

**PARLIAMENT OF KENYA****THE NATIONAL ASSEMBLY****THE HANSARD****Thursday, 25<sup>th</sup> November 2021**

The House met at 2.30 p.m.

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

**PRAYERS****QUORUM**

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Members, I order that the Quorum Bell be rung for 10 minutes, so that we can settle down for business.

*(The Quorum Bell was rung)*

Order, Hon. Members! Order! We are now ready to begin.

**COMMUNICATION FROM THE CHAIR**

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Order, Hon. Members! Take your seats.

*(Several Hon. Members walked into the chamber)*

Order, Hon. Members! The Members coming in, take your seats quickly. Hon. Members, I have two Communications to convey to the House.

**RECOGNITION OF A VISITING DELEGATION FROM  
THE PARLIAMENT OF SOUTH SUDAN**

First, I wish to introduce to you a delegation of Members of Parliament and staff from the Parliament of South Sudan seated at the Speaker's Row.

*(Applause)*

The delegation comprises of the following Members:

1. Hon. Mary Nawai Martin - Minister of Parliamentary Affairs and Leader of Delegation;

- |     |                             |   |              |
|-----|-----------------------------|---|--------------|
| 2.  | Hon. Veronica Nyantouj Ring | - | Member;      |
| 3.  | Hon. Banguot Amum           | - | Member;      |
| 4.  | Hon. Abuk Malual Akeen      | - | Member;      |
| 5.  | Hon. Lily Kiden Eluzai      | - | Member;      |
| 6.  | Hon. Suzan Perembata        | - | Member;      |
| 7.  | Hon. Anna Doki              | - | Member;      |
| 8.  | Hon. Peres Nuba Chatim      | - | Member;      |
| 9.  | Hon. Maridi Luigi Adwok     | - | Member;      |
| 10. | Hon. Victoria Benjamine     | - | Member;      |
| 11. | Hon. Rebeka Anai Dhiop      | - | Member;      |
| 12. | Hon. Monica Juan Lino       | - | Member;      |
| 13. | Hon. Mary Apar Deng         | - | Member;      |
| 14. | Hon. Linda Andrea Apaya     | - | Member; and, |
| 15. | Hon. Sarah Nyakuoth Kuach   | - | Member.      |

The delegation is also accompanied by:

- |    |                            |   |  |
|----|----------------------------|---|--|
| 1. | Mr. James Francis Kutiyote | - | Undersecretary of Parliamentary Affairs; |
| 2. | Ms. Victoria Moris Nyakuwo | - | Private Secretary;                       |
| 3. | Mr. Dominic Kango Amos     | - | Protocol Officer;                        |
| 4. | Ms. Shukria Sayed          | - | UN Women Representative;                 |
| 5. | Mr. Edmund Yakani          | - | Coordinator CEPO; and,                   |
| 6. | Mr. Nema Juma              | - | Media, Juba Monitor Newspaper.           |

Hon. Members, the delegation is in the country on a benchmarking visit to our Parliament, specifically to share experiences and learn good practices with their counterpart committees.

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

#### SITTING ARRANGEMENT DURING THE STATE OF THE NATION ADDRESS BY HIS EXCELLENCY THE PRESIDENT

Hon. Members, I have a second Communication which concerns the sitting arrangements during the State of the Nation Address by His Excellency the President of the Republic of Kenya.

Hon. Members, you will recall that on Tuesday, 23<sup>rd</sup> November 2021, I conveyed a Message from His Excellency the President regarding the 2021 State of the Nation Address to Parliament pursuant to Article 132(1). The Address is scheduled to take place on Tuesday, 30<sup>th</sup> November 2021, at 2.30 p.m. in the National Assembly Chamber.

Hon. Members, you will agree with me that these are difficult times due to the ongoing global pandemic necessitating reconsideration of some of our processes. In this regard, I wish to guide the House as follows:

1. Akin to the situation during the State of the Nation Address last year, Members of Parliament will not be allowed to invite guests to this year's event. This is in keeping with the Ministry of Health's advisory on the capacity of our Chamber and other holding areas within the precincts. Additionally, members of the public will also not be invited to the event.
2. The Speakers of the Houses of Parliament have agreed on a sharing formula for the 120 seats available in the National Assembly Chamber. Ninety-four seats will be reserved

for use by Members of the National Assembly while the rest will be reserved for use by the Senate.

3. With respect to seats reserved for the National Assembly, a number of them will be reserved for the leadership of the House while the balance of the seats available will be occupied on a first-come basis. The Clerk will notify Members on the number of seats available under this category by close of business tomorrow, Friday, 26<sup>th</sup> November, 2021.
4. Members of Parliament who may have interacted with persons exposed to COVID-19 are advised to refrain from attending the function.
5. Having consulted with the relevant State departments, only a limited number of Members will be allowed to receive His Excellency the President. Specifically, only the Speakers of the Houses of Parliament, the Deputy Speakers, and the Leaders of the Majority and Minority parties of both Houses will form the receiving delegation.
6. To facilitate the arrangements ahead of the event, all vehicles parked at the Parliament courtyard should be removed not later than Friday, 26<sup>th</sup> November 2021 at midday.

Hon. Members, as we look forward to the Special Sitting, may I reiterate my clarion call to all Members to be extra vigilant and adhere to the existing directives and protocols regarding the control and prevention of COVID-19. The House is accordingly guided.

Next Order.

*(Several Hon. Members walked into the Chamber)*

Hon. Members, kindly be quick in taking your seats.

## MESSAGE

### NOMINATION OF PERSONS FOR APPOINTMENT AS CHAIRPERSON OF PUBLIC SERVICE COMMISSION AND MEMBERS OF NATIONAL GENDER AND EQUALITY COMMISSION

Hon. Members, I have a Message No. 047 of 2021 from the President. The Message is on the nomination of persons for appointment as Chairperson of the Public Service Commission and members of the National Gender and Equality Commission.

Pursuant to the provisions of Standing Order No.42, I wish to convey the following two Messages from His Excellency the President relating to the nomination of persons for appointment to the offices of the Chairperson of the Public Service Commission and members of the National Gender and Equality Commission, respectively.

In the first Message, His Excellency the President conveys that in exercise of powers conferred on him by Article 233(2) of the Constitution, Paragraph 3 of the First Schedule to the Public Service Commission Act No. 10 of 2017, as read together with Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, he nominates Amb. Anthony Mwaniki Muchiri for appointment as the Chairperson of the Public Service Commission.

In the second Message, His Excellency the President conveys that in exercise of powers conferred on him by Article 250(2)(b) of the Constitution and Section 11(6) of the National Gender and Equality Commission Act No.15 of 2011, as read together with Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act No.33 of 2011, he nominates Ms. Caroline Naikena

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Lentupuru and Mr. Thomas Okoth Koyier for appointment to the office of member of the National Gender and Equality Commission.

His Excellency the President, therefore, seeks the approval of this House for appointment of the nominees to the aforementioned State offices.

Standing Order No.45 requires that upon receipt of notification of nomination for appointment, such nomination shall stand committed to the relevant departmental committee of the House for consideration. In this regard, pursuant to the provisions of that Standing Order and Standing Order No.42(3) on Messages from the President, I hereby refer the Message relating to appointment of persons to the National Gender and Equality Commission to the Departmental Committee on Labour and Social Welfare to undertake the necessary approval hearings. Similarly, I also refer the nomination of the Chairperson of the Public Service Commission to the Departmental Committee on Administration and National Security to also undertake the necessary approval hearings.

Hon. Members, whereas the Public Service Commission Act, 2017, and the National Gender and Equality Commission Act, 2011, provide a lesser period within which the House is to consider the respective nominees, Section 8 of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011 requires the National Assembly to undertake the exercise within 28 days. In this regard, the committees should undertake approval hearings and submit their report within the 28-day period provided for in the Public Appointments (Parliamentary Approval) Act No.33 of 2011, being the most recent amendment made by Parliament with respect to the general period of vetting State appointees.

Hon. Members, in view of the above, I wish to guide the two departmental committees and the House as follows:

- (i) That the committees should notify the nominee and the general public of the time and place for holding the approval hearings in good time. The notification should, therefore, be made tomorrow, Friday, 26<sup>th</sup> November 2021; and,
- (ii) That the committees should thereafter commence the necessary approval hearings and submit their respective reports to the House within the statutory timelines.

Hon. Members, to this end, noting that the House will proceed on its long recess from Friday, 3<sup>rd</sup> December 2021, in accordance with its published Calendar for the Regular Sessions, committees should expeditiously notify the nominees and the general public of the respective times and places for holding the approval hearings and, thereafter, upon conclusion of the hearings and adoption of their reports, submit the same to the Speaker to enable the House to consider the matter within the statutory timelines.

Thank you, Hon. Members. Next Order.

## PETITIONS

### ENCROACHMENT OF SCHOOL LAND IN CHANGAMWE CONSTITUENCY

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Members, we have two Petitions, and we can start with the one from the Member for Changamwe, Hon. Omar Mwinyi.

**Hon. Omar Mwinyi** (Changamwe, ODM): Thank you, Hon. Temporary Deputy Speaker. First and foremost, I wish to join you in welcoming our guests to our beautiful country. I wish them a good stay and good learning experience in our beautiful country, together with its people.

I, the undersigned, on behalf of the Boards of Management, parents and students of Changamwe Primary School, Changamwe Secondary School and Changamwe Girls Secondary School in Changamwe Constituency, draw the attention of the House to the following:

THAT, Article 60 of the Constitution of Kenya, 2010 provides that land in Kenya is to be held, used and managed in a manner that is equitable, efficient, productive and sustainable, and in accordance with, among others, the principles of equitable access to land, security of land rights and transparent and cost effective administration of land;

THAT, Changamwe Primary School, Changamwe Secondary School and Changamwe Girls Secondary School currently occupy the land registered as Plot No. MN/VI/3458R in Changamwe Constituency, which was procedurally and legally allocated to them as public utility land by the Municipal Council of Mombasa;

THAT, part of the land was irregularly hived off and allocated to M/s Turf Developers Limited of P.O. Box 43240 Mombasa, on a ninety nine-year lease;

THAT, in May 2000, the proprietors of Turf Developers proceeded to erect a wall around the said parcel of land and illegally took possession of it, thereby denying the schools their right of access to the land;

THAT, this illegality has greatly inconvenienced the three schools since it deprives them of the use and enjoyment of the land, which is urgently needed for their daily use and future expansion plans, in view of the fact that the schools have a combined population of over 2,000 learners whose education is now in jeopardy;

THAT, repeated attempts by the Boards of Management, teachers and parents of the three schools to seek appropriate redress concerning the illegal dispossession of their land have not borne much fruit; and

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

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

- a) Urgently intervenes to secure comprehensive investigation of the matter by the Ministry of Lands in collaboration with the National Land Commission with a view to facilitating the reverting of the said parcel of land back to Changamwe Primary School, Changamwe Secondary School and Changamwe Girls Secondary School.
- b) Makes any other orders in the interest of the pupils and students of the three schools as it deems fit in the circumstances of the Petition.

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

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): The Petition is duly referred to the Departmental Committee on Lands. Let us have the next Petition to be presented by Hon. Ali Menza, Member for Kisauni.

#### ENFORCEMENT OF THE MARITIME LABOUR CONVENTION, 2006

**Hon. Mbogo Ali** (Kisauni, WDM-K): Thank you, Hon. Temporary Deputy Speaker.

I, the undersigned, on behalf of Seafarers in the Republic of Kenya, draw the attention of the House to the following:

THAT, the Maritime Labour Convention, 2006, is an international labour convention under the International Labour Organisation of the United Nations which came into force on 20<sup>th</sup> August 2013;

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THAT, the convention aims at establishing minimum working and living standards for all seafarers on ships by taking into account their medical care, health and social insurance, as well as securing fair competition among ship-owners in order to ensure real change for seafarers and ship-owner rights among other objectives;

THAT, Kenya is a member of the International Maritime Organization (IMO) and International Labour Organization (ILO);

THAT, on 31<sup>st</sup> July, 2014, the Government of Kenya deposited with the International Labour Office the instrument of ratification of the Maritime Labour Convention, 2006;

THAT, on 1<sup>st</sup> July 2021, the National Assembly's Departmental Committee on Transport, Public Works and Housing held a meeting with the Principal Secretary of the State Department for Maritime, the Principal Secretary for Internal Security and other Government officials, during which it was reported that despite having ratified the said convention, Kenya is yet to ratify its later amendments;

THAT, the Government's disclosures imply that Kenyan seafarers are at an ongoing risk of being exposed to a potentially hostile, rigid and harsh internal and external working environment that may result to low productivity, high workers turn-over rates and other undesirable effects;

THAT, currently, multinational shipping companies are dominating the Kenyan shipping industry, with many of them being accused of discriminating citizens in terms of employment opportunities, wages and working conditions;

THAT, the difficult situation in the Kenyan Maritime Industry calls for the full implementation of the Maritime Labour Convention, 2006;

THAT, efforts to have the matters contained in this Petition with relevant Government authorities have been futile;

AND THAT, the matters contained in this Petition are not pending before any court or law, or any constitutional or legal body.

Now, therefore, your humble petitioners pray that the National Assembly, through the Departmental Committee on Transport, Public Works and Housing:

- (i) intervenes to secure the operationalisation of the signed agreement between the Mombasa Seafarers Charter and the Government of Kenya;
- (ii) secures inclusivity and equal participation of all seafarers' organisations as stakeholders in decision and policy making, and development of any regulations pertaining the blue economy and maritime affairs from time to time as per Article 232 of the Constitution and Section 11 of the Merchant Shipping Act, 2009;
- (iii) recommends the establishment of public seafarers recruitment and replacement services for seafarers domiciled in the Kenyan territory which will provide equal access to seafarers without discrimination, corruption and favouritism as far as the Maritime Labour Convention, 2006 is concerned;
- (iv) secures the enforcement of International Convention on the Safety of Life at Sea to enable seafarers gain employment in port facility and ship trading in Kenyan waters;
- (v) secures the ratification of the Cabotage Law by the Government to allow seafarers to have employment opportunities within ships trading in the Kenyan territory;
- (vi) secures equal representation of seafarers organisations as stakeholders to the Board of Directors of the Kenya Maritime Authority, Kenya Ferry Services, Kenya Coast Guard and the Blue Economy Board as required by Section 6(d) of the Merchant Shipping Act, 2009, and Article 10 of the Constitution;

(vii) recommends the availing of financial assistance in form of grants to seafarers to aid in skills training;

(viii) recommends the release of names of all current employees of the Kenya Maritime Authority and secures open employment opportunities to seafarers; and

(ix) secures the full implementation and enforcement of the Maritime Labour Convention, 2006, including its amendments.

And your petitioners will ever pray.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): The Petition is duly committed to the Departmental Committee on Transport, Public Works and Housing.

Next Order.

*(Loud consultations)*

I see more than 16 names here. So, I was assuming these Members are pre-empting other debates.

We can move to the next Order.

## PAPERS LAID

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): The Leader of the Majority Party.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Temporary Deputy Speaker, I beg to lay the following Papers on the Table of the House:

The Special Audit Report of the Auditor-General on the National Hospital Insurance Fund – Payment Platform Linda Mama Programme and Tender for Civil Servants, Police Officers and Prison Wardens.

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2021, and the certificates therein:

- (1) Data Collection and Data Base Development Project; and,
- (2) National Government Constituencies Development Fund.

Report of the Auditor-General and Financial Statements of Mathenge Technical Training Institute for the year ended 30<sup>th</sup> June 2020, and the certificate therein.

Reports of the Auditor-General and Financial Statements in respect of Suba South Constituency for the year ended 30<sup>th</sup> June 2019, and Kilifi North Constituency for the year ended 30<sup>th</sup> June 2020, respectively and the certificates therein.

Report of the Auditor-General and Financial Statements of the Kenya Maritime Staff Mortgage and Car-loan Scheme for the years ended 30<sup>th</sup> June 2014; 30<sup>th</sup> June 2015; 30<sup>th</sup> June 2016; 30<sup>th</sup> June 2017; 30<sup>th</sup> June 2018 and 30<sup>th</sup> June 2019, respectively and the certificates therein.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Chairperson, Departmental Committee on Education and Research.

**Hon. (Ms.) Florence Mutua** (Busia CWR, Busia): Hon. Temporary Deputy Speaker. I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Education and Research on its consideration of the Universities (Amendment) Bill (National Assembly Bill No. 35 of 2021).

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): The Chairperson of the Departmental Committee on Environment and Natural Resources.

**Hon. Kareke Mbiuki** (Maara, JP): Hon. Temporary Deputy Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Environment and Natural Resources on its consideration of the Wildlife Conservation and Management (Amendment) Bill (Senate Bill No. 30 of 2020).

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Next Order.

### NOTICE OF MOTION

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Under Order No.6, we have the Hon. Member for Kamukunji, *ambaye ako na Arifa ya Hoja kuhusu kubuniwa kwa Baraza la Kiswahili*.

#### KUBUNIWA KWA BARAZA LA KISWAHILI LA KITAIFA

**Hon. Yusuf Hassan** (Kamukunji, JP): Mhe. Naibu Spika wa Muda, naomba kutoa Arifa ya Hoja kuwa:

Tukitambua kifungo cha 7 cha Katiba ya Kenya kimebainisha lugha ya Kiswahili ni lugha pekee ya kitaifa na pia ni lugha rasmi pamoja na Kingereza katika nchi ya Kenya; aitha Serikali imepewa wajibu wa kulinda na kuendeleza lugha tofauti za watu wa Kenya na kukuza matumizi ya lugha za kiasili nchini; tukitanahabi kwamba Kiswahili ni mojawapo ya lugha rasmi za Umoja wa Nchi za Africa, na hivi majuzi tu Umoja wa Mataifa pia umeweka siku maalum, tarehe 7 Julai, kama siku ya kuadhimisha lugha ya Kiswahili kote duniani; na pia Vifungo vya 119 na 137 vya Mkataba wa Uanzilishi wa Jumuiya ya Afrika Mashariki, Serikali na Dola za Afrika Mashariki zimewajibika kustawisha na kuendeleza lugha ya Kiswahili kama lugha ya umoja katika nchi za Afrika Mashariki...

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Order, Members. Kindly, let us consult in low tones.

**Hon. Yusuf Hassan** (Kamukunji, JP):

Tukifahamu kuwa nchi ya Tanzania iliunda Baraza la Kiswahili la Kitaifa (BAKITA) katika mwaka wa 1967, na pia Zanzibar ikabuni Baraza la Kiswahili la Zanzibar (BAKIZA) katika mwaka wa 2004 kwa madhumuni ya kukuza na kuimarisha na kuendeleza mbele lugha ya Kiswahili katika Tanzania Bara pamoja na visiwa vya Zanzibar; tukitambua kwamba mukutano wa tatu wa Baraza la Mawaziri wa Kenya uliofanyika Tarehe 14 Agosti, 2018, uliidhinisha kuanzishwa kwa Baraza kuu la Kiswahili la Kitaifa kuambatana na Kifungo cha 137 cha Mkataba wa Uanzilishi wa Jumuiya ya Afrika Mashariki; ikifahamika kwamba Kiswahili ni lugha ya kiasili kwa jamii za eneo la Pwani nchini Kenya na pia idadi kubwa ya Wakenya ni wazungumzaji wa lugha ya Kiswahili; tukijua kwamba lugha ya Kingereza ina nguvu sana katika mawasiliano rasmi na kwa hivyo kuchangia kudhoofika kwa lugha yetu ya Kiswahili; tukitambua uamuzi wa Baraza la Mawaziri kuhusu kubuniwa kwa halmashauri kuu ya Kiswahili ya kitaifa bado



haujatekelezwa, kwamba Bunge hili linahimiza Serikali kuu, kupitia Wizara ya Michezo, Utamaduni na Uridhi, kuanzisha rasmi Baraza kuu la Kitaifa na kuzindua mikakati, mbinu na sera mahususi zinazohitajika kukuza na kuendeleza lugha ya Kiswahili na kushirikiana na vyombo vingine vya kitaifa na vya kibinafsi vinavyohusika na uboreshaji wa lugha ya Kiswahili.

Asante sana, Mhe Naibu wa Spika wa Muda.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Next Order!

*(The Temporary Deputy Speaker consulted with the Clerks-at-the-Table)*

Hon. Members, I wish to reorganise the Order Paper. I order that we move to Order No.9, then go to Order Nos.10, 11, 12 and 13. Then we can come back to Order No.7.

*(Hon. Mbogo Ali crossed the Floor without bowing to the Bar)*

Order, Members! Who is the Member who has just crossed the aisle? You know I cannot tell who is behind the mask. Just stand, do the right thing and then go wherever you want to go. Unfortunately, I cannot tell who it is. It is Hon. Menza. You were going to the other side, but you have decided to remain where you were.

*(Hon. David ole Sankok stood in his place)*

Order, Members! Hon. Sankok take your seat.

## CONSIDERATION OF REPORT AND THIRD READING

### THE COMMUNITY GROUPS REGISTRATION BILL

*(Question put and agreed to)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): I call upon the Mover to move the Third Reading.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Temporary Deputy Speaker, I beg to move that the Community Groups Registration Bill (National Assembly Bill No.20 of 2021) be now read a Third Time.

I thank all the Members who participated in the processing of this Bill on the Floor of the House as well as in the committees as it came to fruition. I also request Hon. Wangwe to second.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Order, Members!

*(Question proposed)*

**Hon. Members:** Put the Question!

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Should I put the Question?

**Hon. Members:** Yes.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Okay. Having confirmed that we are properly constituted, I go on to put the Question.

*(Question put and agreed to)*

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

## CONSIDERATION OF REPORT AND THIRD READING

### THE LANDLORD AND TENANT BILL

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Order, Members!

*(Question put and agreed to)*

I call upon the Mover to move Third Reading.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Temporary Deputy Speaker, I beg to move that the Landlord and Tenant Bill (National Assembly Bill No.3 of 2021) be now read a Third Time.

Once again, I thank all the Members who participated in the processing of this Bill, as well as members of the public who appeared through public participation. At last, we now have a law that will sort out the relations between landlords and their tenants. I also request Hon. Pkosing to second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Pkosing.

**Hon. David Pkosing** (Pokot South, JP): Thank you, Hon. Temporary Deputy Speaker. I beg to second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Order!

*(Question proposed)*

**Hon. Members:** Put the Question.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): I see there is an interest to give comments.

Proceed, Hon. Duale.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, this is a very important Bill. We managed to increase the period in which a landlord can give notice of eviction to a tenant. But this House in its wisdom; the Members decided, it should be one month. Since this Bill will go to the Senate, I will follow it up there.

Tenants are very important people. They are in the middle class and ‘hustlers’ of this country, and we must protect them. At least, they should be given three months. So, I want to go on record that I will talk to my colleagues in the Senate, so that they can be given three months. One month is too short for somebody to be given a notice of eviction.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Order, Members. I will go on to put the Question having confirmed that we are properly constituted.

*(Question put and agreed to)*

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

Next Order.

## CONSIDERATION OF REPORT AND THIRD READING

### THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Order, Members!

*(Question put and agreed to)*

Mover.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker. I beg to move that the Assisted Reproductive Technology Bill (National Assembly Bill No. 34 of 2019) be now read a Third Time.

This Bill will now give an opportunity to couples who are struggling to have children like me. The time is not too late. I also request Hon. Dawood to second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Dawood.

**Hon. Rahim Dawood** (North Imenti, JP): Hon. Temporary Deputy Speaker, I beg to second. I agree that it is going to give many couples in this country a second chance. I second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Order!

*(Question proposed)*

I see some Members who are interested in contributing. It is not debate. You will just make a few comments. It is the Third Reading. Let us have Hon. Duale.

**Hon Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, I am a man of faith. I used the Quran when I was being sworn into this House. This Bill does not conform to the teachings of the Quran or the Bible. Procreation is allowed in the Bible. If you are unable to procreate, you are asked by the Bible and the Quran to pray until you give birth. You cannot go against the teachings of the religions of God.

I oppose the Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Let us have Hon. Sankok.

**Hon. David ole Sankok** (Nominated, JP): Thank you very much, Hon. Speaker. I rise to support the Bill. It is very important for us to give others a second chance. God gave us a chance to pray, but also gave us knowledge of science so as to assist in procreation. God gave us legs to walk, but also gave us knowledge to create aeroplanes so that we can fly. If we can use technology, which is knowledge given by God, for procreation, so be it.

I support the Bill and request all Members to support it. It is the first time that I have contradicted the former Leader of the Majority Party, His Excellency Aden Duale. With all due respect, your Excellency, allow me to oppose you for the very first time.

I also insist that scientists should ensure that they follow due diligence, so that we do not end up producing super-humans in laboratories who will extinguish the human race.

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I support the Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): I will give an opportunity to Hon Millie, as the Mover, but let us not go back to debate.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker. This matter was debated by Members. We have taken into account the religious issues. As a Christian, my faith allows me. Those who want to put limitations are allowed to do so by way of amendments.

This Bill will go to the Senate. My brother, Hon. Duale, can go to the Senate and seek an amendment limiting Muslims because the Constitution allows you to be limited on matters of personal law. You can limit it for Muslims. As a Christian, who is both a Seventh-Day Adventist and a Pentecostal, I am allowed. Because I do not have a child and I am not as lucky as he is, he should give an opportunity to those of us who cannot have children naturally to do so. Maybe he prays better than I do. I pray, but my faith may be more limited than his. Let my faith work for me through the doctors, whom God has used.

I thank all those who have supported the Bill.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Order, Members. Can the Members walking in take their seats?

Having confirmed that the House is properly constituted, I will put the Question.

*(Question put and agreed to)*

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

## CONSIDERATION OF REPORT AND THIRD READING

### THE KENYA DEPOSIT INSURANCE (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Order, Members. Take your seats.

*(Question put and agreed to)*

Let us have the Mover.

**Hon. Rahim Dawood** (North Imenti, JP): Hon. Temporary Deputy Speaker, I beg to move that the Kenya Deposit Insurance (Amendment) Bill (National Assembly Bill No.43 of 2020) be now read the Third Time.

I thank all the Members who have contributed to the Bill. I also thank the Chairperson of the Departmental Committee on Finance and National Planning for dropping two amendments to this Bill. This is a good Bill that will be approved within the shortest time possible of six months.

I request Hon Sankok to second.

**Hon. David ole Sankok** (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker. I thank all the Members who contributed to the Bill. I was in the House from the beginning to the end of its consideration.

I beg to second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Is that the Member for Mwatate?

*(Question proposed)*

Should I go on to put the Question?

**Hon. Members:** Yes!

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Having confirmed that the House is properly constituted, I will put the Question.

*(Question put and agreed to)*

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

## **BILL**

### *Second Reading*

THE PROVIDENT FUND (REPEAL) BILL

*(Hon. Amos Kimunya on 24.11.2021)*

*(Debate concluded on 24.11.2021 – Afternoon Sitting)*

Order, Members. Hon. Member for Mwatate, are you following what we are doing?

*(Question put and agreed to)*

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

Order, Members. I would like to reorganise the Order Paper. I order that we do Order No.8 and then go back to Order No.7.

## **PROCEDURAL MOTION**

### RESOLUTION TO HOLD A MORNING SITTING ON A SPECIFIED THURSDAY

**Hon Amos Kimunya** (Kipipiri, JP): Hon. Temporary Deputy Speaker, I beg to move the following procedural Motion:

THAT, pursuant to the provisions of Standing Order No.30(3)(b), this House resolves to hold a Morning Sitting on Thursday, 2<sup>nd</sup> December, 2021, commencing at 9.30 a.m. for purposes of considering priority business ahead of the December recess.

Hon. Members, you are aware that next week we have one day, Tuesday being taken by the State of the Nation Address. Thereafter on Wednesday, we will have some debate on the State

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of the Nation Address. We still have a lot of business on the Order Paper. So, when we discussed in the House Business Committee, we thought we could appeal to you Members that we take advantage of the morning sitting to process some of the issues that are at various stages. Some are at the Committee of the whole House, and we could do them before we go on recess rather than wait until January, so that they can at least move to the next level. I know we really appealed to you to extend sitting time to 9.00 O'clock. It has worked wonderfully. I expected that we would never make it in the sitting to 9.00 O'clock, but it has been working. The House has been full throughout, with very rich debate in the evenings. If you agree, on Thursday next week, we will start at 9.30 a.m. and continue all the way to 9.00 p.m.

Obviously, when Members attend, they are at liberty to come and prosecute their business and also do other businesses. By the time we leave for the recess at 9.00 p.m. on Thursday night, we will have, at least, covered most of the things that are on the priority list and need to be sorted out. That is the appeal to the House.

I beg to move and request my predecessor, Hon. Duale, to second.

**Hon. Aden Duale** (Garissa Township, JP): Thank you, Hon. Temporary Deputy Speaker. I think this is something we have usually been doing every time we come to the end of a Session. Tuesday will be a day we shall be occupied with a constitutional function, where the President will make an Address to the House. Following that, we need also to discuss the Speech of the President and finish any other important business before we go for the long recess. That is why we are saying that we start early in the morning on Thursday. Of course, we have a full day on Wednesday, then we start early in the morning on Thursday. That is for any other important legislative item that cannot wait for the last and the final session of this august House. Some people think they have two years. When we come back next year, that will be the final leg of the 12<sup>th</sup> Parliament. It is only one more Session. So that we do not become unfair to the people of Kenya, let us do that and support the Leader of the Majority Party's Motion.

I second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Order, Members.

*(Question proposed)*

*(Question put and agreed to)*

## ORDINARY QUESTIONS

*Question No.486/2021*

### ESTABLISHMENT OF PUBLIC UNIVERSITY IN TRANS NZOIA COUNTY

**Hon. (Ms.) Janet Nangabo** (Trans Nzoia CWR, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to ask Question No.486/2021 to the Cabinet Secretary for Education:

Are there plans to establish a public university in Trans Nzoia County as provided for by the Universities Act, 2012, requiring every county to have at least one public university?

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): This goes before the Departmental Committee on Education and Research.

*(Loud consultations)*

Hon. Members, kindly consult in low tones. The next Question will be by Hon. Kabinga Wachira.

**Hon. Josphat Kabinga** (Mwea, JP): Hon. Temporary Deputy Speaker, you know you have asked them to consult in low tones, but I think they did not hear. So, you may want to ask them again.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Order. Leader of the Majority Party emeritus together with the Member for Meru, consult in low tones. Is it the Member for Meru? It is the Member for Gatundu North and the Member for Suba North. Please, you do not even seem to be consulting because you are doing it across the aisle. It is like you are having a public address or something like that. Let us listen to Hon. Kabinga.

*Question No. 495/2021*

IMPLEMENTATION STATUS OF LAST MILE CONNECTIVITY  
PROGRAMME IN MWEA CONSTITUENCY

**Hon. Josphat Kabinga** (Mwea, JP): Thank you, Hon. Temporary Deputy Speaker. I beg to ask Question No.495/2021. Even as I do so, lately, there are many Questions going to the Cabinet Secretary for Energy. I hope the Chair of the Departmental Committee on Energy will expedite some of these Questions to be responded to.

I would like the Cabinet Secretary for Energy to provide answers to the following:

- (i) Could the Cabinet Secretary provide the implementation status report for the Last Mile Connectivity Programme in Mwea Constituency for the Financial Years 2017/2018, 2018/2019, 2019/2020 and 2020/2021?
- (ii) Could the Cabinet Secretary indicate when the Ministry plans to connect electricity power to the home of one Mr. Cange Gitutu of ID No.3409263 of Kathiga Location, who paid Kshs35,000 connection fee on 24<sup>th</sup> June 2011 vide quotation Ref. No.E25202011080153?
- (iii) Could the Cabinet Secretary provide the measures put in place to install transformers and complete the electricity projects serving Kiamaciri Full Gospel Church and residents of Kimuri in Murinduko Ward, Kagumo, Kayuyu, Mbambaini in Gathigiriri Ward, Mbinguini, and Nderwa villages?
- (iv) When will the Ministry connect electricity to serve users and residents of Mbambaini in Tebere Ward, Mocangondi, Ndaba, Kibukure, Carlifornia, Kiarigi and Gatitika villages in Mwea Constituency?
- (v) Could the Cabinet Secretary provide the timelines within which the stalled electrification projects in Mwea Constituency that have been surveyed and approved will be implemented?

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): That will be replied to before the Departmental Committee on Energy. Let us go to Hon. Bishop Titus Khamala.

*Question No. 500/2021*

STATUS OF CONSTRUCTION OF LURAMBI-NAVAKHOLO ROAD

**Hon. Titus Khamala** (Lurambi, ANC): Thank you, Hon. Temporary Deputy Speaker. I rise to ask Question 500 of 2021. This Question goes to the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works:

- (i) Could the Cabinet Secretary provide a progress report regarding the construction of the Lurambi-Navakholo Road (C41) in Lurambi Constituency, which stalled in April 2021?
- (ii) Could the Cabinet Secretary explain why the contractor abandoned the project in April 2021 and indicate the action to be taken against the said contractor for failure to meet his contractual obligations, including blacklisting him from being awarded other tenders in the region?
- (iii) Could the Cabinet Secretary provide details of the new contractor, including name, address and nationality?
- (iv) Could the Cabinet Secretary provide the measures that the Ministry has put in place to ensure speedy completion of the said project to the set standards and state the expected completion timelines?

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): This Question will be replied to before the Departmental Committee on Transport, Public Works and Housing. Let us have the Whip of the Majority Party to read the Question by Hon. Shinali.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. Before I even read Question 501 of 2021 by Hon. Shinali, how I wish that using Standing Order 1, you would allow me to make a corrigendum to the Hon. Bishop's Question. He has talked about the road coming to Navakholo. In the reply, let the Cabinet Secretary also indicate how much has been spent on that road from the time the contractor abandoned the road.

Thank you, Hon. Temporary Deputy Speaker.

#### *Question 501/2021*

#### ESTABLISHMENT OF GOLD REFINERY IN IKOLOMANI

As per your permission, allow me to read Question 501/2021 on behalf of the Member for Ikolomani, who has rushed out on a parliamentary assignment:

When will the Government issue a lease to an investor for the establishment of a gold refinery in Ikolomani Constituency with regard to the lease applications requested by the Ministry on 28<sup>th</sup> June 2021 for land parcels LR Nos. Kakamega/Iguhu/2658 and Kakamega/Iguhu/2659, considering that the County Government of Kakamega has since written a letter of no objection to the establishment of the refinery as required by Section 36 (2) (d) of the Mining Act, 2016?

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): This Question will be replied to before the Departmental Committee on Environment and Natural Resources.

Whip of the Majority Party, you may need to find your way to the Departmental Committee on Transport, Infrastructure and Public Works concerning the road issue, so that you can prosecute your request. I am sure it can be enjoined to Hon. Khamala's Question.

Let us go to Hon. Moses Kirima.

#### *Question 502/2021*

#### STAFFING LEVELS IN PRIMARY AND SECONDARY SCHOOLS IN CENTRAL IMENTI



**Hon. Moses Kirima** (Central Imenti, JP): Thank you, Hon. Temporary Deputy Speaker. My Question is 502 of 2021 directed to the Chairperson of the Teachers Service Commission (TSC):

- (i) Could the Chairperson provide a report on the current staffing levels for teachers in each primary and secondary school in Central Imenti Constituency in terms of the numbers in post *vis-à-vis* the authorised establishment?
- (ii) Could the Chairperson provide a list of teachers recruited from 2017 to date for both primary and secondary schools in Central Imenti Constituency?
- (iii) Could the Commission consider employing local teachers to teach in local primary and secondary schools to address the concern that once non-local teachers secure employment in the area, they soon thereafter seek transfers to other preferred regions, especially in the lower arid areas?

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): The Question is directed to the relevant Committee to be replied to by the Teachers Service Commission. Hon. (Prof.) Jaqueline Oduol.

*Question 507/2021*

DESTRUCTION OF SCHOOL PROPERTY AND SAFETY OF STUDENTS

**Hon. (Prof.) Jacqueline Oduol** (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to ask Question 507 of 2021 directed to the Cabinet Secretary for Education:

- (i) Could the Cabinet Secretary indicate whether the Ministry has carried out any investigation(s) into the circumstances which have occasioned cases of destruction of school properties, in particular burning of dormitories and, if so, what were the findings of the investigations?
- (ii) Could the Cabinet Secretary explain the correlation between very high budgetary projections for re-construction of property destroyed during the schools' unrest as instituted by administration of schools and the amount charged per student?
- (iii) What steps is the Ministry taking to ensure the safety of all learners in public schools, given that in many cases students in affected public schools leave the said institutions without authority from the administration?

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): This is a Question to be replied to before the Departmental Committee on Education and Research.

Hon. Sankok, what is out of order in the Questions?

**Hon. David ole Sankok** (Nominated, JP): Hon. Temporary Deputy Speaker, I do not know if my eyes are failing me, but there is a stranger in the House. I do not know if the lady behind me is a Member of Parliament. Or is it because of the mask? She is too beautiful to be a Member of Parliament.

*(Laughter)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): You are totally out of order, Hon. Sankok. That is the Member for Gatundu North, Hon. Annie. So, you are out of order. You

might just be attracting the attention of the Member to yourself by asking that irrelevant question. Now you know her.

Let us go to the Member for Embakasi West, Hon. George Theuri.

*Question 509/2021*

SECURITY OF RELATIVES OF VICTIMS  
OF REMAND/PRISON ESCAPEES

**Hon. George Theuri** (Embakasi West, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to ask Question 509 of 2021 directed to the Cabinet Secretary for Interior and Coordination of National Government:

- (i) Could the Cabinet Secretary explain measures put in place by the Ministry to ensure security of relatives or next of kin of victims of convicted and suspected criminals who escape from remand and/or prisons, considering the increased cases of escape of the said suspects and/or convicts, for instance the alleged child serial killer, Mr. Masten Wanjala, who escaped from Jogoo Road Police Station under unclear circumstances?
- (ii) Could the Cabinet Secretary explain the action taken against police officers responsible for aiding the suspects or convicts to escape from police station cells, remand and prisons?

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): The Question is to be replied to before the Departmental Committee on Administration and National Security.

Hon. Ong'ondo Were.

*Question 510/2021*

IMPLEMENTATION OF LAST MILE CONNECTIVITY PROGRAMME IN KASIPUL

**Hon. Charles Ong'ondo** (Kasipul, ODM): Hon. Temporary Deputy Speaker, I beg to ask the Cabinet Secretary for Energy the following Question:

- (i) Could the Cabinet Secretary explain the causes of persistent power blackouts and power surges in Oyugis Town in Kasipul Constituency that have led to massive losses for the business community and damages to household electronic devices?
- (ii) Could the Cabinet Secretary explain when the street lighting projects under the Last Mile Connectivity Programme on the following roads in Oyugis Town and its environs are expected to be completed: Oyugis-Kosele, Nambakarabok-Kawere Market, Oyugis-Sikri Town, Oyugis-Kwoyo, Oyugis-Manyoro Market, Oyugis-Nyang'iel-Dol and Ombek Markets, Oyugis-Gamba, and Oyugis-Rodi Kakuom and Ruga Markets in Oyugis Town?
- (iii) Could the Cabinet Secretary provide the status report for the Last Mile Connectivity Programme in Kasipul Constituency?
- (iv) Could the Cabinet Secretary explain the status of electric power connectivity to schools and learning institutions in Kasipul Constituency?

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): This is to be replied to before the Departmental Committee on Energy.

Let us have the Member for Lang'ata, Hon. Korir.

*Question No. 511/2021*

STALLED CONSTRUCTION OF MARKETS IN LANG'ATA

**Hon. Nixon Korir** (Lang'ata, JP): Hon. Temporary Deputy Speaker, I rise to ask the Cabinet Secretary for Transport, Housing, Urban Development and Public Works the following Question:

- (i) Could the Cabinet Secretary explain the stalling of the construction of the following markets in Langata Constituency: Karen Market, Talent Market in Mugumuini Ward and South C Markets?
- (ii) What measures have been put in place to ensure that the said projects are completed and could the Cabinet Secretary provide the expected completion timelines?

Hon. Temporary Deputy Speaker, it is also important to note that these were county government functions but were transferred to the national Government through the NMS. As you know, NMS is an amorphous body that you cannot even ask a Question from this House because you do not even know where it stays.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): You will get your reply through the Departmental Committee on Transport, Public Works and Housing.

Hon. Nassir, I am seeing a request for an intervention?

**Hon. Abdullswamad Nassir** (Mvita, ODM): Asante sana Naibu Spika wa Muda. Ninaomba mwelekeo kutoka kwako. Tarehe 16 Juni 2021, nilimuliza Swali Mwenyeketi ambaye anahusika na masuala ya wafanyikazi. Swali hilo linahusu wafanyikazi wa Halmashauri ya Bandari nchini, ama ukipenda Kenya Ports Authority (KPA).

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Was it a Question or a Statement Request?

**Hon. Abdullswamad Nassir** (Mvita, ODM): Moja lilikuwa *Swali na* lingine Kauli. Yakawa mambo ni mawili katika moja. Jambo la kwanza linahusu nyongeza ya mishahara. Pili, kulikuwa na vijana 247. Wanakamati walioko hapa watakubaliana na mimi kuwa vijana chipukizi walijajiriwa lakini baada ya kila miezi michache wanaambiwa waende nyumbani wataregea. Licha ya kwamba KPA ilivunja sheria, kwa sababu sheria ya Kenya haikubali mpangilio huo, wasimamizi wakakubali kuwa wataelezea wameajiri watu wangapi tangu siku hiyo. Sasa ninaomba mwelekeo kwa sababu kuna taarifa ya kwamba wametangaza nafasi za kazi mia mbili. Waziri alitoa notisi kwamba ifikapo Novemba, Kamati itapatiwa jawabu kuhusu wale wafanyikazi 247 na kujulishwa ni lini wataregeshwa kazini. Sasa kwa vile KPA imetoa ilani ya kuajiri watu 200, tunaomba jambo hilo liangaziwe.

Jambo la pili linahusu Kamati inayohusika na fedha. Tuliuliza Swali tarehe 14 Octoba, 2021. Kwenye Swali hilo tumelalama kwamba Halmashauri ya Ushuru nchini (KRA) inalazimisha watu ambao PIN za kampuni zao ni za mji wa Mombasa kuchukua mizigo yao Nairobi. Mwenyekiti wa Kamati hiyo, Mhe. Gladys Wang, jana alithibitisha kwamba Wizara imeandikiwa barua lakini hawajaleta jawabu mpaka sasa. Kwa nini wafanyibiashara walioko Mombasa wanaangaliwa na macho tofauti kama kwamba sio Wakenya?

Kwa hayo mambo mawili, tunaomba tusitiwe kiungulia. Tunataka masuala ya mji wetu na watu wetu wafaidike na chao. Nikizumgumza hapa sisemi ukabila, bali ni uzalendo. Tukisema

mwana Mombasa na Mpwani tunazungumzia mtu ambaye rasilimali yake iko pale, amezaliwa pale, anaishi na yuko na biashara katika eneo lile bila ya kujali rangi, dini wala kabila lake.

Tunaenda katika likizo ambayo itakuwa ndefu. Ninaomba utoe mwelekeo ili haya Maswali yaweze kujibiwa wiki ijayo. Hatutaki kuchukulia Jiji la Mombasa kama kwamba gavana aliyeko ni gofu.

**The Temporary Deputy Speaker** Hon. (Ms.) (Soipan Tuya): Uliuliza Maswali kwa...

**Hon. Abdullswamad Nassir** (Mvita, ODM): Yalikuwa Maswali mawili. Swali la kwanza linahusu Kamati ya Leba na Ustawi wa Jamii, na Swali la pili linahusu Kamati ya Fedha na Mipango ya Kitaifa. Katibu Mkuu wa Kamati ya Fedha na Mipango ya Kitaifa atakubaliana na mimi na anahisi yale tunayozungumzia.

**The Temporary Deputy Speaker** Hon. (Ms.) (Soipan Tuya): Mwenyekiti wa Kamati ya Leba na Ustawi wa Jamii, labda useme jambo. Swali la pili limeelekezwa kwa Mheshimiwa Wanga. Labda Chief Whip atatueleza vile tutaelekea. Mhe. Nassir, muda ulioahidiwa kupewa majibu umepita.

**Hon. Abdullswamad Nassir** (Mvita, ODM): Tayari muda umepita, Mhe. Naibu Spika wa Muda.

**The Temporary Deputy Speaker** (Hon. (Ms.) (Soipan Tuya): Wacha tumusikize Mwenyekiti wa Kamati inayohusika na masuala ya ajira na ustawi wa jamii.

**Hon. Josphat Kabinga** (Mwea, JP): Asante sana, Naibu Spika wa Muda. Ni kweli kwamba Mbunge mwenzangu alitaka tumjibu kwa mambo mawili. Tukawa tumejibu jambo la kwanza. Jambo la pili lilikuwa kuhusu wale wafanyikazi 247. Tuliahidi kwamba wiki mbili kutoka wakati ule, tutakuwa tumempa jawabu. Tulimuandikia Waziri mhusika na Mkurugenzi wa KPA, na wakatuahidi kwamba watatupatia jawabu. Tangu wakati ule, tumekuwa tukimuuliza Waziri mhusika lakini hatujapata jawabu kuhusu hao wafanyikazi 247. Inasikitisha kwamba KPA wanataka kuajiri watu wengine kabla ya kutupatia jawabu.

Nitachukua jukumu hili na kuwasiliana kupitia Ofisi ya Kiranja wa Bunge ili tuone kama tutamlazimisha Waziri kuleta jawabu wiki ijayo kwa sababu hili Swali limekawia sana. Tutajaribu kuona kwamba jawabu limeletwa wiki ijayo.

Pia, ningependa kutoa pole zangu kwa mwenzangu kwa sababu amekuwa akifuatilia jambo kwa makini. Ni vizuri kuona ya kwamba kuna wawakilishi katika Bunge hili ambao wanafuatilia masuala kama haya ndiyo maslahi ya watu wao yaweze kuzingatiwa vilivyo. Ninampongeza mwenzangu kwa sababu kila tunapokutana kwenye *korido* za Majengo ya Bunge, yeye huniuliza nimefikia wapi kuhusu swali hili. Ninamhakikishia kwamba nitafuatilia jambo hili mpaka tupate jawabu.

Asante.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): I am not sure whether there is something like *korido* but the message is home. Can anyone from the Departmental Committee on Finance and National Planning speak for Hon. Wanga? Deputy Whip of the Majority Party, do you have a word from Hon. Wanga?

**Hon. Emmanuel Wangwe** (Navakholo, JP): Mhe. Naibu Spika wa Muda, naomba uniwie radhi, sina amri kutoka kwake siku ya leo. Hata hivyo, nitatumia Ofisi yangu na Ofisi ya Mkuu wa Wengi Bungeni kuwasilisha ujumbe huo kwa Mhe. Wanga ili wiki ijayo yeye mwenyewe akiwa, Mungu akipenda, siku ya Jumatano aweze kumjibu Mhe. Sharrif Nassir kikamilifu.

Nashukuru sana.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Members and Chairpersons of Committees, you should also know that Cabinet Secretaries are summoned to

respond to Questions or Statements by Members and there is a way to ensure compliance. So, you need to look at your Standing Orders and enforce them to ensure that this House does not deliberate matters here in vain.

So, to the two Committees, remember that we are going on recess next week and, given the urgency of the issues raised by Hon. Nassir, we need to have feedback from the respective Chairpersons.

Hon. Sankok, I see you also have a point of intervention.

**Hon. David ole Sankok** (Nominated, JP): Mhe. Naibu Spika wa Muda, mimi pia nilimuuliza Swali Waziri wa Masuala ya Ndani miezi mitatu iliyopita na bado sijapata jibu. Waziri alikuja katika Majengo ya Bunge na amerekodiwa kwenye *Hansard* akisema kwamba Naibu wa Rais ako na hectares 15,000 za ardhi kule Laikipia. Waziri alitoa stakabadhi ambazo zinaonyesha kwamba Naibu wa Rais ako na hilo shamba kule Laikipia. Naye Naibu wa Rais akasema yeye hana shamba kule Laikipia. Sote tunajua kwamba kumekuwa na shida kule Laikipia, na watu wanauwana. Kwa hivyo, tuliona ni kana kwamba Waziri alikuwa analeta uzushi ili watu wa Laikipia waendeleo kupigana. Vile vile, tuliona kwamba Waziri alikuwa anawachochea watu ili wamchukie Naibu wa Rais. Kwa hivyo, tukamuuliza Swali ili alete chetimiliki cha ardhi hiyo tupate kuthibitisha iwapo kweli ile ardhi ni ya Naibu wa Rais.

Naibu wa Rais alisema kama kuna shamba lake kule Laikipia, lipatiwe wananchi wenye tajriba ya chini. Pia, tulikuwa tunataka kujua iwapo shamba hilo limegawanyiwa wananchi ambao wako kule Laikipia. Nimeitwa kutoka Narok mara tatu nje Bungeni ili nijibiwe lakini sijapata jawabu.

Mhe. Spika Justin Muturi alitoa mwelekeo kwamba nijibiwe hilo Swali Alhamisi. Siku hiyo tukaja kwenye Bunge hili lakini Waziri hakuja. Alituma naibu wake ambaye alijibu Maswali mengine yote na kusema kwamba Swali langu kuhusu shamba la hectares 15,000 walilodai kuwa ni la Naibu wa Rais hakuwa na jawabu.

Kwa hivyo, ninakuomba kwa hekima yako Kamati hiyo imwambie Waziri anipatie nakala ya jawabu alilotayarisha ama aseme kwa mdomo nitetewe jawabu ili niwapelekee watu wa Laikipia. Vilevile, tunataka kujua iwapo haya mambo yote yanayosemwa kuhusu Naibu wa Rais ni ya kweli ama uongo.

Asante sana.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): In the same breadth, like the other two issues raised by Hon Nassir... Hiki Kiswahili kinachanganya watu. You know when Hon. Sankok is speaking Kiswahili, you would think he is speaking Kimaasai. I do not know why we do not enforce our own resolution. Leader of Majority Party, we are supposed to be speaking Kiswahili every Thursday to ensure that we polish it. You have to listen so keenly when some Members speak in Kiswahili so as to follow what they are talking about. We need some tutorials.

These are the same issues of Cabinet Secretaries not responding to Questions on time. I do not know whether we have any representative of the Departmental Committee on Administration and National Security in the House. It seems we do not. Hon. Sankok says the Question was raised two months ago and no word from the Cabinet Secretary has come forth despite him having been called all the way from his constituency three times. It is not in order. Hon. Whip, I will task you to speak. Is anyone ready to speak on this one? Hon. Sara, are you a Member of the Committee?

**Hon. (Ms.) Sara Korere** (Laikipia North, JP): No, I am not.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Let us stick to the Committee on this particular issue. I do not want us to expound on that issue because we want to hear why the Cabinet Secretary is not answering the Question. Therefore, I order that in our next

Sitting on Wednesday, we would want to hear from the three Chairpersons as to why we are given timeframes within which to receive answers to Questions but the Cabinet Secretaries do not respond to the Questions.

Committee Chairpersons, you know the Standing Orders and how to ensure compliance by Cabinet Secretaries. It can be a subject for sanctioning of a Cabinet Secretary for ignoring issues raised on the Floor of this House. So, we will hear from these three Chairpersons next week to see why there are inordinate delays in answering of Questions.

Next Order.

### STATEMENTS

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): We will start with Hon. Owen Baya Yaa.

**Hon. Owen Baya** (Kilifi North, ODM): Hon. Temporary Deputy Speaker, my name is Hon. Owen Yaa Baya. I do not know why Parliament keeps putting “Yaa” at the end. It is important for me to state that “Yaa” is my middle name.

### REQUEST FOR STATEMENT

#### POWER INTERRUPTION AT BARICHO WATER WORKS

**Hon. Owen Baya** (Kilifi North, ODM): Hon. Temporary Deputy Speaker, pursuant to the provisions of Standing Order 44 (2) (c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Environment and Natural Resources regarding continued power interruption at Baricho Water Works, leading to water shortages in the Coast Region.

Hon. Temporary Deputy Speaker, the Coast Region is water scarce, with an estimated coverage of only 56 per cent. Out of the 4.5 million people in the region, only 2.5 million have access to portable water. The water supply in the region is majorly from the four connected bulk water supply systems, namely; Baricho Water Works, Mzima, Marere and Tiwi Boreholes. Due to the terrain, most of the water supply systems rely heavily on pumping, which is made possible through power supply from the main grid. The Baricho Water Works in particular has seen over 30 per cent increase in electricity tariffs amounting to Kshs30 million. The high cost of energy, combined with the effects of COVID-19, has led to closure of hotels and loss of business from consumers, resulting in accumulation of electricity bills that amounted to Kshs354 million by April 2021.

Hon. Temporary Deputy Speaker, the disconnection of water by Kenya Power Company has led to closure of schools and hospitals, and homesteads are suffering because of lack of water. The cost of water in the Coastal Region is among the highest in Kenya and any further upward adjustment of the water tariffs will make water unaffordable. Water is a fundamental human right as per our Constitution. It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Environment and Natural Resources to address the following issues:

- (i) What measures has the Ministry of Water, Sanitation and Irrigation put in place to subsidise the cost of water production for Baricho Water Works and offset the outstanding electricity arrears amounting to Kshs220 million as at October 2021?

(ii) What immediate steps is the Ministry taking to ensure that water supply is not disrupted due to power disconnections at Baricho Water Works and other water pumping stations in the country?

(iii) What plans are there to grant a special tariff of power for bulk water suppliers in order to reduce the cost of water?

(iv) What alternative power sources is the Ministry considering to employ at Baricho Water Works to ensure sustainability of water supply?

Thank you very much, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): This goes to the Departmental Committee on Environment and Natural Resources. Is the Chair, the Vice Chairperson or any Member of the Committee here to give a commitment on timeline? Leader of the Majority Party or Chief Whip, can you be a mouthpiece for the Chairperson?

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Temporary Deputy Speaker, we will commit them to the standard two weeks.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): That should be communicated to the Chairperson.

## RESPONSES TO STATEMENTS

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Can we have the Chairperson of the Departmental Committee on Finance and National Planning to respond to Hon. Oundo's request? Is there anyone from the Departmental Committee on Finance and National Planning?

### STATUS OF KENYA TRANSPORT AND LOGISTICS NETWORK

**Hon. David Mboni** (Kitui Rural, CCU): Hon. Temporary Deputy Speaker, I thank you for giving me an opportunity to present a response to the Statement Request by Hon. (Dr.) Wilberforce Oundo. I am doing so on behalf of Hon. Gladys Wanga, who is committed elsewhere.

Pursuant to Standing Order No.44 (2) (c), Hon. (Dr.) Wilberforce Oundo requested for a Statement on 17<sup>th</sup> July 2021 regarding the status of the Kenya Transport and Logistics Network (KTLN). I beg to reply as follows:

The first part of the request is about the legal status on the establishment of the Kenya Transport and Logistics Network, and the National Treasury responds as follows:

The KTLN was established on 7<sup>th</sup> August 2020 by His Excellency the President vide Executive Order No.5 titled "The Framework for Management, Coordination and Integration of Public Ports, Railway and Pipeline Services." The order was issued in response to the need to meet a number of national objectives and priorities, amongst them the shared aspirations as encapsulated in Vision 2030 of transforming Kenya into a newly industrialized middle-income country providing a high quality of life to all its citizens by 2030 in a clean and secure environment; the solemn duty of the State to guarantee access to public good and facilitate the enjoyment of socio-economic rights; the Big Four Agenda focus on job creation and spurring of economic growth through manufacturing; the fostering of national competitiveness in the arenas of trade and ease of doing business; the compelling urgency for enhancing efficiency and coordination between related Government Agencies, eliminating duplication and insulating against the rising costs of business; the need to re-orient Ministries and State Departments towards policy direction and regulatory

framework while also vesting commercial State-owned enterprises under the National Treasury, and the need to secure the maximum contribution to job creation and economic development by State owned enterprises, assets and parastatals in line with the recommendations of the Presidential Taskforce on Parastatal Reforms.

The order was issued in cognisance of the need to establish a framework for a more effective and efficient management, coordination and integration of the operations of State corporations vested with the mandate of providing port, rail and pipeline services. Consequently, His Excellency the President, in line with his constitutional mandate under Article 132 and powers under Section 7 (3) of the State Corporations Act, and for the purpose of securing the implementation of the objectives in the Executive Order, reconstituted the Boards of the Industrial and Commercial Development Corporation (ICDC), Kenya Ports Authority (KPA), Kenya Railways Corporation (KRC) and the Kenya Pipeline Company (KPC), and the requisite Gazette Notices were issued and effected. Further, the administration and portfolios of the KPA, KRC, KPC and ICDC were vested in the National Treasury within the National Treasury and Planning.

The second question was: What is the organisational structure of this new entity *vis-a-vis* the existing structure for the KRC, KPC, KPA and ICDC? The National Treasury responds as follows:

Through the Executive Order, and pursuant to Section 7 (1) of the State Corporations Act, Cap 446, the ICDC, on behalf of the National Treasury, was vested with the mandate of coordinating the management of the State's investments in ports, rail and pipeline services. The ICDC on the one part, and KPA, KRC and KPC on the other, jointly, were to enter into an agreement known as "The Framework Agreement" to anchor and integrate their operations towards establishing the KTLN. The Framework Agreement would secure the coordinated and synchronised implementation of the respective mandates of ICDC, KPA, KRC and KPC, and add synergy to their structures, resources, operations and services towards establishing a seamless and coordinated national transport and logistics network styled as KTLN. The Framework Agreement was developed and signed by ICDC, KRC, KPA, and KPC on 8<sup>th</sup> September 2020.

In order to implement the Framework Agreement, the operating entities developed joint operating agreements to address specific thematic areas of cooperation in pursuit of the four broad objectives. The joint operating agreements were signed on 21<sup>st</sup> December 2020. The areas of cooperation towards achievement of the objectives of the Framework Agreement were identified and classified into 10 specific areas, namely; Strategy, Operations, Information and Communication Technology, Finance, Governance, Risk Management, Internal Audit, Shared Services, Communication and Public Relations, and Change Management. Dedicated work streams comprising staff from the operating entities and ICDC were formed to implement the activities under each of the areas of cooperation. As at the end of June 2021, implementation of 50 per cent of the activities was ongoing with the remaining 50 per cent being dependent activities scheduled to commence on completion of the preceding activities.

The third question was whether public participation and comprehensive stakeholders' engagement was undertaken regarding the creation of identity, including engaging Ndongo Workers Union as required under Articles 10, 227 and 232 of the Constitution, and the National Treasury responds as follows:

Executive Order No.5 of 2020 was issued by His Excellency the President pursuant to his powers under Article 132 (3) of the Constitution to organize Government in a bid to ensure efficient service delivery, pursuant to the Executive power donated to him by the people of Kenya and under the Constitution of Kenya. Article 132 of the Constitution of Kenya provides for the functions of the President. These functions include but are not limited to directing and coordinating



the functions of Ministries and Government Departments. Section 4 of the State Corporations Act provides for ministerial responsibility for State corporations.

Premised on the above provision of the law, it follows that the action of directing and coordinating the functions of ministries falls within the functions of His Excellency the President of the Republic of Kenya. Further, national functions of directing and coordinating the functions of Ministries and Government Departments involve organizing various offices and departments of those Ministries, including but not limited to various State Departments.

The decision to transfer Kenya Ports Authority, Kenya Pipeline Company and Kenya Railways Corporation to the National Treasury under the ambit of the Cabinet Secretary for National Treasury and Planning from the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works is within the powers of the President. The move, as provided in the provisions of Article 132 (3) (b) of the Constitution, is not inconsistent with any Act of Parliament. We do note that the Kenya Ports Authority Act (Cap 391) and Kenya Railways Corporation Act (Cap 397) do not make specific mention of the Ministry or the Cabinet Secretary responsible. Therefore, the assigning of the responsibilities to the Cabinet Secretary in charge of National Treasury is within the powers of the President as communicated through the Executive Order.

Public participation is anchored in law and actualized under the rights to be heard. With regard to public participation, we note that the creation of Kenya Transport Research Network was as a result of the findings in the Report of the Presidential Taskforce on Parastatal Reforms. The post was subject to public participation as indicated on page 13 thereof. Further, pursuant to Article 10 of the Constitution on national values, the National Treasury sought to have a framework agreement under which the stakeholders affected by the Executive Order would operate. The four State entities, that is the Industrial and Commercial Development Corporation, Kenya Ports Authority, Kenya Pipeline Company, Kenya Railways Corporation, the National Treasury, the State Corporation Advisory Committee, the Office of the Attorney General and Department to Justice, came together to develop a working document for proper implementation of the Executive Order. The boards and management of the four State entities were consulted throughout the process. It is as a result of this agreement that a comprehensive framework agreement on the working...

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Mwalika, how much more do you have to read? I appreciate that it is a delegated role but you need not to read verbatim. You should try and summarise. I can see Hon. Oundo is keenly following. He has a copy of it. Of course, other Hon. Members are also following. Let us try and get a summary of things so that you do not read word by word.

**Hon. David Mboni** (Kitui Rural, CCU): Thank you, Hon. Temporary Deputy Speaker. I will go to the last part of the Statement Request which is on whether the Chairperson could explain the circumstances that led KPA to license private companies and firms namely Regional Logistics Centre Limited, Mitchell Cotts Kenya Limited and Portside Freight Terminals Limited to compete with the Government with regard to port services, and how this impacts on the new identity. The others just follow. Maybe, I can read this one because it is of interest.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Remember that you should not be reading word by word. Try and get a summary which makes sense to just conclude it.

**Hon. David Mboni** (Kitui Rural, CCU): Okay. Under 22, on the Authority's capacity of warehouse space compared to demand, the Board met and agreed that they should open up the port services to other private entities so that they can decongest the port.

After negotiations which followed advertisement for expression of interest by various interested lessees, various companies were granted leases. The companies included Mitchell Cotts Freight Limited, who leased shed number 2; Regional Logistics Centre, who leased shed BP 3; and Portside Freight Terminal, who leased shed number 5. Currently, these companies offer cargo handling services and, therefore, complement the operations of the port.

Hon. Temporary Deputy Speaker, the response is signed by Hon. Gladys Wanga and is dated 16<sup>th</sup> November 2021.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Oundo, are you happy?

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Hon. Temporary Deputy Speaker, this is the dilemma that this House faces as it has been expressed by the substantive Speaker. I guess that is why we were pushing for the Building Bridges Initiative (BBI) – so that Cabinet Secretaries or Ministries, whatever they were going to be called, can sit in this House and answer Questions properly.

Hon. Temporary Deputy Speaker, it has now become the norm. Cabinet Secretaries are fond of dodging Committee sittings and sending Chief Administrative Secretaries, who cannot be questioned thoroughly. The Statement, as long and verbose as it is, literally has nothing of substance. I am sorry to use this language. I cannot hold the Committee responsible but one or two things just need to go on record. It does not actually answer the Question asked. They simply take us through a litany of policy statements and policy wordings that add no value.

First, more so tellingly, part (ii) of the Request has not been answered at all. The Question was about the organisational structure of the new entity *vis-a-vis* the existing one. We are creating an amorphous organisation that seems to start to usurp the power inherently donated to the National Treasury and Planning to hold Government assets on behalf of the Government. Whatever mischief they are trying to do, nobody ever knows. With this Government, you never know what it is all about.

Hon. Temporary Deputy Speaker, I also want to speak to the issue of public participation. They mention the Taskforce Report on Parastatal Reforms that began during the era of Hon. Mwai Kibaki. Hon. Mwai Kibaki left office in 2013 and these changes were being made in 2020. Honestly speaking, you cannot use public participation done in 2001/2002 to purport to be carrying out public participation. That is a threat and you are actually subverting the provisions of the Constitution.

In respect to Kenya Power, they have unions that represent the workers. Failure to consult them is actually travesty and breach of the law. That is why we are saying that as much as there is something on record, it does not answer the Questions that we hoped to be answered. Probably, I will have to go back and have further consultations with the Clerk's Office to see how best to extract the correct response out of the Ministry in respect to this matter.

Otherwise, I can only sympathise with my colleague because he is a harmless messenger. There is nothing I can do. If I had the powers, I would have told him to return the response to the sender.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Osotsi. Be brief.

**Hon. Godfrey Osotsi** (Nominated, ANC): Hon. Temporary Deputy Speaker, I have been listening very keenly to the response to the Request for Statement by Dr. Oundo. I thought the matter raised was quite substantial. I was wondering, even though we have limitation, as pointed out by Dr. Oundo, in terms of Cabinet Secretaries not sitting in this House, Committees have an obligation when a matter is of national importance like this one is here, to invite the Cabinet

Secretary to come and respond to the issue before the answer is brought to the Floor of this House. Listening to the answers, they do not correlate with the Question. Justice has not been done to this Request for Statement.

Hon. Temporary Deputy Speaker, I request that you order that the Committee looks at this matter seriously. Even though they have tabled the Statement, they need to look into this matter seriously and possibly give the House a Report on the same. This should apply to many other cases where Members have brought Statements here but there are no sufficient answers given by respective Cabinet Secretaries.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Obviously, Hon. Oundo is dissatisfied entirely with the response. Hon. Kimilu has just read a Statement written by someone else. For us to address the issue adequately, the Committee should summon the Cabinet Secretary and invite Hon. Oundo and any other interested Member to have a face-to-face engagement with the Cabinet Secretary because he seems to have rubbished the whole thing that he does not respond to. You are at cross purposes with the response that has been given, it seems. So, Hon. Kimilu and the Chairperson, that is the direction because no one can speak for the author of that Statement.

**Hon. David Mboni** (Kitui Rural, CCU): Hon. Temporary Deputy Speaker, I am Hon. David Mboni not Hon. Kimilu.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Mboni Mwalika. You have got the point to be relayed to the Chairperson. So, Hon. Oundo, you need to follow up and hopefully that can be done as soon as possible.

Let us, once again, have the Chairperson of the Departmental Committee on Finance and National Planning to respond to Hon. Aden Duale.

Hon. Mwalika.

**Hon. David Mboni** (Kitui Rural, CCU): Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Duale is not here. So we will carry it forward because there is no one to listen to what you have to present. Unfortunately for Hon. Duale, by a fault of his own, he will have to wait longer. Hon. Munene Wambugu, the Member is representing the Chairperson.

#### UPSURGE OF UNREGULATED INVESTMENT SCHEMES

**Hon. David Mboni** (Kitui Rural, CCU): Thank you Hon. Temporary Deputy Speaker for giving me this opportunity to present a response to a Statement Request by Hon. Munene Wambugu.

Hon. Temporary Deputy Speaker, pursuant to Standing Order No.44 (2) (c), Hon. Wambugu requested for a Statement on 23<sup>rd</sup> September 2021 regarding upsurge of unregulated investment schemes.

As regards the number of regulated and unregulated schemes in existence in the country and whether the Chairperson could provide a list of the said schemes and actions that have been taken against them, the National Treasury responds as follow:

There are 28 collective investment schemes, three real estate investment trusts, and one online money manager. The unregulated schemes are as indicated in the list attached to the Statement. Other approved real estate investment trusts include Akon Development Real Investment Trust, ILAM FAHARI I-REIT. The only listed online foreign exchange money manager is Standard Investment Bank Limited trading as MansaX.

Investigations into unregulated schemes are at various stages. The cases pending before court are as the list attached to this Statement. Cases in respect of which the promoters and directors have secured injunction against the Capital Markets Authority (CMA) and the Director of Criminal Investigations (DCI) include one involving Cytonn Investment Limited, on behalf of Cytonn. Cases of other entities are at various stay orders against the CMA and the DCI, barring them from taking any further action. Cytonn has since filed civil suits against the CMA Chief Executive Officer and some managers of CMA. The cases under investigations are as listed in the Statement.

The second question is on steps the Government is taking to ensure that all regulated and unregulated schemes are fully investigated, forensically audited and perpetrators taken to court so that funds that were illegally collected from various victims can be returned to the owners.

The CMA has developed an online compliance and whistle blower portal on its website. Whistle blowers can visit the portal and alert CMA on what is happening. The CMA has established a special investigation and enforcement unit for administrative investigation and a unit from the Directorate of Criminal Investigations has been seconded to it for criminal investigations. The CMA has at its disposal a variety of administrative sanctions for offences committed by regulated and unregulated entities, subject to penal sanction. The CMA has continuously conducted raids on unlicensed operators, seized evidence and arraigned their directors and promoters in court for criminal prosecution.

On the question of whether the relevant Ministry could consider drafting rules and regulations geared towards sound management of such schemes, and submit them to the National Assembly for adoption, the Authority is in the process of finalising the Draft Capital Markets (Collective Investment Schemes) Regulations 2021 with intent to expand the scope of the regulatory framework to cover schemes that do not fall within its ambit.

Part (iv) of the Statement Request is what plans, if any, are underway to develop sensitisation programmes on the ills of *ponzi* schemes as well as give financial literacy lessons to encourage the citizens on available Government empowerment programmes for unemployed persons and other economically challenged groups for possible safer ways of investments so as to reduce the inclination to invest in unregulated schemes. In this regard, the Capital Markets Authority has made the following efforts:

- (i) Emphasis on continuous and repeated communication with thematic messages on regulated capital market products, licensed entities in capital markets and risks of investing in unregulated products through unlicensed entities;
- (ii) Partnerships with the CMA;
- (iii) Engagement with industry associations;
- (iv) Strategic social media campaigns on *Twitter*, *Facebook*, *Instagram*, and *YouTube* in partnership with industry players;
- (v) Leveraging on ongoing CMA and industry-led events to drive editorial support;
- (vi) Organising corporate events in partnership with industry players and key opinion leaders such as golf tournaments to seek industry support;
- (vii) Engagement sessions with leadership in Parliament and relevant Committees to get buy-in;
- (viii) Media training/engagement sessions to ensure clear understanding of regulated products, unregulated products, regulatory perimeters of CMA and other topical capital markets issues to ensure accurate reporting and mitigate against misleading/inaccurate reporting;

(ix) Support industry events that help build confidence in CMA as a regulator at senior management and technical levels; and,

(x) Production of digital infomercials and short documentaries to carry out tailored messages.

The Authority recently launched a Capital Markets mobile application which is now on the *Google Play Store*, which will include several investor protection items.

Hon. Temporary Deputy Speaker, the Statement is signed by Hon. Gladys Wanga on 23<sup>rd</sup> November 2021.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Munene.

**Hon. Munene Wambugu** (Kirinyaga Central, JP): Thank you, Hon. Temporary Deputy Speaker. The answer is quite satisfactory. This is one of the few occasions where a Cabinet Secretary or the institutions required to give answers have taken their time to give a good answer. This answer is an eye opener to the fact that quite a number of schemes in Kenya are actually unregulated. I am surprised that even a big company like Cytonn Investments is not regulated. This shows how much Kenyans are actually exposed. They have even gone to court to get an injunction so that they are not investigated. There are quite a number of unregulated schemes which have about eight cases pending in court and 18 others are under investigation. This is quite baffling.

Of concern is the fact that the Ministry has actually admitted that there is a lacuna in law, which these schemes have been exploiting. The only saving grace is that they have said they will bring the Draft Regulations, which are at an advanced stage, to this House before the end of this financial year. So, schemes which do not fall under the regulatory ambit are being brought under regulation. I must commend them for bringing a good answer. I hope the regulations being drafted by the CMA will bring on board all these schemes. I believe when the regulations get here, the House will do the necessary. We all know that many Kenyans have been swindled by investment schemes which get money fraudulently through people who come with all manner of goodies. For instance, they say they will invest your money and you will earn good dividends or income but Kenyans eventually end up suffering.

This is a good response. As a House, we look forward to receiving the regulations. They should not have waited to this financial year. They should have come much earlier. Once the regulations get to this House, we should pass them and have them enforced immediately. For all schemes engaging in investments in Kenya, there will be regulations to govern their operations to ensure that Kenyans are not swindled of their money.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): We now get a Statement from the Chairperson of the Select Committee on National Government Constituencies Development Fund (NG-CDF), Hon. Wamunyinyi.

#### STATUS OF DISBURSEMENT OF FUNDS FROM THE NATIONAL TREASURY

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Thank you, Hon. Temporary Deputy Speaker. I rise to give a routine update to the House regarding the status of disbursement and receipts of funds from the National Treasury as of 24<sup>th</sup> November 2021.

As we are aware, the NG-CDF was allocated a total of Kshs41,714,800,000 in the 2021/2022 Financial Year. After the ceiling was determined by the NG-CDF Board for each constituency, of course in consultation, our constituencies were asked to submit proposals for projects to the Board, which have since been processed. I can confirm that all the 290

constituencies' proposals have been considered and funds have been released. I will shortly be explaining how they have received the funds. This has been pursuant to Section 39 (2) of the Act, which partly provides as follows:

“(2) The disbursement of funds to the constituency fund account shall be effected at the beginning of the first quarter of each financial year with an initial amount equivalent to twenty-five per centum of the annual allocation for the constituency and thereafter the constituency fund account shall be replenished in three equal instalments at the beginning of the second, third and fourth quarters of the financial year.”

I must say that, because of the unique manner in which disbursements have been done, we have not strictly followed this criterion. This is because the Treasury has been releasing funds piecemeal based on collection of revenue. Therefore, the manner of releasing of funds from the National Treasury has not been in accordance with this criterion. I must also point out that the funds have been released to the Board and subsequently to the constituencies. I wish to confirm that the allocation for the first quarter of the financial year has been received in full. That means over Kshs10 billion has been received for the first quarter. Additionally, another Kshs10 billion has been received for the second quarter. Only a shortfall of about Kshs400 million still exists, but the National Treasury has assured us that it will submit the amount. There is a table showing how the National Treasury has disbursed funds totalling Kshs20,428,000,000, including how much was released each day and week. Members who may be interested in looking at it can check in Room 8.

The amounts released by the National Treasury have been disbursed to the constituencies as follows:

A total of 30 constituencies have received 50 per cent of their total allocation. That means they have received Kshs68 million, which is equivalent to 50 per cent of the total amount. That amounts to Kshs2,040,000,000 while 260 constituencies have received between 25 per cent and 32 per cent of the funds disbursed by the National Treasury. This totals to Kshs11.1 billion which has been sent to the constituencies that have not received 50 per cent of their allocation. The reason for this scenario was that the submissions of the proposals were not done at the same time. Further release of funds from the National Treasury was also not done at the same time. It is on a first-come, first-served basis. An amount of Ksh1 billion has been disbursed to the NG-CDF Secretariat and Board for administrative purposes.

A total of Kshs6 billion, which has been received in the past three weeks, including Kshs2 billion last week, has not been disbursed to the constituencies. Constituencies that have only received 25 per cent to 32 per cent of their total allocation will receive their full allocation for the first quarter. The first quarter is now fully disbursed to the constituencies. The second quarter will now be released to those constituencies, so that we are all at Kshs68 million.

During a recent meeting two or three weeks ago, the Cabinet Secretary appeared before my Committee where he stated that he understood that this was a unique year because we will have elections next year and every effort is being made to ensure that all monies due to the constituencies would have been dispatched by the National Treasury by February. This is an undertaking that I am sure we will need to follow up on to ensure it happens. We are trying to ensure that no monies are rolled forward to a new financial year after the elections because of the problems and challenges that we all understand.

There may be new Members of Parliament in some constituencies and old ones in others and, so, following up from the previous year will not be easy when funds have not been released. Even implementation of projects will have issues.

There is also an issue of pending arrears of Kshs4.9 billion. You are also aware that we established a sub-committee in our Committee to investigate how those monies were carried forward from the previous years. That report was tabled before the House, which debated it and passed a resolution that the matter needs to be captured in the upcoming supplementary budget, so that it can be sorted out.

There are constituencies that have not received up to about Kshs10 million to Kshs15 million. The Select Committee on Implementation has taken up the Resolution of the House. The Budget and Appropriations Committee has also been informed. I am reliably informed that the State Department for Planning has also captured the same and it is being addressed for purposes of the Supplementary Budget due before the House some time to come.

I appreciate the role played by my friend, the Leader of Majority. He has been very consistent. I know he is interested in this, but he has been pushing the National Treasury. Whenever I have encountered problems with the Cabinet Secretary, he has always been available for a phone call or even a walk to the National Treasury to make sure that the funds are on their way. I appeal to the Leader of the Majority Party not to tire. We are now getting to a critical moment. Between now and February, there is 50 per cent that will be released.

I wish the National Treasury would release funds for the third and fourth quarters by January, if they are able, so that Members have ample time before the real campaigns start. Those funds would help to implement projects, ensure that all projects in the constituencies are fully implemented and that there is no question of arrears or money being rolled over to the subsequent financial year. This year, our success as a Parliament will be in terms of how we have implemented the projects.

I also thank your office, Hon. Temporary Deputy Speaker, and the Office of the Clerk. You have all been involved to ensure that the National Treasury releases funds, so that they get to the constituencies. There are many who have tried their best to ensure that funds are received.

I appeal to the Leader of the Majority Party that the same spirit prevails, so that we ensure that those expected funds are released without delay. Unfortunately, if the National Treasury was doing what they had assured us they would in terms of a weekly release of Kshs2 billion, we would be dealing with the allocations for the third quarter. But they have not been doing so. I hope that they revert to that release so that we get all the funds. I did not want to take too much time. I have just summarised. Members who are interested in getting the details of each constituency and the amount each has received can check in Room 8.

With those few remarks, thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): That is very clear. Are there Members who want to say something? Yes, Hon. Okelo.

**Hon. Jared Okelo** (Nyando, ODM): Thank you very much, Hon. Temporary Deputy Speaker. In the same breath, I thank my brother, Hon. Wamunyinyi, the FORD-Kenya party leader, for this detailed Report on the status of the NG-CDF.

When we were making the Budget, there was a universal agreement that NG-CDF monies would be released by December this year, so that we can concentrate on delivering on the mandate to our people. Now they have shifted goal-posts from December and are talking about February. There are accruing balances amounting to Kshs4.9 billion. Initially, my Nyando Constituency was not part of those accruing balances. However, in the last financial year, my constituency did not receive funds to the tune of Kshs12 million shillings, which has been fed to the current balances. Failure by the National Treasury to play ball and do as this House demands may result in even bigger balances accruing on our people at the end of this financial year.

It is true that we have categories in terms of which funds are devolved to the grassroots. We have county monies upon which funds are devolved to the grassroots. We have county monies and there is the (NG-CDF from the national kitty. The only effective Fund that impacts on the lives of our people is the NG-CDF. If you ask anybody, they will tell you that. Again, the way this was tailored, that monies are plugged onto projects, makes it very difficult for any pilferages to occur. Our people will tell you that if there are any monies that circulate, it is the NG-CDF. It is because we only deal with local contractors, unlike the national Government that engages the Chinese. This is the only money that percolates downwards to improve the lives of our people. Therefore, any delay means suffering out there.

But I acknowledge that the Government tends to also look at the grandiose projects that are done by the Chinese, like this Expressway from the Airport. They religiously pay those contractors. Those are monies that get shipped abroad to China and other countries, instead of empowering our people through the NG-CDF. That is not a lot of money. It is only 2.5 per cent. The Government has 97.5 per cent at its disposal to play with as much as they want. This money, as small as it can be, impacts very positively on the lives of our people. For instance, when we talk about the Competence Based Curriculum (CBC), the Government talked about releasing Kshs10 billion towards construction of new classrooms. I do not know whether any constituency has seen that money, and I do not know whether it will ever be released.

This NG-CDF is what the Government needs to pay much attention to. I thank our Leader of the Majority Party who has pursued those monies together with my brother Hon. Wamunyinyi who is the Committee Chair. But they will need to do more so that, as we agreed, all the monies should be in constituencies' accounts by the end of December. Now they are talking about February. By the end of February, they may shift goal-posts to April and yet, the Government will soon be coming here, to this same House, so that we can pass the Supplementary Budget for them. In democracies that work, we would create a gridlock so that they first finish up with us then we can help them get their Supplementary Budget. But we will be arm-twisted in this House and they will get what they want. But the MPs will be here languishing with projects that will never be implemented at the end of the day. Just as my brother Hon. Wamunyinyi has said, some of us will come back. Definitely, I will be here. What happens to those who will, perhaps, not make it? What happens to their manifesto which was for five years and not four years?

I implore the leadership of this House to work in collaboration with the NG-CDF Committee so that we can quickly get those pending monies. Our children should not be languishing at home due to lack of school fees. The classrooms that we are building through the NG-CDF should be completed. I do not know what the Government is doing with the CBC classrooms. The classrooms should be done in good time so that the manifestos we set for our people, which were lasting for five years will, indeed, be implemented at the end of this term.

I thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Okelo, you may need to offer some consultancy services to other Members. You said you are surely coming back after 2022. You know where we are at the moment. It is *lala salama*. Members, you might want to speak to the Member so that you can get the same surety he has.

I think the Chair has spoken well about the NG-CDF. Hon. Oundo, be brief.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Yes, Hon. Temporary Deputy Speaker. Let me appreciate the Chair of the Committee for that splendid Report. Of course, I just want to persuade him, plus the leadership, that balancing 2020/2021 is critical. Those projects were already identified and committed for. Quite a number of schools or institutions that were supposed to get



those projects are already asking and it is becoming a problem. The sooner the Supplementary Budget comes the better, so that the money can come in. We need to get it out of our way.

For some of us who are also 100 per cent sure of coming back even if there have been the 2021/2022 delays, we have no problem. We can complete the projects in the next calendar year. But it is important for the previous year. Quite a number of projects have already been committed. We have already made commitments and promises to schools. It will look like we did not intend to keep our promises. The only thing it can do, if we are going to get 80 per cent of the votes, is to reduce it to the standard 54 per cent of *vifaranga vya kompyuta*.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): I know it is a matter of very serious interest for Members. Just take one minute to comment. Hon. Wangwe.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. Allow me to appreciate the Chair. Indeed, he has really made us proud.

The only issue of concern I have is the balance of Kshs4.9 billion. I was a member of the Committee sometimes back. It has been a challenge. The current Chair has made it possible. Now that we have the Report with us and the Chair has really analysed it, I will ask him to work very closely with the Chair of the Committee on Implementation so that that money - the Kshs4.9 billion - is not just pledged and placed into the Budget. Let us have it in the Supplementary Budget. Let us not do without it. Let us have it. I will tell the CS, Hon. Yatani, that we must have that money in the Supplementary Budget. Through the Leader of the Majority Party, it is important that he also assists us to make sure we actualise that.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Manje.

**Hon. Joseph Manje** (Kajiado North, JP): Thank you, Hon. Temporary Deputy Speaker. I want to also thank the Chair of the NG-CDF Committee for the good update. At least, we now know where we are.

I also ask the National Treasury to do something this year because next year is a unique year. We are going for elections. Most likely - and it has happened before - many Members, maybe, about 70 to 60 per cent, will not come back here. That means the projects that are supposed to be done next year should be given priority by the Government so that they are completed.

You will find that the NG-CDF is a very good model that is normally monitored by the public. So, it is a sure way and a sure bet that the money taken will go to the correct course. The NG-CDF is very visible in the country. Throughout the country, you will see those unique projects from this kitty. I think it is the way to go because we are not able to monitor how those other monies are spent in the country. The NG-CDF is the way to go.

During this period when we are coming out of COVID-19, it is good to support our citizens by making sure that this money is released before January or February as the Chair has said. That is so that we can give those bursaries and alleviate the poverty that is in the constituencies. I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Okay. I see Hon. Murugara.

**Hon. George Gitonga** (Tharaka, DP): Thank you, Hon. Temporary Deputy Speaker. Allow me to also join the others in thanking the Chairman for the update he has given us. I think our position has been clearly explained by Hon. Okelo. That is what we stand by. I thank the Leader of the Majority Party who has persistently assisted us to get the money when the National Treasury becomes adamant.

May I make one plea: That there is some form of equalisation. We have just heard that some constituencies have received between 25 per cent and 35 per cent, while some others have

received 50 per cent. We may not be able to know the reasons behind that, but it is good if there can be a form of balancing so that, that disparity is cleared and that there is some form of equity as we proceed with the way the money is released by the board. Then it would be useful to us as MPs.

Otherwise, let what has been promised, that we have the entire amount from the NG-CDF kitty released by February, be kept. That is so that we are able to implement those projects which the Government itself, through the Board, has approved for us.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Losiakou Pkosing.

**Hon. David Pkosing** (Pokot South, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this small chance to say something on the NG-CDF. I want to be on record in thanking the Leader of the Majority Party, Hon. Kimunya. People do not understand how Hon. Kimunya works. He is just a diplomat. People might misunderstand that. I remember he was being bashed sometime back and yet, he was working really hard. He was not the Chairman and he is not the Chairman of the NG-CDF Committee and so, I thank him.

I will follow it up by saying that we are heading to a very critical and difficult time. We are going on a long recess until January. Things move when we are in session. But when we are away at home doing other things for our people, people at the National Treasury think we have gone to sleep. Therefore, it becomes very difficult to disburse money. I want to implore the Leader of the Majority Party to be our Parliament when we are on recess. He should walk to the National Treasury to make sure that those funds follow us. That is in tandem with what Hon. Murugara has said. If only 40 constituencies have received 50 per cent of their allocations, what about the other over 200 constituencies? That brings other issues into focus. What are we going to do at home? We are supposed to be undertaking development projects. So, I implore the Leader of the Majority Party and our able Chairman, through your office Hon. Temporary Deputy Speaker, not to sleep. Let Members be busy at home during this recess through NG-CDF.

I thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Munene.

**Hon. Munene Wambugu** (Kirinyaga Central, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to also add my voice to this matter. I want to sincerely thank the Chairman and the Leader of the Majority Party and the whole Committee for doing a good job. My concern is that it should not be an issue of appealing. The law is very clear on when this money is supposed to be released. Each financial year, whatever we should get, we should get it during that financial year. The money should be released at the appropriate time and, more so, the outstanding Kshs4.9 billion. Most of our constituency committees had committed that money to works which are yet to be paid for.

I would want to disagree with my colleagues a bit. I belong to the school that thinks that, for the first time, this House has done very well and we should break the record. Instead of a minority of us coming back to the House, the majority should come back. I think most of us will be back. Even as we prepare to come back, let the money be released in time so that we can meet our obligations. The calendar of education is so squeezed such that parents have issues with paying fees. Most of the NG-CDF money, almost 35 per cent, goes towards bursary.

Those are my comments, Hon. Temporary Deputy Speaker. Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): I think we can now move ahead and have the Leader of the Majority Party issue the statement.

## STATEMENT

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BUSINESS FOR THE WEEK COMMENCING 29<sup>TH</sup> NOVEMBER TO 3<sup>RD</sup> DECEMBER, 2021

**Hon. Amos Kimunya** (Kipipiri, JP): Thank you, Hon. Temporary Deputy Speaker. Pursuant to the provisions of Standing Order 44(2) (a), I rise to give the following Statement on behalf of the House Business Committee (HBC), which met on Tuesday, 16<sup>th</sup> November 2021, to prioritise business for consideration:

Let me begin by thanking Members for their dedication and active participation in the debate in the last two days, when we have sat till late in the evening. We have had commendable progress in processing the business before us. However, and I am sure Hon. Temporary Deputy Speaker you share this concern with me, I wish to note that Members whose business is scheduled for consideration need to be present in the House to avoid the repercussion that comes with failure to show up. Taking yesterday, for example, there was a Committee Report and several individual Members' Bills which had been slotted on the Order Paper and were reached, but none of the Members was available to move them. I hope Members who are sponsoring the ones slotted for today will be present.

It is evident that we have very limited time to consider all the pending business. We are also aware that next week, the House will proceed on its long recess. I, therefore, wish to ask Members to cooperate and sacrifice a few hours in the evening to join the House in expediting consideration of the pending business. I want to thank Members for agreeing to also sacrifice Thursday morning to expedite consideration of pending business.

On Tuesday, 30<sup>th</sup> November 2021, both Houses are scheduled to have a Joint Sitting where His Excellency the President will make the annual State of the Nation Address. I know that you have already guided Members on this matter. I just want to add that, in the course of the week, as is the practice and pursuant to Standing Order 24, there shall be debate on the policy initiatives outlined in the President's Address.

In accordance with the provisions of Standing Order 42A(5) and (6), I wish to convey that the Cabinet Secretary for Energy is scheduled to appear before the Departmental Committee on Energy on Thursday, 2<sup>nd</sup> December 2021, at 10.00 a.m. to respond to:

(i) Question No. 465 of 2021 by Hon. Paul Abuor regarding the current status of electrification in public educational institutions and present a progress report on the Last Mile Connectivity Programme within Rongo Constituency.

(ii) Question No.472 of 2021 by Hon. Samuel Atandi regarding the criteria employed by Kenya Power and Lighting Company to engage WPP Scanad Plc in its operations as flagged in the Auditor-General's Report for the year ended 30<sup>th</sup> June 2020.

(iii) Question No. 479 of 2021 by Hon. Michael Muchira regarding the delay in metering of over 25 projects undertaken by the Rural Electrification and Renewable Energy Corporation (REREC) in Ol Jorok Constituency and when the same will be metered.

(iv) Question No.482 of 2021 by Hon. David Mwalika Mboni regarding replacement and repair of 40 transformers and revival of stalled electrification projects in Kitui Rural Constituency.

The HBC will reconvene on Tuesday, 30<sup>th</sup> November 2021 to schedule business for the rest of the week. I now wish to lay this Statement on the Table of the House.

Thank you, Hon. Temporary Deputy Speaker.

*(Hon. Amos Kimunya laid the Statement on the Table)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Order, Hon. Members. I have a guidance to issue before we get to the next Order.

### COMMUNICATION FROM THE CHAIR

#### GUIDANCE ON HOUSE BUSINESS

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Members, I wish to give guidance on the business appearing as Order Nos. 16, 18 and 19 in today's Order Paper. Under Order No. 16, which is the Referendum (No. 2) Bill (National Assembly Bill No. 14 of 2020), I have received representation from a number of Members who had submitted their notices of proposed amendments to the Bill. However, the proposed amendments are yet to be processed and included in the Order Paper. In this regard, I hereby defer the Order from today's Order Paper.

With respect to the business appearing under Order No. 18 regarding the Kenya Roads (Amendment) Bill (National Assembly Bill No. 13 of 2020), it will be recalled that the Bill was listed on the Order Paper on Thursday, 19<sup>th</sup> August 2021 for Second Reading. However, Hon. David Pkosing, the Chairperson of the Departmental Committee on Transport, Public Works and Housing, sought leave of the Speaker to defer consideration of the Bill to a later date in order to allow further consultations with stakeholders, among them being the Engineers Board of Kenya (EBK) and the Institute of Engineers of Kenya (IEK).

Among the objectives of the then Report of the Committee on the Bill was the proposal to introduce an amendment whose effect was to open up the position of Director-General of the Kenya Roads Board to professionals other than engineers only. Further, the Office of the Speaker had received petitions and representations from EBK, IEK and the general public cautioning against such proposal. In his request to defer the Bill, Hon. Pkosing undertook to further engage key stakeholders and the public on the foregoing proposal and table an addendum report thereof. It is on account of the foregoing that the Speaker granted leave and deferred the consideration of the Bill until the Committee tables an addendum to their Report regarding the outcome of the engagements.

Hon. Members, it is on record that yesterday, Wednesday, 24<sup>th</sup> November 2021, the Chairperson of the Departmental Committee on Transport, Public Works and Housing tabled an addendum to the Report of the Departmental Committee on Transport, Public Works and Housing on its consideration of the Kenya Roads (Amendment) Bill, 2021 tabled on 5<sup>th</sup> August 2021. In this regard, the Speaker has reinstated the Bill to proceed for consideration at Second Reading and subsequent stages.

Hon. Members, with regard to the Advocates (Amendment) Bill (National Assembly Bill No. 43 of 2021) appearing under Order No.19 on today's Order Paper, the Office of the Speaker is in receipt of a letter from the Chairperson of the Departmental Committee on Justice and Legal Affairs seeking leave to withdraw the Bill pursuant to Standing Order No.140.

Before I guide the House, it is worth noting as follows:

(i) The Departmental Committee on Justice and Legal Affairs introduced the Bill in furtherance of its own recommendations as contained in the Report on its consideration of Public Petition No.20 of 2021 by Mr. George Njenga Mwaniki and 12 others seeking amendment of the Advocates Act, Cap 16, to allow admission of law practitioners from the Republics of Rwanda and Burundi to the Roll of Advocates in Kenya.

(ii) In its Report tabled in this House on 12<sup>th</sup> October 2021, the Committee agreed to the petitioners' prayers that Parliament ought to legislate in the manner proposed in the Bill in question; and,

(iii) The Bill was read a First Time on 10<sup>th</sup> November 2021 and is undergoing public participation, and the period for submission of memoranda opened on 11<sup>th</sup> and closed on 23<sup>rd</sup> November 2021.

I can reasonably believe that the Committee might not have applied itself to the submissions made by the rest of the public and key stakeholders on the Bill, save for the submissions of the Office of the Attorney-General. In this regard, I hereby defer the business appearing under Order No. 19 to await the Speaker's determination of the request by the Chairperson of the Departmental Committee on Justice and Legal Affairs in light of Standing Order 140, which grants the Speaker the discretion to consider the merit of such a request before granting leave to withdraw a Bill.

The House is accordingly guided.

Next Order.

## BILL

### *First Reading*

#### THE HIGHER EDUCATION LOANS BOARD (AMENDMENT) BILL

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

## MOTION

#### APPROVAL OF NOMINEES TO THE KIAMBAA CONSTITUENCY COMMITTEE

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Hon. Temporary Deputy Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Section 43(4) of the National Government Constituency Development Fund Act, 2015 and Paragraphs 5(2) and (10) of the National Government Constituencies Development Fund Regulations, 2016, this House approves the list of nominees for appointment to the Kiambaa Constituency Committee of the National Government Constituency Development Fund, laid on the Table of the House on Thursday, 11<sup>th</sup> November 11, 2021 as follows:

### KIAMBAA CONSTITUENCY

NO	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
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1.	George Muiruri Wambui	Male Youth Representative	Fresh appointment, pursuant to Sec.43(2)(b)
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2. Geoffrey Ndigi Mukora *Male Adult Representative* Re-appointment, pursuant to Sec.43(2)(b)
3. Isabell Murugi Kinyanjui *Female Youth Representative* Fresh appointment, pursuant to Sec.43(2)(c)
4. Elizabeth Wambui Gitau *Female Adult Representative* Re-appointment, pursuant to Sec.43(2)(c)
5. Anne Nduta Kariuki *Representative of Persons with Disability* Re-appointment, pursuant to Sec.43(2)(d)
6. Jackson Mbugwa Kinyanjui *Nominee of the Constituency Office (Male)* Fresh appointment, pursuant to Sec.43(2)(e)
7. Rose Wanjiku Nganga *Nominee of the Constituency Office (Female)* Fresh appointment, pursuant to Sec.43(2)(e)

Hon. Temporary Deputy Speaker, all the nominees are first appointments. This is as a result of a by-election that was held in Kiambaa Constituency.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Did you say they are on first appointment? I can see some who are on re-appointment.

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Majority are first appointment while the others are re-appointments. It is a mixture; I beg your pardon. This was as a result of the by-election following the death of our colleague Hon. Paul Koinange. I am sure the Member of the constituency is in the House and possibly, he will be accorded a chance, once the Question has been proposed, to confirm that these are the nominees from the constituency.

Having said that, and because this is procedural, I am merely seeking the approval of the House of the membership of the committee. There is not much that I want to add.

I beg to move and ask Hon. Wangwe to second.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker.

I rise to second the Motion by the Chair, NG-CDF. I also thank the Member for Kiambaa, my very good friend, Hon. Wanjiru, because he has really complied with the NG-CDF Act. When you look at the way he has placed his membership, he has entirely considered it as per the NG-CDF Act. This is a good thing, Hon. Wanjiru, and I just want to wish you well. You came in towards the end of the House and may the people of Kiambaa look at you with mercy and support you to be among the 30 per cent who are likely to come back.

Thank you and I second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Order Members. I thought somebody had talked about breaking the jinx of the 70 per cent which is more positive.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): I would imagine that the Member for Kiambaa would have something to say on this. I can see he is listed here. Hon. Kawanjiku.

**Hon. Njuguna Wanjiku** (Kiambaa, UDA): Thank you, Hon. Temporary Deputy Speaker. I confirm that I am cognisant of those names. I want to thank the House for approving them so that we can take Kiambaa to the next level.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): It has not yet been approved and, so, you should be seeking.

**Hon. Njuguna Wanjiku** (Kiambaa, UDA): Thank you for the correction. I am actually seeking the approval of the House for those members of the NG-CDF Committee so that we can work and ensure that we deliver the promises we made to the Kiambaa people.

I also want to take the opportunity to correct my senior, Hon. Wangwe, that my name in not Wanjiru. My name is Kawanjiku or Wanjiku.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Members, we shall defer the putting of the Question until Wednesday next week.

Next Order.

*(Putting of the Question deferred)*

## BILL

### *Second Reading*

#### THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Let us have the Chairperson, Departmental Committee on Finance and National Planning.

Hon. Whip, do you have any brief or we skip it?

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. I seek your indulgence that we skip it for now until next time the House Business Committee will give it a priority.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): It is so ordered.

*(Bill deferred)*

### *Second Reading*

#### THE KENYA ROADS (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Chairperson.

*[The Temporary Deputy Speaker  
(Hon. (Ms.) Soipan Tuya) left the Chair]*

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

**Hon. David Pkosing** (Pokot South, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to move this Bill.

First, I would like to assure the House that, as you communicated earlier, there was further consultation. This is because during the public participation, some members of the public thought that we should not open it to other professions. I want to assure the House this afternoon that, through public participation and consultation, that has been removed and the Bill is retained as it is with or without the proposed amendments.

The import is that the Director Generals, as it is provided in the Bill, for Kenya Rural Roads Authority (KeRRA), Kenya Urban Roads Authority (KURA) and Kenya National Highways Authority (KeNHA), shall be retained as engineers. That is the bottomline. That is to allay the fears of the public, members of the Engineers' Board of Kenya who appeared before the Committee, and all the other participants. This is the thought of Kenyans. There was a reason which I will prosecute later, but, first things first. This is a preserve of engineers.

Secondly, this Bill is proposing only three amendments:

(i) A provision, which is in this clause, which is amending the 2007 Act of the term of Director-Generals to move it from three years to five years.

The reasons of the Committee are as follows: That this was carried in our initial Bill, but did not go through the Senate. We had proposed that all Director-Generals of those entities serve five years in our 2017 Bill, but that was opposed in the Senate. It passed through this House with the approval that we move the term of the Director-Generals of KURA, KeNHA and KeRRA from three to five years. That passed in this House and the Senate. It is only because of those clauses that were of concern to the counties that Senate did not agree with us. That is why the Bill died then. That is why this is almost a cut and paste. This was passed in the House and that is why we are bringing it back here.

(ii) To cure what we call project cycle, we have realised that for one to do a successful project, it requires first the design of the road.

After designing the road, it is followed by sourcing for money. Then you advertise and implement. It takes a bit of time and that is the truth. If you bring a Director-General for three years, their term will end before they fundraise for the project. This leads to instability in those agencies in terms of designing and looking for the money for a project to be implemented successfully. Therefore, to reduce that instability, we propose that the House agrees with us that we give them five years. They are doing a great job all over in almost every constituency in this country. Rather than having somebody who before they settle, they are thinking about going home the third year, we think this will stabilise the agencies.

(iii) Succession management.

When you do not have stable institutions in terms of the years, you find that there will be a lot of instability even in succession. You can witness that within agencies that we have overseen for the last four years and so, we look forward to stabilising institutions.

Finally, one of the imports is that in the same department of infrastructure, we have Director-Generals with tenure of five years in the ministry. We do not want discrimination. When they go for leadership conferences or meetings, we have some Director-Generals with a term of three and others with five years. It creates some discrimination, intimidation and imbalance. That



is why the House needs to agree with us so that we create synergy within the department of infrastructure.

The second proposed amendment is to reduce the years of qualification for one to become a Director-General from 15 to 10 years after one is registered as an engineer. We are convinced as a Committee that we would better do that for many reasons. Through public participation, one, is the age upon which somebody can qualify or have 15 years post-registration experience. We calculated and realised that for you to qualify, you require 48 years and we thought that was a bit discriminatory. The 2007 law was meant for some few people. What happens with the younger qualified Kenyans? At 48 years, you are almost retiring.

Most Members of Parliament here are very good despite their age. I, for example, was a CEO, an equivalent with some of those Director-Generals, at a much younger age between 2008 and 2012. I did exceptionally well and that is why I was elected by the great people of Pokot South to represent them because I did exceptionally well in the Kenya Film Classification Board, which was then the Kenya Film Censorship Board. I transformed it from a censorship board of less than 10 staff to what it is at the moment. I am proud of it and, therefore, I am a living example. If it is supposed to be that for anybody to qualify they must be 48 years, I might not have even qualified and yet, I did a great job and that is one of my motivations.

Secondly, it is meant to treat what we see in the engineers and in the road sector as apathy in terms of succession. One of the Director-Generals had actually acted for more than five years. Why? Maybe, one of the reasons is that they were trying to reach the requirement of age for that person to qualify to become a Director-General. We thought that is punitive and a bit discriminatory and actually designed for some few people. We said we cannot do that as a country. We better move all of us together differently. If you leave it at 15, it will be 48 years. If you remove five years from 48, you still qualify to be a Director-General at 40 years for either KeRRA, KURA or KeNHA. That is more reasonable than waiting until when you are 48 or about 50 for you to qualify. So, my Committee, through public participation, saw that this is reasonable so that we can provide for equality and we also remove discrimination. If you look at our constitution in terms of rights and discriminations, you cannot discriminate other people because of age, race or gender. We thought that this is one of them. That is why, as I said earlier, we have an example in the same department where some of the Director-Generals acted for more than five years because they would not have qualified to be appointed as Director-Generals.

To manage succession is very critical and that is why Parliament exists to be able to stabilise institutions. Improper succession management in institutions leads to chaos, anarchy and lack of motivation. Engineers then might be very demotivated. For you to wait until you are 48 years to ascend to become a Director-General makes people feel that actually, there is no need to be in that place. They look for other professions. That is why when Kenyans were proposing to open the position of Director-General to other people, some of the reasons they were giving were: "How can you wait for 48 years for you to have post registration certificate?" That is why we said, so that we do not create a vacuum, we open it. Now that, that has been removed, we are proposing that the House agrees with us so that we can remove that lacuna of succession and apathy within the department.

Finally, the other clauses are just cleaning up. It is about the Office of the Auditor-General and the Controller of Budget which are separated by the Constitution 2010, but have not been cleaned up in the Roads Act 2007. That is why we thought that we can clean up those issues. These are only three clauses. I do not want to belabour the point or over-stretch the thinking. I want to leave it at that. It is as clear as that. Therefore, I really implore upon my colleagues to agree with

us so that we can then provide stability within the transport industry. They have done a great job and that is why we agree that we give them stability. It is our responsibility as legislators and lawmakers to provide for stability within the industry of roads or infrastructure.

With those few remarks, I beg to move and ask my colleague, the able engineer, Hon. Koskei, to second. I thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Koskei.

**Hon. Dominic Koskei** (Sotik, JP): Thank you very much, Hon. Temporary Deputy Speaker, for giving me this opportunity to second the Motion led by our Chair, Hon. David Pkosing. At the outset, I want to state that, first of all, when the Bill came to the House the first time, I was opposing it simply because I was really not for the idea that the position of the Director-General should be held by somebody else other than engineers. Personally, I am a civil engineer by profession and I know what being a Director-General of a roads body entails. When the Chairman convened a meeting once again for further consultations, we agreed. Just not to belabour on the point too much, I want to say that the position of the Director-General is a civil engineering position. What does that mean? This person is the head of the roads sector in the country. It is the apex of the road sector in the country and, hence, on the position of the Director-General, I think it is very important to have a person who has passed through the training in the roads sector and that cannot be anybody else other than a civil engineer. I thank the Chairman, the team and the House who gave a second chance for further discussions on this.

Secondly, I want to talk about the years of experience that a Director-General can qualify from 15 years currently in the Act to 10 years. This will just open the position to be very competitive. There is absolutely no problem in appointing a Director-General who has experience of more than 20 or 30 years. What is in the law now is at least 15 years post-registration experience. I am an engineer. What does that mean? If you look at it critically, you cannot be a Director-General in this body when you are not 45 or 50 years old. That is quite discriminatory. We want to open it for people who climb the ladder very fast. At 40 years, they are able to change their profession and become Director-Generals. We want to be a bit more dynamic to the country and open it to be a very competitive position. That is why we generally agreed all of us.

You can imagine somebody gets to the Director-General's position and in three years, he is supposed to exit or requires the board to renew his term. We really looked at it and said three years is too short a time. Five years is okay so that if by five years somebody has not done his work and the board feels that it should not renew the term, then somebody should exit. Five years is good enough for somebody to implement programmes. In fact, there is no programme which runs for two years. Most programmes are five years. Strategic plans are for five years. A Director-General should have ample time to implement projects.

Hon. Temporary Deputy Speaker, I second. Thank you very much.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Murugara, you will speak but only after I have proposed.

*(Question proposed)*

Certainly, Hon. Murugara, not before Hon. Kibeh Wanjiku speaks.

**Hon. (Ms.) Wanjiku Kibeh** (Gatundu North, JP): Thank you very much, Hon. Temporary Deputy Speaker. I rise to support the Motion by the Chair of the Departmental Committee on Transport, Public Works and Housing. At the outset, I was also very disturbed when I saw the amendment that was being proposed. I really want to thank Hon. Speaker and the Chair of the

Committee for rescinding the decision to have the amendments. I am not an engineer by profession but a teacher. I can tell you I know very little about road construction and engineering. It is very important to open this specialisation sector. Talking about the position of the Director-General going to anyone means that we can now have even the cowboy contractors coming in as Director-General of those very important sectors.

I also want to commend the Committee because they have also seen the need to retain and ensure that it is not just enough to be an engineer, but it is also important for one to have experience in order to be a Director-General. The prescription of over 10 years and ensuring that those persons have managerial experience to be able to take up that position is very important.

Hon. Temporary Deputy Speaker, this is the spirit that we need in this House to ensure that we listen to our people. It is also important that we consult and come up with laws that will be good for the betterment of the country and not forgetting that we are talking about roads. This is a very important sector because we keep on talking about road accidents and we know the kind of work that is being done by our engineers who are working on the roads. By opening up this position to anyone, we might end up with unqualified persons.

I support the Motion and ask this House to support.

I thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Murugara.

**Hon. George Gitonga** (Tharaka, DP): Thank you, Hon. Temporary Deputy Speaker. I am anxious to speak to this because I was opposed to the Bill when it came with the Report saying that they would propose amendments to open it up. I am extremely thankful to the Chairman, his Committee and the engineer who has clarified that the issue of roads is a reserve of engineers, especially the civil engineers.

My opposition was actually based on my own selfish interests that there is no way I would sit in this House and pass any law that says that a lawyer, a chief court registrar, the Chief Justice of the Republic of Kenya or even a medical doctor can be the Director-General. That would be injustice to the country and other professionals, especially my own profession. So, I would not actually agree to this.

When this amendment had been brought, I was going to oppose the Bill but I have read the addendum Report which was tabled yesterday. I am happy to note that the Chairman actually listened to all the stakeholders and their representations as shown in that particular addendum. Today, we are debating that the Bill remains as it is, which is quite acceptable. I am sure that the engineers, through the Engineers Board, the Institute of Engineers and other colleges where they do their own engineering practices, are happy to have it this way. The Director-General, who will be appointed to superintend over the construction of roads is a colleague in the civil engineering field.

Hon. Temporary Deputy Speaker, I was also opposed to how a person who is not qualified can deal with strategy which sometimes includes looking at professional drawings to ascertain that they are correct and their quantification to know what it would cost, *et cetera*. As it is today, I agree that we give the Director-General a term of five years as opposed to the early proposal of three years. Roads are never constructed in a day or even in a year. They take a bit of time.

It is important to put the limits here that they must hold a Bachelor's Degree in Civil Engineering, a master's degree and the period of practice that is supposed to be done. This is exactly what happens even when it comes to appointment of judges who serve in our Judiciary. Those are lawyers with given years of practice. The same things apply to what we are doing today. Therefore, what the Chairman and his Committee have done is commendable. It draws the will of

the House from every Member to support this Bill so that we pass it to allow engineers to practise their engineering profession.

I support.

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

**Hon. Sakwa Bunyasi** (Nambale, ANC): Thank you, Hon. Temporary Deputy Speaker. I thank the Chair of the Departmental Committee on Transport, Public Works and Housing for the remarks that he has made. I hear what my colleagues are saying in enthusiastic support of the amendments as proposed, but I am not so enthusiastic.

The Chair has said that we can see how important those Director-Generals are because of the ongoing work in almost every part of this country. There is no work that is going on in Busia. There are people who live in some parts of the country and are seeing a lot of activity in that sector. We are not seeing that and there are so many issues around that. I guess that is not going to be the subject for today. I just want to be cautious that if you live among plenty, do not think everybody is eating every day. We need to get a wider spectrum of this country and see what is happening. That is why there are serious pockets of dissatisfaction even though people are thinking that things are great.

Hon. Temporary Deputy Speaker, in respect to the qualifications, the engineers are quite happy to get somebody within the fraternity to do this. But careers and professions are also changing. We discussed the other day issues about the importance of Public Private Partnerships (PPPs) for example, that are going to be negotiated, supported and understood by all professionals, engineers included. There are people who will do a Bachelor's Degree in Civil Engineering and will move on to do something on finance, law or other areas. They have somehow an understanding of the engineering, but they have also integrated themselves into the future of where things are going, where it will not just be engineers around the table. Even if they are engineers, they need to get substantive training in areas of management.

One of the biggest issues we have in our roads construction is not that the engineers do not know how to do the design and understand it. It is that the contract making, for example, seems to be quite sloppy. We are getting our contractors who are being recruited to do roads, but they are not qualified because they seem to come in because of who they know and so on. The kind of challenges we have with KURA, KeRRA or KeNHA are not usually about the quality of the engineering on roads. At times, there are quality aspects in terms of how they have been done but that does not mean the specifications are not right. They are, but it is largely because they are not managing contractors well. That is where the challenge and frustration are with those agencies. So, our total emphasis on engineering qualification is probably inadequate in today's world. We should accept that careers can be modified. To think it is right to just look at an engineer and all the qualifications required in engineering is looking back. We should also look forward as we discuss this.

Let me go back to one more point. Indeed, if the members of the profession feel that by the time you reach 48 years it is too late, I want to tell them that it is not. We should simply state that we need somebody who has been certified by the board or by the institute, whatever the case is. Being certified simply means that you are competent. It has been said in this House before that there are countries like France where the President was elected at the age of 34 years. I am not sure whether it was also in Latvia where the President was elected at 31 years. Why are we then going to pass something that will make it 40 years? Why do we not make it less than that? I did not find that argument scientific. It is like they just looked at this and made that proposal. I do not think we want to put something in law whose outcome is unclear. I believe by the time a person is a qualified

certified engineer, he or she may be 30, 31 or 32 years old and, therefore, good enough to lead KeNHA in a different direction. That is because of being more up to date than those who are 48 or 50 years old.

I do not think the arguments of reducing by five years are solid and worth it. Why not reduce by 10 years, so that the 35-year-olds can head or even become the President of this Republic. They can lead everything else including the roads sector. I am not enthusiastic with this. My final remark is that the Chair of the Committee must be conscious of the serious disparities in the road sector and implementation since the Jubilee Government came to power. I do not think we should make any statements implying we are happy. I find that almost insulting.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Ibrahim Sahal.

**Hon. (Ms.) Nasri Ibrahim** (Nominated, FORD-K): Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to add my voice to the Kenya Roads (Amendment) Bill. The proposed Bill increases the term of office from three years to five years, which is renewable once. This period will allow the Director-General to effectively complete their strategic plans and projects.

The Kenya Roads Act qualifications for the Director-General are being changed to allow more professionalism in that position. Currently, the set qualifications restrict appointments to those in the engineering field only. This is discriminatory given we have so many graduates in the managerial sectors who can fill the position of Director-General. Instead of the requirement of having many years of work experience, we have effectively included the young people who are performers by lowering the work experience requirement from 15 to 10 years. This will promote fair competition in the public sector.

I do support. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Manje.

**Hon. Joseph Manje** (Kajiado North, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to support the Kenya Roads (Amendment) Bill. Transportation is a fundamental trade in a country. A country cannot develop if the road infrastructure is not properly done. This is because it forms a basis of movement of people and goods from one area or country to another, and roads are key in the development of a country.

I want to thank our engineers for coming up with good designed roads in the country like, the Nairobi Expressway, which is changing the face of Nairobi and it is appearing like any other international capital. I wish to congratulate and request them to do the same for other big towns in our country, so that they can become proud as well. Those engineers take so many years training at the university and also undertaking post-university capacity building. Therefore, they need to be assisted in their work through provision of resources. After training for many years, we should give them resources so that they can assist in building and developing this country.

The amendment is changing the term of office from three to five years. It is very appropriate because many major Government projects are done within that period of time. For example, it will not be good to transfer the Director-General in between a project because a project cycle takes more time than that. By moving this period from three to five years renewable, that is the way to go. So, if the Director-General was supervising certain roads, there can be continuity until the completion of a project. This amendment is very appropriate given the nature of our projects and how they are financed in the country. Sometimes, the Exchequer delays for a period of more than three years.

Also, the post-registration experience being reduced from 15 to 10 years is appropriate. The world is seeking people who can work smart within a short period. This age restriction might have been a hindrance to many engineers who are up-to-date and can be offered managerial positions. It actually corresponds to the work experience which young people are asked about every time. Reducing this from 15 years to 10 years is appropriate because it will give energetic people a chance to serve when they can. As it is now, you cannot be a Director-General of the three organisations, that is, KURA, KeRRA or KeNHA if you are less than 45 years because of the required 15 years' experience after registration as an engineer.

Also due to emerging issues like the internet, we find many engineers use it to get more experience within a very short time. Young people are more talented in this area of internet and they get a lot of information from it. Therefore, we should not restrict them as far as this area is concerned. I wish to applaud our engineers because of the good road designs that they have come up with. I hear Thika Road was designed by our own engineers. I wish they can be provided with resources the way companies from outside are provided. The reason why many Kenyan engineers and contractors are not doing very well is because of lack of resources. The difference between our engineers and the Chinese ones is that they are supported by their governments and banks. That is why you see them doing projects to completion.

I have realised that when those outside companies like the Chinese ones get a project, sometimes, they move ahead of our systems. For example, when they were constructing the Standard Gauge Railway (SGR) in my constituency, I talked to them and found they were ahead of the Permanent Secretary (PS). He was trying to organise public participation, but they were already on the ground doing citizen participation by themselves. They are very fast and do many things in one day. Actually, if they go to a site, you find within a short period many things change like they have been there for many months. It is that movement of speed, manpower and sometimes working 24 hours which makes the difference between them and us.

I support this Amendment Bill. Let us give our engineers a chance to serve this country and I know they will transform it. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): The Majority Party Whip, Hon. Wangwe.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. At the outset, allow me to join my colleagues in congratulating the great Member for Pokot South, Hon. Pkosing, for bringing a wonderful Bill.

I support this Bill fully especially when I am looking at the Act of 2007 and now we are aligning it to the Constitution, 2010. We are doing this a bit late, but better late than never. Hon. Pkosing, I salute and thank you together with your Committee for doing this wonderful job.

There are three issues in this Bill we need to address. First, is the appointment of the Director-General and how he or she comes to office. I want to thank the Committee because they have given us the qualifications which are good and I agree with them. I want to deviate a little bit on the issue of reducing the years from 15 to 10, and I speak as a Member who has served in the Departmental Committee on Transport, Public Works and Housing. Although our Bill did not see the light of the day in 2015, we participated in the preparation of legislation in terms of how a Director-General comes into office.

There is the issue of a person rising in rank to be the Director-General. Let me make it clear that the main role of a Director-General shall be to coordinate colleagues. All colleagues are equal and can sit as Director-Generals. But how to coordinate the Director-Generals is what is very key. When we look at maturity of a Director-General, one has to have an understanding of

materials used in construction, one must be in a position to monitor the design and implement it and come up with creative designs. One must also have understood the structure that he is laying on the ground. Therefore, for someone to rise in rank to get to that level, it cannot be less than 10 years post-registration. Therefore, post-registration comes with the ability of a person to study not necessarily the age in numbers, but it is a key issue.

There is also the five years and I agree with the Committee. I agree with the Committee that five years is good enough renewable once meaning the appointing authority has leave to either renew or to decline. I agree with the five years, it is good enough.

I would like to share with the Committee and I would like to be allowed in the Committee of whole House to propose amendments on the sunset clause. The Bill does not speak to how the current Director-Generals would be deemed to exist after the Bill has been assented to. Therefore, I will be proposing amendments in the Committee of the whole House such that the current Director-Generals can inherit the Bill or move forward or whichever way I will discuss with the Chair and agree.

With those remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Oundo.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Speaker for the opportunity. When there were rumours and talk that the Committee had substantially thrashed the proposed amendment by the Leader of the Majority Party, many of us became apprehensive. We were extremely worried how a Committee that deals with a purely professional aspect can go to an extent of demeaning and thrashing professionalism in the management of a purely technical and professional aspect. I am happy today that the Chair of the Committee seems to have rescinded their thinking and come back to reality that some things are professional and ought to remain that way. If you want to run a *Jua Kali* kiosk, please train to run one; if you want to be an engineer and want to run a technical part do so and so not try to masquerade trying to find your way through.

If you did not get grades to enable you to study engineering and professional courses, accept the reality and live with it until the end of the day. As we stand here today, the roads sector is purely engineering. Aspects relating to funding and management of the finances, there could be other people best suited to do that, but the road sector in this country is purely a technical aspect. That is why I entirely agree and support the amendments as contained in the Kenya Roads (Amendment) Bill (National Assembly Bill No.13 of 2021) which calls for increase in the term of the Director-General from the current three years to five years. There is reasonable justification and it is aligned to the way we do things in our country.

Many strategic plans of most organisations, be they private or State organs, are normally five years. It is only fair that a Director-General or leadership of an organisation is given an opportunity to formulate and implement their strategic plan so that they are not curtailed or cut short before they complete them. Therefore, the increase from the current three to five years is commendable and the chance to renew is also commendable. We are simply aligning the same to ours, for the elected leaders. We do our five years and go back to the people who confirm you have done well. That is the case.

There has been a debate here of what the right age is. From my experience, I attended the same faculty at undergraduate with engineers. While many of us left university at around 24 years or 25 years, the engineering course took six years. So, by the time they were leaving university after their undergraduate they are about 27 years. Moreorless without doubt, there is no way one can get registered as an engineer until one has worked for at least five years. So, by the time one is registered as an engineer, one is in mid-thirties. There is no doubt about it. Before one gets

registered, he is not an engineer. He is just an apprentice or a quack like anybody else working in the engineering sector.

Obviously, after you become an engineer, you need to build confidence in your colleagues and all stakeholders working in the sector. It can never take you two years to build confidence and it can never take five years to build confidence for you to showcase, exhibit or demonstrate that you are able to understand the engineering process all the way from feasibility studies; scooping, design, review of design and supervising during construction. These are hands on jobs. So, a minimum period of 10 years post-registration is reasonable for purposes of building confidence in your colleagues and everywhere.

The most embarrassing thing and I told my students when I was at the University of Nairobi as a lecturer is that, if you are short of an idea, if it is an area you are not conversant with, please, declare your interest then. It looks very embarrassing to have the Director-General of the Kenya Roads Authority, if we send him or her to represent the country at an international conference on an international discussion to look so shallow and so low because of lack of adequate exposure or lack of adequate experience to represent Kenyans. Many times there will be disputes in the roads sector that require some element of experience to be resolved. With older people, I am not against the youths, there are jobs that can be done by young people and there are jobs that require a bit of experience.

Even in our villages when there are boundary disputes we do not send a toddler to sit in the committee to resolve boundary disputes. Even when there are marital problems we do not send the 18, 20 or 30-year olds to resolve them. They call the senior and experienced hands to resolve issues. We have always argued that the position the senior guys occupy, like my colleague Hon. Bunyasi, at no time does it prevent any younger person to do the jobs they are supposed to do.

I agree with the amendment in the Bill. It is important for us to raise the bar so that we give credence to the amount of time spent in school. It is unfortunate and disadvantages us that we tell our young people to go to school, but when it comes to giving out jobs, we tell all Tom, Dick and Harry to apply for specialised jobs. As a country, we must get away from this appeasement mentality where we want to look good or be politically correct and open up all positions just because the youth and other people want to do many things.

The experience of this House puts into question this positive affirmation. We have had affirmative action even in our own House, but how does it benefit Kenyans? That is why it is important to support and defend professionalism.

As I conclude, interim reports indicate that compared to many countries, Kenya has the lowest percentage of paved roads. Based on the World Bank Report of 2010, only 14.3 per cent of all the roads in the country are paved or tarmacked. We must now accelerate our development as a country.

I join my colleagues from Busia to say that, as people of Busia, we have been treated as second-hand citizens and forgotten people. For the past eight or so years of the Jubilee Government, the only attempt to construct a tarmac road has been the *kalongolongo* business that they have been doing from Busia Town all the way to Malaba. We applaud this, yet you find that in many constituencies in this country, tarmac roads crisscross each other. Budgeting and approval of the budget is done at the Departmental Committee on Transport, Public Works and Housing. They leave most of us without anything to talk about. We have nothing to talk about.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Oundo. What is it, Hon. Wangwe?



**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. Hon. (Dr.) Oundo is a land economist who, in good English, we say has “eaten good books”. He has used a certain terminology, namely, *kalongolongo* business, which I request that he clarifies. Let him tell us what it is he calls *kalongolongo* business.

Thank you.

(Laughter)

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): That may be village vocabulary, so, all of us are lost. However, Hon. Oundo, would you be kind enough to clarify that?

**Hon. Wilberforce Oundo** (Funyula, ODM): Hon. Temporary Deputy Speaker, all I was trying to point out is that the Jubilee Government cheated the people of Busia that they would construct a road for them. It took eight years and was launched by the character masquerading as the chief “hustler” or whatever it is. Nothing moved in eight years. That is the only thing we pretend to see. That is why we are saying that it is child’s play to come and dupe the people of Busia.

As we talk about reforms in the roads sector, it is important that projects are shared equitably in the entire country. It should not just be a preserve of some sections in this country, but must be shared equitably. We always say that a time will come when we have to ask very hard questions. What stake do we have in Kenya, if we cannot receive basics like water and roads? We just see them happening elsewhere. I am sure that you will find electricity connections and roads in excess in some constituencies whose Members of Parliament sit on various Committees, but those of us who do not sit on those Committees see nothing coming to our constituencies.

With those few remarks, I support the Bill.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Kiaraho Njuguna, Member for Ol Kalou.

**Hon. David Kiaraho** (Ol Kalou, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to air my views.

First and foremost, I would like to state how disappointed I was with the former proposals at one point in time as a Member of this Committee. I am an architect by profession. Some of the issues which were being pushed forward were very disappointing. However, I thank our Chairperson and the Committee – so, I should also be thanking myself – for listening to the views from various stakeholders. Having navigated through all the views which were given, what is in front of us makes a lot of sense.

There are three cardinal points. There is the issue of increasing the term of the Director-General from three to five years, which is okay. There is also the issue of reducing the time period for experience from 15 to 10 years. However, of major concern was the issue of opening up the post of Director-General.

As an architect, in any project, we are called the lead consultants. We oversee what the mechanical engineer, electrical engineer, interior designer and surveyor are doing. All other consultants fall under the lead consultant. In my view, the Director-General is the head of whichever agency he or she is leading, whether it is KeNHA or KURA. If the seat of Director-General is occupied by someone who does not have the technical understanding and know-how, that would open up an avalanche of chaos.

Why do I say this? Just put yourself in this particular situation. Here is a Director-General who has gone to negotiate for some donor funding. When negotiating, there are so many technical

terms which are used that he or she will need an engineer by his or her side to interpret what those people are saying.

Currently, we see our Director-Generals inspecting roads in various areas in Kenya. If, for instance, we had a Director-General who goes to inspect a road in a particular section, but he or she does not understand any issue pertaining to that road, he or she will have to consult an engineer.

When tenders are done, they are based on Bills of Quantities (BQs) and engineering drawings. A Director-General should be someone who, when given those tender documents or drawings, at a glance, he or she should know what they are about. It will be very unfortunate if, as the Chief Executive Officer (CEO) of that agency, you are just given the BQs and some drawings for a tender, told that the tender costs a certain amount and your work is just to append your signature without knowing what you are signing for. This is one area that I feel will be totally misused.

We must agree that those three agencies have been moulded and formed over years in such a way as to achieve the main objective in the roads sector, which is to make that sector better through better delivery of services.

I am more than happy that the Bill has limited the qualifications for the position of Director-General. It can only be occupied by someone with a minimum qualification of a Bachelor's Degree in Civil Engineering. As far as I am concerned, that has sorted out a major problem. Short of this, we would have started messing up this sector.

The Committee has done a great job. Even the hundreds of petitions which were put forward have done a lot.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Tuitoek Kamuren.

**Hon. Daniel Tuitoek** (Mogotio, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this amendment Bill.

Generally speaking, engineering is very precise. It is not a job which you can wake up one morning and be able to execute. I heard a few of my colleagues saying that we should open up the sector and allow more people to manage it. That is like saying that the work of a surgeon can be done by a general doctor. This is a specialised area, therefore, a Director-General in this field should be somebody with a lot of experience.

Looking at the clauses outlined here, there is a requirement that one should hold a Bachelor's Degree in Civil Engineering and a master's degree from a recognised in Kenya. It goes on to talk about the number of years; at least 10 years' post-registration experience and another 10 years of managerial experience. This explains that beyond registration in Highway and Road Engineering, you also need to be a manager with at least 10 years' experience. I think this is actually a proper requirement. I think the only challenge is the number of years that we need a manager to serve.

Hon. Temporary Deputy Speaker, I was thinking about the procurement period associated with engineering projects. Some of them take a lot of time, from the design to the procurement aspect, valuation, financing and sometimes the periods can even be more than a year or two. We should allow a manager to serve for five years to enable them to oversee a number of projects within that period. Therefore, I really do not object to the idea of raising the term of office from three to five years. In this particular case, the Chairman has done a good job to suggest five years. The only thing that might arise is in a scenario where some of these managers have been acting for quite some time. I really do not know how to deal with people who have acted for five years. I

do not know whether that is breaking the law because it states that people should not act for more than six months before being confirmed. The Chair of the Committee should look for a way to stop or prevent people from acting for a long time without being confirmed. It is a requirement in law that if you act for six months, you should be confirmed. In this particular case, we might find a manager who has been acting for five years and if we extend their term, they will have served for 10 years. If you renew their contract for another term of five years, they will have served for 15 years. That will be a little bit on a higher side and we might need to relook into that.

Secondly, I want to remind the Chair that we passed a Bill in this House that paved way for the Government to seek infrastructure bond. I just want to state we are not getting equal treatment on this because roads are not being done in all the constituencies. There was a time that this House passed a Bill requiring the Ministry to do 20 kilometres in every constituency. I do not know whether the Chair is aware of that particular Bill. At one time, I was a Member of the Committee on Implementation and I can recall that that particular part of the Bill had not been implemented. I think the Committee on Implementation should revisit it and ensure that the Ministry sets aside a budget for each constituency so that we can experience a tarmac road. Some constituencies have not had a tarmac road since the 1970s. We actually need to revisit extension of roads in our constituencies.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Osotsi Godfrey.

**Hon. Godfrey Osotsi** (Nominated, ANC): Thank you, Hon. Temporary Deputy Speaker for the opportunity to also support this Bill. I have listened to the contributions and I want to agree with the sentiments expressed by my colleagues on this Bill. But please allow me to point out a few areas. Basically, the amendments on the qualifications of the Director-General are geared towards getting a highly competent, experienced and a trained person to fill this position. I have looked at what has been suggested. I want to state that in terms of academic qualification, it is a requirement that one holds a Bachelor's Degree in Civil Engineering and a master's degree from a recognised university.

In my opinion, if we are looking for a highly experienced and qualified engineer, we need clarity on this so that we do not just make it a master's degree. It should be a Master's Degree in Civil Engineering. This is because as per this requirement, a master's degree can be in any field. It can be a Master's Degree in Political Science, Leadership, Theology, Gender Affairs and all those other things. This is not the kind of person we expect to be there. I think when we get to the Committee of the whole House, we need an amendment so that it is very clear that whoever is holding this position must not only hold a Bachelor's Degree in Civil Engineering but must also have a master's degree in the same field.

In terms of the number of years of experience, I want to agree with my colleagues that 10 years is quite short as a serious qualified engineer. We need someone who is professionally mature and one who can instil confidence in his colleagues. Nowadays, we also have the issue of quality of training as we have so many engineering schools in various universities that have been questioned in the past. So, as much as we are vouching for young people to take up jobs, we must understand that matters of engineering affect life. Therefore, we want engineers who will produce quality products and quality roads. In my opinion, 10 years is quite insufficient.

We also have the issue of intra-continental connectivity which requires a longer time especially at a moment like this when we have discussions around connecting African countries. Some of these projects will be overseen by the Director-General. In this case, we need someone who has at least 15 years' experience and not 10 years' as it had been earlier pointed out.

Hon. Temporary Deputy Speaker, Members have not commented on Chapter Six of the Constitution. We all know that we appropriate huge sums of money for road construction in this country but most of these monies are misappropriated. There is evidence that there is a lot of corruption involving people who work in these road agencies. We even had a case where officers from KeRRA were questioned on the issue of irregular award of contracts, money laundering and such things. Therefore, it is important that whoever takes up this position undergoes a lifestyle audit because it would most likely be a person who has worked for these road agencies for many years. We must not promote corruption. I think it is wrong to promote someone who has been involved in corruption to head a road agency. Therefore, I hope that when we talk about Chapter Six, we will provide that whoever will be given this position will undergo a lifestyle audit. I will be making that proposal at the Committee of the whole House stage. This provision will ensure that people who take up this position are people of integrity who have no corruption history and those who will ensure that the money that this House appropriates is well spent for the benefit of Kenyans.

Hon. Temporary Deputy Speaker, I want to agree with my friend, Dr. Oundo who spoke about the issue of equity in distribution of road contracts. It is true that road construction projects are not equitably distributed in this country. There is need to look at the whole management of the road sector in this country. With the new Constitution in place, we should not centralise KeRRA and KURA. They need to be taken back to the counties so that they are managed there. This will ensure that money allocated to Vihiga County is used to build the roads in that county. This centralisation is denying some areas the money for road infrastructure. In the long-term, we will ensure all parts of this country have roads, especially rural roads, for efficient communication, business and the economy of this country.

We will need to look at the issue of age, experience and academic qualification. Academic qualification should not be limited to just having a bachelor's degree and a master's degree in unclear fields. We want to be very specific. If it is a master's degree, it should be a Master's Degree in Engineering, not a master's degree in any other thing like Theology or whatever which is not relevant to road construction.

For those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mwangi Mburu.

**Hon. Jonah Mwangi** (Lari, JP): Thank you, Hon. Temporary Deputy Speaker.

On the outset, I want to support the Bill, but disagree with Hon. Osotsi in a few areas. The first area is that an engineer is called an engineer after the first degree. One becomes an engineer at an undergraduate degree. All those other degrees like a master's degree are enhancement degrees for management. You can do a Master's Degree in Accounting and Finance to enhance management skills. You can do a Master's Degree in Strategic Management. When you become a Director-General, you also want that engineering aspect plus institution management concepts. So, to be clear, the first degree must be in Civil Engineering.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Mburu. What is out of order, Hon. Osotsi?

**Hon. Godfrey Osotsi** (Nominated, ANC): It is just a point of information.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): To who?

**Hon. Godfrey Osotsi** (Nominated, ANC): To him. I think he was not listening.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order. Wait a minute, Hon. Osotsi. Hon. Mburu, do you want the information from Hon. Osotsi?

**Hon. Jonah Mwangi** (Lari, JP): I do not think I want to be informed. I got him very clearly. That is why I am trying to answer him.

The first degree is what I am insisting must be a degree in Civil Engineering. The reason for this is that we have very young people who are getting discouraged to study Engineering and Architecture. It is because their courses and institutions are being taken over by holders of Bachelor of Arts and Bachelor of Law degrees. All the institutions are being headed by lawyers. Have we ever seen a Chief Justice who is not a lawyer? Even hospitals should be managed by doctors. That is why an institution like KeRRA or KeNHA must be managed by engineers. All those master's degrees should enhance performance in people to make sure they are good managers in their fields.

For the first time, I want to congratulate the Chair. From the outset, our young people believe that if they do engineering degrees, they will get jobs in an institution where they are sure they can grow to the highest levels. This is the same thing over which I should encourage all other institutions. That is why many institutions are failing. You see the Kenyatta National Hospital (KNH), a very serious hospital, is being managed by an accountant or a lawyer. I do not think it is right. The Kenya Airways, an institution that has serious logistical issues is being managed by a marketer. I do not think that is right. Most of these institutions should be managed by people of those fields.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Mburu. What is it, Hon. Wangwe?

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. Allow me to inform the Hon. Member, if he may accept.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mburu, do you need the information from Hon. Wangwe?

**Hon. Jonah Mwangi** (Lari, JP): He is my chief Whip. If I do not give him a chance, he might de-whip me.

*(Laughter)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Wangwe is not that malicious. Nevertheless, go on, Hon. Wangwe.

**Hon. Jonah Mwangi** (Lari, JP): That is why I give him a chance, not Hon. Osotsi.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. I appreciate my colleague from Lari. He is such a wonderful friend of mine. We always joke together. He has referred to Kenya National Hospital as being run by other professions. Of course, I support the Bill as it is, but allow me to inform him that Dr. Lesiyampe is not a medical doctor. History has it that during his time at the KNH as the CEO, he was the best. My colleagues in this House will agree with me that he delivered as a non-medical CEO. Therefore, let him just get informed, but he is really on the right track as far as this Bill is concerned.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mburu, you seem to have an issue with the lawyers. You have mentioned lawyers four times in the last one minute.

**Hon. Jonah Mwangi** (Lari, JP): Hon. Temporary Deputy Speaker, I know you are a lawyer but, I have seen a tendency of lawyers trying to open all the big jobs for themselves. That, you must have a degree in law; you cannot have any degree. I do not think it is right.

I also want to inform my Whip of the Majority Party that this emotional feeling that he was not a doctor, but he was the best performing CEO is just measured emotionally. There was no criterion of measuring who the best was. Truth be told, we must encourage our young boys and

girls when they are studying certain courses. They must have an opportunity to grow to the highest level. Even if you have to go to the KNH as an accountant, go and do a small degree in medicine so that you can understand all those issues about hospitals and medical issues so that you are not confused by your colleagues in the lower ranks. It is the same thing for civil engineering. If you go to KeRRA and you are given those BQs and you are just an accountant, how will you understand the composition of the soil that is supposed to be put in a certain road so that it lasts for 30 years? It becomes complicated and some engineers start taking advantage of you. You will be consulting and consulting every day. You will not make right decisions at the right time.

I support the Chair of the Departmental Committee on Transport, Public Works and Housing that 10 years of experience and a master's degree is very good. But, it should be a master's degree anything as long as you have a first degree in engineering. That is what I support, anything that is relevant. I also support the issue of 10 years' experience because when you get a first degree, maybe at the age of 24 years, you will be 34 years old after 10 years. That is relatively a good age to become a CEO. I am electronic engineer. I became a country CEO at the age of 33 years, just by virtue of my energy and good work. So, it is also good I became a country manager at the age of 34 years. I was leading a country like Uganda. I went to Ethiopia at 35 years of age. I am happy I had a lot of energy at that age.

**Hon. Members:** How old are you now?

**Hon. Jonah Mwangi** (Lari, JP): Now I am getting old.

*(Laughter)*

The issue of age is critical. Ten years of experience is good. All other experiences after 10 years to 15 years to 30 years are repeated experiences. It does not add a lot of value to experience. At that age of between 35 years to 45 years, people are energetic. They are able to move this country to great heights.

The other issue is that of three to five years, it is very critical. Roads have a lot of work before they are completed and start being built. It has the design stage. Roads have many issues to go through. One year is not enough. Like today, the Mau Summit Road has taken one year before its commencement. They are having meetings every day. If you are given the position of a Director-General in a span of three years and one-and-a-half years is taken by environmental and design issues, that Director-General will not see the end of a road by the time a road is coming to an end. That is how you see ghost projects and roads that are not completed. Small roads like the Industrial Area Road where we do business and the Likoni Road stuck there for seven years. The Director-Generals were changed twice. We want terms of not less than five years so that Director-Generals can oversee most of the projects to completion. We do not want cases of money being allocated and it is lost.

In conclusion, I support that Bill. I think I am good with it.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mburu, I am not sure what energy you had so that you were a country manager at 34. Anyway, that is you. Hon. Thuku.

**Hon. Zachary Thuku** (Kinangop, JP): Thank you, Hon. Temporary Deputy Speaker, for this opportunity to put my voice on this Kenya Roads (Amendment) Bill.

From the outset, I wish to support the same. Indeed, I must congratulate the Departmental Committee on Transport, Public Works and Housing, through the able chairmanship of Hon. Pkosing and the newest Vice Chair in the House, Hon. Mercy Gakuya. The issue of defining the term of a Director-General is welcome. Indeed, increasing the term from three to five years is a

very good thing we are doing for this country. The position of a CEO or a Director-General is the most senior managerial position. If we have a turnover every three years because of term limits, it is not very good for an institution. Therefore, increasing the same from three years to five years, which is within the stipulations of Mwongozo guidelines that were signed by His Excellency the President, is acceptable. We seem so selfish in our passage of legislation because we have restricted most CEOs to a term of three to four years. Because the upper limit is not set, we need to revise the same. If you limit the term, then you increase the chances of impropriety on the part of the CEO, because he has to eat fast so that by the time his term ends he has amassed enough. It is an exit position. You do not expect someone who has served as a Director-General to look for a job that is lower in rank. The Committee was considerate by proposing an increase of the number of years in a term, not just for purposes of institutional memory, but for the wellness of officers that we entrust with this office.

On the second issue that is raising jitters in this House, I agree 100 per cent that the leadership of this organisation should have a bachelor's degree in Civil Engineering. But on the second qualification, I differ with the proposal in the Bill: that the holder of this office must hold a master's degree from a recognised university. That is too vague and limiting. That ambiguity can only be cured by being cognisant of the fact that a Director-General is a manager. This is a managerial position. Having a first degree in Civil Engineering, the second degree should be a managerial degree. It should be a well-defined qualification. We should do away with the ambiguity and vagueness as to which second degree the Director-General should hold. From where I sit, I believe that he should hold a master's degree in any managerial discipline to be entrusted with the running of the affairs of this organisation. There is human resource aspect, financial aspect and operational aspect in which the Director-General should be well versed through training and not just by assimilation in the system. Therefore, I want to join colleagues who said they will bring amendments to define the kind of master's degree the Director-General should hold. That way, we will make sure that the person we put in the position is well versed with management of the organisation.

Hon. Temporary Deputy Speaker, allow me to digress a little. We are talking about the Kenya Roads Board. There is so much money that is entrusted...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Thuku. Hon. Kiaraho has an issue. Hon. Kiaraho, what is out of order?

**Hon. David Kiaraho** (Ol Kalou, JP): Thank you, Hon. Temporary Deputy Speaker. I think the Member is out of order. He is referring to the Kenya Roads Board Bill. We are not talking about the Kenya Roads Board Bill. He has repeated that. He better be on the same line with the rest of Members.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): You know the two of you come from Nyandarua, so it is good you are correcting your brother. Hon. Thuku.

**Hon. Zachary Thuku** (Kinangop, JP): Hon. Temporary Deputy Speaker, with all due respect, Hon. Kiaraho is doing his second term, but his appearance in the House is wanting. Maybe he is not well versed with the happenings in the House. This is the Kenya Roads (Amendment) Bill, so it is a Kenya Roads Bill in essence. It is one and the same thing.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): No, they are not the same.

**Hon. Zachary Thuku** (Kinangop, JP): Okay, Hon. Temporary Deputy Speaker. I am well guided. It is the Kenya Roads (Amendment) Bill. He has interrupted my thought process. I wanted to digress a little. We are talking of a parastatal that is entrusted with appropriation of fuel levy.

The Director-General, in consultation with the Cabinet Secretary, decides on where the fuel levy money should go to. Many a times, especially for us who come from constituencies where it rains a lot and roads need repairs every other time, we make applications asking for emergency funding, especially from the 10 per cent that is entrusted to the Director-General and the Cabinet Secretary. Roads are the heartbeat of our constituencies. I believe that is why Hon. Kiaraho is here.

We are farmers and we expect that our roads are passable at all times so that we are able to move our produce. Our area is the food basket of this country, but our roads are never allocated enough funds to make sure they are passable. As we speak, I know so many Members who complain that their areas are dry. But we have a lot of food in our constituencies and yet our roads are not passable. Are we not doing injustice to ourselves? I would wish to take some food to Mvita Constituency where my Chairman comes from or to Kaloleni where my brother Hon. PK comes from, but that cannot happen because our roads are impassable. It is so rainy in our place. We hear there are places where people go hungry. As a House, through the Departmental Committee on Transport, Housing and Public Works, should look at this matter. Money should be directed to where it matters. We should not hear that money is directed to constituencies where roads are not needed or where roads are not as important as where food comes from. I hope that the Director-General of KeRRA will consider and make sure that all the weather roads in Kinangop, which is part of the food basket of this country, are well paved so that we can cure the perennial problem of food shortage. In fact, food security happens to be one of the Big Four Agenda items.

On the issue of classification of roads, which is within the purview of KRB, we need to be involved as Members of Parliament. I say this because we have had issues with Class C KeRRA roads being downgraded to county roads. We already know that our county governments do not have the capacity to repair these roads. There is a lot of money that is left with the national government at the hands of KRB. I believe that the best people to be involved in classification of roads, and in the spirit of public participation, are the people who represent the masses. These are the Members of Parliament.

I wish to support the Bill. I will propose an amendment so that a holder of the Director-General's office must have a master's degree in either management or governance to guarantee some level of efficiency and understanding in the running of the institution. That should not just be visible in terms of the standards of roads, but in terms of management of the finances allocated to this parastatal.

With that, Hon. Temporary Deputy Speaker, I support the Bill but with amendments.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Maanzo Kitonga.

**Hon. Daniel Maanzo** (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to support this very important Bill. Roads are very sensitive in the country. From the experience we have gone through in the last 10 years or so, these amendments are important and due. I want to agree with Hon. Kwenya, and I believe the Committee will adopt his proposal. We should strictly adopt master's degree in management. That empowers the engineer, despite 15 years' experience, to be qualified in management or governance, although governance is a wide field. If somebody has a master's degree in management and experience in governance, they will move faster in navigating their way into Parliament for budgetary allocations. On timelines and movement, they would be more efficient. One of the things we have been doing despite allocating money, roads are taking more than three years to be completed. If the Director-General is serving for five years then he has enough time to complete a certain road.

A good example in Makueni County is the road that goes through Kaiti-Makueni Constituency and Kibwezi West Constituency called Ukia-Emali Road. It has taken so many years.



One time it was moved from KeRRA to KeNHA and they had to redesign, yet we had original designs done by KeRRA, and they went back to square zero. When they planned to start, that financial year expired, the board left and the road simply stalled. I am sure it will give us difficult times in the coming election because roads particularly affect a Member of Parliament whether they are KeRRA or not.

What also has happened, there was reorganisation between counties, KeRRA and KeNHA roads. As a Member of Parliament, I also lost very important roads. When they went to counties, they have not been able to maintain them, but the people know that this is the Member's road. By the time you explain to everybody that it is no longer your responsibility, you have to go and look for the extra money to do a county road to maintain the good perception with constituents. Roads can really mess a Member especially the politics and stuff like that when they are not maintained. These are roads which are mostly not tarmacked. They are regularly maintained and a times, you get poor contractors working on them. Somebody with management skills and experience is likely to even help identify those contractors who have good engineers and who can do a good job. Tarmacking takes quite some time. There are quite a number of roads now lost in counties. These include in Nairobi County, between KeRRA, KURA and all relevant institutions.

When we make amendments, we should not just extend to KeRRA and KeNHA, but to all bodies so that they have a similar standard; whether they are doing town roads, rural roads or highways, but it should be uniform. I believe the chairman is knowledgeable in this area, because he is qualified and has also been a long serving Member of Parliament. He would be able to guide the Committee so that when we come to Third Reading, they are amendments we have agreed on. We would like this Bill to go faster so that it can be implemented as soon as possible.

Hon. Temporary Deputy Speaker, the other problem is that there have been so many active CEOs for such a long time. A good example is the CEO for NG-CDF. It took us long time because of political imaginations to be able to appoint the CEO of NG-CDF. It is a similar problem with many organisations, including the ones under roads. When we pass this law, I believe it will easily bring that matter to rest.

One of the most difficult bodies to deal with is KeNHA. KeRRA is very cooperative with Members of Parliament. KeNHA has many people running it or engineers who believe are smarter than Members of Parliament. They do not need us yet we are the ones who appropriate these laws and then follow them up. They become a stumbling block to our politics. I agree that somebody with 15 years' experience knows how Parliament operates. He is also experienced on how the Ministry works and is even much better, if he or she has a degree in management because he or she would be able to follow and understand the matter much faster than somebody who has a simple degree, any master's degree or poor experience. Therefore, this Bill is a major improvement on what has been happening.

We are all curious as Members of Parliament to see as many new roles as possible in our constituencies. That puts you in a very good pedestal politically. Some of these things have not been implemented in Parliament for many years. If you are a serving Member of Parliament and you are able to deliver a tarmacked road no matter how small it is, obviously, the constituents will be very happy. Some of the roads that are being graded, because of rains and the situations, have to be graded every other day because they become rough quickly. I am sure members of public in our constituencies are keen and usually very happy when you can improve a tarmacked road. It also gives you a legacy similar to the one President Kibaki had with Thika Superhighway, and the one President Uhuru Kenyatta is going to have with the express road being constructed now heading to the airport, thus reducing jam in that regard. It will leave a permanent legacy.

As Members of Parliament, we look forward to leave permanent legacies. When you are a Member of Parliament and a tarmacked road is done in your constituency, it remains with your name and leaves the people with a good feeling. They will keep blessing you for good and long leadership because of making their roads much better. These institutions are very important. They are also allocated lots of money under budget.

The bigger the budget the better it would be when you have somebody with special skills in management. This is so that efficiency can be seen in the construction of roads. The time taken and the duration can be faster.

Tendering sometimes takes a long time. At times, there are challenges in this particular area that tendering process ends up on appeal. The moment it turns so, it delays. When you have good managers, they will manage better the process of tendering which goes with experience. This is so that whoever wins a tender fully qualifies and even the other parties are satisfied that the tender has been won fairly, it therefore, improves on efficiencies. Where you are trying to do a road where tenders have been interfered with, and people are on the appeal process they go to court then the whole matter is delayed and the financial year elapses. Nowadays, the Government is also starved of funds. So, the more you quarrel with the management of KeRRA or KeNHA, the more time the Government saves, and the more they push you ahead, the more it creates confusion. So, when it creates efficiency in the organisation, we save time for everyone; the Ministry and for the people in terms of work moving faster in progress.

This is a very important Bill and we look forward to working with the Committee on these small amendments which are going to make it much better. It is not a very big Bill. I believe we can move faster when it comes to Third Reading. I am looking forward that this great road which has been lacking funding – which this House can help me and the three Members including Hon. Musimba – will be done. If we can have Ukia-Emali Road done, our chairman and the Ministry knows about the road, it would link counties running from Kajiado, Makueni and Kitui which is only a spot of 42 kilometres.

I look forward to passing this Bill. Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Mercy.

**Hon. (Ms.) Mercy Wanjiku** (Kasarani, JP): Thank you, Hon. Temporary Deputy Speaker.

I rise to support the Kenya Roads (Amendment) Bill, 2021. I also want to take this opportunity to thank my Chair. I serve as the Vice-Chair in the Committee.

Road sector is key. If you go to a country and find the transport system not in order, it is said that that country is not doing well. Road sector which serves almost 100 per cent of a country needs to be headed by the people who have passed through the system which has been set in our country.

I will start by supporting the bachelor's degree and master's degree which have been set. For sure, the civil engineers go to the university for five years and not four years like other degrees. Even if other courses have part time learning, I do not think civil engineering has it. You will not even get holiday based system. They go throughout the year for five years. Civil Engineering degree is quite technical and for the master's degree, it should be from a recognised university in Kenya. It is also quite essential because you must have a degree in Civil Engineering, Strategic Management or anything to do with Project management and Administration.

The point where the engineers must be registered by the board is also a factor to consider, and I support. Also from three to five years... Can I remove my mask?

*(Laughter)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): No!

**Hon. (Ms.) Mercy Wanjiku** (Kasarani, JP): Let me adjust it better.

Hon. Temporary Deputy Speaker, three years is less compared to the kind of work the Director General has to undertake in a country whereby you have roads under KeRRA which are over the country in the 290 constituencies. I support Hon. Maanzo who talked about how roads are sometimes neglected in other parts of the country. The addition of five years will enable the Director-General to handle all the work under him. The 10 years' experience is necessary because one may find that it is hard to manage even with the basic and masters' degree because the kind of work done is not only about road construction, but other civil works.

There are many processes preceding road construction that have much bureaucracy. However, an experienced manager or Director General can undertake all these processes. You will find even if a road has been approved, within six months the contractor can get to the ground and proceed with work. I will give an example of my constituency, Kasarani where roads have been done well. We only had Kangundo Road which was done in 1965. All over the years, Eastlands has always been considered as an urban area. It is always left out when it comes to development. However, with agencies like KeRRA in the 290 constituencies, at least the areas will develop.

So, I support the Amendment Bill so that at least the Director General can have enough time. We also have the aspect of Chapter Six of the Constitution that deals with integrity. When people have trust in you, it is not only by the look, but by experience. The 10 years' experience is good enough, which means that Kenyans have evaluated you and before you get this job, Chapter Six would have been used to evaluate you and you can walk the talk. Many people have failed and we pray God that in future, at least people will not be dashing to courts all the time because that has really dragged the country behind. We are at least assured that with the Director General being subjected to Chapter Six of the Constitution and having had 10 years' experience in a managerial position within the road sector that will help get a proper Director-General to serve.

Equally, it will be good to allow the Director Generals who have been serving before these amendments are effected to serve their full term. Most engineers are mostly in acting positions. We can put it such that in case some are in acting capacity, they do not have to push to be confirmed as Director Generals.

Finally, we hope that the Director General of KeNHA, KeRRA and KURA citing an example of the expressway, will be given enough time to work with the Chinese.

You find that casuals are not taken in the whole time and sometimes we waste resources. However, with the involvement of a qualified Director General from the Civil Engineering background and with the managerial position experience for 10 years, we will be interested in ensuring that everybody working within a particular contract is retained and factored for future development

I support the Bill and hope it will ensure that there is a difference in the way the road sector is managed.

I thank you.

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

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

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well spoken Member for Kasarani.

Let me have the Member for Kilome, Hon. Kithua, you want to speak to this or the other Motion?

**Hon. Thuddeus Nzambia** (Kilome, WDM-K): Thank you Hon. Temporary Deputy Speaker for this great opportunity to contribute to the Roads (Amendment) Bill.

First of all, I am an engineer and as my colleague has said, we take five years in the University. The programme is very tight from 8.00 a.m. to 6.00 p.m. I agree on this Bill for the extension of the Director General's term from three to five years. It is clear that any progress especially in the road sector requires appropriate time.

Five years will suffice for effective and sufficient delivery of any infrastructural development especially in roads where we have three authorities; the KeRRA, KURA and KeNHA. There should be a clear classification of the roads. Most of the roads in the rural areas before were classified under KeRRA and when the issues of the counties emerged some were devolved to the county governments.

My colleague noted that even up to now, with the fuel levy money counties are not able to even manage the roads. In this case, I support this Bill about the Director-General's qualification but I propose – although I can see the issue of finances has not been mentioned and the enactment of the Bill does not occasion the expenditure of public funds – we get some more monies allocated to KeRRA so that the rural roads can be well improved. On the qualifications of the Director-General as has been specified, it is good to have good skills on management after the first bachelor's degree, that is, the five-year engineering course. An additional master's degree is appropriate just for management because it is also a very wide field and there is a lot of money which is involved in construction and infrastructure development. So, we would need somebody who has some management skills on top of the technical skills in that matter. It is also very important that we need to prioritise some roads in our country. Some agricultural productive areas have roads which are not passable while some areas that have no agricultural production have roads which are very okay. They are idle and not being used. There should be prioritisation of the roads within our country.

To conclude, in any office even in primary schools, the head teachers are given five years before they are transferred to other schools because when you start a programme, in at least five years, it will be visible. The issues of roads are a bit sensitive. I want to quote my place. When I was elected in 2017, there was a road which had already been started. It is now almost five years and it has not been completed. I think that has been the case because of the change of the Director-Generals which has actually made some of the projects in this country stall.

I will go to my last point so that I give other Members time to contribute on this important Bill. When planning for these roads both in urban and rural setups, it should be made clear by the Director-Generals who we are saying should have some good experience, that there must be a specified period of time for any designed road to avoid so many stalled and incomplete roads projects in our country. This is because a road that is started today and takes five years to construct already develops potholes before it is completed. That is where we lose money as a country. So, there must be a specified period of time for a road. I applaud the contractor who is doing the Nairobi Expressway. It was started the other day and everybody can see that it is coming to completion. We also want other roads which are being done in our country to follow suit so that we do not lose a lot of money in our midst.

Thank you, Hon. Temporary Deputy Speaker, for the opportunity to add my voice to this important Bill. I support the Bill and know there is no sinister motive. People might think the Director Generals who are already in the office need an extension for their benefit or personal gain. Five years is a good time for them to deliver.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Thank you, Hon. (Eng.) Nzambia from Kilome Constituency. You referred to some expertise in the Director Generals. Are they called DGs or Deputy Director-Generals?

**Hon. Thuddeus Nzambia** (Kilome, WDM-K): Hon. Temporary Deputy Speaker, “DG” is just an abbreviation for Director-General.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): What about the ones at the counties, the ones we used to call regional managers?

**Hon. Thuddeus Nzambia** (Kilome, WDM-K): The regional managers manage the counties.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): They have a different name now. Let us have the Chairman.

**Hon. David Pkosing** (Pokot South, JP): I thank you, Hon. Temporary Deputy Speaker. Those at the national level are called Director-Generals. At the constituency, they are called regional engineers.

Hon. Temporary Deputy Speaker, any other clarification? I follow your instructions.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): I do not know whether it is part of the amendment. They were to get a different name for Deputy Director General.

**Hon. David Pkosing** (Pokot South, JP): That proposal has not reached me. Maybe it is on the way coming.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): That is a very good argument. I am sure all the Members of this House have really benefited.

**Hon. David Pkosing** (Pokot South, JP): Hon. Temporary Deputy Speaker, you know I am loyal to you. Can I now sit?

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Yes.

**Hon. David Pkosing** (Pokot South, JP): Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Next is the Member for Runyenjes, Hon. Njiru Muchangi. He wants to speak to the same.

**Hon. Eric Njiru** (Runyenjes, JP): Thank you, Hon. Temporary Deputy Speaker, for the opportunity to contribute to this very important Kenya Roads (Amendment) Bill 2021. I must start by applauding the Committee and the Chairperson for a job very well done. I need to say that the extension of period from three to five years is a good thing because three years is such a short time for a person who desires to do a good job in a country that requires good infrastructure. I must say that a Director-General also requires time so that during his tenure, he can get time to go and visit all parts in this country and see for himself or herself what is exactly happening at the counties and constituencies.

For instance, there is a road in my constituency that was started back in 2015 and we are now in 2021 and the road is not yet complete. I imagine that a Director-General who has enough time will find time to go and see exactly what is happening. So, I support the idea of extending the time from three to five years and also propose to the Committee that we would like to see a scenario whereby KURA uses the approach used by KeRRA of having the constituency roads committees. This is because sometimes you find that there is a road that is being undertaken by KURA in our

constituencies and they do not properly involve the stakeholders. You will just hear that they have come and commenced the works. By the time you get to know, they have already left the works. We would like to see an approach that allows the stakeholders and especially the offices of Members of Parliament being involved in the implementation of the projects that are done by KURA.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): I have now accessed the Kenya Roads (Amendment) Bill and I can tell we are talking about qualifications of the Director-General. The Chairperson has explained very well the issues of holding a bachelor's degree, registering with the Kenya Engineering Board, experience and so forth. Can we have the Member for Kaiti Constituency?

**Hon. Joshua Kivinda** (Kaiti, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support this important Bill. Before I give my views and contribution, I want to thank the Committee for a job well-done in coming up with this amendment Bill. As we talk about roads, their importance in this country runs through my mind because we depend on agriculture. Most people in my constituency depend on agriculture. They plant avocados, mangoes and arrowroots. The topography of my constituency is hilly and there is need for road maintenance almost every year. During the rainy season, the roads are swept away.

For any country to achieve sustainable development, it must have good roads. Without roads, we cannot talk of development. I support the extension from three years to five years. When we were elected in 2017, we thought 2022 was too far away. Four years down the line, we have done a lot. As a Member of Parliament, one has so many projects. In fact, when you look in your diary, you find that you have not done much during the five-year period. So, three years is a short period for any person to budget and plan. I support the five years because I know the Director General will be in a position to plan and go to the ground to see what is happening instead of sitting in the office and getting reports from junior staff.

As I have said, I support this amendment because in my constituency, there is a road from Sultan Hamud to Kilome, which started around six years ago, but has not been completed. The road was started in 2016. When I became a Member of Parliament, I met with the Director General and we had very good discussions about it. I pushed him to complete it because I felt it had delayed and my people were expecting it would take two to three years to be completed. One or two years later, we got a new Director General and I had to go back to discuss with him about the same road. The new Director General knew nothing about it. That is why I insist that a period of five years is important. So, before a Director General exits from the position, he must ensure that the work he started is completed.

I also support the 15 years' work experience because when we employ people with good work experience, they do a good job. The contractors doing roads should be supervised to ensure they do a good job. Some contractors are tricky and if not well monitored, they can do unsatisfactory works. We need accountability. If a Director General has 15 years' work experience, I can smell accountability from such a person. We need someone who can take care of our money. It is too painful when you tour your constituency and hear people saying that a road which was done six months ago is damaged. When you research to find out what happened, you understand that the contractors did a shoddy job.

According to me, we are doing well in the education sector because of the NG-CDF. We should come up with a formula where roads can be monitored by the Members of Parliament. Village roads are devolved and are under county governments, but when you go to your

constituency, people tell you: "*Mheshimiwa*, a certain road has not been done and we are waiting for you to do it." They do not even know that roads are devolved and they should question the county government. Since the county government has not done the roads, they hold you accountable. In future, we need to think of how we can allocate money for roads and take them back to the national Government, so that we can monitor from our end.

I have heard Hon. Maanzo talking about a road in my constituency, namely, the Ukia-Emali Road, which we have been pushing to be tarmacked for the last four years. Our people are waiting to see well-done roads. If a Director General can track where he started five years ago, he will do good work. This will help Members of Parliament to know how to talk to their people and answer questions to do with roads. I support this Bill. As Members of Parliament, we need to come up with a formula of allocating funds to tarmac only 10 kilometres in each constituency. This will help us make our country look uniform and support development in our constituencies.

I support and thank the Committee for a job well-done in this Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. Hon. Members, I can see this Bill has a lot of interest from Members. Every Member, including myself as a representative of the people of Kibwezi East, has an interest in roads, especially the ones that make a difference to our people. On this matter, let us have the Member for Kipipiri. Hon. Kimilu, I expected you to speak about the old Mombasa Road. Member for Kipipiri, Hon. Amos Kimunya.

**Hon. Amos Kimunya** (Kipipiri, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill and commend the Departmental Committee on Transport, Public Works and Housing for the work they have done and their perseverance. I know it has gone through headwinds and it is not the first time it is being tried. It started in 2017 and got lost in mediation. I hope this time round, we will go the whole hog.

The bottom line is amending the qualifications of the Director General and the term limit. We did the Roads Act in 2007 and I remember this very well because I was in the Ministry of Finance and we had to negotiate with the late Hon. Simeon Nyachae, who was Minister for Roads. There was only one body that was sorting out roads. As the money increased from the Road Levy and as the demands increased, it became very clear that they could not be done using that one body hence the Roads Act of 2007, which split the road sector into rural roads and urban roads. The Act created KURA, KeRRA and the highways. Each has its mandate. Obviously, since that time, the Act has not been updated to reflect the aspirations of the 2010 Constitution. I am glad that is coming out now.

I believe in respecting professions. As an accountant, I know there are things that are best done by accountants much as most accountants have their basic background even in engineering, law and other disciplines. Initially, I had been convinced that we should open up the qualifications to anyone who can manage the sector, but I have listened to the engineers and different stakeholders and I am convinced that we give them this time round and review the situation as we move on. However, that should not be a basis for saying that a Director General for a hospital must be a medical doctor, or a Director General for a library service must be a librarian, or that a Director General for any other body must be anchored in the core business of that organisation. Management is about management and we have seen people who are very good from a management perspective. They have been able to manage very technical things that are not part of their training. That is what we need to start discussing. We should have a conversation with the engineers, so that at the Director General level, we talk about a person... We are talking about somebody who can manage various people. I am very happy because as I was listening to contributions of Members, it became very clear that as much as one is an engineer, one still needs

a master's degree in management, so that we can combine the two. The whole point is to recognise that the work and role of a Director General of an organisation is not nuts and bolts. It is not the technical stuff, but rather he or she is somebody who can harness resources and all the knowledge resident in an organisation from the technical people and convert it into synergy to achieve a-one-plus-one-is-greater-than-two-effect. That is what we would wish to see going forward. I know the lobbying has been quite serious and we must listen to the stakeholders. We must listen to views expressed during public participation. Indeed, if it is not broken, why fix it? That is what we must look at.

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

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

I would like to see the engineers who get into this position prove to Kenyans that the roads sector is better managed because they understand the core business of roads. Unfortunately, that has not been quite demonstrated. The cost per kilometre is still very high in this country whether we are talking about murram or tarmac roads. These are some of the things we need to keep interrogating and I am sure the Chair of the Departmental Committee on Transport, Public Works and Housing will help us interrogate why we have roads in other countries being done at a fraction of the cost we do ours. I know terrains are different, but there is something we need to identify in order to explain why our roads are very expensive to build. Worse still is that even after we spend so much money in construction of roads, two years down the line we have potholes all over. My neighbour, Hon. Kwenya, and I have a road from the Flyover to Njabini. It has been done about four times. It was re-done recently, but within six months, it is full of potholes. The road from Njabini all the way to Ol Kalou was done in 2007/2008 and it is still intact yet the one that has just been done is full of potholes. Those are some of the things we need to challenge our Director Generals and engineers to tell us what exactly causes that kind of situation. We use a lot of public money to do these roads. If we do a road, but before it is even used it has potholes and the contractor comes in to do some spot fixing, then there is a fundamental problem in terms of the base. I am not an engineer, and so, I do not understand how these things happen, but I believe that when a road is done, it should withstand a certain test of time.

On moving from the three-year to a five-year term, I am not sure what the obsession with three years was. It was three years renewable adding up to six years, hoping that if one does not deliver, they are removed. We have gone for five years, but there are provisos. If one does not deliver, there is a mechanism for removal. It is not automatic that one will serve the entire five years, but it gives a certain predictability in terms of what one wants to achieve, namely, some visioning. That way, one can be held to account for a longer period of time on what one has done. A new Director General should not come in and say that he found the roads in position and then three years down the line, he is unable to implement systems and changes. He would then be assessed based on what he found. Unfortunately, he would be told that his term cannot be renewed. A five-year term would give a Director General more time to do a proper evaluation of the inputs without reference to the person they are succeeding. So, I am in total agreement with that. I hope we will succeed. We will support the Chair when this matter comes in the Committee of the whole House, so that we clean up that bit.



The other thing is alignment of the language with the Constitution. It is a straightforward Bill and I do not want to discuss much about roads in my area because there will be another day for that. Let us get the management structures right in the road boards and after that, we can challenge them to show us the equity, and answer questions I heard Members asking like why we do not do roads where they are most productive. How do we unlock the potential? How do we support job creation by supporting farmers with good roads, so that they can access the markets and agro-industries? Are we constructing roads to entice investors to move from Nairobi to the rural areas to invest there? At the end of it all, the economy will not be developed by concentrated investments in the cities. It is by getting every little town in this country to have some economic activities that consolidate and help people, so that farmers in those areas have a workforce to sell their food to. There will be income circulating in those areas and people will not have to keep waiting for incomes from the cities to help.

We have seen what devolution has done. By just moving a few investments into those areas, you can see houses springing up. People are building houses for purposes of housing county staff. Private schools are coming up because county executive committee (CEC) members and members of county assemblies (MCAs) have more money to transfer their children from public schools to private schools. That is how the wheel of development moves. It is not through concentration, but through devolving development and resources.

I hope the Director-Generals in the roads sector are listening to us and will rise to the occasion to show how they have interconnected the entire Kenya, so that there are economic hubs in every place and people do not have to migrate. It pains me to see youngsters abandoning their houses and small *shambas* in the rural areas to come and look for jobs in Nairobi. They end up being accommodated in the slums yet they have decent homes. I would like to see a person in Kipipiri moving to Ol Kalou or Miharati to start a business instead of moving to Nairobi because they can be absorbed there and save on housing costs. That maintains their dignity since they are not coming from their homes to live in slums. By the time they go home, they have nothing to show for in terms of what they have been doing in town.

Those are some of the things we can accomplish through opening up road networks, so that people can move, travel and transport their goods to markets at reduced costs.

With those few remarks, I support the Bill.

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

**Hon. (Ms.) Jessica Mbalu** (Kibwezi East, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I also rise to add my voice to the Kenya Roads (Amendment) Bill (National Assembly Bill No.13 of 2021). It is a very short amendment to the principal Act. I would like to thank the Chairperson and his Committee for this Bill.

One thing that I find important and that will help our country is the qualifications of the Director-General. In the proposed amendment to the Kenya Roads (Amendment) Bill, a person who qualifies to be a Director-General should hold a Bachelor's Degree in Civil Engineering and a master's degree from a university that is recognised in Kenya. At one point, I heard the views of the Leader of the Majority Party. However, given that engineering is a very important field and we are dealing with roads, we know what can happen if roads are not constructed properly, especially in terms of monitoring and directing.

I agree with the proposed amendment to Section 14(a) that the Director-General should have a Bachelor's Degree in Civil Engineering and a master's degree from a university recognised in Kenya. Again, I agree with the Leader of the Majority Party that not all professions require every other director to hold a degree from the same field, but this is a special case. For one to

qualify for the position of Director-General, the proposal by the Committee is that he or she must be registered with the Engineers Board of Kenya. I am sure that is acceptable to all.

There is also the issue of increasing the term of office from three years to five years. As others have said, if you do a good job, you will retain your office. However, you also need expertise and knowledge in the area. I was thinking about tenders for construction of roads that were advertised in 2016 in my constituency. We had to ask why the procurement process was stopped and why it was lagging behind. With that extension of time, which I support, I am sure the Director-General will be able to visit the place.

For example, there are two roads in my constituency that should be looked into by KeRRA and our NG-CDF members who make decisions. Those two roads have been left behind. We really pushed for an extension of works on the same roads. If the term of the Director-General was extended so that he continues working together with the so-called regional managers from my area and the constituency road managers, they could easily satisfy our people. On our part, we would do public participation to better understand the area.

I will convince the Chairperson that we also need regional managers. This is a Bill that affects most Members. We have seen many developments through the NG-CDF. That is the only thing we see on the ground. With the involvement of the Director General, working together with regional managers and constituencies managers, we can achieve more. I recall that in 2013/2014, we used to have a kitty to construct roads from our NG-CDF before we changed the Act and the regulations. It was really helping. I want to be on record as supporting this Bill, especially on the issue of expertise.

The issue of Chapter 6 of the Constitution that the Chairperson has put into consideration is common for everybody. If you are not in line with Chapter 6 of the Constitution, you can easily lose your five years even as a Member of Parliament. It is also good to put that in the amendment Bill. I am sure that during the Committee of the whole House, we will propose some amendments.

We need to define the area of coverage of regional managers because they have been there for long. That is for your consumption. Maybe you can look at it. What area would regional managers cover? Do they only cover a region? Before, they used to cover a broad area like a province. We should define the area of coverage of regional managers the way we have constituency managers covering a certain area. Is it open?

There was a proposal that regional managers be called Deputy Director Generals. That is why I was trying to get clarification on whether that can be done. That is something we can discuss to see whether we can do that, so that we, at least, can allow them to be called Deputy Director-Generals, if they cover a big area or if the region is defined.

I want to be on record as supporting the Kenya Roads (Amendment) Bill (National Assembly Bill No.13 of 2021), which is an amendment to the principal Act.

With those remarks, I support the Bill.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Kimani Ichung'wah. Hon. Kimani Ichung'wah, you are quite nomadic.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Temporary Deputy Speaker, I hear the Leader of the Minority within the Majority Party saying that I am *Tangatanga*, but he knows that being a Leader of the Majority within the Majority Party, I need to *tangatanga*.

(Laughter)

Hon. Temporary Deputy Speaker, I rise to support this Bill with reservations. I want to join a number of my colleagues that I heard during the contributions point out some of the things that I would really want to talk about. Let me also take this opportunity to thank Hon. Pkosing because he is now a listening Chair. He has listened to the Members' sentiments and he knows the problems we had with the Bill before, especially on the question of relegating engineering professionals almost to second fiddle within the roads agency in this country. I must really commend him for agreeing to take this Bill back to the Committee and agreeing that it is, indeed, important that these road agencies are run by Director-Generals with an engineering background. I cannot remember the Member who mentioned that we have never had a Chief Justice who is an engineer or an accountant. We have also never had a chair emeritus of the Institute of Certified Public Accountants of Kenya (ICPAK) like the Leader of the Minority within the Majority Party, Hon. Kimunya. He was a Chair of ICPAK because he is an accountant. He is not an engineer. It is also important that we encourage young engineers within the road agencies. The Chair will understand the reason we were very opposed to opening up the position of Director General to people who are not engineers. You must encourage engineers who are working in our roads' agencies, be it KURA, KeRRA or KeNHA, that a young engineer who has just graduated and is newly registered, has a career growth path that would see him head that institution. That is what creates loyalty within organisations and Government institutions. It is something that we need to do so as to encourage the young people who are undertaking internship programmes within the public sector. We need them to know that someone can join KeNHA today as an intern while studying engineering, and one day, post-qualification and post registration with the Engineers Board, can head any of the roads' agencies.

Hon. Temporary Deputy Speaker, the reservations that I have on this Bill touch on a matter that Hon. Osotsi commented on, that is, the question of post qualification. First is the degree and it is good because it now stipulates that you must hold a Bachelor's Degree in Civil Engineering, and a master's degree from a university recognised in Kenya. In my view, that proposal on universities recognised in Kenya and any master's degree is too broad. I was just trying to tell the Chair here to listen to us that we need to tweak this a little bit to make it a master's degree in a field relevant to that position. I would like to encourage him to consider accounting because accountants like myself and the Leader of the Minority within the Majority Party are very good managers and if we were engineers, we would run some of these things, or even lawyers like yourself and those in the legal profession with managerial experience. I was asking Hon. Pkosing to expound whether an engineer who decides to become a pastor in my local church and goes to get a Master's Degree in Theology would be considered. I do not know how that would add value to either management of the institution or roads assets in this country. Therefore, I will and intend to bring amendments during the Committee of the whole House stage to make that clear as other Members have said that the master's degree must be in a relevant field such as management, accounting, finance, law or procurement. I would hesitate to include marketing because there is nothing to market with roads.

Hon. Temporary Deputy Speaker, there is also the question of registration with the Engineers Board and I agree with that proposal.

**Hon. Emmanuel Wangwe** (Navakholo, JP): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order Hon. Ichung'wah. Hon. Wangwe, what is it?

**Hon. Emmanuel Wangwe** (Navakholo, JP): Hon. Temporary Deputy Speaker, I rise on Standing Order No.83. My very good friend has said that he does not recognise marketing. I stand here as a graduate and practitioner of marketing. I also hold a Master's Degree in Entrepreneurship. I have further advanced and I am now a student undertaking my PhD in Entrepreneurship. Is he in order to underscore marketing as a career?

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Do you intend to be the Director General at some point? Hon. Ichung'wah, did you, in any way, discriminate against the marketing field? I understand you are also a marketer.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Temporary Deputy Speaker, of course, I still market meat.

*(Laughter)*

I am an accountant by training and a student of economics. I think he may have misunderstood me. I indicated that maybe marketing may not be very relevant to this particular job. I am sure Hon. Wangwe does not intend, post-retirement, to go back to KeRRA, KeNHA or KURA. I also hope that your retirement does not come soon.

Hon. Temporary Deputy Speaker, I was speaking on the question of registration with the Engineers Board of Kenya. It is important to have, at least, 15 years' experience with, at least, 10 years' post-registration experience. I would really want to implore the Chair to support me as I intend to bring an amendment to retain that. It is important to have 15 years' post-registration experience in road engineering and its management and, at least, 15 years of experience in a managerial position. Ten years' experience might not be very helpful. We are asking for that kind of experience, but we are also extending the term to five years. That is the other thing that I intend to amend. I heard the Leader of the Minority within the Majority Party say it is the obsession we have with three years. It is not an obsession and he knows that the *Mwongozo* policy stipulates between three to five years. Indeed, that is the case with most of our State corporations. I guess it is only Kenya Medical Supplies Authority that we extended by a year to move it from three to four years. I have served in this House as a Vice-Chair of the Public Investments Committee, and the current Chair of the Committee, Hon. Abdullswamad, is here and he will tell you about the issues he finds from the audit reports with long serving members and CEOs of some of these parastatals. If we want to extend the term office from three years, I would really wish that the Chair and all the other interested parties consider moving this not to more than four years. This is to ensure that other upcoming engineers get an opportunity to serve. If you get someone serving for five years, renewable up to 10 years, and you are getting people who have 10 to 15 years' post-registration and post-qualification experience, then it means that if you graduate at about 20-25 years of age, you can only become a Director General at the age of close to 40 years. If you serve another 10 years, those you qualified with would have attained retirement age. Therefore, we must retain this at three years. However, if we must extend the term, we must do so with very good reasons. If you cannot perform in three years and you get another renewable term of three years, I do not know what you want to do that you will not have done in six years. We should even have a proviso that you can have an extension of one year after you finalise your six years. I would really be opposed to a five-year term.

Hon. Temporary Deputy Speaker, I intend to bring those amendments at the Committee of the whole House stage. I drove through the road from Elburgon to Molo and I must report that the road is quite pathetic. Those are some of the issues that the Committee needs to look at. I did that

in our usual *Tangatanga* business while talking to Kenyans in the hustler nation across the nation. I also worked very hard to drive back so as to be here to contribute to this Bill.

With those very few remarks, I beg to support with reservations.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Pkosing.

**Hon. David Pkosing** (Pokot South, JP): Thank you, Hon. Temporary Deputy Speaker. I hope you are giving me an opportunity to reply.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Yes, Hon. Pkosing. You have the Floor for that.

**Hon. David Pkosing** (Pokot South, JP): I am on the Floor to reply. Therefore, I beg to reply.

As I reply, I want to thank Members. I really thank this House for the great support they have given us as a Committee. I want to really thank them. Two, I assure the Members who have made contributions that I have made notes so that we can do a follow-up on the other issues. They raised issues like what happened with the board. I assure the House that we are having a roundtable meeting on 7<sup>th</sup> about the board that was passed by the House. We have a problem with roads because we do not have money. We will deal with it on 7<sup>th</sup>.

Something that I just want to raise as caution is this idea that we need to do everything. We have agreed on the rest, mostly the terms and so on. I want to make it clear that with regard to the five years that Hon. Ichung'wah is talking about, we already have it in the ministry. I wish Hon. Ichung'wah was here earlier because he would have understood what I was saying and what our position is as a Committee. As a House, we passed the five years. In fact, Hon. Ichung'wah was here when we were doing the 2017 Bill. More importantly, there are Director Generals who will serve for five years within the same ministry or department.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Chair, Hon. Pkosing. What is it, Hon. Ichung'wah?

**Hon. David Pkosing** (Pokot South, JP): I did not interrupt him.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): He is on a point of order, Hon. Pkosing. What is out of order, Hon. Ichung'wah?

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Temporary Deputy Speaker, you know Hon. Pkosing is still in West Pokot. He is yet to come back to the House. In this House, when I stand on a point of order, I am not really interrupting. I just want to mention that he said that, indeed, parts of these proposals were done in the 11<sup>th</sup> Parliament and that Bill died in the Senate. I wish to remind him that as much as he says I was among those who passed those amendments, at the time the Roads Bill was discussed in the House, I was outside the country. I was not present during both the Second Reading and the Third Reading. Even the former Chair of the Departmental Committee on Transport, Public Works and Housing, Hon. Kamanda, knows I was opposed to the question of having a five-year term.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): What is out of order?

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Is Hon. Pkosing misinforming the country that I was part of those who passed that proposal that I am now opposing? If he consulted with Hon. Kamanda, he would tell him that even in the 11<sup>th</sup> Parliament, I was opposed to a five-year term. I remain opposed to a five-year term.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Ichung'wah, maybe Hon. Pkosing said "the House", and you are part of the House, whether you were in or out. Hon. Pkosing.

**Hon. David Pkosing** (Pokot South, JP): I want also to remind him that I think he has been *tangatangaring* too much. It is true. He has not even known what is going on in Parliament.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): With no apologies.

**Hon. David Pkosing** (Pokot South, JP): Of course, with no apology, but I think he is now wasting our time. It was passed in this 12<sup>th</sup> Parliament. It was a 2017 Bill. It was not in the last Parliament. People have now seen that he is not in Parliament. Maybe, he came here for a reason. I want to clarify that for the record of the House.

With those few remarks, Hon. Temporary Deputy Speaker, I thank you. I thank the Members, and my Committee for doing a great job. I also thank you, Hon. Temporary Deputy Speaker for being very patient until it is now going to 8.00 O'clock. You have listened to this matter and adjudicated it. This will be history.

With those few remarks, I beg to reply.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well, Hon. Chair. We shall pend putting the Question on that item until another time.

*(Putting of the Question deferred)*

Let us proceed to the next Order.

#### THE ADVOCATES (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, that business was deferred by an earlier Communication by the Speaker.

*(Bill deferred)*

Next Order.

#### MOTION

##### ESTABLISHMENT OF PARLIAMENTARY HEALTH SERVICES UNIT

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): The Chairperson of the Committee on Members' Services and Facilities. Yes, Hon. Nzambia. Are you the Chair?

**Hon. Thuddeus Nzambia** (Kilome, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I am not the Chair, but I have instructions to move on his behalf.

I beg to move the following Motion:

THAT, this House adopts the Report of the Select Committee on Members' Services and Facilities on establishment of a Parliamentary Health Services Unit, laid on the Table of the House on Wednesday, 11<sup>th</sup> August 2021.

Article 127 of the Constitution of Kenya obligates the Parliamentary Service Commission (PSC) to provide services and facilities as are necessary for the efficient and effective functioning of a Parliament. Article 127(6)(a) of the Constitution of Kenya 2010, bestows upon the Commission the duty of performing functions that are necessary for the well-being of Members and staff of Parliament. The National Assembly Standing Order No.212(b) mandates the Select Committee on Members' Services and Facilities with receiving and considering views of Members of the National Assembly on the services and facilities provided to them by the Commission.

The Committee is, therefore, the forum through which Members of Parliament in the National Assembly channel their views on their welfare to the Commission. Following the outbreak of the COVID-19 Pandemic on 19<sup>th</sup> March 2020, the Committee has considered several matters that relate to the health and the well-being of Members of Parliament. The Committee appreciates that the COVID-19 and communicable diseases are not going anywhere soon. Thus, Hon. Members require to be equipped with coping strategies. Contrary to popular belief that working from home reduces working hours, studies have shown that Members and staff spend a great deal of time on their assignments thereby spending more time executing their duties at the expense of free time for a balance of physical health. Virtual meetings conducted with the help of gadgets such as modern laptops, cellular phones, voice and e-mails continue to blur the work-life boundary, further cutting down on the amount of time a typical individual is able to devote to wellness pursuits.

The Committee, therefore, observes that the Commission, at its meeting held on 16<sup>th</sup> March 2020, resolved to suspend the operations of the health club services which remain suspended to date, thereby, impacting negatively on the health of Members and staff.

To realise Vision 2030 which is premised on three pillars, namely, economic, social and political, the Government of Kenya is more committed to shifting the bias of national health approaches from curative to preventive health to improve the quality of life of all Kenyans. Similarly, the Parliamentary Service Commission Strategic Plan 2019-2030 aligned its vision to 2030 and the subsequent Big Four Agenda. Notably, some of the strategic objectives support the wellness of Members and staff of Parliament. More so, the plan envisions to create an enabling environment to facilitate Members of Parliament to effectively and efficiently discharge their constitutional mandate as provided in the following strategic objectives:

One, Strategic Objective Number 10 on excellence in service delivery considers the wellness of Members and the staff of Parliament for efficient service delivery. Strategic Objective 17 embraces a green-compliant Parliament which envisions adopting the implementation of modern waste recycling technologies in Parliament. Strategic Objective 18 creates a Parliamentary Square of modern facilities and a secure working environment to provide adequate facilities and securities for Members and staff of Parliament.

Just towards conclusion and in view of the above, the Committee recommends that a comprehensive one-stop preventive health unit be established within Parliament. It will be to offer early detections, referral services and to plan the coordination of current and the future imagined events.

Although the Commission is always committed to the welfare of Members and staff as demonstrated through provision of a comprehensive medical scheme, there is significant evidence regarding the burden of disease attributable to the environment and non-communicable diseases (NCDs), poor health habits of many workers, growing rates of chronic diseases and the rising cost of health services that necessitate creation of wellness programmes to cater for health risk assessments and screenings. It is, therefore, imperative to put more emphasis on health programmes that seek to improve the quality of life of Members and staff of Parliament while at the same time reducing the rising cost for employees' healthcare. Indeed, studies have shown that corporate wellness or wellbeing wellness programmes are successful in helping workers make positive health changes due to several factors such as convenience, environment support and co-worker or social acceptance.

Deployment of a public health specialist from the Ministry of Health to Parliament was not only well timed just before the outbreak of the COVID-19 Pandemic, but it was also a great

milestone in the realisation of mitigation measures. The Commission could consider guaranteeing the gains by establishing a full-fledged health and wellness unit within its control. Urgent matters such as COVID-19 tests and vaccination would be effectively and efficiently handled from within. The recommendation to form a health unit is informed by the gaps identified in practice. Addressing these gaps will inform effective implementation of the PSC Strategic Plan 2019-2030. There is inadequate coordination of health functions due to lack of technical health expertise in wellness, food safety and quality control, sanitisation, environment and waste management, health promotion and education empowerment, pest control, emergency response during public events, health risk assessments, among others. Comparatively, Safaricom PLC, the Central Bank of Kenya (CBK) and the Kenya Pipeline operate in-house health services. The same can be done by Parliament.

From the foregoing, the Committee observes that for effective and efficient execution of duties bestowed upon Parliament, safety, wellbeing and wellness of Members of Parliament is of paramount importance. The proposed health and wellness unit could consist of two sub-units, namely, a health section that deals with clinical and public health issues and a wellness section that deals with the physical wellbeing of Members. For effective resumption of the health club services, the proposed renovation and refurbishment by the management should be completed. Regarding health club staffers such as masseuses and reflexologists, the Committee notes preference of Members for youthful staffers. In the Committee's observation, Members are generally reluctant to patronise outsourced health clubs. The budget for outsourcing should, therefore, be rechanneled to set up the health and wellness unit. For seamless protection of Members at the health and wellness unit and other parts of the Parliamentary Square, the Committee lauds the efficient services offered by officers contracted from the National Youth Service (NYS).

At its sitting held on Thursday, 6<sup>th</sup> August 2021, the Committee made the following recommendations to the House:

1. The Parliamentary Service Commission should establish a parliamentary health services unit within Parliament with a clinical and a public health sections and a health club section.
2. The Commission should facilitate refurbishment and renovation of the current health club in compliance with the protocols and guidelines issued by the Ministry of Health on containment of COVID-19.
3. The budget meant for outsourcing health club services should be channeled towards setting up a health and wellness unit. (I can report that the renovation and refurbishment is ongoing as we speak.)
4. The Commission should expedite completion of the multi-storey building to provide a lasting solution to the issue of a health and wellness unit. (I think the progress is good.)
5. The Commission should put staff deployed to the current health club dealing with massage and reflexology on five-year term contracts renewable once upon satisfactory performance. This is a very touchy issue. Most of those staffers are only given one-year renewable contracts, which makes them discouraged and demotivated.
6. The Commission should consider engaging the 47 security officers seconded from the NYS on permanent engagement terms to tap the invaluable experience in protection of Members and property of Parliament obtained in the past six



years. Those 47 NYS staff do not even report to Parliament. They have their own bosses outside Parliament.

Hon. Temporary Deputy Speaker, I beg to move and request Hon. Ichung'wah, the Member for Kikuyu, to second. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Kimani Ichung'wah.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to second. As Hon. Nzambia has articulated in moving the Motion, a health and wellness unit is very important for this House. In the 11<sup>th</sup> Parliament, I remember at one point while we were seated in the Members' Lobby, Hon. Samal, the then Member for Isiolo North, collapsed. None of us who were there had any medical experience. It took us time to even think about where to get an ambulance from. Indeed, a Member had to run to St. John's Ambulance, opposite County Hall, to get an ambulance to rescue the Member and take him to hospital. The Member ended up staying in hospital for quite a long time. When I joined this Committee, it hit me that had we had a health services unit within the precincts of Parliament, maybe he would not have had an extended stay in hospital. He would have got help quicker within the precincts of Parliament. Anything can happen. You have seen even members of staff falling ill in their offices. With the traffic in this town, even rescuing a member of staff and taking them to hospital takes quite some time. Indeed, this a best practice all progressive Parliaments around the world adopt.

Hon. Nzambia will tell you that the Liaison Committee has visited the Parliament of Ghana. Also, being an emerging democracy, and a good case study in Africa, they have such a unit in Ghanaian Parliament. It is not just parliaments, but the Central Bank of Kenya has such a health service unit for their staff. It would, therefore, not be the first public institution to have its own health service unit. Progressive corporates, and good ones like Safaricom, have their own health service departments. They have even gone further to have units to cater for infants and children, so that Members who have young children like me can come with my one-and-a-half-year-old daughter and spend a day with her when other people in the House are busy. Maybe, I could afford an hour over lunch time to feed her. It is something that we want to encourage Members to support.

This unit will not just be for use by Members of Parliament, but also the staff who are employed by both Houses of Parliament. They will access health services within the precincts of Parliament and, therefore, save on man-hours and taxpayers' time. Not just man-hours and taxpayers' money in terms of the time they take from here to access hospitals around us in the city with massive traffic jams in the city, but also the time you take going to wait to be served in a hospital set up outside the Parliament precincts.

I recently saw a survey for the blue-chip hospitals, namely, the best hospitals around the City of Nairobi, and the average waiting time in their accident and emergency units was around two-and-a-half-hours. You can imagine you have a headache and you just want to go and get checked, and maybe you had a sitting that you were to preside in the afternoon, and it is at 1.00 O'clock, and you have to go to a hospital without naming names and wait for two-and-a-half hours. By having these units, you will be saving time for Members, House and the country.

I ask the Parliamentary Service Commission to ensure that all the recommendations that are carried in this Report are quickly implemented especially the refurbishments of our health club at Continental House. It should also ensure that the new building is completed. I must commend them, and I have seen very good progress. They should complete the building and ensure that we have facilities to have all these units that Members have been asking for.

In the last Parliament, Hon. Sabina, the Member for Muranga, kept asking about the same unit when she had a baby.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let me add you a minute because you are seconding, a maximum of one-and-a-half minute.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Sabina had asked for such a provision for infants and young lactating mothers to have a place where they can take care of their children within the precincts of Parliament. I, really, want to encourage the Parliamentary Service Commission to ensure that as they complete the new office complex, all other available space that is being left within is utilised to make sure that we have all these facilities around so that we do not just go to benchmark in other countries like Ghana, our own institutions in the country like Central Bank and Safaricom, and we cannot implement ours yet we are the ones who allocate resources even to that Central Bank of Kenya to carry out the sort of things they are doing.

With that, I beg to second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Ngugi.

*(Hon. Onyango Oyoo spoke off-record)*

Order, Hon. Ngugi. What is out of order, Hon. Oyoo?

**Hon. Onyango Oyoo** (Muhoroni, ODM): On a point of order, Hon. Temporary Deputy Speaker. For obvious reasons, I think the House does not have the requisite quorum to proceed.

*(Loud consultations)*

**An Hon. Member:** Sit down!

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Who is telling the Member to sit down? The Member has risen on his feet and said that we do not have the numbers at this time. So, there is absolutely no option. We have 25 minutes to go.

*(Hon. Joseph Nduati stood up)*

Hon. Ngugi, you cannot speak after that.

**Hon. Joseph Nduati** (Gatanga, JP): You had already given me a chance to make my contribution.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Ngugi, the House is not fully constituted. So, we shall order the bell to be rung.

*(The Quorum Bell was rung)*

## ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Members. The time being 8.45 p.m., this House stands adjourned until Wednesday, 1<sup>st</sup> December at 9.30 a.m. We shall have the State of the Nation Address on 30<sup>th</sup> Tuesday next week.

The House rose at 8.45 p.m.

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