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**THIRTEENTH PARLIAMENT**

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## THE HANSARD

Wednesday, 26<sup>th</sup> July 2023

The House met at 2.30 p.m.

*[The Speaker (Hon. Moses Wetang'ula) in the Chair]*

PRAYERS

QUORUM

**Hon. Speaker:** Serjeant-at-Arms, ring the Quorum Bell. We are short of quorum.

*(The Quorum Bell was rung)*

Order, Hon. Members, we now have a quorum to transact business.

PAPERS

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2022 and the certificates therein:

- (a) Kimasian Technical and Vocational College;
- (b) Msambweni Technical and Vocational College;
- (c) Kericho Township Technical and Vocational College;
- (d) Ekerubo Gietai Technical Training Institute;
- (e) Weru Technical and Vocational College;
- (f) Runyenjes Technical and Vocational College;
- (g) Kibwezi West Technical and Vocational College;
- (h) Mochongoi Technical and Vocational College;
- (i) Maasai Mara Technical and Vocational College;
- (j) Ugenya Technical and Vocational College;
- (k) Kiminini Technical and Vocational College;
- (l) David Mbiti Wambuli Technical and Vocational College;
- (m) Eldama Ravine Technical and Vocational College;
- (n) Sabatia Technical and Vocational College;
- (o) Asumbi Teachers Training College;
- (p) Friends College Kaimosi (Kaimosi College of Research and Technology);
- (q) Nyandarua National Polytechnic;
- (r) Kenya Forest Service;
- (s) University of Nairobi Enterprises and Service Limited;
- (t) Mitunguu Technical Training Institute;
- (u) Emurua Dikirr Technical Training Institute;
- (v) Emining Technical Training Institute;
- (w) Katine Technical Training Institute;
- (x) Sang'alo Institute of Science and Technology;

- (y) Rift Valley Institute of Science and Technology; and,
- (z) Kenya National Highways Authority.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Leader of the Majority Party.

Next Order. Hon. Rozaah Buyu. She had a Motion of adjournment which I approved. I understand she has made a request that she will move that the House, if it agrees with her, to give her space tomorrow. So, the Leader of the Majority Party, you better note that. Those on my left, Hon. Makali Mulu, you are the nearest to me, inform your Member that her Motion will be tomorrow.

Next, Hon. Umulkher Harun.

**Hon. Umulkher Harun** (Nominated, ODM): Thank you, Hon. Speaker.

**Hon. Speaker:** You must start by apologising to the House. Yesterday when you were called out you were nowhere here. Hon. Members, if you have business on the Floor, try and be in the House at the beginning. Even if we have five or six Orders down the line, those ahead of you might collapse and you get reached immediately. When you have business, do not operate on the basis that you are number nine, for example, so you come a little later. Just be here on time.

*Mheshimiwa*, go ahead and give your notice and apologise to the House for your late coming yesterday.

## NOTICE OF MOTION

### DEVELOPMENT OF FRAMEWORK TO MITIGATE FLOOD HAZARDS

**Hon. Umulkher Harun** (Nominated, ODM): Hon. Speaker, I apologise. I am still learning the rules.

Hon. Speaker, I beg to give notice of the following Motion:

THAT, aware that the Constitution recognises the peoples respect for the environmental and determination to sustain it for the benefit of future generation; further aware that the country has been experiencing some of its worst flood events during the rainy season in recent years; concerned that the effects of climate change will exacerbate the frequency and intensity of these extreme flood events; further concerned that floods pose a direct threat to the safety and security of Kenyans causing significant loss of life and mass displacement which leads to severe economic setbacks; recognising that there is need to take proactive measures by developing an actionable framework to implement strategic water harvesting techniques to mitigate against perennial flooding; acknowledging that rainwater harvesting would not only alleviate the destructive impacts of excessive runoff rainwater, but also contribute to long-term water availability; now therefore, this House urges the national Government, through the Ministry of Environment, Climate Change and Forestry, to develop a national framework providing for, among other things, the prevention and control of flooding in flood-prone areas in the country, emergency response coordination and evacuation, and long-term rainwater management systems through harvesting and storage.

**Hon. Speaker:** Thank you, Hon. Member. On the next Order, you know today is Ministerial Question Time. We directed the Cabinet Secretary for Water, Sanitation and Irrigation, to appear today, following an overwhelming flood of Questions, especially joyriders. I believe she must be within the precincts of Parliament.

We also expect Hon. Florence Bore, the Cabinet Secretary, Ministry of Labour and Social Protection. I understand she got it right this time. She has written to the Leader of Majority Party and apologised to the House. She is out of the country on official duty. I have given her the necessary exemption on appearing today. She will appear next week. Before we go to Questions, let us do the First Reading on Orders 8 and 9 as the Leader of Majority Party brings in the Cabinet Secretary to face the House.

## BILLS

### *First Readings*

THE WATER (AMENDMENT) BILL  
(National Assembly Bill No.33 of 2023)

THE ANTI-MONEY LAUNDERING AND COMBATING OF  
TERRORISM FINANCING LAWS (AMENDMENT) BILL  
(National Assembly Bill No.35 of 2023)

*(The Bills were read a First Time and  
referred to relevant Committees)*

**Hon. Speaker:** Call in the Cabinet Secretary for Water, Sanitation and Irrigation. As she comes in, allow me to acknowledge, in the Speaker's Gallery, the presence of Kiambaa Girls High School from Lari in Kiambu County. In the Public Gallery, we have Loreto Primary School from Kiambu Town in Kiambu County, Iria-Ria Mbogo Primary School from Tharaka-Nithi, Igandene Boys High School from Imenti South in Meru County, and By Good Hope School from Gichugu in Kirinyaga County.

On my behalf and your behalf as Hon. Members, I welcome the students and their teachers to the House of Parliament. I give Hon. Murugara one minute to welcome all the schools on behalf of Members whose constituencies are represented by those schools.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Speaker.

I take this opportunity to welcome all the learners from the various schools in the country who have come to this House of Parliament to observe proceedings. I welcome them, including my small school called Iria-Ria Mbogo Primary School in Tharaka Constituency of Tharaka-Nithi County. I tell the students that the only way they can realise their dreams in life is by working very hard in school and passing their exams. This can only happen if they are highly disciplined and they obey their teachers, parents and guardians who take care of them. Just watch what your leaders do here. These people were possibly elected by your parents. They are here to represent your interests. Welcome and observe the proceedings.

Thank you very much.

**Hon. Speaker:** Thank you, Hon. Murugara.

Hon. Members the Cabinet Secretary for Water, Sanitation and Irrigation is now in the House. I call upon the Member for Gatundu North, Hon. Elijah Njoroge to ask Question No.235/2023.

## QUESTIONS AND STATEMENTS

### ORDINARY QUESTIONS

*Question 235/2023*

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## DETAILS OF NDARAGU II AND KARIMENU DAM PROJECTS

**Hon. Elijah Kururia** (Gatundu North, Independent): Thank you very much, Hon. Speaker for the opportunity. I am Njoroge Kururia, Member of Parliament for Gatundu North Constituency in Kiambu County.

On behalf of the people, I beg to ask the Cabinet Secretary for Water, Sanitation and Irrigation, the very able Hon. Alice Wahome, whether she could:

- (a) State the objectives the Government had in constructing Ndarugu II Dam project in Gatundu North Constituency, the targeted beneficiaries, and further provide details of the intended contractors of the project?
- (b) Indicate the total cost of the project and the number of persons to be displaced from their ancestral homes?
- (c) Explain why public participation within the area of the intended project was not undertaken by the Ministry in light of the fact that Karimenu Dam is less than five kilometres from the proposed Ndarugu II Dam?
- (d) State timelines within which Karimenu Dam shall be utilised by the residents of Gatundu North Constituency considering that the dam was completed two years ago and the residents are yet to be connected to the supply of water from the said dam despite the dam being next to their homesteads?
- (e) Provide timelines within which the Ministry will complete construction of the alternative road in Githanje considering that the access road was closed for purposes of construction of the Karimenu Dam?

**Hon. Speaker:** Korir, the Cabinet Secretary has no microphone. She has no public address. I hope you are not expecting her to hold the microphone as she reads her Answers.

*(The Cabinet Secretary (Hon. Alice Wahome) moved to the Dispatch Box and was handed a microphone)*

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Hon Speaker, with your permission, I think I can proceed with this one as we organise for a friendlier microphone.

**Hon. Speaker:** Okay, go ahead. Clerks-at-the-Table, make sure you have a stand there.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Thank you, Hon. Speaker. Once again, may I appreciate the time I have been granted by this distinguished House.

Hon. Speaker, the first Question comes from the Member for Gatundu North, Hon. Njoroge Kururia. In the interest of time, I will...

**Hon. Mary Emaase** (Teso South, UDA): On a point of order, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Emaase.

**Hon. Mary Emaase** (Teso South, UDA): Hon. Speaker, you need to protect the Cabinet Secretary so that she is heard in silence. We cannot hear her. If she could be given a better microphone. Thank you.

**Hon. Speaker:** Yes, Clerk, can you ensure... Go ahead, Hon. Wahome.

*(The Serjeant-at-Arms changed the microphone for the Cabinet Secretary)*

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): The first Question is to state the objectives the Government had in constructing Ndarugu II

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Dam project in Gatundu North Constituency, the targeted beneficiaries, and further provide details of the intended contractors of the project. Hon. Speaker, I wish to respond as follows;

The Ministry, through Athi Water Works Development Agency (AWWDA), prepared a masterplan which prioritised the implementation of the Ndarugu II Project, to produce 50,000 cubic metres of water per day. This is intended to serve Gatundu - meaning Gatundu North Constituency is part of that project design - Kamwangi Town and neighbouring areas. It was also to supply parts of Nairobi with water. The project...

*(The Serjeant-at-Arms fixed a microphone stand on the Cabinet Secretary's podium)*

Thank you. I hope I am audible.

**Hon. Speaker:** Clerk, I am sure you can do better than they are doing. How have you been operating previously?

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Let us continue and see how it works, Hon. Speaker.

**Hon. Speaker:** Go ahead.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): The project involves construction of a 52-metre-high gravity dam impounding 18 million cubic metres, and producing 50,000 cubic metres of water per day. Distribution pipelines will be available for that. The key objective of the project is to provide clean potable water to over 500,000 people in the areas stated, thus improving their livelihoods and quality of life, catalysing commercial activities and driving economic growth in the surrounding community.

The second Question is that I indicate the total cost of the project and the number of persons to be displaced from their ancestral homes. The cost of implementing the Ndarugu II Project is estimated at US\$112 million. That is roughly about Ksh14 billion, and shall be implemented through a Public Private Partnership framework. Approximately 650 acres of land will be acquired for the dam construction works. The actual number of people to be displaced by the project shall be established once the detailed designs and Resettlement Action Plan (RAP) activities of identifying actual Project Affected Persons (PAPs) is completed. But it is estimated that we will be dealing with about 250 to 350 people.

I am also asked to explain why public participation within the area of the intended project was not undertaken by the Ministry in light of the fact that Karimenu Dam is less than five kilometres from the proposed Ndarugu II Dam. The implementing agency, Athi Water Works Development Agency, commenced public participation with the residents within the project area in December 2022. Some of the members of the public objected to the implementation of the project and filed a court case. Hon. Speaker, indeed, we held two public participation meetings, but during the second meeting there was disruption by members of the public, including political incitement. Therefore, the conclusion of that session was not done. However, some of the members in the project areas or members who were likely to be affected filed a court case and an injunction against commencement of the project in the interim basis was issued, therefore, hindering further public participation. I confirm that the Ministry is defending the suit since we are still interested in this project.

The other part of the Question is to state timelines within which Karimenu Dam shall be utilised by the residents of Gatundu North Constituency, considering that the dam was completed two years ago, and the residents are yet to be connected to the supply. Hon. Speaker, the Water Services Regulatory Board has already approved the supply of 3,500 cubic metres of water per day for the residents of Gatundu. This distribution commenced in April 2023. Additional works have been approved to produce an additional 20,000 cubic metres of water per day at Karimenu II Dam for distribution in Gatundu North and Thika Town Constituency,

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through a further 280 kilometres long water distribution network. These works will commence in August 2023.

We already have a funding arrangement, and that particular project going to Thika and parts of Gatundu will be completed within the next 12 Months. Further, we are drilling 15 boreholes, recognising that some of the areas affected may not benefit the people upstream. We have a provision of 15 boreholes for the affected area. I believe about four boreholes have been done. The remaining ones are awaiting funding. They will be executed in the course of this financial year. Therefore, I confirm that information. We expect that by June 2024, the 15 boreholes will produce a further 3,000 cubic metres of water per day.

Finally, I have been asked to provide timelines within which the Ministry will complete construction of the alternative road in Githanje. This road is part of other works within the project of Karimenu. It will be done within the period of the 12 months when we will be dealing with the boreholes. I assure the Member that we will do that road within the next one year, the completion date being scheduled for August 2024.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Njoroge, are you satisfied?

**Hon. Elijah Kururia** (Gatundu North, Independent): Thank you, Hon. Speaker. I thank the Cabinet Secretary for the good response. I acknowledge the fact that she inherited a problem that was caused by the previous regime because Karimenu Dam was completed during the last regime. I commend her efforts to solve the problems. I sat with the people of Karimenu Dam. My people of Gatundu North Constituency and myself will wait for the 12 months' implementation of the remaining works, including the said 15 boreholes. But I want to bring to the attention of the Cabinet Secretary that Gatundu covers two constituencies. Karimenu Dam is in Gatundu North Constituency. The people of Gatundu South Constituency are currently enjoying water from Karimenu Dam, yet there is no dam in that constituency. My very simple request is for people in Gatundu North, who neighbour the dam, to be connected to water. I know the Cabinet Secretary will do that for us.

Secondly, Ndarugu Dam is a distance of two kilometres from Karimenu Dam. I am not a water expert, but I know that my people were objecting to the construction of that dam because of the way they were badly treated by the Athi Water Works Development Agency. My advice as the Member of Parliament...

**Hon. Speaker:** You are making a statement. Ask a supplementary question.

**Hon. Elijah Kururia** (Gatundu North, Independent): Yes. I would like to ask the Cabinet Secretary whether her Ministry is planning to re-do or conduct public participation on Ndarugu Dam. As far as my people and I are concerned, no public participation was successfully done. I was there on two occasions when there were attempts to conduct public participation. The people of Gatundu North are waiting for you so that they can air their grievances directly to you without the Agency.

**Hon. Speaker:** I thought she said that the meeting on public participation became rowdy, was stopped and people went to court. There is an injunction in place. She is defending the Ministry against that injunction and when it is done, she will come back for public participation. Is that not what the Cabinet Secretary said?

**Hon. Elijah Kururia** (Gatundu North, Independent): Hon. Speaker, I would like to clarify that. Whenever there is a futile attempt at public participation, the only remedy is to conduct another exercise in the right way.

**Hon. Speaker:** Let her answer.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Hon. Speaker, you have correctly captured what I said. That is the exact position. The latest position is that a court case was filed. I am glad to hear from the Member of Parliament whose people will be affected. He indicates that there is room for negotiations regarding a further

exercise of public participation. The initial exercise was for the people to meet our contractors, interested persons or investors, and to take down details, so that we can come up with a design. I am willing to engage and I know that we will have a solution.

I also want to assure the Member that I am aware of the challenges of Karimenu II Dam, including some unpaid claims. We are working on them. The problem we are experiencing is securing funding for Karimenu II Dam. We have brought this to the attention of the Executive and we will not abandon our commitment on the dam. I know that the issues that were raised were related to Karimenu II Dam indicating that there may be challenges of non-payment. Those claims have already been analysed and assessed. I want to assure the people of Karimenu that they will be compensated. We are a bit late and behind schedule, but once we secure funding, we will deal with those issues. I appreciate the current position, including the possible withdrawal of the court case because the injunction will be a hindrance to public participation.

**Hon. Speaker:** Thank you. Hon. Njoroge, who do you want to inform?

**Hon. Elijah Kururia** (Gatundu North, Independent): Thank you, Hon. Speaker. I am rising on a point of information. I am in Kenya Kwanza.

**Hon. Speaker:** Frame it in the form of a question. Ask her if she is aware of the information that you have.

**Hon. Elijah Kururia** (Gatundu North, Independent): Thank you, Hon. Speaker, for your guidance.

Hon. Cabinet Secretary, are you aware that Karimenu Dam is not fenced? Many people in Gatundu North who want to commit suicide run to the dam and it will soon become a cemetery if we do not take care of that issue.

Hon. Cabinet Secretary, are you aware that you are the only person who will solve this menace? The Athi Water Works Development Agency built Karimenu Dam and they are set to build Ndarugu Dam. The Agency collided with my people making it hard for them to negotiate with the people. My people can only talk to the Cabinet Secretary herself.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): I will attend the next public participation exercise. Sometimes we prefer that the people talk with the technical teams, but because there have been issues and there is need for my presence, I confirm that I will be present.

In terms of fencing, the earlier policy was that dams were not supposed to be fenced. We have introduced that as a component of the project. Therefore, we have to go back and see whether we have funding for fencing. I am aware that the dam is not fenced because I have been there, but I do not want the people of Karimenu or Ndarugu to personalise the projects because they are Government projects. The Athi Water Works Development Agency is the one that deals with Kiambu, Nairobi, and Murang'a counties. Let us iron out the issues and deal with them.

**Hon. Speaker:** Thank you. Next is Question 237/2023 by the Member for Taveta, Hon. John Bwire.

### *Question 237/2023*

#### STATUS OF DISTILLATION OF EXISTING CANALS AND CONSTRUCTION OF NEW ONES IN TAVETA CONSTITUENCY

**Hon. John Bwire** (Taveta, WDM): Thank you, Hon. Speaker. I owe the Cabinet Secretary an introduction. My name is Hon. John Bwire, Member of Parliament for Taveta Constituency.



Hon. Speaker, I beg to ask the Cabinet Secretary for Water, Sanitation and Irrigation the following Question:

Could the Cabinet Secretary –

- (a) Provide information on the state of distillation of existing irrigation canals and construction of new irrigation canals by the National Irrigation Authority and the Ministry in Taveta Constituency as a way of reducing perennial floods in Ngaa, Kiwalwa, Kimorigo, Abori Lambo, Mwarusa, Eldoro Kamlenza, Marodo and Majengo villages in Mboghoni Ward?
- (b) Explain the immediate measures taken by the Ministry and the National Irrigation Authority to fix the flooding of Ngaa, Kiwalwa, Kimorigo, Abori Lambo, Mwarusa, Marodo, and Majengo villages in Mboghoni Ward caused by blockage of canals constructed by the National Irrigation Authority?

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Hon. Speaker, the Question is that I provide information on the state of desilting of existing irrigation canals and construction of new irrigation canals by the National Irrigation Authority (NIA) in the stated areas in Mboghoni Ward in Taita Taveta Constituency that has resulted in perennial floods in Kimorigo, Abori Lambo, Mwarusa, Marodo and Majengo villages in Mboghoni Ward.

The Ministry, through the NIA, is rehabilitating irrigation projects in Taita Taveta County to resume optimal operations status. The works involve the desilting of parts of River Lulu, and the desilting of canals in Njoro-Kubwa, Kamlenza, Marodo, Kiwalwa, and Kimorigo irrigation schemes in Mbogoni Ward. The length of the river canal sections which are under rehabilitation are a total of 57.7 kilometres. I have summarised that below indicating where we are working; Lumi, Majengo, Afrika Kusini, Kamleza at the areas of Marondo, desilting of canals in Kimorigo, Njoro, Kiwalwa and Kimorigo irrigation schemes. These are six irrigation schemes with specific areas where we are working to rehabilitate canals totalling to 57.7 kilometres. We have already completed two of them. One is at 23 per cent, the other two are at 100 per cent and the remaining one is at 22 per cent. Work is in progress in the areas that are not complete and there is funding for that.

The second question was that I explain the immediate measures taken by the Ministry to fix the flooding in the particular stated areas. The Ministry is implementing the above-mentioned irrigation projects, rehabilitation of broken canals which once sorted will control the flooding that has been experienced before. The works will involve rehabilitation of the canals and desilting of the affected areas. Upon completion, we would expect that the drainage canals will effectively discharge flood waters to Lumi River and Lake Jipe and that will consequently reduce the effects of flooding. We will also create awareness to the community using the Irrigation Water Users Associations that are quite active in that area so that they can understand how to work in terms of operation and maintenance to avoid further destruction of the canals or silting. Some of the human activities in the farms are part of the problem causing silting of the canals.

**Hon. Speaker:** Thank you, Hon. Bwire.

**Hon. John Bwire** (Taveta, WDM): Thank you for the answer. With your permission, allow me to ask one supplementary question. Is the Cabinet Secretary and the National Irrigation Authority able to have a sit down with the owners of Gicheha Farm to allow communities around it like Lumi, Njukini, and Sir Ransom Irrigation Scheme have the benefit of accessing Tsavo River? My understanding is that as per Article 62 of the Constitution, all rivers are public resources. It is important that the Ministry sits with Gicheha Farm to allow the communities to have access to the river for purposes of irrigation and domestic use.

**Hon. Speaker:** *Waziri.*

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Hon. Speaker, I think a sit down with the community is most welcome. But with great respect, I want to remind the Member that sometimes it becomes very hard to include people in the middle of the project unless there is an expansion. This will mean variation of the project and would require further funding. It is not always that easy to get people on board once the project has been designed. It is true that we need to get this information to the people. When it is possible to get them on board, it will be done. I will instruct NIA to take up the issue of the meeting and the Member will be notified.

**Hon. Speaker:** Next Question.

*Question 238/2023*

MANAGEMENT OF IRRIGATION SCHEMES AND WATER  
ABSTRACTION ACTIVITIES IN MANYATTA CONSTITUENCY

**Hon. Gitonga Mukunji** (Manyatta, UDA): Thank you, Hon. Speaker.

Cabinet Secretary, my name is Gitonga Mukunji, Member of Parliament for Manyatta Constituency, Embu.

Hon. Speaker, I beg to ask the Cabinet Secretary for Water, Sanitation and Irrigation the following Question on Rupingazi River.

Could the Cabinet Secretary –

- (a) Explain the steps the Ministry has taken to guarantee that upstream irrigation schemes do not jeopardise downstream consumers' access to water and equally provide a detailed report on water abstraction activities in rivers within Manyatta Constituency and the sustainability thereof?

Rupingazi River is one of the key rivers providing water to Embu residents. The lake is obstructed from taking water to Kirinyaga and some parts of Mbeere South. Hon. Speaker, during the dry season, we had demonstrations by the people living downstream because they were not getting even a single...

**Hon. Speaker:** Hon. Mukunji, you are debating your Question. Ask the Question by reading it as it is on the Order Paper.

**Hon. Gitonga Mukunji** (Manyatta, UDA): I stand guided.

**Hon. Speaker:** You finished (a).

**Hon. Gitonga Mukunji** (Manyatta, UDA): Yes.

**Hon. Speaker:** Read out (ii) and (iii).

**Hon. Gitonga Mukunji** (Manyatta, UDA): Could the Cabinet Secretary –

- (b) Explain the rationale for re-directing water from the River Rupingazi to Mbeere South Irrigation Schemes at the expense of farmers in Manyatta Constituency who are suffering from drought, stalled irrigation schemes such as Muthatari and Kithengi as well as the strategies in place to ensure that irrigation scheme abutments are compensated for being exempted from the use of water tapped for re-direction into these Schemes?
- (c) Clarify whether public participation in the review of the rates for the water use charges in the different permit categories was effectively carried out as well as the steps the Ministry has put in place to ensure that the infrastructural development of Nginda Irrigation Scheme is up to par with the increase in farming activities within the scheme?
- (d) Explain the strategies in place to ensure that irrigation schemes are fully implemented as per the contracts that were put in place? We have had water rates going up to around 100 per cent.

Hon. Speaker, Nginda Irrigation Scheme that is providing water in Manyatta has not had an upgrade in distribution capacity for a long time. I would like the Cabinet Secretary to clarify whether there is hope for its upgrade so that it can cater for more residents.

**Hon. Speaker:** Hon. Members, if you have a question, do not attempt to paraphrase it. Read it as it is on the Order Paper. That is what the Speaker has approved. If you have paraphrased issues, you can do a supplementary question when you get a chance. That goes to all Members with Questions.

Hon. Alice.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome):

Thank you, Hon. Speaker. May I first take this opportunity to apologise to Hon. Gitonga Mukunji. Last week, I was in Embu County. He got information of my presence in his constituency the morning I was travelling. It was not deliberate. I apologise for that and promise that, going forward, we will ensure that you have timely information. But during that visit to your constituency, we also did one project which has a good amount of water.

Let me now address Hon. Mukunji's Question. The first question is on the steps that we have taken to guarantee that the upstream irrigation schemes do not jeopardise downstream consumers' access to water and equally provide a detailed report on water abstraction capacities within Manyatta Constituency and the sustainability thereof. The Ministry is implementing the Water Act, 2016 and Water Resources Regulations, 2021. Regulation 47(c) limits the allocation to abstraction, impoundment or diversion of only the flood flow for irrigation purpose. This is informed by the fact that irrigation is the largest user of water. At the same time, that water is required during the dry season when river flows are also low.

The Ministry is also enforcing the requirement stipulated under Regulation 47(d) which requires that applicants for irrigation water from rivers develop 90-days storage facilities to harvest water during floods and utilise it during the dry season. I want to assure the Member that if this is actualised, it will be one of those interventions that will help us with water storage. That way, the issue that he has raised on downstream consumers will be taken care of. But from that particular answer, it is obvious that we do not just allow abstraction without due diligence. During abstraction, the permit indicates how much volume of water one is allowed to extract. When you exceed the limit, then the enforcement by Water Resources Authority takes effect. I know there are still challenges in terms of the flows, but we are not just allowing extraction blindly.

There are some irrigation projects which do not meet the above criteria. Steps are being taken to ensure that they comply. We have challenges with compliance. You can imagine a scenario where the entire country has indisciplined people and some who act with impunity. In occasional cases, we have those problems. Specifically, the Ministry is encouraging the construction of self-regulating wares which allow irrigation water to be harvested only when the river is flooded. This will allow normal flow of the river to be available for domestic use downstream. The self-regulating methods will also allow domestic water to be abstracted and diverted from the normal flow of the river thus ensuring environmental flow of water required to meet the ecological needs of the riparian flora and fauna and basic human needs for people who rely on the same river downstream.

On the issue of water abstraction in Manyatta Constituency, I am aware that the constituency is traversed by Rupingazi, Thambana, Kapingazi, Nyanjara and Kinye rivers. Several tributaries also feed into these rivers. The water allocation for abstraction from the two rivers and the tributaries combined is as indicated on the Table in Page 3. It shows that the total abstraction status of water from those rivers is 795,282.33 cubic metres per day. The standard is that in any abstraction, even from a borehole, the permit will never allow extraction of the whole amount available in the borehole or in the river. We only allow extraction of between

40 per cent and 60 per cent and leave the rest for purposes of normal flow. I have other figures indicated on that page which the Members will look at.

The other question is why River Rupingazi is being diverted to Mbeere South Irrigation Scheme. River Rupingazi is a cross-county river in a way because it is also shared from wherever it flows from to reach Embu. It flows through other counties, but is also shared between Kirinyaga and Embu counties. So, it is expected that some extraction is permitted for those who live on the Kirinyaga side. The river flows from one constituency to another. Therefore, any diversion that may occur is perfectly within what is permissible. I will go back to Embu County soon. I am available to ensure that some of those issues are addressed. The acting CEO of the National Irrigation Authority is also available here for further details. I believe he has picked some of those questions so that if there is need for rectification, we can work on it.

The other question is on the rationale for redirecting that river. I have just answered that question. In a nutshell, the Water Resource Authority acts as required under the Water Act and the Water Resources Regulation. We are also litigating in respect of the Regulations to ensure that it fully works within the law. Once any application is made, it is considered after proper assessment of how much water is available.

The third question is about clarifying whether public participation was carried out in the review of the rates that were affected by the Water Resources Regulations, 2021. The Regulations went through public participation. They were accordingly approved by Parliament. Through the Committee on Delegated Legislation, Parliament had the occasion to go through those Regulations. I also believe that there is normally public participation through Parliament. For us to reach a point where the Regulations are in operation, then it means that public participation was done. Questions on whether public participation was done were raised and answered during the hearings and appearances before the Committee on Delegated Legislation. The other details are available in the report for the Member to peruse. With your permission, I rest my case.

**Hon. Speaker:** Hon. Mukunji.

**Hon. Gitonga Mukunji** (Manyatta, UDA): Thank you, Cabinet Secretary, for those answers. I have additional questions on the same issue.

The first one is for the Cabinet Secretary to explain. We have Rupingazi River, Thambana River and the rest of the rivers, but the obstruction goes to other constituencies, but it is happening in Manyatta Constituency. The projects that are supposed to provide water for Manyatta Constituency have stalled. These are Kilimu Water Scheme, Muthatari Water Scheme and Gateno Water Scheme. Manyatta Constituency residents do not get water. I would like her to clarify the reason, yet we give water to Kirinyaga County and Mbeere South Constituency.

Hon. Speaker, I would also like to know the status of the said Rupingazi Thambana Dam that had been proposed in 2016 to ensure that the water in those rivers is sufficient for everybody and the residents. Can we expect funding soon so that we can supply our water to all those schemes?

I would also like to ask whether the Cabinet Secretary is aware that in the said river, we have close to 30 water scheme projects that take water to all those places whereas the river in the downstream level is unable to sustain this. Logically, among the issues the Cabinet Secretary has addressed on the measurement of abstraction in cubic metres, what is the progress on having the dams ready to provide water to residents?

**Hon. Speaker:** Thank you.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Hon. Speaker, before I came to this House in respect of this Question, because I felt it raised some technical issues regarding the extraction amounts, I asked for an explanation of the

balance of the total water after the stated extraction. However, I was not given an answer. I will meet Embu County elected leaders tomorrow at 8.30 a.m. If the Member agrees, I will give the specific answer on how much the balance is, whether we have over-extracted and what we can do in respect of the 30 water projects he has talked about.

He has raised the case of Kithimu and Muthatari irrigation projects which he had not stated in his Question. However, I am aware that those schemes were raised by the Governor when I went to Embu County. She has already forwarded a letter to be discussed as part of the meeting tomorrow. Because it was not there, I did not address the two irrigation schemes. However, I will provide answers tomorrow and satisfy the Member's concerns.

**Hon. Speaker:** Thank you, Hon. Gitonga. Do you still have another supplementary question?

**Hon. Gitonga Mukunji** (Manyatta, UDA): Hon. Speaker, the Cabinet Secretary has not answered the question on the proposed Thambana Dam that is on Rupingazi River. The Thambana Dam is one of the PPPs that we have proposed. We hope it will get an investor. We are on course on that dam and Kamumu Dam. If those dams will be constructed, we will answer the concerns of part of Runyenjes, Mbeere North and Mbeere South constituencies.

**Hon. Speaker:** Thank you, Cabinet Secretary. Question 239/2023. Hon. Mary Wamaua, Member for Maragwa.

*Question 239/2023*

OPERATIONS OF MURANG'A SOUTH WATER AND SANITATION  
COMPANY AND OTHER WATER SERVICE PROVIDERS

**Hon. Mary Njoroge** (Maragwa, UDA): Hon. Speaker, I rise to ask the Cabinet Secretary for Water, Sanitation and Irrigation the following Question:

Could the Cabinet Secretary-

- (a) Explain why Murang'a South Water and Sanitation Company (MUWASCO) is the sole authorised distributor of water in Maragwa, Kigumo and Kandara constituencies yet it has no capacity to meet the demand for water by all households in the three constituencies?
- (b) Provide the basis upon which the Water Services Regulatory Board (WASREB) permits MUWASCO to collect revenue from landlords who provide borehole water to their tenants?
- (c) State the entity that audits water service providers with regards to governance compliance, pursuant to Section 77 of the Water Act, 2016?
- (d) Provide the financial and governance audit reports for MUWASCO for the Financial Years 2020/2021 and 2021/2022?

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Hon. Speaker, I do not have an answer to this Question. I seek indulgence to answer at another time. It was not clear from this Question whether the Member was asking a Question in respect of Murang'a South Water and Sanitation Company which is MUSWASCO. We have two water companies in that particular area, namely, Murang'a Water and Sanitation Company (MUWASCO) and MUSWASCO. The Question, as framed, needs some clarity as to whether I am addressing myself in respect of MUWASCO or MUSWASCO. Those are two different companies. The Question is not clear. It relates to the two companies. I kindly request the Member to clarify whom I am dealing with or whom I am addressing in this Question. Is it MUWASCO and MUSWASCO?

Secondly, the Member has been to our office three times to see the Principal Secretary. However, the report of their meeting has not yet reached my desk. I need to have the privilege to it. I will respond after receiving it. Finally, as directed by Hon. Speaker, I will be available.

**Hon. Speaker:** Hon. Wamaua, are you confusing the two companies?

**Hon. Mary Njoroge** (Maragwa, UDA): Hon. Speaker, the Question that I signed does not have a mix up, unless there was a typo. It talks about MUSWASCO which provides water to my constituents. Therefore, I would not have asked a Question of a water service provider that does not provide water to my constituency. I have the Question that I signed here. It talks about MUSWASCO. As a representative of the people of Maragwa Constituency, I had the chance to ask this Question to the Cabinet Secretary representing the docket.

**Hon. Speaker:** Cabinet Secretary, you will send a written answer to the Member within the next seven days.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Most obliged, Hon. Speaker.

**Hon. Speaker:** Hon. Wamaua, if you are dissatisfied, you will inform the Speaker to deal with it.

Next is Question 240/2023 by the Member for Bura, Hon. Adow Yakub.

**Hon. Yakub Adow** (Bura, UPIA): Thank you, Hon. Speaker, for giving me this opportunity.

I beg to ask the Cabinet Secretary, Water, Sanitation and Irrigation the following Question:

Considering that residents in Bangale Ward, Bura Constituency are undertaking water trucking from as far as River Tana which is approximately 100 kilometres away, could the Cabinet Secretary state the plans the Ministry has instituted towards supporting this noble project by providing water bowsers and fuels to ensure water trucking is a success?

**Hon. Speaker:** Let us have the Cabinet Secretary respond please.

**The Cabinet Secretary, Water, Sanitation and Irrigation** (Hon. Alice Wahome): Thank you, Hon. Speaker. The Question is whether we can provide water bowsers considering where Bangale Ward is, in respect of the next point where they can get water which is in Garissa Town. The closest point from there is a further 60 kilometres at Madogo.

The ward is an extreme water scarce area. It relies on water from Madogo and Garissa for its water needs. It is true that they are doing trucking. Unfortunately, due to extremely harsh weather conditions in the region, it is not possible to do water pans. Water for domestic and livestock has high salinity. The nearby villages have very poor potential for water. Water trucking is also not sustainable because Madogo is 60 kilometres away and Garissa 100 kilometres away. This is a very dire situation, and at the moment we do not have a straight answer, but the national Government has a feasibility study that it is looking at. It identified Madogo as the potential place where we can get water, and the designs have been completed. A new project will possibly be coming up as soon as we can provide funding. It is estimated that for us to give water to about 40,000 people who are in and around Bangale Town, it will cost Ksh1.2 billion. It is an amount that I will require to factor in the next budget. I seek the indulgence of the Member in that respect. In the interim, we are looking at providing the area with a bigger pan than the ones we have done before which dried up. We will also think of how to retain the water in a bigger size pan.

In terms of bowsers, the Ministry is not able to incur money through bowser provision. We do not have that kind of budget and it is not sustainable.

**Hon. Speaker:** Yes, Hon. Yakub Adow.

**Hon. Yakub Adow** (Bura, UPIA): Thank you Madam Cabinet Secretary for the response. On a point of information...

**Hon. Speaker:** Ask a question.

**Hon. Yakub Adow** (Bura, UPIA): I am coming to that Hon. Speaker. Following our meeting with the President as leaders of Tana River County, there was a presidential directive that a borehole should be sunk in Bangale Town. The National Irrigational Authority has started the process of procurement. I have done three geological surveys. I have the reports which I forwarded to the National Irrigation Authority. Could the Cabinet Secretary help us in the following ways?

- (a) Could the Cabinet Secretary consider paying a visit to the area to appreciate the severity of the problem and situation?
- (b) Could the Cabinet Secretary commit to support NIA to undertake that because from the time this directive was given nothing has happened on the ground?
- (c) Could the Cabinet Secretary commit to support NIA so that a borehole could be sunk?

**Hon. Speaker:** Madam Cabinet Secretary.

**Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Thank you, Hon. Speaker. I am afraid I cannot commit myself or the NIA. I can commit myself that we are looking at the survey. We have started the exercise because every commitment is supposed to be followed with funding. You are aware that Parliament appropriates, and this kind of project requires funding that is permitted by Parliament.

The last budget we had something that was known as cross county budget or basket of money that was not specific to a project. We lost that to austerity measures. If the work plan or procurement plan is not complete I can commit myself. I do not think it is a completely hopeless case. I have said we will factor it in the next budget. I am aware there was a Presidential directive. Once the President pronounces himself, the pronouncement is forwarded to the Cabinet Secretary who forwards to the Principal Secretary and the necessary agencies for implementation. That means they will put that pronouncement into the budget. Therefore, it means we shall still be working on it down the line when we are allocating funds.

I think there was a question on whether I can visit the area.

**Hon. Speaker:** Yes, on whether you should visit the area.

**Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): I think that is an invitation to visit the region. We will respond positively. I will ask my team to help me plan to visit the area.

**Hon. Speaker** Hon. Emmanuel Wangwe.

**Hon. Emmanuel Wangwe** (Navakholo, ODM): Thank you, Hon. Speaker. Allow me to appreciate the Cabinet Secretary who has been our colleague. She is doing a very good job. Around 2016/2017, there were various programmes that were implemented through the Ministry of water, particularly the National Water Harvesting Programme which undertook various water boreholes in the country. In my constituency they undertook a water borehole project in Buchangu Secondary School. They invested some money. Drilling was done and up to now the casing is a beehive of rats and everything. It also happened in Mumias East, Ikolomani and other sub counties in Kakamega. May I know what plans the Ministry wants to undertake so that, that project does not become a beehive of rats and dirt as it is.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Hon. Speaker, I did not have prior information. I cannot respond in terms of the actual status. It might be stalled, but I may not give you the reasons and when we are to get back. That depends on why it stalled. Is it funding? Is it that there is no water? Was the contractor being a nuisance or was unable to complete? We are dealing with the case of the National Water Harvesting and Storage Authority revival because it has very little funding. The programme the Member has referred to is not funded and they are unable to continue with it. We are addressing serious governance issues and auditing all stalled projects and engaging at a closer level. Thank you, Hon. Wangwe, for commending the work we are doing.

Hon Temporary Speaker, with your permission, I will give him the response directly when I am apprised on the reasons the specific project stalled. I want to assure Members that within the next one year, we shall have a better National Water Harvesting and Storage Agency. I will come to this House for funding of programmes so that Members can be assured water for schools and other projects will be provided.

**Hon Speaker:** Hon. Ferdinand Wanyonyi.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Thank you, Hon. Speaker. In the interest of this House, a myriad of questions have been put forward to our former colleague, but there is nothing on the Galana Kulalu Project. I want to find out from the Cabinet Secretary what the Ministry is doing about this major project because it was meant to deal with food shortage in this country. The Ministry involved an Israel company that assisted us in putting up this project. I want to know if the Ministry has anything to say about this because I was working in the Department of Agriculture, and I was involved. Is there anything she can say about this project which was meant to deal with food shortage in the country?

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Thank you, Hon. Wanyonyi. I believe I answered that question the last time I was here. Yes, we are working on the project. We have already identified an investor who has taken 10,000 acres. At the moment, we have curved out 560 acres and given to Twiga Foods. Already, maize is growing and doing very well through the pivot irrigation technology. In another eight months, we expect to offer 10,000 acres to them on a private investment basis. We are very encouraged by the way work is being done.

I believe we will produce good maize. The projections are about 40 bags per acre and we hope to achieve this. We are also planning for a dam at the same site because the water available at the moment can only irrigate about 15,000 to 20,000 acres. We have close to 400,000 acres which are arable and can be put under irrigation. We have interested investors in a dam for purposes of irrigating the rest of the land. The Government invested in the first phase of 10,000 acres, and we are doing well in that respect.

**Hon. Speaker:** Hon. Makilap. Give him the microphone.

**Hon. Joseph Makilap** (Baringo North, UDA): Thank you, Hon. Speaker. I also want to applaud the Cabinet Secretary for Water, Sanitation and Irrigation for the good work she is doing. Baringo is a water stressed county and Baringo North had a well-designed multipurpose dam named Perekei. How far is the progress? Was it part of the dams given for PPPs? Give us the status.

Lastly, what plans does the Ministry of Water have in relation to the usage of Lake Baringo water as a solution to conflict around that region and for irrigation and domestic purposes?

**Hon. Speaker:** *Waziri.*

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Perekei Dam may not be in the first phase of PPPs, but it will be in the second phase because we intend to do up to 100 dams. We called for expression of interest for the first phase of 33 dams. I know it is in the second phase.

**Hon. Joseph Makilap** (Baringo North, UDA): Hon. Speaker, she has missed out something because I also asked about the usage of Lake Baringo water for irrigation, domestic use and resolving the banditry conflict in that area.

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): It is not easy to use lake water for irrigation, but we are looking for new technology. Maybe we will start with a project in Lamu.

**Hon. Speaker:** Cabinet Secretary, why would it be difficult?



**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): This is because we need technology to harvest water from a lake. It is not just taking a pump. We are looking at how this can be done including harvesting water from the ocean which is salty.

**Hon. Speaker:** Order *Waziri*! If you know your geography very well, Lake Baringo is a fresh water lake. The question is: Are there plans to pump water from Lake Baringo for animal and human use? I think that is what Hon. Makilap is asking. If you have plans or not, tell him.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): We have plans to harvest water for storage and even if we harvested, the most important...

**Hon. Speaker:** Order, Cabinet Secretary! Lake Baringo has already been harvested for you by God. He is asking having benefited from an act of God, what plans do you have for taking that water out for use?

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Hon. Speaker, we do not have a designed plan. This is one of the water bodies that we are looking at and hope to have a quick solution. I agree it is an available source of water and does not have challenges like Lake Victoria where we have to deal with other countries. This is a storage within Kenya and does not have serious challenges. Maybe in the next round, I can give a better answer. Thank you.

**Hon. Joseph Makilap** (Baringo North, UDA): On a point of information?

**Hon. Speaker:** Hon. Makilap, who do you want to inform?

**Hon. Joseph Makilap** (Baringo North, UDA): I wish to inform the Cabinet Secretary that currently, the waters of Lake Baringo are being tapped using a generator by the Geothermal Development Company (GDC) to generate geothermal power to Silali, a distance of about 100 kilometres.

The County Government of Baringo has committed Ksh30 million for design for the harvesting of Lake Baringo water for irrigation to change the economic matrix around that particular place so that we can reduce the issue of banditry. This is because the water has already been harvested as you said. What is required is a pumping solar plant and pipeline which is a very easy job instead of building a Ksh20 billion dam. It is a project that requires about Ksh200 million, and you would have solved the issue of cattle rustling, food insecurity and water for drinking. Can the Cabinet Secretary take this as an innovative way to resolve conflict, provide food and the necessary resources?

**Hon. Speaker:** The Cabinet Secretary will take two more questions. We will have Hon. Shinali ask one. Who is the next Member?

*(Hon. Moses Kirima rose on his place)*

Hon. Kirima, I will come to you. I will give the Floor to Hon. Shinali. Cabinet Secretary, please, note that I have said about two or three Questions.

**Hon. Benard Shinali** (Ikolomani, ODM): Thank you, Hon. Speaker. I want to appreciate the Cabinet Secretary. This is the second or third time she is coming here to answer our Questions, and I think she is doing good work.

I have one question. About three years ago, there was an advert for Kakamega/Bungoma Bulk Water Supply which was to build a dam along River Nzoia to serve human and animals, do irrigation and produce power. We understand that an investor was picked and the documents sent to the then Cabinet Secretary. She might have not been there then, but it is within the Ministry. I would like to know the position at which we are with that project because the anticipation is very high. That would be the first dam to be constructed within western region.

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**Hon. Speaker:** Member for Kamukunji.

**Hon. Yussuf Hassan** (Kamukunji, JP): Thank you, Hon. Speaker, for the opportunity.

I would like to ask a supplementary question to the Cabinet Secretary on the dire water crisis in our Capital City. What is the status of the upgrading and improvement of the water supply system to our City that has been going on for a while? Further...

**Hon. Speaker:** One question at a time, Hon. Hassan. That is sufficient. Hon. Kirima, proceed.

**Hon. Moses Kirima** (Central Imenti, UDA): Thank you, Hon. Speaker. My question is about Mukongoro Water Project, which the Ministry was building through Tana and Athi Development (TARDA) Water Services. It invested over Ksh10 million to put up a water intake. It is meant for domestic consumption and irrigation, and the Government was to use about Ksh60 million on the same. Why did it stall? What happened that nothing has taken place since 2018?

**Hon. Speaker:** Thank you. Hon. Kamket, proceed. Hon. Cabinet Secretary, kindly take note. Give the microphone to Hon. Kamket.

**Hon. Kassait Kamket** (Tiaty, UDA): Thank you, *Bwana* Speaker. I would like to build on what Hon. Makilap mentioned earlier. Lake Baringo is a natural dam. The Ministry does not need to do any designs or anything else. It is a natural God-made dam. Instead of the Lake Baringo water causing flood menace, could the Ministry consider doing mega irrigation from the waters of Lake Baringo? From the little water obtained from the broken pipeline to Paka and Silali, farmers have made small farms. This has proven that the waters of Lake Baringo can be used for irrigation. It is a success story. Could the Cabinet Secretary save the region and avoid using a lot of money in feasibility studies and instead use that water to change the lives of the people downstream Lake Baringo?

**Hon. Speaker:** Thank you. Is that Hon. Epuyo, I cannot see you properly.

**Hon. Protus Akujah** (Loima, UDA): I am Hon. Akuja.

**Hon. Speaker:** Hon. Akuja Protus?

**Hon. Protus Akujah** (Loima, UDA): Yes.

**Hon. Speaker** Proceed.

**Hon. Protus Akujah** (Loima, UDA): Thank you, Hon. Speaker. I am Hon. Protus Akuja, the Member for Loima Constituency in Turkana County.

I wish to take this opportunity to ask the Cabinet Secretary to shed light on the status of the Equalisation Fund water projects that were awarded between 2016 and 2017, after which, some of the projects were stopped by a court case that was lodged by the Council of Governors. The case was heard and determined. When will these projects resume to benefit the marginalised areas? Turkana County is one of the counties that has the highest water insecurity. Riet, Nasiger and Teremkus areas are affected by this issue.

**Hon. Speaker:** Thank you, Hon. Protus. Lastly, is the Member for Lagdera.

**Hon. Abdikadir Mohamed** (Lagdera, ODM): Thank you, Hon. Speaker, for the opportunity.

Is the Cabinet Secretary aware that water trucking is the solution for 70 per cent of my constituency during drought? She said that water trucking is not sustainable. If it is not, what plans does she have for the counties or the constituencies with shortages during drought where water trucking is the only source of water for human and animal consumption?

**Hon. Timothy Kipchumba** (Marakwet West, Independent): On a point of order.

**Hon. Speaker:** What is out of order?

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Hon. Speaker, I have a Question that is listed on the Order Paper.

**Hon. Speaker:** Hon. Timothy, you are next in line.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): I am well guided, Hon. Speaker. I saw Members interject on supplementary questions, whereas I have a specific Question.

**Hon. Speaker:** They are joyriders, and I have allowed them.

*(Laughter)*

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Very well.

**Hon. Speaker:** Hon. Alice, before you answer, let me give one last chance to Hon. Wakili Muriu.

**Hon. Wakili Edward Muriu** (Gatanga, UDA): Thank you, Hon. Speaker, for this opportunity.

**Hon. Speaker:** Hon. Alice, you may take your seat.

**Hon. Wakili Edward Muriu** (Gatanga, UDA): Thank you, Hon. Speaker, for this opportunity to ask Madam Cabinet Secretary a few questions.

First of all, let me disclose a conflict of interest because the Cabinet Secretary happens to come from my county and secondly, she campaigned for me. Without any intention, I want to ask two questions.

**Hon. Speaker:** Only one question.

**Hon. Wakili Edward Muriu** (Gatanga, UDA): Hon. Cabinet Secretary, are you aware that Ndakaini Dam in Gatanga Constituency has never benefited the people of Gatanga for the last 30 years? Can you kindly tell this House when Ndakaini water will be consumed by the great people of Gatanga despite waiting for 30 years?

**Hon. Speaker:** Thank you. *Waziri.*

**Hon. Wakili Edward Muriu** (Gatanga, UDA): A connected question...

**Hon. Speaker:** One question at a time, Hon. Wakili. Wakili, you either ask one question or you do not. There is no Question and a connected question.

*(Laughter)*

Alice, you can now answer those short questions.

**The Cabinet Secretary, Ministry of Water, Sanitation and Irrigation** (Hon. Alice Wahome): Hon. Speaker, with your permission, I will start with the one from ...

**Hon. Speaker:** Order, Alice! There is a point of order from Hon. Farah.

**Hon. Farah Maalim** (Dadaab, WDM): Hon. Speaker, I rise on a point of order. The Member of Parliament for Gatanga, Hon. Wakili Muriu, has said something that I have never heard in this House. That a dam that is situated in a certain constituency does not benefit the constituency in any way. Where does the water go and who benefits from that? Maybe he should tell us what he meant.

**Hon. Speaker:** That is a question he has asked. Let the Minister answer it.

*(An Hon. Member spoke off the record)*

Order! There is no information. Hon. Farah is disguising himself by asking a question through a point of order. Minister, you have heard it. He has amplified what Hon. Muriu has asked. Go ahead and answer those questions quickly.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Hon. Speaker, it will be good if I concede that the previous designs were not always taking into account the host communities of certain dams. The reason is that most dams are upstream. There was a challenge of the designs basically being for places where the water was

being taken. It is true that Ndakaini Dam is designed to supply water to Nairobi. The Hon. Member for Gatanga is aware that we are in discussion with Athi Water Works Development Agency (AWWDA). He is involved in the discussions with my Ministry of giving 10,000 cubic metres of water per day to Gatanga from Ndakaini Dam. However, that will only happen once the northern collector – which fortunately or unfortunately for the Member for Gatanga is largely in Gatanga in Murang'a county – is complete. It was designed to bring water to Nairobi County. Therefore, there will be a case of 10,000 cubic metres of water.

We have designed a pipeline to supply water from that specific dam because the previous design took water out of Ndakaini. Also, there was no pipeline to supply Gatanga with water. We have a budget but there is no money. So, once that is possible, we will give Gatanga water. That will take place in this financial year. I am told that trucking water for the northern areas that do not have other sources of water is not sustainable. It is factual that trucking water for 100 kilometres or more is not sustainable. I said that we will consider a better way of designing huge water pans that have linings to avoid the drying of water. That is the immediate answer I can think of on my feet.

On Equalisation Fund, it stalled because of the Division of Revenue Bill. I am just getting my memory jogged. The Division of Revenue Bill became a challenge and the distribution of the funds from the Equalisation Fund stalled. However, I have been advised that the release of funds is now taking place. I would, therefore, rather give the Hon. Member an answer about where and how during another sitting or in my office when I get the information. The funding will be released and that is on course. I may not have the answer on how, where and how much.

The Question on Baringo has come back again through Hon. Kamket and the Member who asked this Question. He gave me good information, that this is natural water harvest. Something that is not known in this House is that Lake Baringo is one of the Ramsar sites. It is a protected water body like all other water bodies. Internationally, you can only use the water up to a certain level. We are able to irrigate about 56,000 acres of land and that is where we should direct our minds. We will start working on that.

I am not able to give my good friend, Hon. Kirima an answer because his was a supplementary question. I would have to get information on why Mukongoro Water Project stalled. It was supposed to cost about Kshs60 million. I will go back to my records and give you an answer. I can remit the answer to the Hon. Member if allowed.

On the Question on water in the Capital City and when we shall stop having shortage, although the Capital City has water shortage, it is one area that the Government has invested heavily. We expect that ... I hope that my employer will not hear me. The President has been on the Nairobi water case. We gave him the assurance that we were going to have the entire northern water collector water system with Karimenu and Ruiru dams – there is water from those areas, most of it coming to Nairobi, about 140 cubic metres of water per day – by June of this year. However, because of delayed funding, we are late. We had this conversation about a week ago with the President and we believe we will have that system completed in the next 60 days. It is because we have been assisted to reorganise funding. So, we are on it. We are doing the last bit of the 29 kilometres of the northern collector to supply water to Nairobi. That water will be coming to Nairobi and some of it will go to Karen where people feel the pinch of lack of water.

Hon. Shinali has asked me a Question on Kakamega and Bungoma water supply and a project that he is aware was designed and intention-to-award was given. It is a Ksh33 billion project. The award was given to China Railway No.10. They still have the award. We have not completely cancelled it, but with time it will be as good as cancelled. We have refused to issue a letter because this is one of the projects that we believe can be a good answer for Kakamega and Bungoma counties considering the size of the project. As we speak, the matter is on my desk. It came in December and we referred it to the Treasury. It is now back and I believe we

will have a solution. We are trying to see whether this project can be funded by a concessionary loan if the National Treasury allows, or have it done by PPP. Those are two options that are on my desk. We will be completing conversations on the options very soon. The project is still a priority for my Ministry.

Hon. Akujah...

**Hon. Speaker:** You have answered that one. Hon. Timothy Kipchumba, Question 332/2023.

*Question 332/2023*

ALLOCATION OF MONEY FOR RELOCATION OF INSTITUTIONS  
TO PAVE WAY FOR CONSTRUCTION OF CHEBARA DAM

**Hon. Timothy Kachumba** (Marakwet West, Independent): Hon. Speaker, I rise to ask the Cabinet Secretary for Water, Sanitation and Irrigation the following Question:

- (a) Could she indicate the amount of money that the Ministry allocated to Chebara Boys Secondary School, Chebara Girls Secondary School, AIC Chebara, Chebara Polytechnic, and Kaptomut Primary School for their relocation to pave way for construction of Chebara Dam?
- (b) While explaining, could she also indicate how the money allocated to each institution was utilised, indicate the pending bills accruing from the projects that the Ministry is undertaking in the above institutions?
- (c) Could she state when the stalled projects in the institutions shall be completed?

Thank you, Hon. Speaker.

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Hon. Timothy Kipchumba, your Question touches on various institutions.

The total amount of money involved in the relocation of various schools is Ksh620,539,106. Chebara Boys Secondary School was to get Ksh237,677,566, Chebara Youth Polytechnic...

I should answer this Question this way. In 2012 the Ministry for Water, Sanitation and Irrigation, with concurrence of the Ministry of Education, disbursed Ksh631.5 million to Chebara Boys Secondary School to implement a CSR or PAP Programme for various institutions. Due diligence on the institutions determined that Chebara Boys Secondary School qualified as a procuring entity under the Public Procurement Oversight Authority Act, 2005 and had the capacity to implement the various projects.

In 2012, Chebara Boys Secondary School proceeded to procure six contracts from the Ksh631 million. The contracts in respect of each of the affected institution was to take about 12 months because most of them are schools. Chebara Boys Secondary School, as I had said earlier got Ksh237.6 million and Chebara Youth Polytechnic got Ksh136,234,078. The contract for Chebara Boys was awarded to Kishan Builders. That is in my written response. Chebara Youth contract was awarded to Rapola General Contractors Limited. Chebara Girls Secondary School contract of Ksh126,374,000 was awarded to Blackstone General Building; Chebara Boys Secondary School Chapel contract was award to Njowamu Construction Company Limited at a cost of Ksh30,732,000; and Chebara Primary School contract was awarded to Fraja Hardware and Contractors for Ksh18,430,000. All these had other projects within.

Kaptomut Primary School contract was awarded to Tenderi Talents Company Limited at Ksh71 million. The total amount which was disbursed to Chebara Boys Secondary School was Ksh620,539,000.

Things did not go as planned. The contract was challenged and there is a whole report which I would possibly request the Hon. Member to go through. I have attached it to my response. Issues of accountability arose between the school and the contractors. I believe my Ministry and the Ministry of Education, which were doing the oversight, may also take some share of responsibility. The report shows that work is still not complete notwithstanding the fact that those are the 2012 contracts. I have given a report by a multi-agency team that included my Ministry, the Ministry of Education, Office of the Attorney-General, Lake Victoria North Water Development Works, and North Rift Water Development Works. All these teams came up with a report that indicated that the money was not well accounted for and it became necessary to have the Ethics and Anti-Corruption Commission (EACC) get involved.

The matter has not been concluded by EACC. I think it is a case of abuse and misuse from my own assessment of the report. I would expect the report of the EACC to fill in the gaps and give us a solution either to prosecute, refund, or get to know how much money was lost. It is clear from this report that the projects are not complete yet a lot of money has been spent. We still do not have institutions enjoying what was planned. It is sad, Hon. Speaker.

This report came to me as a result of this Question. So, I appreciate the Question. I will ensure I personally follow up with the EACC to see the end result or the way forward. The Hon. Member could take some time and read the report. I believe this is a case that requires deeper analysis before I can make conclusions myself. The Attorney-General has been seized of the matter. The forensic audit ordered investigations into the projects and the workmanship too. From the report, it does not look quite okay. Therefore, the Ministries of Transport, Infrastructure, Housing, Urban Development and Public Works was also involved in the multi-agency team and they were to give us a full report, which is part of the report that I have given. But there is still more work that is needed.

There are also some cases that have arisen before the tribunal. The Attorney-General represents some of the institutions, like Chebara Boys which was sued by the contractor. This is a very bad show for all the institutions that were involved, including the contractors.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Thank you, Hon. Speaker. I appreciate the manner in which the Cabinet Secretary has handled this matter. I have a few supplementary questions I wish to raise. The first one is: is the Cabinet Secretary willing to visit the aforesaid institutions as a matter of urgency to ascertain the extent of the work done? As we speak, those projects will be condemned if they are not completed in the next three to five years.

Second, is the Cabinet Secretary aware that an amount of Ksh77 million was directed to Lake Victoria North Water Services Board (LVNWSB) in the 2014/2015 Financial Year? The money was not utilised and never reached the aforesaid institution. It has never been accounted for. Is the Cabinet Secretary aware that there was Ksh77 million directed to LVNWSB which has never been accounted for?

Third, is the Cabinet Secretary also aware that there are people who were moved from where the said Chebara Dam is constructed and yet they have never been compensated?

I wish the Cabinet Secretary could respond to those specific questions.

**Hon. Speaker:** Thank you. Cabinet Secretary, please, respond.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): I am responding to the Hon. Member's supplementary question. Because this matter was under investigations, it would not be prudent to spend any money that may come. I have shared the photographs. It would be better to first assess the situation because there is also a claim for variation to complete the work. The Attorney-General has not yet closed his file. The EACC is also looking into it.

**Hon. Speaker:** Cabinet Secretary, I do not know what you are answering. He has asked three very simple questions. Hold on. Are you willing to visit the concerned area? Two, are

you aware that Ksh77 million was released but it never reached the intended destination? Three, those displaced by the dam were not compensated. When are they getting compensated? Those are three very simple questions. Leave the Attorney-General out and just answer them.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): I am willing to visit. Sometimes it might be hard to answer straight, but I am advised.

**Hon. Speaker:** Save the time of Parliament. Answer the Questions as asked.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): I am well advised, Hon. Speaker. I am aware of the Ksh77 million. We are following up on that. I can give the Hon. Member an answer as to why it has not been spent. On the Question of visit, yes, I am willing.

**Hon. Speaker:** *Waziri*, the Question was not that the money has not been spent. It has not reached the destination. Hon. Timothy, is that not what you asked?

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Yes. I have understood the Question.

I will authorise as a Cabinet Secretary. I am assuming this money is still there. I am aware it was there. I do not have an answer on whether it is there. Right now, on my feet, I am not willing to say that it should... The problem is much bigger than Ksh77 million. We need to approach it holistically, including the recommendation that has been given that we look for money to complete the project. From the report, we need to add more budget. Yes, I am willing to visit.

On the final one, the affected persons have not been paid. I am aware of that. I do not know the reason. I am working on this report to know whether their money was provided for or whether it was part of the Ksh630 million. From the contract, it was not.

**Hon. Speaker:** Right. Yes, Hon. Chepkonga. Give Hon. Chepkonga the microphone.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): I wish to raise a supplementary question. I thank the honourable Cabinet Secretary for answering the Questions in a very candid way.

However, I think the Question of Hon. Toroitich is pending. Would the Cabinet Secretary consider investigating what happened to the Ksh77 million and give a report? According to the Hon. Member from Marakwet West, I think he thinks that the money was misappropriated. It is not pending release. Two, there is no injunction or stay on completion of outstanding works when a matter is under investigation by EACC. Three, the students of those schools did not commit any crime. Is it possible for the Cabinet Secretary to allocate some money to complete the buildings that are remaining to allow the students use those dormitories and classrooms while investigation continues? At the end of the day, the law will catch up with whoever is found culpable - I know that much with regard to legal issues. Investigations do not prevent anyone from continuing with work, unless specifically stopped from doing so.

I thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Cabinet Secretary.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): I said that I do not know where the money is. I am willing to investigate and I will give an answer. However, in terms of spending of that money, I said the projects were many. They require much more than Ksh77million. It would be prudent to apply any money that may be outstanding, including the retentions, if possible to either one of the projects or directly to the project where the money should go. The case for investigation is there and I am supporting it, including prosecution.

**Hon. Speaker:** Hon. Cabinet Secretary, you are a distinguished lawyer in this country. From you own answer, money was disbursed in 2012. I know it was not your period but there is perpetual succession in Government. Money was disbursed in 2012. The Member questioning says this money did not go to the intended purpose. You have agreed that this

money may have been misappropriated and investigations are going on. Are you satisfied that investigations on a matter of 2012 - today is 2023 - are still ongoing?

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Hon. Speaker, the report I have is for 2021, in terms of conclusions. The last time the then Cabinet Secretary, my predecessor, addressed this matter was in 2022.

**Hon. Speaker:** I agree with you, Hon. Cabinet Secretary.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Maybe there has been laxity.

**Hon. Speaker:** Just hold on, Cabinet Secretary.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Yes.

**Hon. Speaker:** So that you bring justice to the people of Elgeyo/Marakwet, go back to your office and write to the House, through the Leader of the Majority Party, giving a detailed explanation why a matter that started in 2012 is still under investigation. It is neither concluded nor are there any prosecutions. The project is stalled, people have not been compensated, and the schools are not operating to their capacity because of lack of completion of the projects. Go back. Get the facts right. Write to the Leader of the Majority Party. He will bring the matter to the House if you will not be available because we have other Cabinet Secretaries coming before the House in between.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): I will. In the meantime, I have a multi-agency report that I have given out. It contains the status of the projects and the investigations status. Maybe the Leader of the Majority Party and myself can respond once we look at it.

**Hon. Speaker:** That becomes even more complex. The Leader of the Majority Party is not interested in the status of investigations. He will be more interested in why you are still giving the status of investigations 11 years later. I am sure you see the point. As a lawyer, you know delay defeats equity. Justice delayed, justice denied.

**The Cabinet Secretary Water, Sanitation and Irrigation** (Hon. Alice Wahome): Yes.

**Hon. Speaker:** Leader of the Majority Party, you will have to carry that skunk back to this House.

Next Question is by Member for Mandera County, Hon. Umul Kheir Kassim.

### *Question 336/2023*

#### STATUS OF IMPLEMENTATION OF MANDERA WATER SUPPLY/ SEWERAGE PROJECTS

**Hon. Umul Kheir Kassim** (Mandera County, UDM): Thank you, Hon. Speaker. Allow me to thank the Cabinet Secretary for her commitment.

Could the Cabinet Secretary —

- (a) provide the status of the implementation of Mandera Water Supply Project and Mandera Sewerage Project both funded by the African Development Bank in conjunction with the national Government under the Kenya Towns Sustainable Water Supply Sanitation Programme, and which were awarded in 2018, but have since stalled?
- (b) provide the details of the total contract sum for each of the two projects and also state the cost implication occasioned by delays in their completion?
- (c) indicate when the contractor will resume works on the two stalled projects and also provide expected timelines for their completion?



- (d) explain measures put in place to avert future loss of human life and livestock at project sites as a result of negligence by contractors, and consider compensating the family of Muhidin Awes Yerrow Mahamed, a minor who lost his life after falling into an unsecured deep hole left behind by the contractor at the sewerage project?

**Hon. Speaker:** Hon. Cabinet Secretary.

**The Cabinet Secretary Water, Sanitation and Irrigation** (Hon. Alice Wahome): Thank you, Hon. Speaker. Hon. Umul Kheir Kassim, your Question has four parts and the first one is to provide the status of the implementation of Mandera Water Supply Project. The overall progress of the project is at 72 per cent. It is a twin-project because it has a water component and a sewerage project. The Mandera Sewerage Project is at 73 per cent. The total estimated length of the water lines is 228 kilometres. There are those components, as part of these projects, which are listed in the second paragraph.

*[The Speaker (Hon. Moses Wetang'ula) left the Chair]*

*[The Temporary Speaker  
(Hon. Farah Maalim) took the Chair]*

The sewerage is 48.2 kilometres. I have listed the specifications there. To date, the status of the work concerning the sewerage is as shown there. Sewerage works is at 89 per cent while waste stabilisation is at 61 per cent. I have listed the rest of the components, site works, and integrated school dormitories at 70 per cent completion. Plant and equipment is the stage where we have stalled completely. Total overall project completion status is at 73 per cent.

The second part of the Question is on the provision of details of the total contract sum. The total contract sum for the water supply component is Ksh1,420,147,030. The sewerage component is Ksh1,039,413,014.

You want to understand why there is delay. The contract period was for 18 months. It was originally expected to be complete on 30<sup>th</sup> July 2020, but it has been stalling for various reasons and the contractor has sought extension five times. The contract period has been extended to 47 months. The revised completion date is now 31<sup>st</sup> December 2023. The cause of delays is stated in paragraph two. They are: slow tax exemption that held the contractor; COVID-19 restrictions because of material delivery considering where the site is; some payments have also been delayed and inadequate mobilisation of staff and plant and equipment although that is the contractor's problem. As I said, plant and equipment are not yet on site.

The contractor has also been asked to expedite this work and we are expecting the new date of 31<sup>st</sup> December 2023 for both projects to be achieved. Overview of delays is as stated. For the sewerage, the contractor has extended three times. The issues for delays are shown.

Objection by Project Affected People (PAP) is one of the major hurdles. The Government had to change the designs twice because there were issues with regard to objection by the PAP, and increased scope of work after it started. There was variation of the scope of work mainly due to Resettlement Action Plan (RAP) issues. The persons affected and compensation issues required additional funding considering the delay and the process for sourcing additional funding was a challenge.

The last part of the Question is on when the contractor will resume work. He has not left site save that the mobilisation is slow. This work should be completed. We have given very strict instructions that the work must be completed by the end of the year. Looking at the status of completion, that is achievable.

There is a case of a child who died. I have been asked to deal with the case for loss of human life and livestock. How do we avert that? The contractor has been given instructions to

secure the place to avoid any further loss of human life. I regret the loss of life of that young boy. The contractor was involved in a way and he assisted the family with some burial expenses, but the case for compensation of the young boy's life has not yet occurred. This is something we will follow up because all sites and construction work are insured. There is no reason why compensation should not take place. The matter is also under Mandera Police Station and the family is in contact with the contractor, but I will put in the Ministry's voice. It is a simple issue in terms of processing and the affected family can be compensated.

The contractor is under instructions to completely secure the pond site and to seal the current route that leads to the farms. It is actually near the pond site. There is an alternative route near the General Service Unit (GSU) camp. Access has been allowed through that area. The contractor has also been asked to increase patrols so that he can keep an eye on unnecessary or illegal access to the site to avoid any future accident.

Overall, we are interested in completing this project. We know there is dire need for water in Mandera.

**The Temporary Speaker** (Hon. Farah Maalim): Member of Parliament for Mandera County, Hon. Umul Kheir.

**Hon. Umul Kheir Kassim** (Mandera County, UDM): Thank you Hon. Cabinet Secretary. I also have a soft copy of your response but let me tell you the fact on the ground now. The case of the child who died is something that is very dear to me. We went with the team from both the Northern Water Works Development Agency and Tana Water Services Board to Mandera in November last year. The case that the police were investigating had been completed by then. So, there is no case pending with the police. The matter is now with the insurance company and the unresponsive contractor. Since they know that I am the one handling this case, they keep calling me every day about the compensation. There is a girl who fell into the pit and became paralysed. She is 19 years old and is now immobile. Her case was also reported to the police and they said that she would be compensated, but nothing has happened yet. That matter may not be among my questions, but that is the scenario as at now.

Hon. Cabinet Secretary, my farm is near the sewerage system and, therefore, I am a beneficiary of the compensation. I was compensated and I have no objections. The project was supposed to start on time but both contractors have not been on site since November last year, yet you said that the contractors had not left the site. You will tell us whether it is a problem with the contractors or with payment. I do not know if I heard you right but when you started responding, I thought I heard you say...

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Umul Kheir. I appreciate the fact that you have leeway to give a bit of background information, but after that you are supposed to ask a question. Please, ask the Cabinet Secretary a question. You have had enough leeway to give some background information. Ask your supplementary question.

**Hon. Umul Kheir Kassim** (Mandera County, UDM): Thank you, Hon. Temporary Speaker. I stand guided. Hon. Cabinet Secretary, for us to read from the same page, would you be willing to go to Mandera and see for yourself? There are uncovered manholes and the big pit is still open. The GSU Camp is located at the start of the border point. I am a farmer and that is the route I use. The manholes are uncovered yet that is the same route people use. I am sure you are only responding to what you have been told. Would you be willing to go to Mandera to see both projects and their implementation status?

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Cabinet Secretary, just before you answer, give me a moment to appreciate the presence of students from Kavaini Secondary School in Mwingi West, Kitui. These young men and women are our future leaders. I am sure that they appreciate this experience. I will give a moment to their Member of Parliament to say a word. Hon. CNN, proceed.

**Hon. Charles Nguna** (Mwingi West, WDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to welcome students from Kavaini Secondary School in Mwingi West Constituency. The school is doing exceptionally well nationally. I bought a bus for the school very recently using the National Government Constituencies Development Fund (NG-CDF). I recognise them and encourage them to work very hard, so that they can replace me on this Floor or do other professional work that will help the world.

With those few remarks, I welcome them. I am very happy to see them in the Chamber. Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough. Hon. Cabinet Secretary, could you proceed and answer the question by Hon. Umul Kheir? It was just one question. Would you be willing to go and visit Mandera?

**The Cabinet Secretary for Water, Sanitation, and Irrigation** (Hon. Alice Wahome): The reason the Member is requesting that I visit is that... First and foremost, I have admitted in my report on page 5, that there has been a delay. I do not dispute that. I have stated the reasons for the delay. Assuming that I agree to go, the reasons that occasioned the delay would still be there. Some of them have not yet been resolved, including delayed payments to the contractor. Therefore, it would be important that we visit the site as soon as we deal with some of those issues. Sometimes the visit may not be of much use unless we deal with the real issues.

On the question of the girl, you have indicated that the young lady suffered severe injuries. That was not brought to my attention. The Member could also write to me, so that we can capture that information in our records against this project. If time allows us, we will visit the project. All projects are our projects and we make a point of visiting them. I hope I can create time for this particular one.

**The Temporary Speaker** (Hon. Farah Maalim): Member for Mandera East.

**Hon. Hussein Weytan** (Mandera East, ODM): Thank you, Hon. Temporary Speaker. First and foremost, I would like to thank my colleague for asking this question. For your information, I am the area Member of Parliament. This project is extremely important to the people of Mandera Town. It only affects Mandera Town, and not the entire county. It will benefit more than 200,000 families. This project has been ongoing for the last four or five years. Unfortunately, there are issues that we cannot avoid like insecurity, flooding, and extra jobs that normally arise. Most of these jobs are carried out by experts from other parts of the country and not locals from Mandera County. You know of the security problems in Mandera. Sometimes all the non-locals run away, and yet the job cannot continue without them. That has affected the project severally.

Sometimes when River Dawa floods, the project cannot continue. There are also extra jobs that normally arise outside the agreement which have to be done. Some claims normally arise from those extra jobs. So, delays are always expected, especially in Mandera, where there are issues to do with security, flooding, and extra jobs that arise. I am sure that since the Cabinet Secretary is a performer, she has done her part. However, there are issues expected to arise.

**The Temporary Speaker** (Hon. Farah Maalim): You have made your point, Hon. Weytan. Ask the question.

**Hon. Hussein Weytan** (Mandera East, ODM): There are two companies that are doing the project: one Chinese and the other Kenyan. The Kenyan company that undertakes the water supply has done mega projects, including the Mama Ngina Drive in Mombasa. Unfortunately, there are always variations, and things that have been applied. So, my question...

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Weytan. Order, Hon. Umul Kheir. Hon. Weytan, you have had enough time to give background information. Ask a question.

**Hon. Hussein Weytan** (Mandera East, ODM): Hon. Cabinet Secretary, what assurance will you give this honourable House that you will pay the contractors, so that they can go back

and resume their duties? It is not true that they are not on site. They are there, but the job has stalled.

What plans do you have to compensate families that have been affected by the loss of loved ones? Some families have been affected by the deaths that have occurred. What assurance will you give...

**The Temporary Speaker** (Hon. Farah Maalim): You have made your point, Hon. Weytan. Yes, Hon. Makilap, what is your point of order? Hon. Kamket, what is your point of order?

**Hon. Kassait Kamket** (Tiaty, KANU): Hon. Temporary Speaker, debate in this House or questions are not supposed to be adversarial. For the benefit of new Members, would I be in order to request you to ask the Members to address their issues to the Chair and not directly to the Cabinet Secretary?

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Members. You have heard it. When a Question is brought to the Floor of the House, it is a property of the House. It does not affect any two individuals. I thought you were complementing one another, but if it is the other way round, then I am afraid the House will not allow a diatribe between two Members of Parliament.

Hon. Muriu, you wanted to ask a question. I will take a few more supplementary questions. Member of Parliament for Buuri will be next.

**Hon. Wakili Edward Muriu** (Gatanga, UDA): Thank you, Hon. Temporary Speaker for this opportunity. Allow me to ask Cabinet Secretary for Water, Irrigation and Sanitation a question on appointment of the Board...

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Wakili Muriu. The tradition is very express. There is a substantive question that needs to be addressed. Once sufficient attention is given to that substantive question, you can then bring any other questions that you might think. If you are asking a supplementary or additional question on a matter that is in the substantive Order Paper, then proceed. If not, then let her answer that. You will have your own moment later.

**Hon. Wakili Edward Muriu** (Gatanga, UDA): Much guided, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Cabinet Secretary, you can now proceed and answer questions asked by both Members.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): My response on page 5 recognises that security is one of the reasons for the delay. At the time we were doing this, there were serious issues cropping up. It was just around the time Cuban doctors were abducted in Mandera Town. It posed insecurity challenges and we could not have the project up and running. It then stalled until November 2020.

I want to assure you that this project is very key to the Ministry. We have invested money in it and we will not stop until it is completed. I also rely on funding from this House and we are working to ensure that there is sufficient funding to complete the project. Overall, it is at 73 per cent completion. Considering the worth of this project, which is about Ksh2.3 billion, we have done well despite those challenges. I, therefore, want to assure you that it will be completed. I agree with you that this project is serving a very key area in terms of water scarcity. We need to have it completed. It is one of our solutions to the problem of water in Mandera County.

**The Temporary Speaker** (Hon. Farah Maalim): Cabinet Secretary, there were two pertinent central questions: when will the contractor be on the ground and, when are you going to pay outstanding contractors' bills to enable them complete the job? Have you given us a date for completion?

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): I had given a date for completion, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Yes, you gave it. You said at the end of this year. The contractor has until end of the year, but then you also mentioned the fact that there are problems with non-payment of outstanding bills.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): I have been advised that we may not be having any major outstanding payments. I know they were there before but I would say that if there are any and we have money, we will release it immediately.

The contractors are on the ground. It is just that they are not doing the work. We have stated the challenges, which include the fact that we had to redesign because one of the major people there, in terms of Ranch No.17, brought problems and we had to use a different route. Some challenges are community-driven in a way. Let me not say 'community' because it was an individual involved. We have, however, overcome that. We should complete the project as indicated.

**The Temporary Speaker** (Hon. Farah Maalim): On the issue of the two Kenyans, the impression I get is that for every contract there is an insurance. Maybe insurance bears responsibility for that, but the young lady who is not accounted for here is paralysed.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): I am not aware of that. I had asked the Member to send a letter to me and I will forward it to the agency. It will reach the contractor.

**Hon. Hussein Weytan** (Mandera East, ODM): On a point of order.

**The Temporary Speaker** (Hon. Farah Maalim): Excellent. What is your point of order? Hon. Weytan, this has been solved.

**Hon. Hussein Weytan** (Mandera East, ODM): It is a short intervention. Now that there are some differences and variations that are supposed to be solved and there are claims, between now and December, is this going to be possible?

**The Temporary Speaker** (Hon. Farah Maalim): Order, Member of Parliament for Mandera East. This is in your constituency. It is also in the constituency of the gracious lady out there because she represents the entire Mandera County. Will it not be fair for the two of you to sit somewhere and write a letter to Cabinet Secretary? You are literally pulling this thing in the same direction. What you need to do is to iron out those things with the Cabinet Secretary. She is willing to help. She is a former colleague here.

Yes, Hon. Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, on a point of order.

I have struggled, just like you are struggling, to listen to Hon. Hussein, Member of Parliament for Mandera East and the question brought by Member of Parliament for Mandera County, Hon. Umul Kheir Kassim. If you listen to what the Hon. Member of Parliament for Mandera East is saying, he is basically speaking for the contractor, even alleging that there are payments pending. When I listened to the Cabinet Secretary, she said there is nothing substantial. I was just wondering: if this project is in Mandera East Constituency represented by Hon. Hussein, should you be speaking for the contractor or for the people of Mandera East?

**The Temporary Speaker** (Hon. Farah Maalim): Order, Leader of the Majority Party. You are out of order. He is speaking about facts on the ground.

*(Hon. Kimani Ichung'wah spoke off the record)*

Leader of the Majority Party, what is out of order here?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): I was getting there. It is only that you cut me short. The Member should be speaking for the constituency. Our own Standing Orders are clear. If you have any interest, even in a project like the one that has been stated here... The Member of Parliament for Mandera East cannot use this platform, which is a question raised by the county Member of Parliament, to speak for the contractor. If he has an interest in the matter he must declare it.

When I listened to the Cabinet Secretary, I heard her assert that there are no substantial pending bills. The Cabinet Secretary has pointed out the issues that have delayed this project. I would like to ask the Member of Parliament for Mandera East if he has any fiduciary interest to declare it in line with our Standing Orders.

**Hon. Hussein Weytan** (Mandera East, ODM): On a point of order.

**The Temporary Speaker** (Hon. Farah Maalim): Order! Order, Hon. Weytan. What is your point of order?

**Hon. Hussein Weytan** (Mandera East, ODM): It is extremely wrong for the Leader of the Majority Party to talk about something that he does not know at all. He is green about it. I followed this thing to the end when I came in as a Member of Parliament. I know where the problem is. Some of the contractors come from...

*(Hon. Kimani Ichung'wah spoke off the record)*

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Leader of the Majority Party. We are past this situation now. As the Chair, I have already given you direction. Proceed, sit together and go through these things. Approach this very able Cabinet Secretary and get your business done. You are both looking for a very good sewerage system that works. You are both looking out for your own people who have had unfortunate accidents. You want to take care of them. Proceed on that basis. You have already been given direction. Beyond that, I am not going to allow the two of you to have a back and forth here.

Hon. Muriu, proceed.

*(Hon. Umul Kheir Kassim spoke off the record)*

Order, Hon. Umul Kheir. We have dealt with this adequately. Proceed Hon. Muriu.

**Hon. Wakili Edward Muriu** (Gatanga, UDA): Thank you, Hon. Temporary Speaker. Mine is a supplementary question. The first question which I would like to ask Hon. Cabinet Secretary in charge of Water, Sanitation and Irrigation is whether she is aware about the illegal appointment of Board Directors in Athi Water Works Development Agency.

Section 66 of the Water Act 2016 provides that members and Chairman of the Board must come from the water basin, but some of the appointed Board members come from Nyanza, Eastern and others from Western. They have been appointed without consultation of the leaders within the region. The basin is Murang'a, Kiambu and part of Nairobi. My question to the Cabinet Secretary is whether she is aware of the illegal appointment of the Board of Directors. When are they going to rectify this to comply with the regulations whereby directors are supposed to be appointed competitively with the consultation of the local leaders?

Secondly, is the Cabinet Secretary aware that Ksh1.1 billion budgeted for Athi Water Works Development Agency to take care of water installation in Murang'a, Kiambu and part of Nairobi was diverted? If she is aware, what is she doing about it? The projects have stalled.

**The Temporary Speaker** (Hon. Farah Maalim): You have asked two questions, which are more than you are allowed.

**Hon. Wakili Edward Muriu** (Gatanga, UDA): Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Member of Parliament for Buuri.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Thank you, Hon. Temporary Speaker. I do not know whether to rise on a point of order.

**The Temporary Speaker** (Hon. Farah Maalim): Are you on a point of order or do you want to ask a question?

**Hon. Mugambi Rindikiri** (Buuri, UDA): I first want to rise on a point of order then I will ask a question.

**The Temporary Speaker** (Hon. Farah Maalim): No. I thought I gave you an opportunity to ask a question because you appear on the queue. Ask your question.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Thank you, Hon. Temporary Speaker. First, I thank the Cabinet Secretary. This is a supplementary question in relation to the ongoing construction of dams by the Ministry, specifically Kahurura Dam. It is situated in Buuri but it was proposed and recommended by the people of Laikipia East. This area belongs to Buuri Constituency in Meru. Are you aware that Kahurura area is in Buuri, Meru County? If this dam was to be constructed, I would like you to commit that 60 per cent of the water will flow to Buuri Constituency in Meru and 60 per cent will go to Laikipia East.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): That is 120 per cent. How do you achieve that? Order, Hon. Member for Buuri. When you add the two you will get 120 per cent. Proceed to make your correction.

**Hon. Mugambi Rindikiri** (Buuri, UDA): I meant 40 per cent to Meru.

**The Temporary Speaker** (Hon. Farah Maalim): Okay, if that is what you meant.

**Hon. Mugambi Rindikiri** (Buuri, UDA): It is because I want to be a good neighbour. The people of Laikipia rely on my constituency for water. Therefore, I want to be a generous person.

**The Temporary Speaker** (Hon. Farah Maalim): Member for Kwanza, do you still want to ask your question?

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD – K): Hon. Temporary Speaker, I am waiting to ask my question.

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough. Member for Turkana East. Who is that? I cannot see you. Proceed to ask your question.

**Hon. Nicholas Ng'ikor** (Turkana East, JP): Thank you, Hon. Temporary Speaker. I am Nicholas Ng'ikor, Member for Turkana East, Turkana County. I want the Cabinet Secretary to give a status report on Lowaat Dam in Turkana East Constituency, which has been overdue since 2007. It has been in the Government report but to date its implementation has not seen the light of day. Can the Cabinet Secretary give a status report on Lowaat Dam?

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Adams, proceed.

**Hon. Adams Korir** (Keiyo North, UDA): Thank you, Hon. Temporary Speaker, for this opportunity. Mine is about the Sabor Water Project, where the Government was to construct Sabor Dam to provide water to Iten Town in my constituency and its environs but that did not happen. Instead, a weir which is a small thing that collects water was constructed, leaving our town in constant water rationing. Currently, Iten Town does not even have a sewer line courtesy of that problem. Where did the money meant for the dam and the sewer line go and why?

I thank you, Hon. Temporary Speaker.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): On a point of order.

**The Temporary Speaker** (Hon. Farah Maalim): Yes, Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, as you know we must be a House that sticks to our own rules and procedures. I, therefore, rise on Standing Order 91 on responsibility for statement of fact on the supplementary question that was raised by the Member for Gatanga.

**The Temporary Speaker** (Hon. Farah Maalim): Proceed.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): He alleged that appointment of the Board Members has contravened Section 66 of the Water Act. It is only fair...

**The Temporary Speaker** (Hon. Farah Maalim): Can you allow the Cabinet Secretary, who is one of the finest legal minds we have in this country, to answer that?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, if you indulge me for a minute, I would like to prosecute my matter then you can decide. You are the Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Proceed.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): I am rising on procedure and not to answer the Question on behalf of the Cabinet Secretary. The Member alleged that there is illegality. That must be exhibited. It is not fair to ambush Cabinet Secretaries when they appear in the House on heavy statements like illegalities and contravention of the law. If the Cabinet Secretary confirms on record that she has, indeed, contravened the law on the assertion by the Member for Gatanga then you are telling her that she ought not to be in office on grounds that she is contravening the law.

In line with Standing Order 91, when you allege that the law has been contravened, you should bear the responsibility to show which particular members of which board have contravened the law and how they have done it. We cannot allege that because my name is Kimani Ichung'wah Anthony and I hail from Kikuyu, then I cannot serve on the Board of Lake Victoria Water Basin. I may have been born and raised in Kisumu.

**The Temporary Speaker** (Hon. Farah Maalim): Order, Leader of the Majority Party. You have made your point. The Chair recognised that and he is going to exercise his function very well. Wait until the matter is addressed by the Cabinet Secretary, in which case a ruling will be made on the same. I noted that you cannot say that an illegality was committed because someone from another part of the country was appointed without consultation with the local community. You do not consult any local community when you are making an appointment.

*(Hon. Wakili Edward Muriu spoke off the record)*

Order! Why do you want to have a back and forth with the Chair, Hon. Muriu? Allow the Chair and the Cabinet Secretary to do their job.

Proceed to answer those questions, Cabinet Secretary. As for the issue of Hon. Muriu Wakili, he is my good friend whom I serve together on the Departmental Committee on Justice and Legal Affairs. Clearly, the Government does not commit any illegalities. You have the choice to answer that or not.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Thank you for the guidance.

**The Temporary Speaker** (Hon. Farah Maalim): That question was out of order.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): That question is very prejudicial. I want to go straight to the question raised by Hon. Rindikiri about Kahurura Dam. He wants a share of the water that may be harvested in the dam which is associated more with Nanyuki in Laikipia County. This is a priority dam and I believe the Member knows that we are working on it because we want to have investors interested in this dam to develop the water supply as it has happened before in other areas. His concern is whether Buuri, which hosts either part of or the whole dam, will be a beneficiary. As I said earlier, the policy now is that the host community of a dam must be taken into account. Consideration will be done.

We did not have the Sabor Dam in the 33 that we called for expression of interest. I am not up-to-date on its costing. If it costs Ksh5 billion and below, we have another category that we are looking at for Ksh5 billion and below, other than the mega dams that take up Ksh10 to



30 billion. That will also be given priority. I will look into the matter and certainly take the concern into account.

Hon. Muriu, other than the question of Section 66, you had a question on budget. You may not be aware that though there was a problem regarding that specific budget, it was addressed by the National Treasury and rectification was done. I believe this money, by way of documentation, including a letter from the Cabinet Secretary for the National Treasury and Economic Planning confirmed that a reverse was done to rectify it.

Member for Kwanza, I have answered your question. Hon. Temporary Speaker, I choose not to respond to the question asked by Hon. Muriu on the Board. Any concern that will arise will be addressed legally.

Thank you very much.

**The Temporary Speaker** (Hon. Farah Maalim): What about the Hon. Member for Turkana East?

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): The Member for Turkana East talked about Lowaat Dam, which is one of the 33 dams that we have called for expression of interest. There are people who are interested in constructing it. We are now at the stage of project development. This is public-private partnership. We hope that a good project will be presented. We will work on the projected proposals in the next two or three months. It is one of them.

Thank you, Hon. Temporary Speaker, for giving me the time.

**The Temporary Speaker** (Hon. Farah Maalim): That is fair enough. We will go to the next Question. The Member for Bondo Constituency, Hon. Gideon Ochanda.

#### *Question 337/2023*

#### STATUS OF LAND RECLAMATION WORKS ON YALA SWAMP

**Hon. Gideon Ochanda** (Bondo, ODM): Thank you, Hon. Temporary Speaker. We have taken a number of hours looking for water. I do not know whether we can take equal number of hours to do away with water.

Hon. Temporary Speaker, I rise to ask the Cabinet Secretary for Water, Sanitation and Irrigation the following Question:

Could the Cabinet Secretary provide details on the state of land reclamation works on the Yala Swamp, and indicate the timelines within which the Yala Swamp reclamation will begin and the expected completion dates?

**The Temporary Speaker** (Hon. Farah Maalim): The Cabinet Secretary.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Hon. Temporary Speaker, when I saw this Question, I was unable to discern immediately whether it should be responded to. This is Question No.8 on my list. It is actually Question 337/2023. I felt that it was for Lake Victoria Basin Development Authority. That region is under that Authority which is under the Ministry of East African Community, Arid and Semi-Arid Lands (ASALs) and Regional Development. Therefore, I am not the one directly in charge.

However, in respect of East African Community (EAC), I know we also have some work there. We have land reclamation projects in my Ministry. I will give the Member a response in that regard. My team's response was that this is not in my docket. However, I will look at it again, in respect of the Land Reclamation Department in my Ministry. I beg to give an answer at a later date. I can send it to the Hon. Member for Bondo.

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough. Hon. Ochanda, you have an undertaking by the Cabinet Secretary. Once the determination is made on what falls within her docket and the other Ministry, she will answer you. Proceed.

**Hon. Gideon Ochanda** (Bondo, ODM): Thank you, Hon. Temporary Speaker. I really appreciate that effort. Reclamation is basically under her Ministry. If there was a mix-up, it might not have been looked at appropriately. I need time so that I follow it up. The reclamation efforts that I am talking about here were started before Independence. So far, very little has happened and many people are affected. The first effort displaced people who have never gone anywhere and have never had land. If we are doing any reclamation efforts, this is the time to consider the households. We will follow it up with the Cabinet Secretary, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough. Member for Kwanza, do you have a follow up question on the matter?

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD - K): I was waiting and she has made it very clear. This is the work of the Ministry of Agriculture and Livestock Development. Drainage is something else. I want to take this opportunity to thank the Cabinet Secretary who was one of us here. She has done a very good job. However, I want to take this opportunity to ask her, as the Cabinet Secretary for Water, Sanitation and Irrigation, to take up technologies from countries like Israel. We need to do something about irrigation. We are importing food from Egypt which has one river. I worked at the Lake Victoria Basin Development Authority as a Managing Director for eight years. Irrigation is very important given that this country is experiencing climate change.

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD - K): I am asking the Cabinet Secretary to do something about technology in irrigation, so that they can do more irrigation projects in this country. This will help us stop importing rice from Egypt because we will be using our own irrigation systems.

**The Temporary Speaker** (Hon. Farah Maalim): Unfortunately, we are now at Question No.337/2023, and it does not belong to the Cabinet Secretary. So, you should have asked those questions when other water and irrigation-related questions were being asked. We now have to move to the next Order. Cabinet Secretary.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): I have exhausted my questions.

**The Temporary Speaker** (Hon. Farah Maalim): You have exhausted your Questions and given the answers. The House appreciates the good job that you have done. You can retreat and go back to your office to work.

*(Hon. Mugambi Rindikiri spoke off the record)*

**The Temporary Speaker** (Hon. Farah Maalim): Order! What is the problem with the Member for Buuri?

**Hon. Mugambi Rindikiri** (Buuri, UDA): Hon. Temporary Speaker, the Cabinet Secretary is one of us. She is responding to us as a Member of Parliament, which is excellent. I thank her and the Ministry for being a good friend to the Members of Parliament. I congratulate you. Do not get tired of us. It is because of the problems we face as a country.

Thank you very much.

**Hon. Mark Mwenje** (Embakasi West, JP): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): What is the point of order, Hon. Mwenje? I served with your father here. So, I basically have to....

**Hon. Mark Mwenje** (Embakasi West, JP): Hon. Temporary Speaker, according to the last Communication from the Speaker, we can have some joyriders on the supplementary question, which is what I wanted to ask.

**The Temporary Speaker** (Hon. Farah Maalim): What is your joyride now? This will only happen if she is willing because she has done the mandatory job that she was supposed to do.

**Hon. Mark Mwenje** (Embakasi West, JP): It is a very quick one, Hon. Temporary Speaker. I have just noticed the Chairman of Athi Water Works Development Agency is here. There is the Northern Collector Tunnel that brings water to Nairobi. I have a request to the Cabinet Secretary. Could she give us a timeline of when we, as Nairobi City County, expect to start benefiting from this Northern Collector Tunnel One? The Agricultural Society of Kenya (ASK) Show, which is now called the Nairobi Trade Fair, usually diverts all the water to the showground hence people from Nairobi suffer. We hope we will have water within the first half of the day.

**The Temporary Speaker** (Hon. Farah Maalim): I have given you sufficient leeway. The Cabinet Secretary will not respond to that one because the next Order has already been called out. She has heard you. Please go to her office.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): I had already answered that question. It is on *The Hansard* record.

**The Temporary Speaker** (Hon. Farah Maalim): It is already on *The Hansard*. Check the record. It was answered while you were away.

Cabinet Secretary, you have done your job. You are now at liberty to go back to your office and attend to other duties.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Thank you Hon. Temporary Speaker and Hon. Members.

**The Temporary Speaker** (Hon. Farah Maalim): Let us proceed to the next Order.

*(An Hon. Member spoke off-record)*

No! Go to her office. She is your older colleague and a female like you. Call out the next Order.

## BILLS

### *Second Readings*

#### THE SUGAR BILL (National Assembly Bill No.34 of 2022)

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Members, this Bill has been stood down because its sponsor is not with us here today and the Speaker has accepted his desire for it to appear on the Order Paper at a later date.

Next Order!

*(Bill deferred)*

#### THE PUBLIC SERVICE (VALUES AND PRINCIPLES) (AMENDMENT) BILL (National Assembly Bill No.46 of 2022)

**Hon. Rahim Dawood** (North Imenti, Independent): Hon. Temporary Speaker, I beg to move that the Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No.46 of 2022) be read a Second Time.

Hon. Temporary Speaker, the passage of this Bill will require all State organs in the national Government, county governments, State corporations, constitutional commissions, independent offices, county public service boards and county assembly service boards to submit to Parliament annual reports outlining the total number of employees, their gender, age distribution, counties of birth and counties of residence. This process will facilitate the public service values and principles that require the public service to reflect Kenyan's diverse communities and afford equal opportunity for appointment of women and men, members of all ethnic groups and persons with disabilities, pursuant to Article 232 of the Constitution. By receiving annual reports, legislators will discharge the oversight role bestowed upon them as they will be able to analyse and query non-compliant State organs.

The proposed amendments contained in this Bill are meant to enhance the Public Service (Values and Principles) Act of 2015. On Section 16, the proposed amendments are:

- (i) In sub-clause (3) by inserting the following paragraph immediately after paragraph (d)-

“(da) details on the human resource establishment within the Service Commission outlining the total number of employees and highlighting the gender, age, county of birth, county of residence, ethnicity and whether they are persons living with disabilities.

- (ii) by inserting the following new subsection immediately after subsection 3-

(4) An authorized officer who fails to prepare a Report under subsection (1) may be subjected to disciplinary action in accordance with the laid out procedures.”

Hon. Temporary Speaker, two weeks ago, Hon. Yusuf Adan presented a Report as the Chairman of the National Cohesion and Equal Opportunity Committee. The Report pointed out what is ailing our Public Service. According to the Report, as per the last census, we had 46 communities in this country. I know that number is likely to increase, the President having recognized the Pemba people of Kenya, to whom he will be issuing citizenship papers soon. During the last census, there were 46 communities but what is reflected in the Public Service at the moment, in many constitutional offices and MDAs, is only a few communities with maybe one or two people in senior positions. I want to give more details on the population in Kenya as per the 2019 National Population and Housing Census. Eleven communities form 91.79 per cent of Kenya. This leaves the other more than 35 communities with less than 8 per cent.

To put this into perspective, I will mention the last 11 communities with a population of more than a million people. I will start with the Turkana community, whose population is 1,016,174 at 2.16 per cent. Next is the Maasai community at number 10 with a population of 1,118,522 at 2.53 per cent. Number nine is my community, the Meru people, who are 1,975,869 at 4.2 per cent. Number eight is Mijikenda, who are 2,488,691 at 5.29 per cent. Number seven are the Abagusii community who are 2,703,235, which is 5.74 per cent of the total population of 47,067,376. Next is the Kenyan Somali, who are 2,780,502, which is 5.91 per cent. The Akamba community is at number five. They are 4,663,910, which is 9.91 per cent. At number four is the Luo community, who are 5,066,966, which is 10.77 per cent. Number three are the Kalenjin community, who are 6,358,113, forming 13.52 per cent. Number two are the Luhya community who are 6,823,842, which is 14.5 per cent. Number one are the Kikuyu community, who are 8,148,668, which is 17.31 per cent. All the 11 communities add up to 91.79 per cent of Kenya's population.

With this in mind, it is very difficult for the Public Service Commission (PSC) and all the MDAs to accommodate all the communities. Nevertheless, Articles 232 and 10 of the Constitution state that it is imperative that diversity of the workforce is reflected in all the sectors. This Bill seeks to ensure that we not only get figures of who works where. Just like when the Cabinet Secretary was reporting, and *Mhe.* Muriu talked about the Kikuyu community not being represented. The Leader of the Majority Party talked about it as well.

This Bill further suggests that the county of residence and the county of birth is an important factor. You could be Kikuyu or Meru but your residence is in another county. We need this information so that these reports are made on time and brought to Parliament and the county assemblies. If we do not do this, we will give rise to nepotism.

This is anchored in the Public Service Commission Act, and it has to go to a Committee of Parliament. I congratulate the Chairman and the National Cohesion and Equal Opportunities Committee that came up with this Report. It is not everyday that a Committee of Parliament does this. I have not seen such a Report prior to this one. My Bill seeks to ensure that this becomes mandatory.

Hon. Temporary Speaker, in Part II of the Bill, I seek to insert the following—

“(4) an authorized person who fails to prepare a report under sub-section 1, may be subjected to disciplinary action in accordance with the laid-out procedures.

Hon. Temporary Speaker, during public participation, there were questions about the definition of “authorised person.” “Authorised person” is a person who has been appointed by a Government Department or Agency to perform certain compliance and enforcement duties. The Law Society of Kenya (LSK) questioned the qualification or merit of a person to be appointed. In this Bill, I did not include the requirements or qualifications. However, Section 10 of the Bill already provides for fair competition and merit as the basis of appointment and promotion. The LSK suggested that we include the academic and professional qualifications. Section 10 of the Bill says—

“Fair competition and merit as a basis of appointment and promotions—

1. The Public Service, a public institution or an authorised officer shall ensure that public officers are appointed and promoted on a basis of fair competition and merit.
2. Despite subsection (1), the Public Service may appoint or promote public officers without undue reliance on fair competition or merit if—
  - (a) a community is not adequately represented in appointments or to promotions in the Public Service or a public institution;
  - (b) the balance of gender in the Public Service or in a public institution is biased towards one gender;
  - (c) an ethnic group is disproportionately represented in the Public Service or in a public institution; or
  - (d) persons with disabilities are not adequately represented in the Public Service or in a public institution
3. Each public institution or each authorised officer shall develop a system for the provision of relevant information that promotes fairness and merit in the appointments and promotions.”

Hon. Temporary Speaker, it is sad to note that even though the Constitution of Kenya requires that persons with disabilities be at 5 per cent of the workforce, as at 2014, they were less than 2 per cent at about 1.5 per cent. On the two-third gender rule, we are failing completely. Many institutions are at less than 30 per cent. Some institutions are at 10 per cent, 12 per cent or 15 per cent. This needs to be solved by this House.

This Bill seeks to cure the issue of one community having more representation than others. This Bill requires that the reports be tabled every year. This is my third term in

Parliament but I have not encountered a report from the PSC. What I saw earlier is a report on diversity policy for the Public Service by the PSC, which was published in 2016 when Prof. Margaret Kobia was the Cabinet Secretary. After that, there has been no publication of the diversity in our Public Service until *Mhe*. Yusuf Haji had done his report.

Hon. Temporary Speaker, there are a few definitions of terms that I would like to go through for the benefit of Members.

“Disability” is defined as any physical, sensory, mental or other impairment, condition or illness that is perceived by significant sectors of the community to have a substantially long-term effect on the individual’s ability to carry out ordinary day-to-day activities.

“Discrimination” means to accord different treatments to different persons solely or mainly as a result of different abilities and disabilities.

“Diversity” means recognising and embracing the contribution of people with differences in background, experience and perspectives.

“Ethnicity” is the shared cultural practices, perspectives, language and distinctions that sets one group of people apart from another.

Hon. Temporary Speaker, defining “gender” is like handling a hot potato with your bare hands at the moment. In Kenya, we know “gender” to mean either male or female. The other day, in one of the departments, I heard that you are at liberty to say that you do not belong to any gender - that, you are non-gender. I wonder where we are headed to. I have always known that “gender” is reference to either male or female. We probably need to come back to that issue in future.

“Marginalised community” is defined as a community that, because of its relatively small population or for any other reason, has been unable to fully participate in the integrated social and economic life of Kenya as a whole. Earlier on, I indicated that 35 communities form 8 per cent of the population of Kenya. These are what I call “marginalised communities.” How do you signify a marginalised community? This is a traditional community that out of need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life of Kenya as a whole.

An indigenous community is one that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer community, or pastoralist persons or communities whether they are nomadic or settled communities. Because of its relative geographic isolation, it has experienced only migration marginal participation in the integrated social and economic life of Kenya as a whole.

“A marginalised group” then as defined in Article 260 of the Constitution of Kenya, is a group of people who, because of laws or practices before or after the effective date of the Constitution of Kenya 2010, were or are disadvantaged by discrimination on one or more of the grounds in Article 27(4) of the Constitution. What do we do with such situation? We have to ensure proportionate representation, which refers to representation of such communities in the Public Service relative to the national population size. Proportionate representation ignores the persons who fall in the category of the 8.24 per cent of the population of Kenya, and that is where the challenge is in terms of the Legislature working on it through the reports. That is why the reports are very important. “Race” refers to the groups of people who have differences and similarities in the biological traits deemed by society to be socially significant.

“Sex” is what I was talking about; gender. It is the biological orientation of being male or female. That is in the Constitution. The bi-sexual or no sex alternative is not in the Constitution at all. We should not think or even contemplate about it.

Hon. Temporary Speaker, we know the definition of “youth” as the collective of all individuals in the Republic of Kenya who have attained the age of 18 but have not yet attained the age of 35. Today many people still count themselves as youth yet they do not qualify as such as per the Constitution. A youth, after the age of 35, is no longer one.

Work place diversity has been an issue of Human Resource Management in any organisation in the 21<sup>st</sup> Century. We have the challenge of the traditional pattern of exclusion in most important institutions of the society. Organisations concerned with civil rights of women and PWDs have put a lot of pressure on institutions to include members of these groups in their composition of the labour force.

When addressing the issue of work place diversity, emphasis is often placed on groups of people who for historical, cultural and systematic reasons are excluded from full participation in the labour market. However, achieving diversity is a double-edged sword. Increased diversity creates challenges at both the organisational and interpersonal level. There is, therefore, need to have in place strategies of managing conflicts between diverse groups of employees.

With regard to ethnic representation, for example, it was noted by the National Cohesion and Integration Commission (NCIC) in a survey conducted in 2011 that over 50 per cent of Kenya's ethnic groups are only marginally represented in the Civil Service, the country's largest employer. Only 20 of 40 listed Kenyan communities are statistically visible in the Civil Service. Some 23 communities have less than one per cent presence in the Civil Service. The Truth, Justice and Reconciliation Commission (TJRC) Report states that Kenya has ratified many international human rights instruments and enacted various domestic laws set to promote the rights of women, the existence of structural and systematic discrimination against women and prevented them from fully enjoying their rights.

As regards PWDs, we got the enactment of the Disabilities and Persons with Disabilities Act of 2003, which says that you should not be discriminated against by virtue of your disability. The Act requires that five per cent of all appointments in the public sector go to PWDs. It is, however, evident from the Report of the Committee of the National Cohesion and Equality that this has not been possible. The report, which is based on findings from studies carried out in 15 to 20 authorities under the public sector, indicates a compliance of between one and two per cent.

This Bill will, therefore, assist us in the sense that we will have to get a report if an officer is responsible for whatever is supposed to be in that report. That is the second part of the Bill that I would want to change, because I do not believe that an authorised officer would want to change that section of the report to just be happy with it.

With those many remarks, I beg to move and request Hon. Yusuf Adan to second the Bill. I also request all my colleagues to support the Bill.

**Hon. Yusuf Adan** (Mandera West, UDM): Thank you, Hon. Temporary Speaker for giving me this opportunity. I stand to second the Public Service (Values and Principles) (Amendment) Bill, No.46 of 2022 by Hon. Abdul Rahim Dawood. Hon. Dawood has ably exhausted all the supporting arguments that are required to convince this House beyond reasonable doubt that this Bill is timely and important. I will add just a few.

First and foremost, as the Chairman of the Committee on National Cohesion and Equal Opportunity, for the last few months, my Committee has interrogated the management teams of about 32 organisations or Government State Departments. The objective was to see whether those State Departments have complied with the Constitution as far as the issue of employment opportunities is concerned. We also wanted to establish whether they are complying with the legal requirement that 30 per cent of government procurement of goods and services goes to youth, women and PWDs. As per the Report that I tabled just before our recess, the situation is very ugly. We found that only four out of the 46 communities in this country enjoy the rights that the Constitution has given to Kenyans. It is very ugly indeed. We cannot let the situation continue as it is.

As Hon. Dawood said, while trying to implement the law to the letter, there are a few lacuna within the law that need to be addressed so that it can become more effective. A good

example is that an executive or an authorised officer who does not adhere to the law should face the consequences. I would add that such officers should not only face the consequences, but there should also be a penalty for the Head of Department or Head of the Semi-Autonomous Government Agency (SAGA) in question, for not following the law to the letter. The penalty I suggest to be in the amendment when this Bill gets to the Committee of the whole House is that there should be a fine of not more than Ksh1 million and maybe six months imprisonment or both. What my Committee is now doing is only reporting. After we tabled the Report, which shows a lot of glaring issues, no action has been taken. The only thing we can now do is to name and shame the authorised officers who are not adhering to the Constitution.

Hon. Temporary Speaker, the Constitution has been made so as to benefit Kenyans. It is very unfortunate that it is being ignored in order to marginalise the marginalised communities, the youth and the disabled even more. It is our finding that so far, no government SAGA has employed the minimum five per cent of members of the disabled community at minimum. The highest compliance rate we found out of the 34 SAGAs that we looked at was four per cent, and it was only from one organisation. On average, compliance was at 1.2 per cent. When we asked them what was happening, they told us that people living with disabilities did not apply for the positions or they did not qualify yet we know that in Kenya today qualification is not a problem. Any segment of that community is qualified for anything in Kenya. You and I know that very well.

The Bill is asking for a yearly report from every public institution. That provision is very important because the National Cohesion and Equal Opportunity Committee will look at the reports and then follow up on a few things. Currently, the National Cohesion and Equal Opportunity Committee is supposed to look at about 250 SAGAs, 22 universities and about 30 commissions. We have to give each one of them a period of 14 days to prepare a report and present it to us. In that case, the maximum number of institutions that the Committee can consider in a year is 100. In five years, it will be 500. If we have to do follow-ups, that will be inefficient. However, this Bill requests that each SAGA presents a report to Parliament every year. That will make it easier for the Committee to rectify the existing anomalies.

Finally, as a Committee, we have also proposed some amendments to the Act of 2008, which is outdated. We want to repeal it. We hope the Amendment Bill will be here by next week for First Reading. We will reduce it from 30 per cent to one-fifth, so that Kenyans can enjoy the fruits of their Constitution on equal opportunities.

With those few remarks, I second the Bill and request Members to support it so that it can see the light of day.

*(Question proposed)*

**The Temporary Speaker** (Hon. Farah Maalim): Member for Wajir North.

**Hon. Ibrahim Saney** (Wajir North, UDA): Hon. Temporary Speaker, as I rise to support this Bill, I am at a loss as to whether we lack laws or it is about political goodwill. The problem is failure to implement the law. Remember, the Constitution is our grand norm. These principles and values are explicit in our grand norm – the apex law of this country. It advocates for inclusivity, social justice and other good things. Was this mere usage of good English words or it meant something during preparation of the Constitution that we promulgated in 2010?

Hon. Temporary Speaker, the values and principles of governance as read out in the Public Service (Values and Principles) (Amendment) Bill are clear that communities must be represented proportionally. We are not talking of what some of my colleagues call “one-man, one-shilling.” That is not the issue. It is not about equity by shareholding. I am a citizen by right. I am not in Kenya, courtesy of anybody. Do I really get my right as a Kenyan? Is there, in this catchy word, an equal opportunity employer? Do people really implement these phrases



or they are just good English words? Are these values just ornamental? It is not actually a privilege. Whereas some fundamental rights and freedoms can be realised progressively, the political clout of this country does not have the wherewithal to make sure that the supreme law is fully implemented.

When it comes to values and principles of good governance as contained in the Constitution, it should be clear that they have no time-frame. It is mandatory that they are implemented. There is no negotiation about this. Why am I saying this? I come from the Northern Kenya region, which is an area that is ordinarily marginalised. I am not seeking cessation. We are not seeking any kind of separation. We are proud to be Kenyans. We do not beg anybody.

Hon. Temporary Speaker, I want to put it on record that the first community under the sky to come to Kenya are the Cushites. That is a historical fact, but even with that kind of history, we still stand marginalised. I can for sure tell this House that there are many parastatals and State corporations in this country that do not have employees from some communities. They are innumerable. If you allow me, I can take time to present a list of parastatals which pay tax but do not have a single employee from the Northern Kenya region. I was perturbed when I went round those parastatals. That is unacceptable at this time.

Kenya has been taking loans since 1963. We have been struggling with one issue – the gap between the “haves” and the “have-nots.” Today there is another cancer of blatant discrimination when the rules are clear. This must be dealt with decisively. They talk of inclusivity, equity and social justice but when it comes to ethnicity, they like treating the Somali people as a tribe. The Somali community is a nation, and not a tribe. Of all the tribes in Kenya, the Somali people are not a tribe. If you look at the cordons of the tribes of Kenya, I am an Ajuran - I am proud to be one. The Gavi, the Ajuran, the Ogaden and the Degodia are tribes of the Somali nation but they want to treat the entire Somali community as a tribe, which is unfair. This must be dealt with.

Hon. Temporary Speaker, corruption has gone to some level where when someone fills an employment form, they fill in a tribe that does not belong to them so that they can be accommodated. They know that their tribe is over-employed. You will see wonders in terms of data. Even the integrity of the employment data is seriously questionable. Other tribes use the tribes of the marginalised areas to ensure that they get entry. We are at a loss. People in the marginalised areas are not getting their share of employment. In as much as we will make amendments to this law, what will the marginalised communities do if the big tribes are not ready to implement it? I do not have to blame the big tribes. They are big by nature. The Government is not willing to accommodate the marginalised communities. As a country, we have been taking loans since Independence. How much of that money has gone to North-Eastern Kenya? I remember we once requested for a tarmac road through to your constituency in Dadaab in vain. The billions of shillings we are dealing with, and the economic quagmire we are in, are about loans that shall be bequeathed to generations to come. Unfortunately, we do not share these loans equitably in our constituencies. Whom have we been getting loans for? Are they for a particular region?

Even the Equalisation Fund has become a mockery. Everyone is looking for equalisation when we are naturally unequal. What we used to call ASALs has changed. It is no longer a surprise that Nyeri qualifies to be an ASAL area. Something is amiss. We are getting it wrong. It is like the marginalised are getting marginalised further. Something has to be done. In my view, the reports being presented to Parliament are not authentic. They require forensic audit. Even the data is manipulated. There are hidden facts behind what is brought to Parliament. The bigger tribes have bigger proportions than what is on paper.

So, I beg that in as much as we amend the Public Service (Values and Principles) Act, 2015, we should also engage each and every parastatal and ministry to make sure that there is

equity. I am not asking for equality. When will the Ajuran be given equal opportunity as they put in the adverts? Today, I speak for the Ajuran community. When will they be mainstreamed in the Public Service? We are not under any colony. We all got Independence in 1963. What is it that is a setback to me as an Ajuran and not to other tribes? It is unfair and universally unacceptable as clearly outlined in the Constitution. It is deliberate that we are being marginalised not only in terms of employment but also economically.

For the first time, the Kenya Kwanza Government is trying to tarmac the main road to Mandera. I support that but that is just a drop in the ocean. People forget that the White Highlands have become squeezed. They are being fragmented and people have to move to ASALs, which shall be the breadbasket of Kenya in the future. By the time they move there, I do not know what kind of situation they will find.

With those few remarks, I fully support but we must enforce our laws.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Mogaka.

**Hon. Stephen Mogaka** (West Mugirango, JP): I thank you, Hon. Temporary Speaker, for giving me this very great opportunity to contribute to this Bill.

In my mind, this is a Bill that seeks to amend the Article that enables and actualises Chapter 6 of the Constitution on national values. That is the only thing that will make Kenya look like Kenya. To some extent, those of us who have got an opportunity to serve Kenya in influential positions end up creating a village of their own within those institutions. This Bill will bring that parochial practice to an end. I thank the promoters of this Bill because we want the face of Kenya to appear everywhere in the Public Service, including in constitutional commissions.

Hon. Temporary Speaker, due to lack of envisaged law in this country, our children who qualify with very high marks are denied opportunities. They knock everywhere. They have entrenched in their thinking that they cannot get employment anywhere in Kenya unless they know somebody. This Bill seeks to shatter that barrier and make Kenya a place for equal opportunities. It will also be the basis for carrying out a public audit of all our public and constitutional institutions to ensure that the required proportions of persons with disabilities, women and people from marginalised communities are included everywhere in the Public Service. All Kenyans pay taxes. Every Kenyan is supposed to be included in the decision making organs of this country.

*[The Temporary Speaker (Hon. Farah Maalim) left the Chair]*

*[The Temporary Speaker (Hon. Omboko Milemba) took the Chair]*

Without this Bill, where I come from, Public Service positions are for auction. They go to the highest bidder. Police and military recruit positions go to the highest bidder. Even positions as low as Assistant Chiefs and village elders nowadays go to the highest bidder. This Bill will instil discipline in our Public Service practice and ensure that whenever somebody seeks to have a job, he declares his identity - ethnicity and roots - without fearing that they would be victimised because they come from a certain part of Kenya.

The passage of this Bill will give us freedom to have self-esteem as we carry with us our identity and geo-ethnicity. I do not want to be afraid of saying that I am a Kisii from Nyamira since people will say I cannot get a job. We want to have equal opportunities. Every institution in this Republic will declare whom they have employed and where they come from, so that we know the deficiency or deficit of persons from certain regions in this country for priority to be given to them. Through this Bill, we must have an affirmative action. Where

certain institutions are monopolised by certain regions in this country, this Bill will enable us to penetrate and ensure that every Kenyan from every part of this country has opportunity to serve in it.

I am particularly impressed because the public participation aspect has also been captured in this Bill. It is up to the 13<sup>th</sup> Parliament to give Kenyan institutions the face of Kenya. It will ensure that ethnicity is slayed once and for all. It is up to this 13<sup>th</sup> Parliament to stand up and ensure that we instil these values in every person in the Public Service. I will propose an amendment to have periodical publication of the number, ethnicity, age, gender and persons with disabilities who are consistently being employed and maintained in the payrolls of those public institutions. Unless we rise to the occasion, we will create ethnic enclaves. We will promote patronage in employment and promotions in the Public Service. This is a golden opportunity for our country to ensure that we have the face of Kenya in every public institution across the country.

With those remarks, I support the Amendment Bill.

**The Temporary Speaker** (Hon. Omboko Milemba): Next on the request list is Hon. Gideon Kimaiyo. If he is not here, let us have Hon. Janet Sitienei. It seems like Hon. Janet is also not here. Let us have Hon. Mugambi Rindikiri.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Thank you, Hon. Temporary Speaker. This Amendment Bill has come at the right time. We, as the Kenya Kwanza Government, are committed to practicing equity. We are committed to serve each part of this country by looking for the disadvantaged and bringing them to par with the rest of Kenyans. Unfortunately, we are being pulled back by the same people who have taken us round for many years. Kenya is ready to move forward, unite and serve everybody.

We need to spend a lot of time interrogating the implementation of our Constitution. All of us spend time seeing how we can move together. We support amendments that seek the greater good of the country, and not destruction. I support this Amendment Bill. We have too many constitutional commissions and independent offices supported by the Constitution. The county governments were created and operationalised by the Constitution. The Amendment Bill brought by Hon. Rahim Dawood is timely. I thank him because he is not mean. Many people would not have brought such an Amendment Bill. They would be asking what would happen to their tribes, counties or regions. I would not fall on the direction of propagating one region. I will stand to propagate for what is right.

Hon. Temporary Speaker, the Member who spoke before me talked about the disadvantaged. In our own constituencies, youths and people with disabilities are marginalised. We do not have a section, region or county where there are no people with disabilities. We also need to be sensitive when contributing and avoid being seen as propagating only for our counties. We need to speak from the perspective of doing the right thing. Principles and values are attributes that aid good governance in institutions.

In the Great Lakes countries, we have an organisation called the International Forum for Parliament and Great Lakes Region. I am the president of democracy and good governance. I stand to support this because I believe in democracy and good governance. In order for us to be seen from that perspective, we must practice democracy. This Bill seeks to bring in the element of democracy and good governance. Democracy in the sense that everybody needs to be given equal opportunity. Good governance in the sense that whatever instrument we have for managing our affairs gives everybody an opportunity of what is happening. We cannot marginalise the disabled, the youth, women and even men. The only thing that I will not advocate for...

**Hon. James K'oyoo** (Muhoroni, ODM): On a point of order, Hon. Temporary Speaker. Without the intention of interrupting Hon. Rindikiri, I have heard him repeat severally about the youth being marginalised at the constituency level but he has not mentioned who is

marginalising them. He is in the Kenya Kwanza Government. It is the role of the Government in power to ensure that the youth are not marginalised.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Hon. Temporary Speaker, it is sometimes good for Members to listen to arguments academically and reason. I cannot blame him because he has expounded what I have not expounded. I am still building my case. I would like him to be patient. The problem with Azimio Members is that they are too impatient. They want to be seen talking without a clue on what they are talking about. The Constitution calls upon us to inculcate and practice principles and values that are morally right and good for governance in this country. The Kenya Kwanza Government is trying to do whatever it can in this regard. I am not ashamed of being associated with this regime.

This is a step in the right direction because we want to know who is where. These constitutional commissions are independent, and they are not supervised or overseen by Members of Parliament. The Mover is saying we need data to see whether these constitutional commissions are practicing the values and principles of good governance and democracy. Therefore, as a House, we have an obligation to do what is right by amending the sections of the Act as suggested by Hon. Rahim.

Kenya is maturing under the leadership of Kenya Kwanza. We speak about issues which people feel should not be spoken about. Hon. Rahim has brought his statistics and I want to say without fear of contradiction, if you go to some institutions where the Azimio people are saying they are not there, you will find them. The problem is that they have made a case for themselves that whenever you see a name starting with an 'O' you think it is Luo. Now we must get away from this. So, let us give equal opportunity to all Kenyans, be they disabled, youth, women or men. Today, men are becoming more disadvantaged than everybody else.

So, I agree that every year, we need statistics showing what is happening in all public institutions including the MDAs, independent commissions and constitutional offices so that we know employees by age, region of origin, gender and ethnicity. This is a good amendment and I support it. We do not want to beat the big tribes. This is not the mission of the Mover of the Bill. All we want is to know how these commissions and independent offices are performing and whether they are practising the principles and values enshrined in the Constitution.

Hon. Temporary Speaker, I support this amendment and ask all Members to support it. Before I sit down, let us have good behaviour. A Member just walked in and left shouting. He just came in to shout and leave. That is not a good moral value and principle.

Thank you very much, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. K'oyoo, do you want to speak on this debate?

**Hon. James K'oyoo** (Muhoroni, ODM): Not really, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Thank you. Hon. Shakeel Shabbir.

**Hon. Shakeel Shabbir** (Kisumu East, Independent): Hon. Speaker, I thank my dear friend and colleague, Hon. Rahim, for bringing this Amendment Bill to highlight and fill the gap that might be there.

I have been on the Constitution Review Committee since 1999. Where we sat, we were tear-gassed and did many things together. We came up with the issue of ethics and many other like values, and came up with ideas on how we are going to come up with a new Constitution for this country. The Draft Constitution that we came up with was one of the best in the world. It was messed up a little bit in Naivasha by the same leaders who are now part of the protagonists. I would say 20 per cent of it was altered but the bigger part of it remained intact. What we are talking about are the principles and values not only for public service but of the public, ethnic groups and ethics of Kenyans in our society and the world. By being able to put

together the proposal that there must be an annual declaration as to who a public organisation's members of staff are, what ethnic groups and what particular groups consist of the employee members in certain organisations, *et cetera*, is still a good thing.

My dear golf captain has left. I wish he had used a little bit of caution. It was as if he was driving in a straight manner. We have said that it is not only in Luo Nyanza - it could be Mount Kenya region or any other region of this country - where 80 per cent or 90 per cent of employees in the county governments are the local ethnic communities. We have a problem even in Kisumu. For argument's sake, as my dear friend, Hon. Rindikiri said, even in Kisumu, where most names start with letter "O", not everyone whose name starts with letter 'O' is Luo. Neither do they come from the same place. However, in Kisumu, we have a majority of the county employees coming from one particular constituency, namely; Seme. Other people are thrown away without being considered. Once we are good, we would be able to make these sorts of judgements. The passage of this Amendment Bill will obligate the officers in charge to make sure that reports are prepared to show us who is working where. They will give us information. That way, they will be more transparent and accountable.

Hon. Temporary Speaker, I chair the African Parliamentarians Network Against Corruption. Many of these values and ethics - transparency and governance issues - are there. As such, I am very pleased that this particular aspect of values, ethics and governance have now been translated downwards to the human resource element. Human resource is a critical element in any organisation. An organisation draws 90 per cent of its strength from its human resources. If human resources are well distributed and promoted based on merit rather than whether one has a disability or one is from a particular tribe... Nobody should rise without meritocracy. That is one issue that I do not see in here. I know for sure that in the Public Service Act, there is the issue of meritocracy. We need to re-establish, re-talk and re-stress that meritocracy will be a major element and the number one factor that will determine whether one will be promoted or not.

Hon. Temporary Speaker, I object to some statements that have been made in the heat of the moment, whether they were from Azimio or Kenya Kwanza coalitions. I stand here as the only true independent Member of Parliament. Out of the 12 Members of Parliament who are independent, 10 went and signed memorandums of understanding with the Kenya Kwanza Coalition and one signed with the Azimio Coalition. I am on record as having not gone to Kenya Kwanza or Azimio coalitions. I value the elements of both sides. I have great respect for the President of Kenya because of the institution of the presidency, and Raila Amolo Odinga who brought me from where I was. I will never forget what he has done for me. However, that does not translate to an issue of political parties. So, when we bring in the issue of values and principles for discussion and one of our colleagues makes noise and walks away, and another one responds loudly; that does not auger well for the values and ethics of Parliamentarians. When we ask other people to adhere to prescribed values and principles, and to be transparent, but we do not do the same ourselves, then we have a problem. We need to get away from that elephant in the room.

I have many things. As they say, it is the weather of the day and the climate of the season. We must not forget that the weather of the day is not the climate of the season. The weather of a bad day may make the day bad. However, we must look forward to the climate that we want to bring of understanding others, perseverance and being grateful of where we are.

Hon. Temporary Speaker, I want to end by saying that I support this Bill. However, before much is said about it, the element of meritocracy must be considered in the values and principles. By answering the questions of who you are, where you come from and what you do, you do not define yourself as a person. It is statistics. I am pleased to note that we are now seeing the Somali nation as one nation. It is not Shia or Sunni. It has one set of principles and

they desire to move as a group. They are capturing the attention of the whole world. That is what we want in Kenya.

Earlier on in my life – I am now 69 years old – there were times when as youths and even as a mayor, we would go to Dubai and the African women trading in the shops would ask us if we were Nigerians. When we told them that we were Kenyans, they would welcome us in. Nowadays the name “Kenya” is not perceived well in Dubai because of the way we behave. We must have values and ethics.

With those many remarks, I beg to support.

**The Temporary Speaker** (Hon. Omboko Milemba): Next is Hon. Abraham Kirwa. In his absence, let us have Hon. Paul Biego. Is he in the House?

Proceed.

**Hon. Paul Biego** (Chesumei, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity to add weight to Hon. Abdul Rahim’s Amendment Bill. I take this opportunity to thank him for bringing it to this House.

The purpose of the Bill is to amend the Public Service Act to require all State organs in the national Government, county governments and State corporations to submit annual reports on the details of human resource. We have many communities in our country. As per the last census, about 91 per cent of all those who were employed came from only 11 communities. What about the other communities?

I believe this Bill has been introduced at the right time so that we can know how many people have benefited. The Constitution is very clear that employment is supposed to be done equitably. Even the National Government Constituencies Development Fund (NG-CDF) is equitably shared among the 290 constituencies using a certain formula. The same should be applied in the employment of public servants.

I support this Amendment Bill because it has factored in all kinds of persons, includes gender, age, county of birth and county of residence. It has also factored in people living with disabilities. I believe that if it is passed we will have some level of accountability. I support the proposed amendment because if passed, the problems that we have in Kenya right now; like unemployment, marginalisation of people from certain regions and the feeling by some people that they are disadvantaged by the government or the leadership in government because they come from a particular region, will come to an end. The passage of these amendments will ensure that even if you do not know anybody you can be employed. I believe that this is going to be very good. Complaints will be less and even the appointing authorities will be put on their toes to ensure that they do equitable distribution in terms of employment.

The county governors or Public Service Boards of particular counties will be required to give us the number of people they employ and, as legislators, we will perform our oversight role. We will be able to analyse the data that will be available to know which management teams in the Public Service or in the county governments are not compliant.

I believe this Amendment Bill has come at the right time. I can even equate these amendments to what I was thinking. As Members of Parliament, we have a rough time walking to offices of the Executive trying to get work done in our various constituencies. You get many Members crisscrossing offices. This Bill will be an eye opener for me. I would also want to bring to the House a Bill that will enable all constituencies to be given the same facilities, whether you go looking for them or not. Water, electricity and stuff like that should be shared equitably amongst the 290 constituencies.

The Public Service (Values and Principles) (Amendment) Bill that we are debating today will enable people who would otherwise not be employed to be employed. The people who come from very far and cannot come close to cities or to people in power will also have opportunity to be employed. Sometimes you go to an office, where you find several people

from the same community or region having jobs just because the employing authority comes from their region. This Bill will eliminate all the queries people have.

With those remarks, I support the Bill.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Joshua Mwalyo.

**Hon. Joshua Mwalyo** (Masinga, Independent): Thank you very much, Hon. Temporary Speaker. I stand to support this Bill having read through the amendments that the Member has brought to the House.

If enacted, it is a very important Bill. It will bring equality in our country because nobody will be asking your gender or where you come from, because you are a Kenyan. It will also eliminate what we are seeing in the counties - employment of people from certain families and not from other families. It will give the discipline required of a governor or a County Public Service Board to choose people who are qualified and who deserve employment. It will also bring to an end concerns like some people saying it is their time to “eat meat” because they are on the table while others eat the bones. That mentality will end if we enact these amendments into law and follow them up to ensure that they are implemented.

Hon. Temporary Speaker, I support this Amendment Bill because I believe it is high time that, as a country, we brought our heads together to find ways of solving the problem of tribalism. We have divided ourselves into different tribes. In a conversation, you will find people saying that this government has not given their people anything. They say they have not been appointed to big positions. Such mentality will be a thing of the past if we follow the amendments contained in this Bill, put aside our differences and start to think Kenyan. We will employ Kenyans who are qualified and able to deliver services. You will go home satisfied when you go to public offices for services. A good employee will serve you. It will not matter which county the employee comes from. One can be employed to serve in Machakos County even if one comes from Garissa. You can be employed in Mombasa even if you come from Busia because we will be following the right track. I will give you an example of the people that I have seen being employed in other countries. You find that Kenyans have gone to the United States of America and they are not asked whether they come from Machakos County or Kajiado County. Provided you are qualified for the job that you have applied for, you are employed. Nobody wants to know your ethnicity or where you were born. All they want to know is that you are qualified and able to deliver on the job that you have applied for.

This Bill has come at a time when we need to put our heads together and bring this country together so that we are not divided. When we sit together, we tend to speak in our mother tongue and so we expel other people near us who do not speak our language because they do not understand what we are saying. Another Bill should be brought to bar public officers from speaking in their mother tongues while on duty. Nobody should do whatever is not right in this country.

The other day, we went to Rwanda and found out that you cannot force people to go to your church. Everybody has goodwill. There is no bell or mosque sound. In this country, we have Imams who call people to go to their mosques for prayers in the morning. There is nothing like that in Rwanda. Everybody has a will to go wherever they want because it is a country that is governed by the rule of law. We need to reach that position where there is no difference between me and Hon. Dawood. He should not be discriminated against just because his skin is light. Likewise, I should not be discriminated against because I am dark skinned. We are all Kenyans and every Kenyan deserves to be treated the same as other Kenyans. One deserves to be employed in whichever position he is qualified for and in whichever county he applies for the job.

You also find that contractors who apply for jobs in other counties have their addresses checked in the tender forms. If they have filled that they come from Machakos, and the job is in Busia, just on the basis of the address alone, his tender is rejected. We need to bring this to

speed so that equality can be found in this country. We will be able to run this country in the right direction.

Hon. Temporary Speaker, I thank you very much for the time you have given me. I will be more prepared to speak even for one hour next time.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Let us have Hon. Joshua Kandie, the Member for Baringo Central.

**Hon. Joshua Kandie** (Baringo Central, UDA): Thank you, Hon. Temporary Speaker. I stand to support this Amendment Bill. It has come at the right time. The values and principles of the Public Service include high standards of professional ethics, effective and economic use of resources, provision of services and involvement of the people. This is one of the best Bills that have ever come to this House. If we enact these amendments, we will end all the troubles that we have had for a very long time in Kenya. I plead with all Kenyans that once this Bill is passed, we adhere to its provisions. Kenya is for all of us. Let us treat one another equally when it comes to employment opportunities, tendering and provision of services. All Kenyans should be given equal chances. It does not matter where you come from.

I support this Bill with a lot of emotions but one thing I want Kenyans to take seriously is the question of funding. If we do not value the ethics of our country, then we will not have any other country to go to. We have had a lot of discrepancies when it comes to employment or even resource allocations. It is very important that we treat one another equally. Kenya is one territory. We cannot afford to say that region “A” should not have equal chances with the Rift Valley or the Central Kenya regions. All regions should get equal chances. I support that this Bill has to do with human resource. Human resource is not only a question of where one comes from but also whether youth, women and people with disabilities have been considered.

I want to end by saying that this Bill is very good for Kenya and Kenya is good for all of us. We do not have any other country to go to. Let us share all the resources equally.

With those remarks, I support.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Zamzam.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Ahsante sana Mhe. Spika wa Muda. Nami ninachukua fursa hii kumushukuru Mhe. Rahim kwa kuuleta Mswada huu Bungeni. Ninampongeza sana.

Mhe. Spika wa Muda, katika Mombasa na Pwani, sisi tumekuwa watu ambao tunapitwa sana na mambo ya ajira. Watoto wetu wamesoma, wana stakabadhi zao na wamesoma mpaka masomo ya juu lakini wakati wa ajira ukifika, watoto wetu wanatengwa sana. Nimezunguka sana ndani ya Mombasa. Na hata wakati mwingine unaangalia hata kwenye magazeti, ajira imetangazwa, ambayo pengine ni ya pale ndani ya Pwani au Mombasa, ukienda unapata hata ilitangazwa, tayari walishachukua watu.

Vijana wetu wameingia kwenye mambo ya pombe, mihadarati, na kwa mambo ya kukata watu vipanga na wachukue bibi na vitu vinginevyo kwa sababu wametengwa. Na ndiyo mimi ninataka nimpongeze Mhe. Rahim kwa kuuleta huu Mswada wa kuweza kuwawekea usawa Wakenya wote. Ikiwa mtoto wa Mombasa, magharibi mwa Kenya, au kutoka wapi, maadam anazo stakabadhi na uwezo wa kufanya kazi, apewe kazi. Kwa mfano, ndani ya Port ya Mombasa, watoto wetu wengi hawako pale. Unaona magari pengine yanafanya *importation* kwa sababu kuna mtu fulani ambaye anaongea lugha fulani na analeta watu wake tu. Anasahau kuwa uwiano ama Kenya tunaijenga kama moja bila kuangalia kabila au rangi.

Kule Mombasa, ninazungumza kama mama yao. Wale watoto wamekuja wengi sana ndani ya ofisi. Unapata mimi kama Mama Zamzam, ajira zote ambazo ninatoa ni za kwenda nje. Hata ninachukua kwa sababu watoto wamesoma, wana stakabadhi zao, na uwezo wa kufanya kazi wanao lakini wamebaki nyumbani. Utasikia wakiniambia niwatafutie pasipoti waende kutafuta kazi nje. Haya yote ni kwa sababu kuna unyanyapaa na kuonewa. Watoto



wanaenda kutafuta kazi lakini hawapewi. Kazi zikitangazwa unapata mtu mmoja anazichukua na kupatia jamii moja. Hali hii imeleta sintofahamu kubwa katika taifa.

Jambo hili limenipa jazba kubwa sana. Mheshimiwa mwenzangu pale amesema ajira ikitokea mahali popote pale, tusiangalie mtu ameletwa na nani. Tusiangalie huyu ni mtoto wa nani. Tuangalie ana uwezo wa kufanya kazi. Je, ana tajriba ya kufanya kazi? Je, anastahili kupata hii kazi? Kwa hivyo, ninaunga mkono kabisa mjadala huu haswa nikipigia upato watoto wetu wa kiume, wakike na wale ambao ni *professionals* katika kazi tofauti tofauti. Wakibisha mlango, itakuwa ni bora zaidi wale wanaohusika na ajira wafungulie kila mtoto mlango bila kuangalia kabila, umaskini ama utajiri. Waangalie karatasi zake na kama yuko sawa, basi apewe ajira.

Hili ni donda sugu katika taifa letu na ni Jumba hili tu linaweza kupigana na hali hii ngumu na kusawazisha mambo. Sheria inasema kuwa ikiwa ajira pengine ziko ndani ya Mombasa Port, 70 per cent inabaki kwa watu wa Mombasa, na 30 per cent yaweza kwenda ikatolewa kwa wale wengine. Lakini hii yote inabaki kuwa ndoto. Watoto bado wanakosa ajira. Mswada huu wa Mhe. Rahim umeletwa kusafisha mambo haya yote. Kama Mama Mombasa, leo ninaimani kwamba watoto wangu wakienda katika kaunti ya Mhe. Rahim wanaweza wakaandikwa kazi. Wakienda kule kwingine, madam wana stakabadhi zao, basi wanaweza wakaandikwa kazi. Ile hali ya kutengwa na mtoto anabaki kwao tu hajui kutoka nje kuunganishwa na Kenya nzima ndio imefanya hata sisi Wapwani tumeachwa pale pale tu.

Ninamuunga mkono Mhe. Rahim nikisema kwamba ajira zikitoka kwa uadilifu, yule mtoto wa maskini, yule Muhammad, Kadzo, Mariamu, na Jennifer, wote wakipewa kazi kwa kuangalia stakabadhi na ujuzi wao, basi tutaweza kuwasaidia vijana wengi. Ajira itakuwa imekolea na kuenea kila mahali.

Ninazungumza nikiangalia Dongo Kundu inayokuja; hii imekondolewa macho na watu wengi sana. Lakini ni muhimu tujue kuwa kule Pwani kuna watoto ambao wamekaa miaka mingi na vibali vyao bila kazi. Ningeomba wale ambao watahusika katika Dongo Kundu wawangalie watoto hao katika sehemu hii. Ikiwa watataka *plumber, electrician, mechanic*, mpaka rangi, *secretary au manager*, basi waanze kuwatengea wale ambao wako kule katika ule mgao wao. Wawe na ile haki ya kuweza kutoa kazi kwa uhaki. Wawekee watoto wetu nafasi zao za kazi. Baadaye, wanaweza kugawanya zinazobaki kwa sababu tunataka kuaminiana vizuri kama taifa moja. Hayo yakifanyika, basi kama Wapwani tutashukuru.

Jambo lingine ni kwamba, licha ya kuwa tunatafuta namna ya kuweka ajira sawa, ni jukumu la Serikali pia kuweza kuweka msukumo kuleta *investors* na kuongeza *factories*. Kule Pwani, tulikuwa na factory ya korosho lakini ilifungwa. Hizi ni sehemu ambazo zilikuwa zinatoa ajira kwa watoto wetu. Tulikuwa na *factory* ambayo ilikuwa inatengeneza pamba. Tulikuwa na picha. Hizi zote zilifungwa. Kama Serikali inaweza kufungua hizi zote, basi nafasi za kazi pia zipatikane ili watoto wasiweze kung'ang'ania zaidi.

Ninashukuru kwa mjadala huu na nampongeza sana ndugu yangu Mhe. Rahim kwa kuleta huu mjadala. Nina uhakika kuwa Mswada huu ukiweza kupita hapa, kila Mkenya anayetafuta ajira atapata haki yake kwa sababu sisi sote ni walipaushuru. Awe maskini, tajiri, Mluhya, Mswahili ama Mkauma, wote wanalipa ushuru na wanastahili kupata haki zao.

Ninamalizia hapa nikishukuru sana na kusema kuwa ninaunga mkono Mjadala huu kwa nguvu zangu zote. Ninaomba Mwenyezi Mungu ili huu mjadala upitishwe katika Bunge hili ili tuweze kupata haki sawa za ajira kwa watoto wetu.

Asante sana, Mhe. Spika wa Muda.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Members, there being no further interest, I call upon the Mover to reply.

**Hon. Rahim Dawood** (North Imenti, Independent): Thank you, Hon. Temporary Speaker. I beg to reply and thank all the Members who have contributed to this Bill. I would have really wished that you could have contributed because I saw that you had an interest in

the Bill. It needs to be implemented. Many Acts of Parliament, like the National Cohesion and Integration Act of 2008, require all public institutions to ensure representation of the diverse Kenyan people in employment. That is what the Member for Mombasa, Hon. Zamzam, has just talked about.

Additionally, the National Gender and Equality Act of 2011 talks about, inter alia, promoting equality and freedom from discrimination. It also talks about mainstreaming of gender, persons with disabilities and other marginalised groups in national development, including development of affirmative action policies. We have many laws that I can quote but the essence of all this is the implementation of the laws. I believe that if we pass this Bill, we will hold the authorised officers accountable for their actions because they will bring those reports to the legislators, whether it is Parliament or county assembly to take action.

With those few remarks, I beg to reply.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. The Question shall be put in the next session.

*(Putting of the Question deferred)*

Next Order.

THE PUBLIC SERVICE INTERNSHIP BILL  
(National Assembly Bill No.63 of 2022)

**Hon. Joshua Kandie** (Baringo Central, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): What is your point of order, Hon. Kandie?

### QUORUM

**Hon. Joshua Kandie** (Baringo Central, UDA): Thank you, Hon. Temporary Speaker. Pursuant to Standing Order 35, there is no quorum in the House. The business appearing in the Order Paper is critical and there are less than three Members in the House.

*(Hon. Shakeel Shabbir spoke off the record)*

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Kandie is on a point of order. Allow him to finish what he is saying.

**Hon. Joshua Kandie** (Baringo Central, UDA): Hon. Temporary Speaker, pursuant to Standing Order 35, we lack quorum, which should be at least 50 Members.

**The Temporary Speaker** (Hon. Omboko Milemba): Thank you, Hon. Kandie.

Hon. Members, a Member has risen in his place and raised a matter concerning quorum. Having looked around the Chamber, I confirm that, indeed, there is no quorum. Therefore, I ask the Serjeant-at-Arms to ring the Bell.

*(The Quorum Bell was rung)*

**ADJOURNMENT**

**The Temporary Speaker** (Hon. Omboko Milemba): Hon, Members, an Hon. Member rose in his place under Standing Order 95 and raised the issue of quorum. Having ascertained that, indeed, there was no quorum, I requested that the Quorum Bell to be rang. The Bell has been rung for 10 minutes but we still have not raised the requisite number.

Therefore, there being no quorum, the House stands adjourned until Thursday, 27<sup>th</sup> July 2023 at 2.30 p.m.

The House rose at 7.25 p.m.

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