indicate to second?

Hon. David Pkosing (Pokot South, JP): Hon. Architect Kiaraho. He is a professional. He is a serious man.

Temporary Deputy Speaker (Hon. Patrick Mariru): There he is. Hon. Kiaraho, you have the Floor.

Hon. David Kiaraho (Ol Kalou, JP): Hon. Temporary Deputy Speaker, I seek to second the Motion for approval of Solomon Kitungu as the Principal Secretary for State Department of Transport. In seconding the Motion, I would like to point out some of the cardinal points we considered as a Committee during the vetting process.

We all know that the transport sector is one of the very key engines as we steer our country ahead. Considering the sensitivity of this docket, as a Committee, there were a few key issues we were particularly keen on, more particularly the academic qualifications, employment record and relevance of this to this position, knowledge of the relevant subject, integrity, overall suitability for the position, potential conflict of interest, just to state but a few. We all know what the transport industry has been undergoing in this country. When you look at the airports, the matatu industry and many other sectors which are related to the transport industry... As a Committee, we scrutinised all the issues as presented by the nominee and found them factual and accurate. It is important I point out the fact that the nominee related very well and in view of this, we found him fit for appointment as the Principal Secretary for State Department of Transport.

I second.

(Question proposed)

The Temporary Deputy Speaker (Hon. Patrick Mariru): We shall start with Hon. Jaldesa.

Hon. (Ms.) Rehema Jaldesa (Isiolo CWR, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to also support this candidate. As a member of the Departmental Committee on Transport, Public Works and Housing, I participated in the rigorous vetting process of one Solomon Kitungu, the nominee for Principal Secretary for State Department of Transport. This is one candidate who has demonstrated a lot of capacity, especially technical, in as far as his appointment is concerned. He was able to convince this Committee that given the chance, he will turn around the transport sector within a short time.

A lot has been said about him in as far as academic is concerned. What impressed me the most is the fact that for the 35 years he was in public service, he did not have a single incident of corruption or integrity issue. I was also impressed with his level of understanding of the market.

Therefore, Hon. Deputy Speaker, I highly support the nomination of this candidate.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Ayub Angatia.

Hon. Ayub Angatia (Lugari, ANC): Thank you, Hon. Temporary Deputy Speaker. I also rise to support the Special Motion on the approval of the nominee.

Hon. Temporary Deputy Speaker, I want to attest to the fact presented by the Chair that Mr. Solomon Kitungu is a hardworking person. In the 11th Parliament when I was the Chair of the Departmental Committee on Agriculture and Livestock, I worked with him during the privatisation process. However, the process stalled because governors went to court to block the privatisation of state-owned sugar factories. So, Solomon Kitungu is suitable for the job.

I support Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Alexander Kosgey. Is Hon. Kosgey here?

Hon. Alexander Kosgey (Emgwen, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I also want to echo and join my colleagues in supporting the appointment of Mr. Solomon Kitungu as the Principal Secretary. We have looked at his papers and we have realised that he is a very hardworking Kenyan. He has risen through the ranks. He has not had good support from the high authority to give out all what it takes.

Hon. Temporary Deputy Speaker, I support the appointment.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Jeremiah Kioni.

Hon. Jeremiah Kioni (Ndaragwa, JP): Hon. Temporary Deputy Speaker, in supporting this appointment, I hope the pupils in schools and those who would want to be appointed to positions of this nature, can see what Parliament does. Clearance from the EACC and DCI, Certificate of Good Conduct and clearance from KRA. Let them work and be persons of integrity. Otherwise, they will never serve this country going forward. It is important for them to pay attention to the details that are being presented by the Committees. If you do not work hard when you are young to ensure that you are a person of integrity, you have no opportunity in serving this country going forward.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. John Mose.

Hon. John Mose (Kitutu Masaba, JP): Thank you, Hon. Temporary Deputy Speaker for giving me a chance to also contribute. This nominee, Solomon Kitungu, has very good academic credentials. In fact, to have scored Division I of thirteen points during those days, was very impressive. So, right from the beginning, his academic credentials were extremely good.

Secondly, Hon. Temporary Deputy Speaker, Solomon Kitungu is an alumni of the University of Nairobi (UoN), where I also studied some years later. As the Chair said, Mr.

Kitungu went to the University of Bradford. He actually forgot to say that his first stint was in the University of Nairobi which prepared him.

Lastly, Hon. Temporary Deputy Speaker, one of the most impressive things about the nominee is that he was extremely enthusiastic, aggressive and waiting to be given an opportunity to serve Kenyans not in the boardroom, but in the public. He was also determined to make a contribution and serious change in the industry, which has had serious challenges.

I want to give him this opportunity so that he is able to prove to Kenyans that despite the challenges that he has had in the boardroom - making very good decisions and unable to implement - he now has the opportunity to implement the same.

Thank you, Hon. Deputy Speaker, I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Benjamin Washiali do you want to have a stab on this? We have few minutes to when the House must rise. Hon. Benjamin Washiali.

Hon. Benjamin Washiali (Mumias East, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity.

Hon. Deputy Speaker, I want to support the position of the Committee. Mr. Solomon Kitungu is a person I have known very well especially when he was in the Privatization Commission, together with Wycliffe Etemesi. They did a good job only that we politicised the privatisation sector and that is why he could not achieve what he would have wished to. Otherwise, he is a very good man and I congratulate him on how far he has come. I wish him the best if he is finally appointed as the Principal Secretary for Transport.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well. Finally, let us have Hon. Kemosi.

Hon. Vincent Kemosi (West Mugirango, FORD-K): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I support the appointment of Hon. Kitungu as the PS for Transport. I am very sure that Hon. Kitungu will be able to steer the State Department for Transport forward. That Department has had challenges right from the Kenya Airports Authority (KAA), the Kenya Ferry Services (KFS) and Kenya Airways (KQ). I am quite sure that with his experience as the Investment Secretary or Director and having worked in other Government agencies, he has the experience required and enough training to steer forward this Department. We will be keenly watching how he will perform. We hope he will do a good job.

With those few remarks, I support the Motion.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well. Clearly, there is no further interest to speak to this. I, therefore, call the Mover, Hon. Pkosing, to reply.

Hon. David Pkosing (Pokot South, JP): Thank you, Hon. Temporary Deputy Speaker. Allow me this great opportunity to thank my Committee. This is a very able Committee. We took the candidate to task to demonstrate that he is suitable for this position. I thank my Committee of 19 Members. It is important to say that during the vetting process, there was 100 per cent attendance of my Committee. It is not easy to see 19 Members attend a Committee meeting, but this is one of them. I thank them.

Secondly, Members have spoken about a number of issues which I want to clarify and give assurances. It has been said by one honourable Member that this candidate was doing a lot of things in the boardroom in terms of writing papers. Therefore, I am happy that the Members who have spoken have given him a lot of accolades and the opportunity to implement what he was doing in the boardroom. That is the best platform for any Kenyan to judge the candidate whether wrongly or rightly. That is the best opportunity. This is a message to the candidate that

Kenyans are watching you. You have done very well in the boardroom. People now want to see you working very well now that you have been given an opportunity to implement the things that you were doing in the boardroom.

Secondly, the candidate is coming in at the most important time in the transport sector. Why? In the last Session, this Parliament approved the nationalisation of Kenya Airways because we want to save our pride. We want to send a very clear message to the candidate that as a Committee, we expect him to expedite the process of the nationalisation of KQ. If Parliament agrees with us, the candidate should get the opportunity to implement the nationalisation of KQ. Kenya Airways is our pride. It takes our flag all over the world. That is why this House saw it fit to nationalise it so that it can go high in terms of taking our flag all over the world. I am sure the candidate knows that his tray is already full.

The Standard Gauge Railway (SGR) is one of our national investments and resource. We need to find a proper way of funding the operation of the SGR. The SGR has produced sufficient resources in terms of revenue, but that revenue is going to waste. We must find a policy on how to deal with that. I am sure the candidate has heard. I thank the honourable Members who made positive contributions.

With those few remarks, I beg to reply.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well, Hon. Pkosing. On that Special Motion, we shall pend putting the Question to another time, possibly tomorrow.

(Putting of the Question deferred)

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, the time being 7.00 p.m., this House stands adjourned until Thursday, 27th February 2020, at 2.30 p.m.

The House rose at 7.00 p.m.