

PARLIAMENT OF KENYA

THE NATIONAL ASSEMBLY

THE HANSARD

Wednesday, 2nd March 2022

The House met at 9.30 a.m.

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

PRAYERS

QUORUM

Hon. Deputy Speaker: Hon. Members, I think we will be seeing more of this as we approach elections, and so forth. Obviously, we do not have the required quorum. Therefore, I order that the bell to be rung for 10 minutes.

(The Quorum Bell was rung)

Order, Hon. Members! When those two Members coming in settle, we will finally have the requisite quorum. So, we can start our business now.

PETITIONS

On this particular Order, we have two Petitions. I will convey the first one. I am trying to see who else is supposed to give his. So, I will start with mine.

WAIVER OF VAT ON TEXTBOOKS, JOURNALS AND PERIODICALS

Hon. Members, Standing Order 225(2)(b) requires the Speaker to report to the House any Petition other than those presented through a Member. Further, Article 119 of the Constitution provides for the right of any person to petition Parliament to consider any matter within its authority, including petitioning the House to enact, amend or repeal any legislation.

In this regard, I wish to report to the House that my office has received a Petition from a Mr. Njoroge Waweru of P.O. Box 287, Kikuyu, calling for waiver of Value Added Tax (VAT) levied on textbooks, journals and periodicals.

In his Petition, the petitioner avers that whilst VAT is premised on the real value of a product, the true value of a book cannot be quantified in precise monetary terms by publishers or by revenue collection agencies. He is convinced that taxation on books and related publications amounts to predatory distortion of taxation and a contradiction by any government that understands the value of education and that seeks to promote a culture of lifelong learning among its citizens.

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Further, the petitioner observes that most distribution channels of books do not conform to the conventional value chain of commercial items on account of, among other reasons, that some of them are donations meant to assist those in need or for academic purposes.

Hon. Members, the petitioner is thus aggrieved by the 16 per cent VAT that is currently levied by the national Government through the Kenya Revenue Authority (KRA) on both new and used books. He regards this as a tax-based discrimination against printed material, since online books and publications are never taxed. He concludes by emphasising the need to create a robust reading culture in the current information age, and makes a passionate call for the waiver of VAT currently levied on textbooks, general books, journals and periodicals.

Hon. Members, having determined that the matters raised by the petitioner are well within the authority of this House, I order that pursuant to the provisions of Standing Order 227(1), this Petition be committed to the Departmental Committee on Finance and National Planning. The Committee is required to consider the Petition and report its findings to the House and to the petitioner in accordance with Standing Order 227(2).

I thank you.

Hon. Members, before I give you chance to comment, let me ask Hon. Nyikal to present his Petition so that you can contribute to either of them as you may desire.

COMPENSATION FOR MEMBERS OF NYANZA-WESTERN KENYA IDPs CAUCUS

Hon. (Dr.) James Nyikal (Seme, ODM): Hon. Deputy Speaker, I rise to present Public Petition No.010 of 2022, seeking compensation for Nyanza-Western Kenya Caucus of Internally Displaced Persons (IDPs).

I, the undersigned, on behalf of the Nyanza-Western Kenya Caucus of Internally Displaced Persons, draw the attention of the House to the following:

THAT, in the aftermath of the contested 2007 General Elections, the country witnessed unprecedented post-election violence (PEV) which, among other effects, caused massive displacement of persons from their settlements;

THAT, prior to setting up IDP camps by the Government, a number of the IDPs who survived the PEV atrocities, particularly in hotspots like Naivasha, Eldoret, Kericho, Bahati, Nakuru and Nairobi, fled to their home regions, got hosted by their relatives without compensation and have, therefore, been living under undignified conditions;

THAT, in order to ensure that IDPs revert to normal lives as soon as practicable, the Government rolled out a resettlement programme, including the ‘*Operation Rudi Nyumbani*’ programme, which was intended to facilitate IDPs to go back to their original homes under State protection;

THAT, it is in public knowledge that IDPs, particularly those who were in designated IDP camps, were compensated monetarily with amounts ranging from Kshs400,000 and above, in addition to allocation of land for settlement;

THAT, the Nyanza-Western Caucus of IDPs comprises of legitimate IDPs who were registered by various humanitarian organizations, including the Kenya Red Cross and the IDP Network numbering about 80,000 people from seven counties in the Western and Nyanza region.

THAT, like other IDPs, the Nyanza-Western Caucus of IDPs had legitimate hope that they would also benefit by either being resettled or compensated in order to start their lives all over again;

THAT, to their astonishment, the Nyanza-Western Caucus of IDPs were neither resettled nor compensated like their counterparts who were in IDPs camps in other parts of the country, and have inevitably been unable to recover from the psycho-social and economic damages suffered during and after the PEV;

THAT, the Government's failure to compensate the Nyanza-Western Caucus of internally displaced persons has subjected them to untold pain, suffering, disillusionment that has made them feel forgotten and discriminated, contrary to Article 27 of the Constitution;

THAT, since 2008, representatives of the Nyanza-Western Caucus of IDPs have on several occasions forwarded the petitioners' concerns to the Ministry of Interior and Coordination of National Government on various dates, the most recent attempts being on 16th September, 2019, and on 30th March, 2021, but the Government has not taken any tangible steps to address their plight;

THAT, any further neglect of the petitioners' plights amounts to serious violation and derogation of their inalienable right to fair administrative action, particularly with respect to the expeditious administrative process;

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

Therefore, your humble petitioners are seeking the intervention of this House, through the Departmental Committee on Administration and National Security to:

- (i) expeditiously interrogate the issues raised in this Petition with a view to determining the circumstances as to why for close to 15 years since the occurrence of post-election violence, the petitioners are yet to receive justice;
- (ii) cause the relevant Government agencies to ensure that deserving IDPs under the Nyanza-Western Caucus of IDPs are verified and urgently compensated in order to enable them to revert to a dignified life like their counterparts who benefited from Government resettlement or compensation programmes; and,
- (iii) make any other recommendations deemed fit in addressing the plight of the petitioners and upholding the rule of law.

And your petitioners will ever pray.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. Let me consult and see which Committee to refer the Petition to. It is fairly straightforward. I commit this one to the Departmental Committee on Administration and National Security.

Before we go to the next Order, let me give opportunity to a few Members to contribute. Remember, there were two Petitions that were read out; the one on text books and this one by Hon. Nyikal.

Let us hear Hon. Pukose

Hon. (Dr.) Robert Pukose (Endebess, JP): Shukrani, Mhe. Naibu Spika, kwa kunipa fursa hii ya kuchangia *Petition* ambayo imesomwa na Mhe. (Dkt.) Nyikal, Mbunge wa Seme.

Tangu 2007, wale IDPs wameumia sana, *especially* wale wanaotoka sehemu za Nyanza na *Western Caucus*. Ninatoka sehemu ya *Western* na namuunga mkono Mhe. Nyikal kuomba Serikali iingilie kati, kwa sababu baada ya watu hao kufurushwa, ilikuwa ni kama Serikali iliegemea upande mmoja na kuipa ridhaa sehemu moja. Lakini wengi wa wale waliotoka sehemu za Endebesi, Kwanza, Saboti, Mt. Elgon na sehemu nyingine za *Western* walihamishwa na kupelekwa nchi jirani ya Uganda. Bado wangali kule na wanaumia.

Itakuwa vizuri ikiwa wakati Kamati hii inaangalia maswala haya, itawaita Wajumbe wa sehemu hizo ili tushirikiane na kuhakikisha watu wetu wamepata haki. Tunataka Serikali iwatafutie makao na kuwapa pesa za kupata...

Hon. Deputy Speaker: Hon. Pukose, Endebess is just Endebess even in Kiswahili. You do not have to say Endebesi; it is Endebess.

(Laughter)

Hon. (Dr.) Robert Pukose (Endebess, JP) Asante sana, Mhe. Naibu Spika.

Hon. Deputy Speaker: I am trying to look for Members who would want to speak to this Petition. I do not want to use this list, because if I do, then I might call out some Members who may not want to contribute to this matter. We will have Hon. KJ and thereafter, I will go to my left and give chance to two other Members. I will balance. So, do not worry.

Hon. John Kiarie (Dagoretti South, JP): Thank you very much, Hon. Deputy Speaker. I want to commend Hon. Nyikal.

Hon. Deputy Speaker: Please, let us be brief so that many Members can speak to the Petition.

Hon. John Kiarie (Dagoretti South, JP): I want to commend Hon. Nyikal for bringing this Petition, on behalf of these people. I want to believe that the people he is talking about are not in his constituency only. From 2017 to-date it is quite a long time, and it is unfortunate to imagine that there are people who have been displaced without any compensation. It actually means that this country has some agencies that are not functioning properly. I am glad that you have committed this Petition to a Committee of the House. This House has the responsibility of making the Budget. I want to believe that we can go beyond reading from the book of Lamentations. Since the Petition has been committed to the relevant Committee, I pray that we will remember that this is a budget-making House. Even as we go through the budget-making process, we can consider how much it would take for the compensation to happen and allocate it in the right Budget line. So, even as we say that the Government should be protecting the IDPs, we also provide the money that is necessary.

Hon. Deputy Speaker, the biggest investment that people can make...

Hon. Deputy Speaker: Please, summarise.

Hon. John Kiarie (Dagoretti South, JP): Hon. Deputy Speaker, please allow me to make this point. The biggest investment that our State can make is not on mega and legacy projects or expressways, but investment in the people. I do pray that the Committee recommends the amount that is needed for this compensation. I also hope it is going to be allocated to the right Budget line so that these people can finally get the dignified life that they deserve.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Member for Bondo.

Hon. Gideon Ochanda (Bondo, ODM): Thank you very much, Hon. Deputy Speaker. The issue of compensation of IDPs is really sad. First of all, it is an act of discrimination. Most of these guys were given a procedure and were registered with the DCs at their various district headquarters. Hon. Nyikal has a big authentic list of IDPs that went through a process that the Government was very clear about, and their names are there. Between 2017 and 2019, the Government indicated that it was compensating the last lot of IDPs in Kisii and Nyamira counties, but it is very unfortunate because by the end of it, many people had been left out. Those who were left out are guys who ran away to get alternative ways of relief, including staying with relatives.

Those who moved to the camps were recognised much more than those who got their own individual or private arrangement of how they could get relief. The Government is aware that it was not only supposed to compensate those in camps, but also those who went away. The authentic list is there and they must be supported.

Hon. Deputy Speaker: Hon. Kamoti Mwamkale.

Hon. William Mwamkale (Rabai, ODM): Asante sana, Mhe. Naibu Spika. Mimi ningependa kuzungumzia Ombi la kutoa ushuru kwa vitabu.

Mhe. Naibu Spika, hii ni Serikali inayosisitiza watoto Wakenya kupata elimu ya bure. Kama Serikali inataka watoto wapate elimu ya kisawasawa, basi ni lazima iondoe ushuru kwa vitabu. Inafaa Serikali iondoe huo ushuru kwa sababu tumetoka kwa hali ngumu ya gong'wa la Corona, na wazazi hawana pesa. Vitabu vimekuwa ghali. Itakuwa bure kupeleka watoto shuleni kama hawapati vifaa vya kusomea. Kwa hivyo, naunga mkono Ombi la kuondolewa ushuru kwa vitabu. Serikali inapaswa kufanya haraka na kuondoa huo ushuru ndio watoto wetu hapa Kenya waweze kusoma. Sio tu kwenda shuleni, bali wapate elimu inayostahili.

Nikizungumzia Ombi kuhusu watu ambao walitoroka makwao kwa sababu ya shida za kiusalama, naomba Serikali iwe na usawa tukitambua kwamba kuna IDPs wengine walilipwa. Kwa hivyo, kama wengine walilipwa, wacha wale waliobaki wasihisi kwamba wamebaguliwa na Serikali yao. Hao pia wapangiwe. Huu ukiwa wakati wa kutayarisha Bajeti, nafikiria ni sawa kabisa. Ardhi hii imekuja wakati mzuri. Tunafaa kuhakisha kwamba ndani ya makadirio ya mapato na matumizi yanayotayarishwa, kuna pesa za kuwalipa IDPs ambao wamesalia, haswa hawa wa Nyanza na Magharibi.

Asante sana, Mhe. Naibu Spika.

Hon. Deputy Speaker: Hon. Murugara.

Hon. George Gitonga (Tharaka, DP): Thank you, Hon. Deputy Speaker. Let me comment on the two Petitions. The first one by Mr. Njoroge Waweru is not idle thinking. I think he paid great attention to this matter. It is high time we re-evaluated our position on taxes on textbooks, bearing in mind that they are meant for educational purposes, even though there are other books which are possibly for profit-making and are quite expensive. This is not idle thinking, and the Committee should consider whatever has been raised with the zeal it deserves.

With regard to the second Petition by Hon. Nyikal, I also support it entirely. I want to ask the Committee to move with speed and make a decision on when these persons will either be resettled or compensated. It is important. In Tharaka Constituency, I have some IDPs who were displaced during the 1995-1997 ethnic clashes. These people live in deplorable conditions. I brought a Petition to the Departmental Committee on Lands. They found this to be a historical injustice and recommended compensation. To date, we have been trying to get the Government to compensate these poor people without success. We have also tried to ensure that if there is any land available, they are resettled. This has also not been successful. I plead with the Government to move with speed and ensure that all IDPs – wherever they are – are treated as Kenyans and accorded the dignity they deserve.

Thank you very much, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Atandi.

(Hon. Samuel Atandi spoke off-record)

Hon. Atandi, your microphone does not seem to be okay. You can use the one in front.

Hon. Samuel Atandi (Alego-Usonga, ODM): Thank you, Hon. Deputy Speaker for giving me an opportunity to comment on the two Petitions. I would like to speak on the Petition by Njoroge Waweru, who has been petitioning Parliament on a number of issues. On this one, it is not the first time it is here. The last time I was in the Departmental Committee on Finance and National Planning, the matter was brought before us. Unfortunately, we did not respond to it properly.

I would like to urge the Departmental Committee on Finance and National Planning to look at this Petition seriously. This is because as observed by most colleagues who have spoken, books are important for the promotion of education, which is a key pillar in this country. Most presidential aspirants are saying that they will give free education, but they cannot if we are still levying VAT on textbooks. So, this is very important.

The second Petition by Hon. Nyikal is very fundamental. This is because most IDPs were compensated by the Government, but those from Nyanza and Western Kenya were ignored. I think this was political because they were considered to belong to the Opposition. I want to say that this is unconstitutional and illegal. The Government needs to compensate these people. It is very sad that the people who caused the PEV are currently in the United States of America (USA), spending taxpayers' money when these IDPs have not been compensated. This is very sad. This House must make a decision on this matter and ensure that these people are compensated.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Let us have Hon. Nangabo.

What is your point of order, Member 001? I have already given an opportunity to Hon. Janet.

Hon. David ole Sankok (Nominated, JP): Hon Deputy Speaker, is Hon Atandi in order to impute improper motive on a delegation that has gone to the USA and the United Kingdom (UK) to look for market for our produce? We have seen the minimum guaranteed returns on our livestock by-products and also...

Hon. Deputy Speaker: Go to the gist of your point of intervention, not what the delegation is going to do.

Hon. David ole Sankok (Nominated, JP): Is the Member in order to impute improper motive on that delegation, when we know that the one who caused the PEV in 2007 is the single denominator of violence in Kenya by the name of Raila Odinga? He should have blamed the right person instead of...

Hon. Deputy Speaker: Order, Member 001. You cannot cure one mistake by using another. Even the point of order that you had raised will not be considered because when you seek equity, you come with clean hands. In this case, you came for equity and imputed improper motive on another person at the same time. So, take your seat.

Proceed, Hon. Nangabo.

Hon. (Ms.) Janet Nangabo (Trans Nzoia CWR, JP): Asante sana, Mheshimiwa Naibu Spika kwa kunipa nafasi hii nami pia nitoe maoni yangu kuhusu Maombi yaliyowasilishwa.

Ombi la kwanza, kuhusu ushuru unaotzwa vitabu vinavyotumiwa na wanafunzi wetu ni muhimu mno. Mheshimiwa Atandi amesema jambo hilo limezungumziwa katika Kamati yao. Naomba walifuatilie jambo hili na kuhakikisha kwamba vitabu havitozwi ushuru.

Kuhusu Ombi la Mheshimiwa Nyikal, wakimbizi wa ndani kwa ndani wamepata shida mno. Kulikuwa na mwaka ambapo walikuwa wanatolewa sehemu za Molo na kupelekwa Trans Nzoia. Wale waliokuwa Trans Nzoia hawakulipwa ridhaa. Ndiposa naomba Kamati itakayoshughulikia suala hili iangalie hali ya wakimbizi wa ndani kwa ndani walioko katika

sehemu za Nyanza, Magharibi hadi Bonde la Ufa, ili wapate makao kama wengine. Watoto wa wengi wao wameumia sana. Wengine hawajaenda shule.

Asante, Mheshimiwa Naibu Spika.

Hon. Deputy Speaker: Alright. Let us have the Member for Nakuru Town East.

Hon. David Gikaria (Nakuru Town East, JP): Thank you, Hon Deputy Speaker, for giving me this opportunity. First, I want to comment on the Petition by Mr. Njoroge.

It is true that education is a pillar of economic and social development in this country. It is important for us to start thinking. Kids from poor families are unable to do their homework because their parents cannot afford textbooks and other educational materials. It is important for the Committee to look into this issue, especially now when we are coming up with the Budget. It is important for the Departmental Committee on Finance and National Planning to look into this matter seriously.

Second is about Hon Nyikal's Petition. I will talk about this one because it is important. I totally agree with what Hon. Nyikal has said. In Nakuru, where I come from, the situation is not as that described by Dr. Pukose. Most of those who had been compensated are still living in IDP camps because land matters have been a problem. Land was bought for them but they have never settled on it. They are still in IDP camps. Those are some of the issues that should be addressed.

Hon. Deputy Speaker: Okay. Let us have Hon. Fabian Muli, Member for Kangundo.

Hon. Fabian Muli (Kangundo, Muungano): Thank you, Hon Deputy Speaker, for giving me an opportunity to stand with the petitioners. I will talk about the two Petitions. I will start with the one by Njoroge, a seasoned petitioner of this House. It is true that education is very important and, therefore, we should not tax books and everything else related to education. The taxman in this country has failed us by not bringing policies which can attract other ways of taxation. Today, the taxman should look for other ways to gather resources because the country needs funds to move ahead.

If you look at what they are doing, they are using the police to collect tax from the common man instead of coming up with ways of making people productive by creating more businesses so that they can generate more tax. I support Njoroge's Petition that we should encourage Kenyans to study so that this country's manpower base can expand. That way, people can get jobs and pay more taxes.

On the second Petition, I think...

Hon. Deputy Speaker: Hon. Muli, make up your mind on one, because we are trying to balance and have many more of your colleagues to speak.

Hon. Fabian Muli (Kangundo, Muungano): Thank you, Hon. Deputy Speaker. I support and stand with Hon. Nyikal.

Hon. Deputy Speaker: Hon. Jomo Washiali, speak on one Petition.

Hon. Benjamin Washiali (Mumias East, JP): Thank you, Hon. Deputy Speaker. I want you to know that I always appreciate when you give me an opportunity to contribute. I support both petitioners; Mr. Njoroge Waweru and Hon. Nyikal. Waweru's Petition seeks to cure unfair trading environment which taxes one side and not the other.

On Hon. Nyikal's Petition, for starters, it is important to know that the election skirmishes of 2007 started in Mumias. Of course, you cannot convince me that where they started, there was no displacement of people, destruction of property or loss of human lives. Therefore, I support and ask the relevant Committee to move with speed to ensure that these people are compensated, especially now that we are approaching a general election, we should ensure that this matter is not carried over to the next House.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Mwadime.

Hon. Andrew Mwadime (Mwatate, ODM): Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: The rest of the Members will most likely have to go to the Committee.

Hon. Andrew Mwadime (Mwatate, ODM): Thank you, Hon. Deputy Speaker for giving me this opportunity...

Hon. Deputy Speaker: I will allow only two more Members to speak very quickly. So, please be brief.

Hon. Andrew Mwadime (Mwatate, ODM): First, I rise to support Mr. Njoroge's Petition on text books. As we are aware, our main objective after independence alongside fighting hunger, was to ensure that our population gets education. Interestingly on hunger, we have tried, because at least we get some agricultural equipment tax-free. However, we cannot say the same on education. Englishmen say, "If you want to hide something from Africans, put it in books." It is high time that this Committee moved fast and waived taxation on textbooks. This will go a long with the free education policy that is in place.

Secondly, on IDPs, the Government should hammer in all directions. Some IDPs were compensated, while others were left out. This does not augur very well. Some time back, when the Taita Taveta-Voi Road was being constructed, some people were to be compensated, but up to this very moment, they have not been compensated. So, the relevant department should deal with these issues perpendicularly, horizontally, diagonally and in every angle...

Hon. Deputy Speaker: That is enough, Hon. Mwadime. Let us now hear Hon. Obo. Please, if you will be brief, a few more Members will get chance to also speak. Your microphone is not working. Go to the next one quickly.

Hon. (Ms.) Ruweida Obo (Lamu CWP, JP): Asante Mhe. Naibu Spika, kwa kunipa nafasi nami nichangie. Moja kwa moja naunga mkono Maombi yote mawili. Nitachangia kidogo Ombi la Mhe. Nyikal.

Hon. Deputy Speaker: Please, speak on one. Zungumzia Ombi *moja tu kwa sababu ya muda*.

Hon. (Ms.) Ruweida Obo (Lamu CWP, JP): Nizungumzie Ombi la Mhe. Nyikal?

Hon. Deputy Speaker: Please.

Hon. (Ms.) Ruweida Obo (Lamu CWP, JP): Naunga mkono na kuomba kwamba "mvua" hii ikinyesha, pia isongee mahali pengine. Angalau watu wa huku wameshughulikiwa. Kule kwetu Lamu pia kumekuwa na wakimbizi wa ndani kwa ndani kuanzia mwaka wa 1962, wakati wa *Shifita War*. Wakimbizi hao bado hawajashughulikiwa hata kidogo. Nilileta Swali hapa Bungeni ili angalau mikakati ifanyiwe bidii kupitia *Operation Rudi Nyumbani* ili wakimbizi wale waweze kupewa ardhi na fidia. Sisi pia ni Wakenya, na tunaomba hayo yafanywe kama yanavyofanywa kwingineko nchini.

Asante, Mhe. Naibu Spika.

Hon. Deputy Speaker: Asante. Next Order!

PAPERS LAID

Hon. Deputy Speaker: Let us have the Leader of the Majority Party. Hon. Members, everybody cannot speak in one morning. There will be an opportunity for others to contribute on other Petitions.

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Hon. Emmanuel Wangwe (Navakholo, JP): Hon. Deputy Speaker, I beg to lay the following Papers on the Table of the House:

Report of the Auditor-General and Financial Statements of the State Department for Housing and Urban Development for the year ended 30th June 2021;

Monetary Policy Statement for December 2021 by the Central Bank of Kenya;

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June 2020 and the certificates therein:

1. Matili Technical Training Institute;
2. Aldai Technical Training Institute;
3. Ol' Lessos Technical Training Institute;
4. Thika Technical Training Institute;
5. Tseikuru Technical Training Institute;
6. Weru Technical Training Institute;
7. Kieni Technical and Vocational College;
8. Technical University of Mombasa;
9. Machakos University;
10. Inter-Governmental Relations Technical Committee;
11. Kenya Film Commission;
12. National Council for Population and Development;
13. Konza Technopolis Development Authority;
14. National Communications Secretariat;
15. Kenya Export Promotion and Branding Agency;
16. Kenya Broadcasting Corporation;
17. New Partnership for Africa's Development/Africa Peer Review Mechanism (NEPAD/APRM) Kenya Secretariat;
18. Kenya Yearbook Editorial Board; and
19. Anti-Female Genital Mutilation Board.

Report of the Auditor-General and Financial Statement of Kaiboi Technical Training Institute for the year ended 30th June 2019 and the certificate therein; and,

Report of the Auditor-General and Financial Statement of Kaiboi Technical Training Institute for the year ended 30th June 2018, and the certificate therein.

Thank you, Hon. Deputy Speaker.

QUESTIONS AND STATEMENTS

Hon. Deputy Speaker: On this particular Order, we will start with Questions. To start us off is the Member for Alego-Usonga.

ORDINARY QUESTIONS

Question No.049/2022

IRREGULAR DISMISSAL OF MR. REUBEN OMONDI OWINO BY TSC

Hon. Samuel Atandi (Alego-Usonga, ODM): Hon. Deputy Speaker, I rise to ask the Teachers Service Commission (TSC) the following Question:

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- (i) Could the Teachers Service Commission (TSC) explain why Mr. Reuben Omondi Owino of Personal Number No.459139, a former teacher at Madede Primary School in Alego-Usonga Constituency, was irregularly dismissed from the service?
- (ii) Could the Commission also explain why it is yet to reinstate Mr. Owino to the service even after the Magistrate's Court in Siaya acquitted him on 29th June, 2018, from the accusations by the TSC on the basis of lack of evidence?
- (iii) Could the Commission state when it will reinstate Mr. Owino back to service?
- (iv) Could the Commission explain the measures put in place to ensure that Mr. Owino is paid all his accrued dues since 1st March, 2018, when he was irregularly interdicted from service?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: That Question is due for a written reply by the TSC. Let us go to the Member for Mwatate.

Question No.050/2022

DELAYED COMMISSIONING OF THE
GEMOLOGY CENTRE IN VOI

Hon. Andrew Mwadime (Mwatate, ODM): Thank you, Hon. Deputy Speaker. I rise to ask Question No.050 of 2022 to the Cabinet Secretary for Petroleum and Mining:

- (i) Could the Cabinet Secretary explain why the Gemology Centre in Voi, Taita Taveta County, is yet to be commissioned, two years after its construction?
- (ii) What steps is the Ministry taking to expeditiously commission and operationalize the said centre to enable value addition to minerals found in the region?

Hon. Deputy Speaker: The Question will be replied to before the Departmental Committee on Environment and Natural Resources.

The next Question is by the Member for Mathioya, Hon. Kihara.

An Hon. Member: He is not in.

Hon. Deputy Speaker: Let us have the Member for Jomvu.

Question No.067/2022

NON-IMPLEMENTATION OF COURT ORDERS IN FAVOUR
OF RESIDENTS OF OWINO-UHURU IN JOMVU

Hon. Bady Twalib (Jomvu, ODM): Asante sana, Mhe. Naibu Spika. Ningependa kumuuliza Mwanasheria Mkuu Swali lifuatalo:

- (i) Mwanasheria Mkuu anaweza kutueleza ni kwa nini idara za kiserikali hazijaweza kufuata maagizo ya Mahakama ya Ardhi na Mazingira, ya tarehe 16/07/2020, kutokana na Malalamishi No.1 of 2016 ya watu wa Owino-Uhuru walioko Mikindani katika eneo Bunge langu la Jomvu, ambapo mahakama iliamua kuwa idara tano za kiserikali ambazo zilihusika na utekelezaji wa sheria katika kiwanda cha madini na kampuni mbili za kibinafsi zina hatia ya kutowajibika kazini na hivyo kusababisha madhara kwa watu wangu wa Owino-Uhuru?

- (ii) Ni hatua gani ambayo Waziri amechukua kuhakikisha kwamba watu hawa wamelipwa fidia ikiwa sasa ni baada ya siku tisini tangu korti itoe uwamuzi huu?

Mhe. Naibu Spika, siku tisini ziliisha tarehe 15/10/2020, na hadi sasa miaka miwili imepita na watu hawa wamekufa, hawawezi kuzaa na pia wako kwenye hali ngumu sana.

Hon. Deputy Speaker: Order, Order Hon. Twalib! I was consulting elsewhere only to come back and realise that you are asking the Question in Kiswahili, and yet you made the request in English. You will recall that last week, we had asked Hon. Nassir not to do that. You are lucky that you escaped with it. But just to be fair, I will ask you to repeat the Question in English, as you requested in the first place. That will be the better way so that we have uniformity in our way of dealing with Questions. Please, ask the Question in English. I understand that your own constituents understand more of Kiswahili than English, and I can say that you are lucky to have ago in Kiswahili. Now, come back to English.

Hon. Bady Twalib (Jomvu, ODM): Okay, Hon. Deputy Speaker. I stand guided, although I have already raised my point and my people have heard me fighting for them. *Wamesikia.*

Hon. Deputy Speaker: Ask the Question in English.

Hon. Bady Twalib (Jomvu, ODM): Hon. Deputy Speaker, do not worry. I am going to do so.

Hon. Deputy Speaker, I rise to ask the Attorney-General the following Question about compensation of my good people of Owino-Uhuru:

- (i) Could the Attorney General clarify why certain state agencies have not implemented orders in an Environment and Lands Court ruling made on 16th July 2020, arising from Petition No.1 of 2016 relating to residents of Owino-Uhuru Village in Mikindani Ward, Jomvu Constituency, where the court ruled that five state agencies responsible for enforcing regulations at the responsible plant and two private entities were liable for the health and environmental harm inflicted on the said community as a result of poor waste management?
- (ii) What action is the Cabinet Secretary taking to ensure that the Court decree is implemented, considering that the 90-day period given by the court for the community to be compensated lapsed on 15th October 2020, and that the 120 day-period given for the clean-up exercise to be conducted in Owino-Uhuru Village lapsed on 9th November 2020?

Hon. Deputy Speaker, we are now in 2022, and my people are suffering in Owino-Uhuru Village. People cannot reproduce and they are dying. I am very bitter because I raised this matter last year and it has not been acted on, and that is why I am raising it again.

Hon. Deputy Speaker: Hon. Twalib, that is actually the right thing that you needed to do. Why was the Question that you previously raised not responded to? Hon. Twalib, that being the case, I really want to hear from the Chairman of the Departmental Committee on Justice and Legal Affairs, but I cannot see him. Was the Question you asked directed to the Departmental Committee on Justice and Legal Affairs?

Hon. Bady Twalib (Jomvu, ODM): Yes, it was.

Hon. Deputy Speaker: Okay. I think through the...

Hon. Bady Twalib (Jomvu, ODM): He is sleeping on the job. I asked it last year.

Hon. Deputy Speaker: Please, allow me to make some ruling on this one, because I can see the concern that you have. I would like to hear from the Majority Whip, because I might be actually using him to convey the message to the Departmental Committee on Justice and Legal

Affairs. Of course, the *Hansard* is also there and can be picked and sent to the Committee. Majority Whip, can you, please, say something on this matter?

Hon. Emmanuel Wangwe (Navokholo, JP): Thank you, Hon. Deputy Speaker. Before I make a comment as per your directive, it is important that whereas my good friend, whom we have walked the journey together with, is bitter, he is not in order to pass such a hard feeling that the Chairman is asleep. I do not think there are beds in this House for the Chairman to sleep on. However, I really appreciate that the matter he has raised is very serious for his people, and as the Majority Whip and a Member of the Departmental Committee on Justice and Legal Affairs, I undertake that I will follow it up.

Hon. Deputy Speaker: That is even better.

Hon. Emmanuel Wangwe (Navokholo, JP): We will handle the matter seriously. Now that the House is likely to go on recess from tomorrow, immediately we come back, we must present a report to this House.

Hon. Deputy Speaker: I think that is a very good confirmation.

Hon. Bady Twalib (Jomvu, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Twalib, what is your point of order? You have already asked your Question.

Hon. Bady Twalib (Jomvu, ODM): Hon. Deputy Speaker, I humbly request you to direct the Committee to go to Owino-Uhuru Village to see for itself whatever is happening there.

Hon. Deputy Speaker: Hon. Twalib, as I have said, you have raised an extremely critical issue. There is confirmation from the Majority Whip – who is also a Member of the Departmental Committee on Justice and Legal Affairs – that the matter will be given the attention it deserves. The issue of me making a ruling that they should go on site is something that has never happened here on Questions. If it was a Petition or something else, it would have been easier for me to make that kind of ruling. However, the Committee, on its own motion – we normally say *suo moto* – can make a decision to go and see what is happening out there. For now, we will follow what the Standing Orders ask of us. We will commit the Question to the Committee, which shall get a response from the Attorney-General. If the Committee feels that they really want to have better confirmation, they are free to do everything they can to be able to sort out the matter. What is most critical is the fact that you have asked this Question before. It, therefore, means that we really need to make sure that you get your answer. I think that is ruled on. I hope that satisfies you, Hon. Twalib.

Let us have the County Woman Representative for Kwale County.

Question No.068/2022

DELAYED PAYMENT OF PENSION DUES TO RETIRED STAFF OF
COAST WATER SERVICES BOARD

Hon. (Ms.) Zuleikha Hassan (Kwale CWR, ODM): Thank you, Hon. Deputy Speaker. I rise to ask Question No.068/2022 on the Order Paper to the Cabinet Secretary for Water, Sanitation and Irrigation:

- (i) When will the Coast Water Services Board submit the files for thirty four (34) retired civil servants who served under the Board until their retirement? The files are for purposes of processing and payment of their pension dues by the National

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Treasury and other relevant departments. The personal numbers are as follows: 021492, 029116, 030373, 034166, 034383, 031139 and 034084 who retired in the year 2014; 1977054282, 030474, 034514, 019420 and 061982 who retired in the year 2015; 034386, 059038, 057976, 030366 and 034604 who retired in the year 2016; 034167, 034068 and 019400 who retired in the year 2017; 053274, 058219, 034295, 034631 and 198206890 who retired in the year 2018; and, 050566, 034185, 037177, 030474, 034320, 034163, 034268, 050507 and 034554 who retired in 2019?

- (ii) What measures has the Ministry put in place to ensure that the Board submits files of retired staff to the National Treasury and other relevant Government departments for processing and payment of dues to the beneficiaries in a timely manner?

Hon. Deputy Speaker: Very well. That one will be replied to before the Departmental Committee on Agriculture and Livestock. Hon. Members, I encourage you to be saying, "Roman one, Roman two and Roman three." When you say you are going to your second Question, it does not sit well because Members are only allowed to ask one Question at a time.

(Hon. (Ms.) Zuleikha Hassan spoke off-record)

That makes some sense. Let me confirm something.

(The Deputy Speaker consulted with the Clerk-at-the-Table)

Hon. Member, your Question will go to the Departmental Committee on Environment and Natural Resources where water boards are deposited.

Let us have the last Question by Hon. Osotsi.

Question No.74/2022

THEFT OF COPYRIGHTS AND INTELLECTUAL
PROPERTY RIGHTS BY SAFARICOM

Hon. Godfrey Osotsi (Nominated, ANC): Thank you, Hon. Deputy Speaker. I rise to ask Question No.074/2022 on the Order Paper to the Cabinet Secretary for Interior and Coordination of National Government:

- (i) Could the Cabinet Secretary explain the status of investigations into a complaint raised by M/s. Transcend Media Group against M/s. Safaricom Limited for theft of copyright arising out of a tender flouted by Safaricom Ltd in 2016 for provision of creative and digital services, launched with the Directorate of Criminal Investigations (DCI) vide inquiry No.14 of 2021?
- (ii) Could the Cabinet Secretary further explain why the DCI is unable to enforce its own summons against Safaricom Limited as contained in its letters dated 29th June 2021 and 15th July 2021?
- (iii) Could the Cabinet Secretary provide details of all complaints filed with the Police against M/s. Safaricom Limited regarding theft of copyrights, intellectual property rights and other complaints?

- (iv) What specific steps is the Ministry taking to ensure that large corporations in particular M/s. Safaricom Limited comply with existing laws and ethical standards?

Thank you.

Hon. Deputy Speaker: Very well. That one will be replied to before the Departmental Committee on Administration and National Security.

Next Order.

Hon. Christopher Omulele (Luanda, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order, Hon. Christopher Omulele?

Hon. Christopher Omulele (Luanda, ODM): Thank you, Hon. Deputy Speaker. I asked a Question in this House some time back with regard to a technical vocational education and training (TVET) college in Luanda. I asked why the Ministry had not released the Kshs30 million that was allocated and appropriated in the budget for the construction of this TVET college in Luanda. That Question has not been responded to.

Hon. Deputy Speaker: When did you ask that particular Question, Hon. Omulele?

Hon. Christopher Omulele (Luanda, ODM): It must be more than six months ago. I am not so sure, but I asked that Question on the Floor of this House. I have spoken to the Chair of the Departmental Committee on Education and Research many times on this matter. I am worried that it seems it has been forgotten that my constituents in Luanda need this service. The Chair of the Departmental Committee on Education and Research needs to rise to the occasion and tell the people of Luanda where the funds are. These funds were appropriated in the budget and we do not know where they are up to now.

Hon. Deputy Speaker: Hon. Murugara, are you a Member of the Departmental Committee on Education and Research?

(Hon. George Gitonga spoke off-record)

What is it, Hon. Murugara?

Hon. George Gitonga (Tharaka, DP): Thank you, Hon. Deputy Speaker. About eight months ago, I had two Questions on teachers. One was on deputy head teachers and the other one was on senior teachers in Tharaka Constituency. These Questions were asked about eight months ago. They lapsed and I had to re-ask them and to date, we have not been told when to expect answers from the Teachers Service Commission (TSC). The answers are supposed to be delivered in one week, maximum two weeks.

The Chair, Departmental Committee on Education and Research, who rarely comes to the House, is actually not rising to the occasion. Indeed, that is to the detriment of everyone not just in Luanda Constituency, but also in Tharaka Constituency and everywhere else in Kenya. Can we have her wake up and start working because this is not fair.

Hon. Deputy Speaker: Hon. Members, I am seeing the difficulties you are having. Hon. Omulele and Hon. Murugara, remember that all the Questions that were asked last year lapsed. What we did as a House was to save statements. We did not save Questions. So, one thing that we really need to do - we have very few working days before this Parliament is adjourned *sine die* - is to quickly re-activate those Questions. In the meantime, you can use other avenues to quickly try and resolve the issues. I know about your particular Question, Hon. Omulele. For Hon. Murugara, I do not know because he was not specific. He generally said that there are Questions he had asked. For yours, Hon. Omulele, you need to redo it quickly and then we will ask the Clerk's Office to fast-track the Question, so that you can pick something out of what you lost last year.

Hon. Members, in the meantime, let the Chairs work hard. Members, be a little understanding. The Chairs are your colleagues. They are also trying to do what you are doing in your constituencies. I am told that sometimes Members are not available for committee meetings. Let us generally try and pick a few things out of the few days remaining.

(Hon. George Gitonga spoke off-record)

Hon. Deputy Speaker: What is it, Hon. Murugara? That is not true. What did you say?

Hon. George Gitonga (Tharaka, DP): We, Members of Parliament, may be busy out there campaigning, but what I know for sure is that it is not the Chairs who take these Questions to ministries and commissions, but the secretariat. When you ask a Question, the following day it will be with a particular agency, either a ministry, an agency or whoever is concerned. I know for sure that eight months ago my Questions were taken to the TSC, but nobody made a follow-up. I again asked the Questions in January. Now we are in March, but I have had no response. We are not being told anything. The reason we are not being told anything has to do with the Committee, but the reason we are not getting any response has to do with the ministry concerned. It is lethargy.

Hon. Deputy Speaker: The Whip of the Majority Party, please, communicate this concern to the Chairperson of the Departmental Committee on Education and Research. We should know the number of Questions that are pending before that Committee. At the Liaison Committee level, I believe we should also ask Chairpersons to tell us the number of Questions pending before their committees, so that we can see how to help each other achieve something out of the process. What is it you have to say, Whip of the Majority Party?

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Deputy Speaker. I concur with your direction. I will inform the Chairperson of the Departmental Committee on Education and Research accordingly. But there is something that Hon. Murugara said that needs to be corrected. He talked of a Chairperson who is never here. I want to report to this House that the Chairperson of the Departmental Committee on Education and Research always sits on my right. She is always in the House. The only thing she has to do is to report progress or bring answers to the Questions that Members have raised. Hon. Murugara, I wish to make an undertaking that tomorrow, the Chairperson shall report progress on what you have raised. If not, she will provide a substantive response to what is happening with your Question.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Remember that from where I sit, what Hon. Murugara seems to have asked is about Questions that require written responses by the Teachers Service Commission. All we need to do is to coordinate. That is why I also say Members need to be understanding. The Chairpersons also have constituencies to take care of. Most importantly, sometimes when Questions have been asked, responses delay. They should report so that we know there are issues. Let us leave it there.

Hon. (Ms.) Beatrice Nyaga (Tharaka-Nithi CWR, JP): On a point of order.

Hon. Deputy Speaker: What is your point of order, Member for Tharaka-Nithi?

Hon. (Ms.) Beatrice Nyaga (Tharaka-Nithi CWR, JP): Thank you, Hon. Deputy Speaker. I want to agree with you that the Chairpersons are our colleagues. But they should also know that we ask Questions on behalf of citizens. They should be fair to us. Once a Question takes six months, surely that is very unfair. The people who have sent us here are waiting for answers. As we understand them, they should also understand us.

Thank you.

Hon. Deputy Speaker: I agree that Chairpersons must be extremely active. I know many of them are. However, I also want to tell you that Chairpersons chair committees which consist of Members, including you, the Member for Tharaka-Nithi. So, let us all collectively try and help each other to make sure that these issues are resolved.

(Loud consultations)

Please, Hon. Members, allow us to make progress. If the points of order are on the same matter, I will not accept. Let us start with Hon. Gikaria, but if it is on the same issue, I will not allow you to proceed.

Hon. David Gikaria (Nakuru Town East, JP): Hon. Deputy Speaker, this is very important. Two or three weeks ago, you gave a directive on a Question that was asked by Hon. KJ concerning scrap metal business. That is a very critical business that is conducted almost everywhere. Our people are suffering. We should take matters that affect our people seriously. The ban on scrap metal business has rendered thousands and thousands of people jobless.

Hon. Deputy Speaker: That is the same issue and I have already made a decision on it. I want us to make progress. What is it that is so burning, Hon. Kiarie? Go straight to the point.

Hon. John Kiarie (Dagoretti South, JP): Hon. Deputy Speaker, I rise to agree with you that there could be difficulties that Chairpersons have with Government departments which we ask Questions. I would want to hear you guide us even further. For example, there are many Questions that I have put to the Ministry of Education. However, the Cabinet Secretary has chosen to answer the Questions through the media. I was thinking that you were going to guide us further on what committees should do when Cabinet Secretaries do not respect this House. Some of them take up Questions that we ask in the House and answer them in the media. They never show up before committees of this House. The Questions end up lapsing at the end of a session. A notorious offender is the Ministry of Education. So, as you sympathise with the Chairperson of the Departmental Committee on Education and Research, you ought to guide us on what we need to do with the Government officials who take this House for granted.

Hon. Deputy Speaker: That guidance will be made tomorrow if the Chairpersons of concerned committees will not have responses. The Whip of the Majority Party has said that he will co-ordinate with the Chairperson. If she will say that she has difficulties in co-ordinating with the Ministry, the matter will be resolved then. Your issue has been heard. Of course, the House must be taken seriously. We cannot act in vain. Do you have anything to say, Hon. Wangwe?

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Deputy Speaker. In reaction to what my colleagues are asking, I have been in touch with the Chairperson of the Departmental Committee on Education and Research and she has sent me a text message on my phone. She is asking Members who have pending Questions to appear before the Committee next week. The Cabinet Secretary shall appear next week to respond to Questions that have been asked. So, in addition to the progress report that she will provide tomorrow, Members should be available next week.

(Hon. George Gitonga spoke off record)

Allow me to respond, through Hon. Deputy Speaker.

Hon. Deputy Speaker: No, Hon. Murugara. I think you are being extremely unfair. You are the one who has pushed the Whip to talk to the Chairperson of the Departmental Committee

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on Education and Research and he has received a response. When he is reporting that the Chairperson will be available next week, you are saying that you will be on recess. The Chairperson will sacrifice together with the Members of her Committee to be here over the recess. You probably want to be home, which is understandable, to deal with your political matters. It is normal. That is why I was saying it is important for Members to understand one another.

We should not sit back and wait to be notified. You should ask whether your Question is among the ones that will be responded to. Once we are able to resolve that, we should know what the issue is with the ones that have not been responded to and are not in that list. What the Chairperson has done is to really sacrifice her time. She is a politician like yourselves. I think I should commend the Whip of the Majority Party for being efficient. In fact, I do not see why we should expect a progress report tomorrow. What we should do is quietly seek to know the Questions lined up for response next week. We must save the time of the House. Those who will not be available can also indicate so, so that their Questions can be scheduled when we come back from recess. At that point, no Member should complain that there was delay because the same would have been upon the request of the specific Member.

Hon. Deputy Speaker: I think we can now put the matter of Questions to rest, so that we get to the next Order.

Question No.055/2022

SUPPLY OF COCONUT AND GRAFTED CASHEW NUTS SEEDLINGS

(Question deferred)

BILLS

Second Reading

THE PUBLIC DEBT MANAGEMENT AUTHORITY BILL

(Hon. Sakwa Bunyasi on 16.2.2022)

(Resumption of Debate interrupted on 23.2.2022 – Morning Sitting)

Hon. Deputy Speaker: Let us have the Mover replying, that is, Hon. Sakwa Bunyasi. By the way, Hon. Members, I have deferred the Question by the Member for Mathioya, Hon. Peter Kihara, to the next available opportunity.

Proceed Hon. Bunyasi.

Hon. Sakwa Bunyasi (Nambale, ANC): Thank you very much, Hon. Deputy Speaker. It is my great pleasure to reply after the very fruitful debate we had last week on the Bill. The discussions were extremely informative and rich. There are a lot of very useful suggestions that came from the Floor. I want to thank my colleagues for finding time to participate in the discussion on a matter that I consider to be one of the most important issues of the day in our country and our economy.

Hon. Deputy Speaker, I want to thank all the Members who supported the Bill. There is only one Member who had reservations. He felt that the Public Finance Management Act, which

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has only three paragraphs on debt, was adequate. That is a matter of choice. This is the same view that the Institute of Certified Public Accountants of Kenya (ICPAK) holds, which shocked me a little bit. The Bill goes significantly deeper than what is implied in the Public Finance Management Act. As our economy gets sophisticated, that was obvious from the discussion that came from the Floor of the House, we need instruments that can cope with the management of macro-economy around which debt is an outcome of the kinds of decisions that are made by our economic managers in the National Treasury.

I am glad. I also hope that it became clear in the discussion that the Public Debt Management Bill and the Authority that will be created are not instruments for denying authority to incur debt. It is far from it. Because that is an inevitable outcome of managing the economy, let us manage it in a way that is sustainable. There are other options to manage things sustainably. That is what we seek. I know there are desires to say that the Bill should say that the debt shall not exceed a certain amount. It will not have the mandate of setting the debt limits which are already embedded in the existing legislation.

There is also an issue that came up yesterday in the discussion. There are issues around the Medium-Term Debt Management Strategy (MTDMS) and the Budget Policy Statement (BPS). Perhaps, we do not focus sufficiently on the importance of the deficit when budgets come up. Debt occurs because we allow deficits to accumulate and that leads to a final figure of debt. It has proceeded yet barely checked, which has led us to where we are. We are fully on the decision chain that manages the outcomes of expenditure and revenue collection that results in debt. There is a lot of desire in the Press to point a finger at who is responsible for the debt that we have. With tremendous respect, that is simplistic. That is like trying to reduce a big complex thing to asking why you did not say that, say, 10 years ago. Why are you saying it now? There are moments that are discussed at the right time. The public debt has risen to a point where the *wananchi* are conscious of its impact on us. In that regard, the Bill is quite timely.

I also want to thank those people who participated in the public hearings. They provided detailed questions. They include our major institutions like the Capital Markets Authority (CMA), the Kenya Bankers Association, the Central Bank of Kenya (CBK) and many others. They provided very detailed comments that the Committee thankfully considered and will be reflected in amendments that we shall bring forward.

I thank the Departmental Committee on Finance and National Planning. This Bill has taken a while to be considered. However, I appreciate the fact that they are very busy. I suggest that the House should consider having a specific committee that will look at the macro-economy and debt. I will put it in writing later. The issues that are coming up and the many more that will come up can be dealt with by the Committee that will have a bit more time to do it to provide responses in a more timely way. I sat in the Departmental Committee on Finance and National Planning, and I know how busy they are. This will increase efficiency in the management of our oversight responsibility in this Parliament on economy issues. The biggest of them is the public debt matter.

There are very many useful comments that I will support and move in the Committee of the whole House to amend the Bill. One of them is the issue of what constitutes independence of such an Authority. I am glad because many Members who commented realise that having a little corner office at the National Treasury called the debt office is not enough. They do not have the capacity to manage debt. I talked to them and all their managers, and they do not have the capacity and authority to provide views that may be contrary to what the Cabinet Secretary would like at a certain moment. Indeed, the decisions that they make may sometimes not be in agreement with what the National Treasury would like to have.

When you have authority to decide how much expenditure and taxation should be, all of it via Parliament, you can easily manipulate the taxation to fit the expenditure framework that you would like to have at that moment. However, we need to have an independent well-informed Authority to say that if we are going to have an optimal growth in our economy, these kinds of expenditure should be the priority ones in our pipeline. Then, they need to be funded to the extent that the economy can afford, including the taxation and borrowing options.

Having an optimal combination of these expenditure on one side and revenue on the other side, which can be raised sustainably, is very important. There are issues of judgement that come into it. Judgement that is made by good analysis that is needed does not always exist in one person and institution, in this case, the National Treasury. I am very glad because Members, in their contribution to the debate, agreed with the proposal to have an institution that has the competence and capacity to provide informed thought. This institution will provide a counter-weight to the kind of thinking and analysis that the International Monetary Fund (IMF) does. If you do not have such a dedicated think-tank, it will be very difficult to counter institutions like the IMF. India has that. They provide alternative deep thinking about where the economy should go to a point where even the IMF can adjust their recommendations. We are not in that league. We need to get into it. We have the sophistication to get there. We need to organise ourselves in a way that we can make choices that are best for our taxpayers and this economy.

Hon. Temporary Deputy Speaker, I will look carefully at all the points that were made. I have copies of the *Hansard* now. I promise that I will consider every useful comment. If there are those ones that we will not consider, we will indicate why we cannot have them here, so that we can improve the Bill. When we go to the Committee of the whole House, I hope that we will all agree that we have a task which we need to accomplish on behalf of the citizens of Kenya. There is negativity that arose when we were discussing this Bill because of the upcoming elections. There are a lot of *bonga* points which are being sought by Members because it is elections year. At the bottom of it all, we all appreciate the fact that we cannot go on the way we are doing because we can easily get into a cash-and-carry economy. When this happens, our participation in international trade will be restricted because we do not have confidence in our ability to manage debt.

Lastly and very important, if local and foreign investors assess our economy using factors that we cannot control, which is data that is out there, they can say that if we do not take care, Kenya will be a high-risk economy. The terms that we shall get from them will be tough and unfair. So, we must come out and pre-emptively begin to tackle these issues.

I would like to thank the House for discussing the Bill. With those few remarks, I beg to reply. Thank you very much, Hon. Speaker.

Hon. Deputy Speaker: That will remain there. We will not move to the next step for the obvious reason. So, let us go to the next Order.

(Putting of the Question deferred)

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

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

First Reading

THE NATIONAL GOVERNMENT CONSTITUENCIES
DEVELOPMENT FUND (AMENDMENT) BILL

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

Second Reading

THE HIGHER EDUCATION LOANS BOARD (AMENDMENT) BILL

Hon. David Gikaria (Nakuru Town East, JP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker: What is your point of order, Hon. Gikaria?

Hon. David Gikaria (Nakuru Town East, JP): Hon. Temporary Deputy Speaker, I appreciate that you gave a directive for consideration of Bills which are brought by individual Members. If I look at what we passed in this House some time back on 2nd February, every Bill by individual Members has been given three hours with every Member given 10 minutes to contribute. If you look at the list of Bills by individual Members of Parliament, they are so many. I do not know whether we could amend what we had passed so that, at least, we reduce the time. Instead of the three hours, we can bring it to one-and-a-half hours. Mine is on matters to do with national construction. I am just asking with your leave if we could reduce the limitation of debate on individual Members' Bills, so that we could be reached in the queue. Maybe the Bill can take one hour and a Member can speak for five minutes. Most of these Bills are going to help the common *mwananchi*.

The Temporary Deputy Speaker: That is an extremely valid concern. Hon. Members, remember we have very few working days before this Parliament is adjourned *sine die*. There are things we can do and there are others we cannot do. The one of limiting the general time to Bills can only be done through a Procedural Motion by the Leader of the Majority Party. However, Members can use their own ways. For example, you can decide that you want to limit the number of minutes as long as you do it at the beginning of every Bill. You will have more Members speaking for less time and, therefore, you will save on the amount of time that will be required to canvass the Bill. Hon. Members, there are things which you can even do without necessarily having to alter anything. For example, if Hon. Mwirigi, rather than spending 30 minutes canvassing his particular matter, does it in five minutes and the Seconder simply stands as long as Members understand, we might do it in an hour or even less. That will give an opportunity to Members to place their other matters. By the way, remember the Private Members' Bills only come on Wednesday. So you really need to work hard and make sure you are able to do that. We will do what we can ourselves, but do your part.

Let us have Hon. Mwirigi. Any Member who is interested in reducing the time for speaking can do it after the proposal of the Question. That is what our Standing Orders say. Do not do it midway. You will not be allowed. Let us allow him to move and have it seconded and then a Member can raise the matter to have the minutes reduced. That is proper and the way to do it. Let us not waste too many minutes on this. We will actually be wasting time. It is good Members are trying to help themselves process as many Bills as possible. Hon. Mwirigi, please, you have the Floor.

Hon. John Paul Mwirigi (Igembe South, Independent): Thank you, Hon. Deputy Speaker. My Bill is a short one. I think we will not consume a lot of time on this.

I beg to move that the Higher Education Loans Board (Amendment) Bill (National Assembly Bill No. 37 of 2020) be now read a Second Time.

The principal objective of this Bill is to amend the Higher Education Loans Board (HELB) Act in order to provide that a loanee shall commence repayment of his or her loan once he or she secures employment. The current position is that the loanee begins repayment of the loan within one year of completing his or her studies. A relatively small percentage of graduates secure employment within one year of graduation yet interest continues to accrue. This amendment is meant to cushion unemployed graduates from being charged interest on the loan before they have secured employment. I have just decided to read the objective so that I can guide the House on the amendment.

Hon. Temporary Deputy Speaker, in July 1995, when this body was created, it was meant to cushion vulnerable families to give a form of bursary and even to provide scholarship for students from poor families, but who are capable in studies. In 1995, most of the graduates secured employment easily as opposed to now when unemployment is more rampant. Most university graduates are not in a position to pay back the loan which they have secured. Remember that after one year of graduation, one should start paying the loan. After that one year, there is another amount which normally accrues every month of Kshs5,000. Therefore, it is very difficult for a graduate who has not secured a job to be charged Kshs5,000 every month on top of the principal amount which the student borrowed. After someone has stayed at home for, say, 10 years, that person no longer has interest of securing any formal employment because it will seem their work will be to pay the accrued interest and the loan to HELB.

I have said that HELB was meant to cushion students from poor backgrounds so that they can continue with their education. Things are very difficult for students who come from very poor backgrounds. Some are from single parents and others are orphans. It is very difficult for such a student to start repaying the loan. That is why I am proposing that the loanee should start repaying the loan after securing a job. Remember, it is the mandate of the Government to get jobs for the graduates so that, at least, it can be easy for them to repay the loans. The Government should also provide paid internship to graduates so that it can be simple and easy for them to repay HELB loans. The Government can also allocate more money to HELB so that it can be available for students who are joining university.

There is a belief that when someone starts a business, they will not repay the loan. That is why I advise that we have Kenya Revenue Authority (KRA), National Social Security Fund (NSSF) and National Hospital Insurance Fund (NHIF) as the custodians of our database. They can give information of someone who has been employed. It is very difficult for a young person who has just graduated from school to be charged interest without considering whether they come from Arid and Semi-Arid Lands (ASAL) or a place where they can get Kshs5,000 to pay the penalty they will have been charged. So, it is my humble request to the House to support me on this one. Let us support the students and encourage them to continue studying in the hope that they will secure jobs.

Currently, it is very difficult for a graduate from university to secure a job without submitting a clearance certificate from HELB. That is another thing that is preventing or hindering graduates from securing formal jobs. This amendment will, therefore, cure that because no one will ask graduates to provide clearance certificates. In any case, it is the Government that will be concerned with sourcing employment for them so that they get into a position of repaying the loan.

The situation is very difficult for a student who graduated, say, in 2005 and is yet to get formal employment. It also discourages them from seeking formal employment because they feel like they will just be repaying the loan. I am proposing this amendment because it is going to help our young people in university who have interest in education. They need to be encouraged to soldier on with their studies, being aware that the Government will give them time to pay the loans when they start earning after employment. It will also encourage students from poor backgrounds to enjoy joining universities because they will get help and be hopeful that they will be employed.

I, therefore, urge my fellow colleagues to support this Bill, so that we can cushion university students. That way, they will continue with their studies. Remember, they are my fellow youth. They are also children. So, it is important that we assist them.

With those few remarks, I beg to move and request Hon. Murugara to second.

Hon. George Gitonga (Tharaka, DP): Thank you very much, Hon. Temporary Deputy Speaker. Allow me to second this Bill and just add a few things after associating myself with the remarks of the Mover. This is a very important Bill. It is very timely and very important, especially for the youth of this country. First and foremost, I congratulate Hon. Mwirigi. He is a young legislator and he is thinking of the youth of this country. That is the way we are supposed to do it. I am not trying to say that we who are slightly aged should now be thinking about the aged only. It cuts both ways. We have to do it whichever side of the divide one is in.

Firstly, HELB has not been very pleasant to our students. During our time, at least, for two semesters, I had the privilege... I remember those days with nostalgia. We had grants to assist us study. It was enjoyable. Soon after that, we were handed over to commercial banks where we were told we had to take loans and it has been totally different ever since. The net effect is that young people in the country have found themselves heavily indebted to banks. The net effect of that is to be listed with the Credit Reference Bureau (CRB) where it takes centuries to get out. I would, therefore, urge the Government to streamline the HELB, allocate more money to it, and ensure that all students are given sufficient funds to pay school fees and also for their own upkeep.

There will be a question as to how we would know that one is employed so that we can start recovering the money. Simple! Every law has regulations. Let us make regulations under the Act so that we are able to establish when one is employed and when that person can start repaying the loans.

Finally, we can also have obligations under the law and under the regulations. Even offences can be created, for instance, when you borrow money from HELB and you do not repay. However, the general good of the proposed amendment is much bigger than what we consider to be its ups and downs.

With those few remarks, I second and urge the House to pass this Bill into law, so that we can ease the lives of our youths. Thank you very much, Hon. Temporary Deputy Speaker.

(Question proposed)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Washiali.

Hon. Benjamin Washiali (Mumias East, JP): Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hold on, Hon. Washiali. Hon. Gikaria, what is out of Order?

Hon. David Gikaria (Nakuru Town East, JP): Hon. Temporary Deputy Speaker, I want to appreciate the Speaker who has just left. He had given direction that I raise my point of order

before we start debating. I just want to request you to ask the Members that instead of taking ten minutes, we can take five minutes for each Member who is contributing, so that we can move faster. That is my request so that we can address most the Members' Bills which are here. So, my request to you is that we reduce the time to five minutes.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well.

(Question, that Member's contributions be reduced from ten minutes to five minutes, put and agreed)

The Temporary Deputy Speaker (Hon. Christopher Omulele): The contribution time is five minutes starting with Hon. Washiali.

Hon. Benjamin Washiali (Mumias East, JP): Thank you, Hon. Temporary Deputy Speaker. Allow me to start by thanking Hon. John Paul Mwirigi for this wonderful Bill. I quickly want to add that students who qualify to be given a Higher Education Loans Board loan are those from poor backgrounds and in most cases whose parents are unemployed or who are totally or partially orphaned; or students who generally have problems in paying college fees. Sometimes we wonder, if a student has qualified by getting a degree but is not employed, where do we expect him or her to get money to repay the loan? This is common sense and I support the position that Hon. Mwirigi has suggested that these students be subjected to repayment of the loan immediately they get employment. I give the example of teachers of Kiswahili and Christian Religious Studies. I do not know whether this happens in other constituencies, but in Mumias East Constituency, graduates of 2013 and 2014 are not enlisted. We wonder where we expect such kind of graduates to get money to repay.

This is an electioneering period and we have heard very funny proposals. Some of the contestants have proposed to be giving some amount of money to unemployed Kenyans. Listening to these leaders one wonders because even the elderly who get a paltry Ksh2,000 fail to receive it. So, how are they going to manage thousands and thousands of graduates who will be enlisted to be paid this kind of money? Even if what they are saying is true, how would the money they propose take care of the HELB loan? It is unrealistic and it is high time regulators woke up to the true position in which our students are in and support this proposal by Hon. Mwirigi that we subject the students to repayment of the loan only and only after they have got employment.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well spoken, Hon. Member for Mumias East. The Hon. Gikaria is next on my list.

Hon. David Gikaria (Nakuru Town East, JP): Hon. Temporary Deputy Speaker, thank you very much.

I rise to support Hon. Mwirigi's proposal to have the money students are charged be reduced or the penalty be removed. It is true that we have very many unemployed graduates. Before they get employment, repayment of the loans starts and the tax over tax is charged. We totally agree with the proposal Hon. Mwirigi has brought.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): The Hon. Ibrahim Sahal.

Hon. (Ms.) Nasri Ibrahim (Nominated, FORD-K): Thank you Hon. Temporary Deputy Speaker for giving me this opportunity. Graduates are forced to begin repaying their student loans within a year after graduation and are liable to a monthly penalty of Ksh5,000 for non-payment which has resulted in hundreds of beneficiaries defaulting and facing credit bureau blacklisting.

Given that the majority of the people are unemployed, only a small number of graduates find work within one year of graduation and even those who work live on pay cheque to pay cheque, we need a reform in the law to protect them from penalty. However, the HELB should put in place a mechanism or link to an existing system like KRA to establish if loanees have found formal or informal employment.

I support. Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Iringo Kubai, Member for Igembe Central.

Hon. Kubai Iringo (Igembe Central, JP): Thank you, Hon. Temporary Deputy Speaker. I take this opportunity to thank my brother, Hon. Mwirigi for bringing this important proposal on the HELB loans which has become quite a problem for the students.

This fund is meant to assist needy children from poor backgrounds who are not able to pay their university fees and other institutions of higher learning, but it has become a nightmare to the students. Even some students are not keen in applying for the same because they know that immediately they take the loan, they will start paying for it as early as they complete schooling. Gone are the days when one completed his university education and the following day or month they were somewhere sitting in an office or doing some work to earn a living. Currently, we have students who have completed their degree education, but have been tarmacking for the last five to 10 years. When one completes school, immediately the system is activated so that one starts paying the loan, whereas there is nobody who cares if they have a job or not. It is very demoralising. You find that somebody is listed in Credit Reference Bureau and he or she has never had a payslip in his or her life. That is condemning that particular person to start paying debts before they start earning anything.

Therefore, I support this Bill wholly and more so to request HELB to look for ways of making their funding something that is not repayable. We manage Ksh2,000 for the elderly.

In the olden days, we used to have students being given what was called “boom,” some pocket money when they were in the university. What happened? What are we not doing? What went wrong? We should go back to those days where there was a fund which was factored in the Budget to assist needy students. We are overwhelmed in the National Government Constituencies Development Fund because of the bursaries which we give. Each college student needs that money as the country is impoverished, especially in my place where *miraa* markets were closed in London and Somalia. That is the mainstay of my people especially in Igembe Central. Their mainstay is *miraa*, but they have nowhere to sell it. Even if we get a bursary of Ksh100 million, it will not suffice because almost all families need this money. The HELB is there and are running after students and families, but they do not give this money. Therefore, it becomes a big problem.

I support this Bill wholly and HELB should consider whoever is indebted to them not to charge them any interest until one is employed and starts repaying or they waive the same.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): I have seen Hon. Mwikali, Member for Busia in the House. I will give her an opportunity. Hon. Ochanda. The Members in the Departmental Committee on Education and Research, would probably speak to the way the penalty is applied to these loans. I recall there was a time I had paid my loan and it remained only Ksh2,000, which I did not know about and they applied this penalty and asked me to pay almost Ksh90,000. How do you penalise Ksh2,000?

The Hon. Mwikali.

Hon. (Ms.) Florence Mutua (Busia CWR, ODM): Thank you, Hon. Temporary Deputy Speaker. Before I tackle this issue of Hon. Mwirigi, I just wanted to know if Hon. Murugara really knows me very well because I never miss my sessions. You can even confirm with my attendance. His Question on the Teachers Service Commission is being tackled and he will get a written response very soon. So, kindly, I found that unfair because I never miss and I sit here every other day. I was here even yesterday. That was totally not fair.

Hon. Temporary Speaker, I want to appreciate this Bill by my committee Member, Hon. Mwirigi. The principal object of the Bill is to amend the Higher Education Loans Board Act No. 3. It seeks to have the words ‘completion of studies’ under Section 15 (1) of the HELB Act deleted and replaced with ‘securing employment.’ As a committee, we have had a fighting battle to ensure that HELB gets more funding. We have more students who need the financial support which has been hard in coming. Given the economic issues in the country, we have not been able to accord HELB the money that they need to support the many students requesting for the loan. You will remember that a month ago, students wanted to go on strike because HELB had not released the money to them.

When the committee considered this Bill, these were its observations. In effect, the amendment will stop HELB from pursuing loanees who are self-employed on account that the loanee has not secured a formal job. This will be against the very essence of why HELB started, as a revolving fund to finance university and technical and vocational education training (TVET) students for the purposes of skills development for self-employment and job creation. The proposal which simply requires a loanee to notify HELB that he or she is in gainful employment to avoid the imposition of penalties, shifts the burden of verifying the loanee’s employment status from HELB, especially in cases of loanees in the informal sector; the self-employed or those who live or work out of the country. This is likely to cost HELB a lot of valuable income, straining the already strained institution.

The amendment removes responsibility from the loanee to repay his or her loan within the first year of completion of studies. This will weaken the board’s ability to mobilise funds to become a self-sustaining organisation in the long-term to serve the ever-increasing number of students joining institutions of higher learning, in the wake of reducing Government financing. The HELB has no mechanism of determining who has secured employment or not. It relies on goodwill from loanees and employers who may not always be willing to notify HELB of the loanees’ employment status. Currently, the position is that the law empowers HELB to impose penalties to deter laxity or default in loan repayment. This has greatly enhanced loan recovery by HELB in the last decade.

I must bring to the attention of this House that HELB also faces a lot of challenges in recovering the loans. Cumulatively, over the last almost seven to 10 years, HELB has 109,000 loanees who have not repaid their loans, hence there is Ksh10.5 billion that has not been recovered. If we continue with this trend, HELB is going to collapse and it will not be able to fulfil its mandate.

As a Committee, we considered clause by clause the Higher Education Loans Board (Amendment) Act 2020 (National Assembly No 37 of 2020). Taking into consideration the views and recommendations of the various stakeholders who participated, the proposed amendment is objectionable as it will further weaken HELB’s financial status and loan recovery mechanism.

Therefore, as a Committee, we reject this amendment.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Mutua Mwikali, it is true that I have always seen you in this House. You have even responded to me on many occasions on issues in Luanda. You have been very reassuring in that regard. However, you will

also appreciate that most of these Members here are mainly concerned with schools in their constituencies and education. So, you will receive a lot of friendly fire in that particular chair that you occupy. Do not take it harshly because it is just the concern of Members from time to time. Having said that, you are doing a good job.

Let us have the Member for Lamu. She is not in the House. Hon. Ochanda, you can now have a chance at it.

Hon. Gideon Ochanda (Bondo, ODM): Thank you, Hon. Temporary Speaker. Many Kenyans, particularly those who have gone through the university and many parents who have had their children go to the university, would sympathise with the situation. It is a sad situation. However, as we are in this, there are certain realities that we must also look at. One reality is that HELB is not a job creating institution. This is the precarious situation we are in. HELB has been mandated to raise and provide for funds to those who cannot afford. They do this in a revolving manner. This means that those from the system must regenerate money for HELB to support other students. If we say that HELB does not recover money from the loanees, then there is no way they will get money. We need to look at this thoughtfully. We may not want to amend the HELB law, but we may need to come up with a different legislation that will help us create a fund for those who are jobless, in a manner that we do not let HELB die, but we get funds through the estimates or any other means, so that we generate money for those who are unable to repay the loans. We need to generate money for loanees from the normal annual estimates. If we do not do that, HELB will operate to a halt.

Hon. Temporary Deputy Speaker, we need to be a little creative. As a nation, we are not doing well in terms of job creation. It is a big problem to us. For sure, there are many loanees who are jobless for a number of years. Thus, there is a big problem if we subject them to these kinds of penalties. As a nation, we must face this differently. We either generate money to compensate for those who are unable to pay at a particular time through our own annual budgetary processes. Such that HELB gets money to keep the fund revolving. If a loanee does not repay the loan, this means that HELB will not support any other student joining the university.

I was in the university when we were less than 4,000 students and money and support was flowing. I had the opportunity to meet with the HELB Board yesterday in a different meeting and right now they told us that they have 700,000 students in the university. This is less than 25 years since I was in the university. Add that number to the number of students in TVETs, Kenya Medical Training Colleges (KMTCs) and Teachers Training colleges. Definitely, the demand on HELB is much more than what they are able to provide.

What is it that we need to do? Creatively, we must find a way on how to get money to compensate for those that Mwirigi is talking about, until such a time that they are able to get jobs. We should not tie HELB to job creation. Let people hunt for jobs the way they are doing. But the Government must recognise that there is a time these people do not have jobs and they have to pay for HELB. Therefore, the Government must avail money to support HELB so that they can support more students.

The other thing we need to look at is that it is not sustainable to give bursaries to tertiary education students. All this money we are giving in terms of bursaries needs to be collected and channelled to HELB for purpose of increasing the HELB's capital base to take care of the problems that we are witnessing. It is not sustainable to give Ksh10,000 to a university student which they are not required to pay back, but at the end of the day, they may not complete their studies. We would rather give more money to HELB, get different and creative ways of funding HELB than looking at the issue of penalties.

Thank you, Hon. Temporary Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Ochanda, thank you for that contribution.

Hon. Mutunga Kanyuithia, Member for Tigania West.

Hon. John Mutunga (Tigania West, JP): Thank you, Hon. Temporary Speaker for the opportunity to contribute to this very important Motion. I would like to thank my brother, Hon. Mwirigi for bringing it up.

Hon. Temporary Speaker, students take loans because they cannot pay fees. Those who can pay would rather not go for HELB. What we have realised overtime is that HELB has been devolved to other students in other colleges. So, it caters for a wide cross-section of students. That means that it needs to be attractive and less punitive. When you charge students interest and penalties after taking HELB, you make it unattractive. It is important for us to realise why HELB was brought on board. The Higher Education Loans Board was created to cater for bright students from poor backgrounds. That means that we need to make it comfortable for them. So, to encourage students to go for HELB, we must reduce the cost of the loans by ensuring that they do not pay any interest or penalties before they get a job opportunity.

In Kenya today, it is indeterminate when one will be employed. We cannot tell when one will get a job. This economy has not been able to create jobs in commensurate levels to the demand that is there. We normally discharge students into joblessness or job seeking opportunities. That being the case, we cannot know when exactly they will start repaying the loans. Somebody can stay for five to seven years. I know graduates who have been looking for jobs for over seven years. In such a case, these penalties will be extremely punitive to such a graduate or a young worker. It will be wrong for us, as a Government and a people of this country, to start off our children from poor backgrounds with paying penalties for loans. This amendment is key. It has come at the right time. It needs to be looked into and passed by every Member of this House.

On the other hand, HELB is not enough. We need to seek a further amendment to the Bill to increase the amount that is being given to students. The HELB does not cater for a significant number of loanees. Students struggle. They cook in their rooms, eat from kiosks and suffer through their studies. When I was schooling, Kenyan universities were paradise. If you were in a university and passed in the market, everyone would point at you because they know you went to school where it matters. Today, students feel like they should not go for higher education because at the end of the day, it is better to look for ways and means of starting a small business and running it than going for higher education. For us to make education attractive, we need to look at the facilities that will make HELB more attractive and increase the amount loaned.

With regard to graduates who are supposed to be repaying the loan, there is need for a mechanism of establishing when one should repay his or her loan. When we start demanding for loans from them, we introduce them into CRB. If they are unable to pay, they will be listed under the CRB. When we start to introduce our young people to the CRB, they will fear taking loans forever.

As we know, loans enable people to grow. It is only people who are corrupt that avoid loans and grow, but people who want to live a straight life will have to somehow take loans. So, when we intimidate our young people by taking them to the CRB before starting life; that is bad, punitive and destructive. It is not good for their lives. We need to encourage them to take loans because through loans people develop themselves.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Sakwa Bunyasi.

Hon. Sakwa Bunyasi (Nambale, ANC): Thank you, Hon. Temporary Deputy Speaker. It is a delight to contribute to this Bill. I have been waiting for it to come up. The HELB can be a transformative institution. Gone are the days when only the wealthy could afford to have their children go all the way to the universities. If I may use the example of my constituency of Nambale, almost every home has a student who is in tertiary education. It could be university, college or a TVET.

However, all of these institutions have costs that require support from funds of this kind. As a nation, it will be a pity if we allow the HELB to begin to suffer for lack of liquidity. It is one instrument that is enabling the poor of this generation to uplift themselves through their children in the next generation. It is the duty of this generation to finance the HELB for the benefit of the coming generations.

With that background, my concern on this Bill is that leaving the HELB on its own to figure out how to get out of this is not satisfactory. To start with, I have quibbles with HELB. They are rough in the way they deal with students. Their penalties are worse than money shylocks. I have had to support students by physically going with them to HELB to be given audience that they require. Otherwise, students are handled badly and chased away. The Higher Education Loans Board must be customer friendly. We need HELB as a nation. It was put there to help students. It cannot treat them as if defaulting is criminal. It needs to listen to students more.

This August House is aware that there are genuine reasons why people depend on HELB for support. We must provide creative solutions on what should be done. The fact that we have over 700,000 students seeking college degrees and diplomas, almost getting to one million students, is not the problem. That is who we are now. We have created a situation where we have a huge number of college students. We are a growing nation. That is why Kenya is a proud economy in this region. That is why among the developing countries, Kenya stands out. It is because of the growth in education opportunities that we are creating manpower for today and tomorrow. We cannot shy away from that. We cannot shy away from the population bulge. We knew that a long time ago. At the rate at which we were going, we were to get a huge population of young people for whom, among other things, education would be primary for them. So, we must rise up to the occasion and think creatively on how we will budget money every year for HELB.

Other rich countries have this big issue of college loans. When many graduates get jobs, the time they should be using to look for a house to buy or to make a marriage decision they are saddled with debts that can take them a long time to pay, particularly when there are what appears as unchartered ways by debt lenders to increase interest rates and penalties without caring to explain. For example, somebody who was loaned Ksh25,000 and they claim Ksh250,000 and more from them. If they could not pay Ksh25,000 then they can never pay the Ksh250,000. So, we need to streamline it in such a way that it will help students to cope tomorrow.

The issue of HELB in TVETs is important. We want our people to get the skills required to get jobs tomorrow. There must be a way in which we can help them.

Lastly, we cannot say that there is no way that HELB can tell when someone gets an income. Are people not registered with KRA and other institutions? There must be some collaboration between HELB with such institutions so that they can figure out when that happens. Whatever the case, we must help the HELB and take care of our students in this generation to help the next generation.

Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Well spoken, Hon. Sakwa. As you take your seat and ruminates, you should think about applying the in duplum rule on this so that these things can have a definite maximum limit they can go to.

Hon. Mabonga Mwambu, Member for Bumula.

Hon. Mwambu Mabongah (Bumula, Independent): Thank you, Hon. Temporary Deputy Speaker. I rise to also support this Bill by Hon. Mwirigi. It is a very important Bill. We all come from constituencies and we see what is happening today with young people struggling to get education. It is very painful that at times you walk around universities and witness how young people struggle, with some of them even being tempted to get into anti-social behaviours. This is because they are unable to raise basic needs that they require for their studies. It is very unfortunate that even people who have graduated are not employed yet the government has a system of establishing who is employed and who is not. That is just laxity by some agencies that need to help HELB to know who is employed and who is not. I find it ridiculous that penalties are being applied even on people who are not employed. I will propose at the Committee of the whole House that no penalty should be applied on HELB loans. Let the funding be a grant. Those who studied long time ago got grants. Education was very good during that time.

I want to submit to you that students come to my office. At times, they receive HELB loans. Some Members talked about some teachers who pursue arts and they get employed at the age of 40 or 45. They are likely to take up to 10 years repaying the loans. It is the responsibility of the Government to ensure that our children have basic education.

University education is like basic education. Each one of our children must be entitled to get university education. I suggest that we take this Bill seriously. Whenever we prepare a Budget, we need to understand the number of children in university so that we provide sufficient funds. Those who are not able to pay should be cushioned by the Government. A Government that does not consider the interest of a young generation is sitting on a volcano that will soon erupt. This is something that we cannot run away from. As leaders of this century, we must find a solution.

Today the Kenya Revenue Authority is looking for money through all means. I do not know how the Government can own a system similar to the Fuliza platform that would generate Ksh1 billion every day. That money can then be used to support our education. I am reliably informed that some of the Fuliza money benefits certain individuals, yet our children suffer. We will bring further amendments to this Bill so that we ensure that provision of basic needs of our children in institutions of higher learning is well catered for.

Something else. I had a meeting with university students last year. Some of them requested that university education be made to be like day schooling, because they struggle to even pay rent. Why can we not stand up and defend our children so that we invest in the next generation that will save this country from all this embarrassment.

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

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Waweru Kiarie, Member for Dagoretti South.

Hon. John Kiarie (Dagoretti South, JP): Hon. Temporary Deputy Speaker, thank you very much for this opportunity. I take this opportunity to commend Hon. John Paul Mwirigi, a first-time Member of Parliament, who has been able to present two green papers before this House this morning. That is not a mean feat. The issue he is raising is of great concern to an entire generation. There are hundreds of thousands of young people who have graduated from universities, but have a heavy yoke tied around their necks in the name of HELB loan repayment.

If I were to look back at my family line, I am well reminded that my mother was able to build a house for her parents when she was a university student because of the money she used to get from the government. At the time my elder brothers were in university, they used to receive something they used to call ‘boom’ from the Government. How did we get to a place where instead of people receiving stipends from Government, they actually have to pay the Government monies that they do not have? I do believe that the problem might not even be university fees. The problem must be bigger than that.

To my mind, being an educator, I think that not every student who graduates from Form Four should go to university. We have a system in which even students taking trade courses—they could apprentice in places where the same trades are practised—end up in universities. If the education model was fashioned correctly, I am sure we would reduce the number of students who end up in university. We would send some students to technical training institutions. These technical institutions could be developed to high standards that someone who graduates from them would end up being held in high regard as we hold a degree holder. Most of the degrees that young people pay for are not helpful. They do not help their families, communities or the country. Young people are being made to pay for degrees that are ‘useless’ to their lives and to the country.

As I support this great effort by Hon. Paul Mwirigi, I have to say that we have a bigger problem that we have to rethink. When we started transforming our polytechnics into universities, we made a wrong move. If you go to countries like Malaysia, Japan and China, you will find that a graduate from a technical college is actually so helpful in building their country, even probably more so than a graduate. Most of the time, if you graduate from a university, chances are that you are being prepared for the academia or for a professional course. If we say we are building a country, think of a construction site practically. If it is a construction site of an office block, probably you will need only five professionals. Maybe a quantity surveyor, an engineer and an architect. But the rest of the hands that you need on that site are people with technical skills—plumbers, masons and so on. I do believe that we could reduce the burden of university fees if we can rethink how we can train our people and prepare them for life without necessarily demanding a degree from every learner who graduates from Form Four.

Thank you very much, Hon. Temporary Deputy Speaker. I again congratulate Hon. John Paul Mwirigi.

The Temporary Deputy Speaker (Hon. Christopher Omulele): The day we told our children that the only way to work is to wear a suit and sit in an office is the day we got it wrong. Hon. Kimilu Joshua, Member for Kaiti.

Hon. Joshua Kivinda (Kaiti, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this important Bill. Before I contribute, I want to thank Hon. Paul Mwirigi, who is one of the youngest Members in this Parliament, for coming up with such a Bill. It shows that young Members of Parliament are doing great things in this House.

Hon. Temporary Deputy Speaker, I support the Bill. Most of the students who apply for loans in Higher Education Loans Board come from poor families. When we let the system to be activated immediately after one year and these students are struggling out there to get jobs, it becomes hectic not only to them, but also to their families. Instead of pushing these students to pay HELB loans and you know that we have a challenge of getting jobs in this country, we must come up with a mechanism to help them. After they complete their studies, the Government should give them payable internships to enable them to be in a position to pay the loans. They apply for HELB loans because of the challenges that they face. Some of them cannot afford a meal in the universities.

I was called by some students from Eldoret two weeks ago. They requested for only Ksh200 to secure a meal for that day. This is a serious matter. This Bill comes at the right time. We need to see how we can help these students.

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

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Oundo, Member for Funyula.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this extremely important Bill.

Any Member who stands here to contribute is inclined to two sides of the coin. First of all, this Bill does not deal with the students who are in the university. It deals with graduates who completed university and they are outside there. We cannot purport to justify the passing of this Bill in the disguise that it will address the problems that the university students suffer or are subjected to currently. The drafter of the Bill thought that he was trying to address the issues in the university. However, he is helping those guys who have finished university.

As the Chair of the Departmental Committee on Education and Research has said, the surest way to cripple and kill HELB is to pass this Bill. That is the truth of the matter. Anybody who looks at it seriously and carefully will see that its purpose is to kill HELB. The current generation will kill HELB and disadvantage the future generation.

There is a basic principle of valuation of natural resources. You always say that the current generation must sacrifice to sustain future generation. It might look populist because that is what we are looking for. However, the reality of the matter is that the national Government has no capacity....

(Hon. James Wamacukuru walked into the Chamber dressed inappropriately)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hold on, Hon. Oundo. The Member who has just walked in, go back and dress properly. Give respect to this House. You cannot just walk into the House like you are walking into a toilet. You must dress appropriately.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Hon. Temporary Deputy Speaker, I went to the university through HELB both for my undergraduate and PhD (Doctor of Philosophy) programme. When I was doing my master's degree, I was unable to pay my loan for one year because I got a full scholarship from the University of Nairobi. When I went to clear my account so that I could get a loan for PhD, I had arrears which I gladly paid. I understand that if you take a loan, the only solution is to pay. The Higher Education Loans Board (Amendment) Bill says that HELB should now become a repository of those guys who are employed or those who are not.

What does it mean by securing employment? Does it mean that securing employment is like the Clerks-at-the-Table who are seated here or is it earning a livelihood? The issue of funding of university education is a very critical bet. We, as a nation, must engage soberly, squarely and without emotions. Students are suffering because HELB is supposed to be a revolving fund where we generate money and ensure that other students get funded. The students are not getting money currently. It is not being disbursed into their accounts simply because we have arrears of about Ksh10.5 billion. Passing this Bill will compound the problem and ensure that the current and future generations of students continue to suffer. As a House of Representatives of the people of Kenya, we must not look about the current generation. We want to solve the problem in the current

generation who have left the university. However, we must also look after the future generation. We should not kill it at the expedience of the current generation.

I want to encourage the young Member of Parliament - I am happy because he graduated when he was here. He earns a salary. He should encourage all those others who have finished the university to play their part, so that we pay for education for our future students. We will pass amendments at the Committee of the whole House.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. ole Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this very important Bill.

Let me start by congratulating Hon. John Paul Mwirigi, Member for Igembe South. I am sure that the people of Igembe South are very proud of this young man who campaigned using a bicycle and boarded a *matatu* to come to Parliament after they elected him without considering his financial background. He is making sure that the people whom he left behind who are struggling—fellow hustlers—clear some of these loans that burden them. He is here to solve such problems. He is a progressive leader.

I am a beneficiary of HELB. Without it, it would have been very difficult for me to go through university education. That is its importance. After graduation, most people, especially from poor backgrounds, rarely secure jobs because we know what happens in our country. You get a job depending on whom you know and with what connection. Those poor people may not have the requisite connection to get jobs. The rich who should not benefit from the loans get them because of connection. Secondly, they get jobs. We need to take care of those in the university and those who have come out of there. The future generation is not about those who will be born. It is also about those whom we obviously tell that leadership belongs to them. They are leaders of the future. We must nurture them.

Hon. Speaker, I thank you because yesterday you allowed my parents to tour the precincts of this Parliament. They were unable to pay my school fees. After graduation, I stayed for some time before I started earning. Dr. Oundo asked how you could know that somebody has started earning a salary or income. Kenya Revenue Authority (KRA) is there to alert them. The HELB should collaborate with KRA. The world is becoming digital where you will be known where you work, what you earn and what you have. So we already know that you have an earning, therefore, the HELB should use those channels so that they get the people who are able to pay the loans instead of targeting those who are struggling. In fact, I will bring an amendment in the Committee of the whole House so that we do not start paying a loan after securing a job, but you start paying a loan one year after securing a job. This is because there is no need of giving your first salary to the Government. You should first of all enjoy it. We should actually give job seekers an opportunity to start earning and probably even take it to the church and give some 10 per cent tithe before they start paying. Some of us who were raised in a Christian background and we know the power of giving the tithe. Mark 12:17 says:

“Give to Caesar what belongs to Caesar and give to God what belongs to God.”

I believe the first salary that you will earn belongs to God and then you start now giving to Caesar what belongs to Caesar. We have to support this Bill. I ask my colleagues to support this Bill 100 per cent.

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

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Sankok, may God bless you. The Bible says that those who honour their parents their days are increased. It is a good

thing that you honour your parents. It is something that is very important to me. Next is Hon. Omboko Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to weigh in on this important Bill that has been moved by Hon. Mwirigi. I congratulate Hon. Mwirigi because he has struggled with this Bill for quite some time and I am very happy it is on the Floor of the House. He not only has this Bill, but he also has other Bills that concern the young learners who are in the university and the education sector in general.

Hon. Mwirigi has also brought us a sledge hammer which we are going to bear in many ways. Therefore, despite which divide of the thinking you may have, this is a sledge hammer which we can use in the Third Reading to actually improve the matter that he has raised in order to get something for both the learners who are in the university and those who are outside the university. Therefore, I will be looking through for the amendments that I have already seen will add value to this Bill. This Bill attempts to protect the learner who has left school and is now outside, but cannot raise money to pay the loan that he took while he was in school. I would agree totally with Hon. Oundo despite the fact he looks like he is the only person arguing on that particular line.

I would want to bring to the understanding of this House that actually the person we are dealing with in this Bill is not a student. It is a person who was a student, but is now a youth outside and he is unable to pay the university loan that otherwise educated him. Therefore, that actually being in our mind is very important. Then we have to remember that if we give this person very much advantage – we are actually disadvantaging the real student who has now joined university and needs the HELB money more. Therefore, we have to do a real balance between the person who has left the university and is a youth outside and the person who has joined university and needs HELB more. We must remember that the person we really need to protect is the student at the university. Therefore, that balance must come out. If we bring too many concessions for the youth who has left, then HELB will fall and if it falls, we shall not have the other learners who are at the university enjoy.

Hon. Temporary Deputy Speaker, the tradition of education in this country can be found in the works of a man called Michael Todaro in the economics of education. He deals with economics of education in the Third World countries. He profiled very well that in the early parts of education, education was a sacred cow and being a sacred cow, it was protected fully. Possibly that is why people who were at the university during our times enjoyed what was called “boom.” Also there was an assurance that once you leave university, you would get employment. Employment was equally defined as formal employment where you can wear a tie like the one I have and a clean shirt. That was employment. Things have since changed since the times of Michael Todaro’s assertion and now education may no longer be the sacred cow that was when he wrote in the early 70s.

Therefore, the Government has continuously shifted from funding education. When you go to our Constitution, the education that is pretty compulsory is basic education. It is defined as education that begins from the ECD to O-Level or Form Four level. However, because the benefit cost of higher education goes more to the individual than the Government, the Government would prefer to invest more in the lower education than higher education because of the benefits – and I repeat this – of higher education are individual based than the lower education.

The basic education benefits the Government. That is the person knows how to vote, how to make decisions and how governments are run and so on. So, as we do this Bill, we shall have to remember that we are dealing with tertiary institutions and youths who have left university and must do a balance to protect those students who are already in school and not kill them. I, therefore,

think that this is a very good Bill that will possibly attract amendments in the Committee of the whole House such that the loans do not earn profit until when they get employment and also redefine what employment is. Remember we are now using CBC...

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Milemba, we reduced the time to five minutes, but your contributions are wonderful.

Next is Hon. Musimba Patrick, Member for Kibwezi West.

Hon. (Dr.) Patrick Musimba (Kibwezi West, Independent): Thank you, Hon. Temporary Deputy Speaker, for this opportunity. Indeed my colleagues have richly contributed to the Bill. Even the statement by you, Hon. Temporary Deputy Speaker, is quite candid in terms of placement of the in duplum rule. What we congratulate Hon. Mwirigi for is actually pricking national consciousness as to the plight of our students because, indeed, you have to weigh what is the opportunity cost in any society.

For instance, if today you approach a student leaving Form Four and tell him or her you can guarantee them Ksh100,000 year after year for the next four years and you will require them to make a payment thereafter at a concessional rate, I am certain maybe 70 or 80 per cent of students who would otherwise qualify for the HELB would select to go and try their hand in the informal sector arena. This begs the question: Why do we pursue education? We pursue education to build our skills, our knowledge and our attitudes not only towards the wellbeing of ourselves and our families, but the wellbeing of society.

Therefore, we have to talk about how we are engraining our students into that knowledge, if we are going to place an obligation to push that within a year you have to pay. How are we engraining our students to the arena of entrepreneurship and indeed entrepreneurship within organisations? We start training them from the outset because at the end of learning is earning. This has to be paramount. That is why being a beneficiary of HELB, a lot of us – even by the time we were in university we were already engaged in entrepreneurial activities to boost ourselves. This is because we were lucky in way which was unlucky for Kenya that we were undergoing structural adjustment programmes which saw people who were one year ahead of me who had just gotten into the job market being retrenched. That was quite harrowing to watch. We asked; what is the end game in this? There is no security towards getting formal employment. So we must in retrospect, as students, see how our role of getting entrepreneurial education is and how we get universities becoming a filter of telling students exactly where to place them. Is your role in academia as we have heard from Hon. (Dr.) Oundo who had the privilege and the opportunity to have his three degrees going back-to-back? Is that a journey you are on, or do you have potential in the informal sector? I will speak about the school of business which I went to. As first years, we were always told: Do not just get a degree in business communication, but get a professional qualification in terms of CPAs and ACCAs. You will find that these are all remedial learnings trying to patch up into our own education to make ourselves competitive at the close of the four years' journey that we go through.

I spoke about opportunity cost so that we can start introspecting as a House. We are willing to give bail to Kenya Airways purely to keep our national image going through. We have given them in excess of Kshs100 billion. We are grappling with just a small figure of Kshs10.5 billion to boost a revolving fund. Having expertise in the finance arena, because that is what I was trained in in university, I will tell you, any fund that you will create cannot revolve if the beneficiaries are increasing. If the fund which you are expecting as an input is less, certainly it is the hole within which it will dry up. We have 750,000 students yet the people who are contributing from when they started were far less. By the time you try and catch up with that model, it will not happen. It

will certainly require a budgetary intervention by this House for us to keep putting funds into that hole. If we do it consistently for a period of 10 years, we will grow that fund to a tune of Kshs1 trillion after which it will become self-financing.

I implore and really call on the House to play our budgetary role. Yes, people have obligation that when you take taxpayers money, you have to pay, but we have to be alive to the growing population that Kenya has and the increasing monumental role that human capital has in the growth of our nation.

I thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Musimba, a guru in the fintech area. Hon. Musimba, over the weekend, I came across a student who is at a university in this country, who has come up with a very interesting concept called the unimall. He has put out a platform where students from across the country are linked up with the best priced university requirements that they might need and he is doing quite well. I think we must celebrate our young people in this country and give them an opportunity as you say.

Hon. Njiru Muchangi, Member for Runyenjes.

Hon. Eric Njiru (Runyenjes, JP): Thank you, Hon. Temporary Deputy Speaker, for the opportunity to contribute to this very important amendment. I want to start by thanking Hon. John Paul for coming up with these amendments. He is a young Member for Parliament like me and he is very concerned with the welfare of the young people. I want to support this amendment because it is a reality that getting a job in this country is very difficult than it was in the beginning when jobs were many. So, requiring that a student starts paying HELB in just one year is asking for too much because only a few number of graduates are able to secure employment within that period of time. Alive to the fact that the cost of living is so high, I think it is only good if we allow those who benefit from the loan to start paying the loan the moment they secure employment either in Government or even in the private sector.

Going forward, it will be very important for us as Parliament and even as leaders to look into the matter of university funding because most of our universities are really suffering from lack of finances, and these problems are being passed to the learning environment. So, I support these amendments and thank the Member.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Martin Owino, Member for Ndhiwa.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Temporary Deputy Speaker. I really appreciate this chance. I want to thank Hon. John Paul for this amendment Bill. Whenever a Member tries to bring an input, it should be lauded. I will do what other Members have done just to have some amendments to this, to make it more relevant to the situation.

Unemployment was known to be blue collar. We have come out of that now and we are talking about skills based. That has opened a wide area for education. Education is no longer defined as a university thing only. That said, I will merge this with what *Baba* is projecting that when you finish whatever level of education, then you can branch either way. If you get formal employment that is fine, but if you do not, you can get into business.

(Hon. David ole Sankok consulted loudly)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Sankok, you do not want to live and let live? What is out of order?

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. I have heard my colleagues, who I respect so much, mentioning some names that are very foreign in this House. When you talk about *baba*, is it your biological father, your heavenly father or an archbishop? If you are referring to anybody else, then that is blasphemy.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Sankok, just a few moments ago, I congratulated you for honouring your parents. So, when this gentleman here talks about *baba*, he is talking about father. It is a good a thing. Live and let live.

Proceed, Hon. Owino.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Speaker. Some people are living in Jerusalem, leave them alone. I was trying to say that employment has to be defined in this so that people know that when you graduate from whatever level, you can go either way. You can even start your own business. This is where *Baba* comes in because it was projected that seven years' moratorium will be given to those who have just started their business. Repayment may not be after one year. Repayment can also follow those years. That is one which I think needs an amendment.

Secondly, this payment has brought fear to many students who are not even attempting to get loans. That has been a problem. Knowing that after you have secured some form of income is when you will contribute back, that will be a motivating factor. So, I thank you, Hon. Mwirigi for doing that.

The second point is that the contributions into HELB has to be diversified. Right now, 67 per cent is Government. Government does not know how to do business. I am of the opinion that we can even review the Act further for the players. The United States Agency for International Development (USAID), which used to put a lot of money, also pulled out. However, there is one element which is very good. The Kakamega County Government is putting in their money into HELB, and if you get a little from the Fund, then the county government can top up. It is something that we need to look into.

The third point is the NG-CDF. The HELB has tried for a long time to have the NG-CDF pull in through our accounts. Right now, I give students because Ndhiwa has so many students, about 5,000 and one has about Kshs40,000 to pay. He drops in a little and then he is out. He cannot even sit for exams. If we merge this, so that they become a top up, that will be a really good thing. So, let us look at the diversity of contribution to this. I quite agree and support that this is worth adopting and amending, so that our students may have less stress when they graduate from whatever level they come from.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Ndindi Nyoro, Member for Kiharu.

Hon. Ndindi Nyoro (Kiharu, JP): Thank you very much, Hon. Temporary Deputy Speaker. I rise to support my colleague, Hon. J.P. Mwirigi for this very progressive amendment. For those of us among the same age set as Hon. J.P. Mwirigi, we are probably among the last batch to leave university. As it is now, you are supposed to start repaying your HELB loan one year after you graduate. Unfortunately, the terrain in terms of getting a job, has changed. From 2003 all the way to 2008, most of the people who left universities had choices of areas that they could get employment.

Around the same time, the financial industry in our country was growing very fast. The telecommunication industry was also growing at a rapid rate and this presented opportunities to many graduates of various disciplines. People would leave university and immediately get jobs.

Most of my classmates, and it is just recently, could get jobs before they could graduate. But currently, the terrain has changed and there is a lot of joblessness in Kenya, opportunities where people could get employed continue to shrink. This brings about vices within our country. I do not know whether it is just where I come from, but for people to get jobs nowadays in the national Government and even in county governments, they have to pay something. This is something we had probably prior to 2002 in this country and it happens because of the scarcity of opportunities. Most of the nurses in Kenya who have been employed for the last four or five years have to part with over Kshs250,000 to get a job. This speaks to the urgency with which we need to relook at the issue of opening up our economy so that we can get many job opportunities especially for graduates. This has an effect in so far as the Bill before us and HELB are concerned. It is foolhardy for anyone to ask a person who sleeps hungry with their papers in terms of degrees and diplomas to start repaying HELB loan. They are first chasing money to feed themselves, but on the other hand, we are chasing them to pay the HELB loan. That is not possible within the economic nature of our country currently.

The HELB is a form of education finance where you are supposed to get a loan and thereafter start repaying especially when you have some income. It works more or less like the Kenya Revenue Authority. When filing KRA returns, if for example, KRA requests you to Pay as you Earn (PAYE) you pay as you earn literally. The HELB is almost the same. You pay after you start earning because you cannot pay when you are jobless. Therefore, this amendment Bill brings about sanity, so that we do not over expect from those people graduating from our tertiary institutions.

We need to look at our education sphere in a deeper manner. I have enjoyed contributions from my colleagues. Possibly, we could be modelling our tertiary education just for mainstream straight jacket jobs. There are many other opportunities where students in our tertiary institutions after they graduate can eke a living and not just earn a living, but creating wealth for our economy. There are many platforms currently which probably we need to introduce even in our tertiary institutions so that people who leave there become employers. They should not leave to become employees. I can cite myself as an example. When I graduated from Kenyatta University (KU)...

Hon. Joshua Kavinda (Kaiti, WDM-K): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Kimilu, what is out of order?

Hon. Joshua Kavinda (Kaiti, WDM-K) Thank you, Hon. Temporary Deputy Speaker. According to Standing Order No.95, we have contributed enough to this Bill. You can call the Mover to reply, so that we can attend to other private Bills.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Kimilu, you are out of order. You have spoken to this business and that avenue is not available to you. We will proceed.

Hon. Odege, the Member for Nyatike.

Hon. Tom Odege (Nyatike, ODM): Thank you, Hon. Temporary Deputy Speaker, for saving some of us to get a chance to contribute to the amendment Bill.

When we look at our country currently, as I support the amendment Bill, you will agree we are in a dynamic country and if we reflect back when some of us were in school, our intention was to go to school and get employment and that employment was somehow automatic. So, when the law was made for some of us by then, it was very easy to come out because jobs were guaranteed and we started paying our loans. Currently, things have changed. When we are out there, we realise people no longer go to school to get employment. People go to school to get knowledge and come

out here to hustle. You will agree with me that majority of the graduates, if pushed to pay the loan immediately after graduating, some of us who paid their fees will be forced to dig deep into our pockets to help them to repay the loan. So, it is important that we safeguard these people, protect them and nurture them, so that when they are in the job market, in businesses or in the entrepreneur market, we get people who will be in the market with ease, but not with a lot of pressure from the Government to recover the money.

An area we need to look into seriously is how we distribute Government funds to education institutions or to beneficiaries. We realise some lucky individuals will get HELB loans and bursary at the same time and get another bursary from the county government, but the unlucky ones will miss everything and look for well-wishers. I suggest that we need a way out where university and college education is made in a way where the loans given to the students is enough to cater for their education entirely, so that when they qualify from university, and get into the job market, it will be their responsibility to pay back to the Government. It should not be the piece-meal assistance they are getting. If we do it that way, all Kenyans will be treated the same, people will benefit the same and at the same time, we will treat them equally and when we make payments back, every corner of this country will benefit from the kind of assistance people get from the Government. But in the current system, you find the lucky ones get more as opposed to the most unlucky ones.

I support, but we need to look at it all round, so that equity is seen. I thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Okuome, Member for Karachuonyo.

Hon. David Gikaria (Nakuru Town East, JP): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): What is out of order, Hon. Gikaria?

Hon. Adipo Okuome (Karachuonyo, ODM: Thank you, Hon. Temporary Deputy Speaker. It is fortunate that they have not stopped me through invoking Standing Order No.95.

This Bill is very important. Young people are suffering. When they leave colleges and universities and are forced to pay loans almost immediately, they find it almost impossible to comply and the Credit Reference Bureau is waiting for them. So, I support the amendment Bill, so that we can shape the future of these young people and give them opportunities to get economically stronger in order to face the challenges in this nation. I am saying this being aware that most of our students come from families which are not able economically and this is why these students should be supported. In any case, most parents look at their children who have left school as their investment from whom they can draw their own existence in terms of sustaining their lives.

I support the amendment Bill.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon Rasso Ali, Member for Saku.

Hon. Ali Rasso (Saku, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this amendment Bill. As we know, legislation is a living thing. It must have a life of its own if it is to be completed. When there is a lacuna in our laws, somebody must bring amendments so that we keep up with the times. What we see with the HELB is youngsters being told that immediately they complete their university education, they will be put on a pedestal to begin to repay the loans they borrowed during their student days.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Just hold on, Hon. Rasso. Hon. Nzambia, Member for Kilome, what is out of order? You seem to be agitated. The microphones have gone haywire today.

Hon. Thuddeus Nzambia (Kilome, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I rise on Standing Order No.95. Most of the Members have contributed on this Bill and they are supporting it. Because we have more pending business, you can call upon the Mover to reply.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Member for Kilome, you are perfectly within your rights. But let the Member for Saku complete, and then I will put the Question. The Member for Saku, proceed.

Hon. Ali Rasso (Saku, JP): Thank you, Hon. Temporary Deputy Speaker. I wish to thank Hon. Mwirigi for this Higher Education Loans Board (Amendment) Bill. For the youngsters that come out of universities, the Government should either give them stipends as they wait to be employed or something should be done to defray the cost of university education through taxpayers. The idea of telling them that they must repay the loans within one year is unfounded, impossible and illogical. One can only pay if they are in gainful employment. When the majority of our youngsters finish their university education, they do not hustle because they do not know where to start. For that reason, I support this amendment Bill. The House must go further and recommend that it should not only be about paying loans, but also the conditions that can allow some of the students to get away with the loans.

Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, pursuant to the request by the Member for Kilome under Standing Order No.95, I now put the Question that the Mover be called upon to reply.

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

Mover, Hon. Mwirigi.

Hon. John Paul Mwirigi (Igembe South, Independent): Thank you, Hon. Temporary Deputy Speaker. First of all, I would like to thank all the Members for supporting this Bill. It will help a lot as far as this revolving fund is concerned. Without securing jobs, we will not have a revolving fund to cater for generations to come. The amendments that some colleagues have proposed are all welcome to enrich this Bill, so that it has the strength it requires.

With those few comments, Hon. Temporary Deputy Speaker, I beg to reply. Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): I direct that the next steps in regard to this Bill be undertaken when it will be set down on the Order Paper again. I direct that we move to the next business.

THE INFORMATION COMMUNICATION TECHNOLOGY PRACTITIONERS BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Osotsi, this is your Bill. Please proceed.

Hon. Godfrey Osotsi (Nominated, ANC): Thank you, Hon. Temporary Deputy Speaker. I rise to move the Motion on the Information Communication Technology Practitioners Bill, 2020.

It is an important Bill whose main objective is to establish a legal framework for the training, registration, licensing, practice and setting standards for...

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Osotsi, you need to move the Bill first before you make any other remarks.

Hon. Godfrey Osotsi (Nominated, ANC): Hon. Temporary Deputy Speaker, I move that the Information Communication Technology Practitioners Bill (National Assembly Bill No. 38 of 2020) be read a Second Time.

The intention of this Bill is to come up with a framework for the training, registration, licensing, practice and setting standards for ICT professionals in this country. There has been a lot of agitation around having the profession regulated through an Act of Parliament. The agitation has been going on in the industry for some time. I want to thank various professionals in the ICT industry who provided vital information that led to the formulation of this Bill. The Bill basically seeks to ensure that we have a professional body to manage the practice. It is the same way accountants are managed as professionals and the Law Society of Kenya manages the legal profession. There are many other professional organisations.

Hon. Temporary Deputy Speaker, there has been an attempt in this Parliament to try and come up with similar legislation. For example, I know we have the Human Resource Management Professionals Act. We also have the Veterinary Surgeons and Veterinary Para-Professionals Act, the Occupational Therapists (Training, Registration and Licensing) Act and many others which were passed in this House. We seek to do a similar thing for the Information and Communication Technology (ICT) professionals. There is a lot of justification around regulation of this industry, which I can probably take the whole day to explain, but I will just mention a few.

This Bill will promote professionalism and ethical conduct in the ICT professional. You agree with me that ICT is a key enabler for almost every process that we undertake in this world. Therefore, if ICT goes wrong, a lot of things will go wrong, including this Parliament. We depend on ICT for most of the processes that we do here. As we speak, we do not have a legal framework that guides how to deal with rogue ICT people, quacks in the industry, how to set up standards and to have ethics which are recognised in law. This Bill provides that opportunity.

It will also help us to implement numerous laws that this House passed. This House passed the Computer Misuse and Cybercrimes Act, which remains largely unimplemented because there is no legal framework for licensing ICT professionals. If you look into the Computer Misuse and Cybercrimes Act, you realise that there are authorised persons who are required to present evidence in court. They are supposed to be professionals in the ICT industry. Unfortunately, most of the cases that go to courts are lost because they cannot define who is an ICT professional. Therefore, we have even received petitions from people who handle these issues. They say that they wish to be licensed, so that they can be recognised in law.

Another piece of legislation that depends on having a legal framework to manage the practice is the Data Protection Act which this House passed. This Act protects data. Most of the data is stored in computer systems. We want a situation where the people who manage data are accountable for their actions on that data. Right now, banks lose up to Kshs21 billion every year because of cybercrime related to data misuse and computer misuse and nothing happens. These financial institutions keep quiet in most cases because there is no legal framework to deal with ethical issues around ICT. This Bill will provide that opportunity.

Another important piece of legislation which remains largely unimplemented is the Kenya Information and Communications Act which talks about things like electronic commerce, and how to manage broadcasting and multimedia telecommunication. A huge part of this legislation is

unimplemented. The Government launched the Digital Economy Blueprint recently which intends to make Kenya a digital economy. One of the issues that is highlighted in this Blueprint as the pillar is to ensure that we have digital skills and competence. If we do not have a structured legal framework for managing the practice, this will not be realised.

I can go on and talk about the benefits, but I will talk about the challenges we have in this sector. They are as a result of lack of a legal framework for managing the practice. We have so many quacks who pose as IT people and they end up causing a lot of trouble to companies, businesses and organisations. With this legal framework in place, we will address the challenges of quacks and we will in the process ensure that this country benefits maximally from ICT.

Another very important issue is that of self-regulation of the ICT practice. This happens in other countries, but in this country, self-regulation for ICT had not worked. The people could ask why we cannot allow ICT to self-regulate. It is not possible in this country. Why? Because there are many aspects of IT. We have software engineering, we have hardware and we have networking. It becomes very difficult to self-regulate in an environment like we have in this country. This Bill is not a new idea. We tried to benchmark with other countries. One of the countries I can point out is Nigeria. Nigeria is the largest economy in Africa at the moment. They had a lot of challenges especially around cybercrime. They have come up with a legal framework to manage this sector and as a result of that, they have been able to push down cases of cybercrime to a manageable level. I think this is one positive thing we can borrow from them. South Africa is largely dependent on self-regulation. Because of the various aspects of their economy, they have been able to do that, but they are also thinking about having a legal framework in place.

This Bill is very important and even as we are heading into election, I think it is important, because we are players in this election, to ensure that this Bill is in place so that we do not have problems like we had in 2017 where one of the issues that were raised was that of electronic results transmission and tampering with data. If we have this Bill in place, then the IT people who are working on this system will be obligated to ensure that they maintain high ethical standards and professionalism. This Bill is quite necessary given that we are heading into an election. As I have said, a lot of businesses will benefit. Banks and financial institutions which have been suffering quietly will have a chance to take people to court for interfering with data or systems. They will also be able to have a place where they can go to and raise their complaints, namely, the council that is defined in this Bill. We will also have a streamlined process on how to manage various aspects and subsectors of IT. It will create more opportunities for our young people. There are people who have said that this Bill is going to stifle innovation. I want to say that this Bill is, in fact, going to promote innovation because we are going to have a regulated and structured environment where the youth who develop systems will be able to sell their systems and make money. They will have a streamlined process where their innovation will be protected.

Hon. Temporary Deputy Speaker, without saying much, I will ask Hon. Musimba, who is an IT expert, to second. Thank you, Hon. Temporary Deputy Speaker. I beg to move.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Musimba.

Hon. Patrick Musimba (Kibwezi West, Independent): Thank you, Hon. Temporary Deputy Speaker. I rise to second this Bill, which is of monumental importance to this nation and, indeed, as a driving force towards growing our Gross Domestic Product. The ICT industry is what moved Kenya to become a middle income economy. There are three elements when it comes to ICT. The first element obviously is information. In the arena of information, we have seen the emergence of the Editor's Guild who have ably managed what we read in newspapers. We even have an office which looks at content which comes through.

The second element is communication. We have a well-developed Public Relations (PR) Council for all the practitioners in the public relations arena that looks at how we communicate to each other and the coding of language which is acceptable. How do we present ourselves with our branding and so forth?

The third frontier, which is telecommunications, is the frontier which this Bill seeks to address. It is important for us to have registered practitioners to bring such a momentous field such as ICT to become standardised. We have an existing role of advocates, an existing role of accountants, engineers, doctors and many other professionals. These are well documented fields which have active societies which not only bring the element of discipline, but contribute greatly into continuing professional development (CPD) points, namely, growing the professions and establishing standards that are global and are of use for the members in terms of what is emerging.

It is important for us to grow the area of ICT in terms of monetisation as you alluded to earlier, in our earlier contributions on innovations which are coming up and is in the hands of most of our students. You find that in the engineer's profession, we have student engineers who come out of universities and become apprentices. Lawyers have pupil masters who have pupils. The pupil masters take and show them the ropes as they are carrying out duties in their fields. In the area of ICT, we have an issue when it comes to intellectual property rights, which most people who have the skills set, do not have the mastery of how to navigate within the profession. We have formalised entrepreneurs. They have entities, companies and are registered. These ones are managed by the Communications Authority of Kenya (CAK).

When it comes to individuals who have either self-taught as you will see with public engagement which came through, they have taught themselves coding in learning programmes like python, in AI development which are evolving areas that are going to respond to the changing times with the platform called the World Wide Web (WWW). We are consistently speaking about the dark web. That is why in it lies a lot of problems which a lot of disrupters hide in and that necessitated us to pass the Computer Misuse and Cybercrime Act which is in force. The Mover, Hon. Osotsi, alluded to this. That is where we find big challenges.

In the Rwandan experience, we had a broadcaster or a presenter fanning hatred to an entire population. This led to a genocide purely because people do not exist in a roll and there is no sort of an intermediary to check them and say we can take away your practising licence so that you will not have livelihood in the forthcoming years.

It is, therefore, important that we develop and support this Bill, so that people can be registered. This role that we have will grow. We see the growth of things like localised application stores which can start looking at Kenya's intellectual property. This is a result of this development to grow us and our monetisation. These are just some of the few developments or contributions.

I second this particular Bill and call upon the Members to support it. Thank you, Hon. Temporary Deputy Speaker.

(Question proposed)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, this Bill has a balance of three hours and five minutes when it will be set down on the Order Paper again.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, the time being 1.06 p.m., this House stands adjourned until Wednesday, 2nd March 2022 at 2.30 p.m.

The House rose at 1.06 p.m.