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THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Tuesday, 5th December 2023

The House met at 2.30 p.m.

[The Deputy Speaker (Hon. Gladys Boss) in the Chair]

PRAYERS

QUORUM

Hon. Deputy Speaker: I hereby direct that the Bell be rung for 10 minutes.

(The Quorum Bell was rung)

Order, Hon. Members. We now have the requisite numbers to transact business. We may proceed.

(Hon. Joseph Makilap spoke off the record)

Hon. Makilap, we have not even begun the session. Allow us to begin. We may proceed to the first Order.

COMMUNICATION FROM THE CHAIR

APPOINTMENT OF SENATORS TO THE MEDIATION COMMITTEE ON THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL

Hon. Deputy Speaker: Hon. Members, you may recall that during the Afternoon Sitting of Thursday, 23rd November 2023, the House rejected all Senate amendments to the County Governments Additional Allocations Bill (National Assembly Bill No.23 of 2023). This decision consequently remitted the Bill to a Mediation Committee in accordance with Article 112 of the Constitution and Standing Order 149.

You may further recall that during the afternoon sitting of Wednesday, 29th November 2023, I notified the House that in accordance with Article 113 of the Constitution, I had nominated seven Members of this House to represent the National Assembly in the Mediation Committee on the Bill. I also designated the Chairperson of the Budget and Appropriations Committee, Hon. Ndindi Nyoro, to co-chair the Committee.

Having conveyed the decision to the Senate, I wish to inform the House that the Senate has now nominated the following Senators to the Mediation Committee

1. Sen. Ali Ibrahim Roba, EGH, MP; - Co-Chairperson
2. Sen. Esther Anyieni Okenyuri, MP;
3. Sen. Veronica Waheti Maina, MP;
4. Sen. Lenku Ole Kanar Seki, MP;
5. Sen. Eddy Gicheru Oketch, MP;
6. Sen. Shakila Abdalla Mohamed, MP; and
7. Sen. Betty Batuli Montet, MP.

Now that the Mediation Committee is fully constituted, I urge the Committee to expeditiously commence consideration of the contested clauses with a view to concluding the process within the timelines provided for in Article 113 of the Constitution. Additionally, the Clerk is hereby directed to appropriately facilitate the Committee.

The House is accordingly guided.

(Hon. Opiyo Wandayi spoke off the record)

On that particular Communication? Wait until we get to the Order on Questions and Statements. You will make your Statement then so that it is tidy.

Next Order.

PETITIONS

UNFAIR DISMISSAL OF FORMER WORKERS OF BOHEMIAN FLOWERS LTD

Hon. Deputy Speaker: Hon. Members, Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2)(b) requires the Speaker to report to the House any Petition other than those presented by a Member.

In this regard, I wish to report to the House that my Office has received a Petition from former employees of Bohemian Flowers Limited in Nakuru County. The Petitioners are citing unfair redundancy, summary dismissal and suspension from employment. The Petitioners state that the management of Bohemian Flowers Limited based their dismissal criteria on a violent strike that had occurred at the premises, which they were not part of.

The Petitioners further state that the former workers sought assistance from the Labour Office in Naivasha Sub-County under Section 71 of the Employment Act on 19th April 2023 without success. The Petitioners aver that their positions were advertised immediately after they were dismissed and recruitment done despite various correspondences between the Labour Office, Naivasha Sub-County and the management of Bohemian Flowers Limited.

The Petitioners further aver that even after dismissal, it has become extremely difficult for them to access their pension scheme funds from Kenindia Assurance Company. The Petitioners claim that Bohemian Flowers Limited did not use payroll numbers while transmitting their wages and salaries, but were paid through biometric machines that have no back-up for purposes of identification.

The Petitioners thus seek the intervention of this House to investigate whether the entire process of summary dismissal and suspension from employment was done within the law and whether it was just and fair.

Having established that the matter raised in the Petition is well within the authority of this House; and further that the matters raised in this Petition are not pending before any court of law or any constitutional or legal body, I hereby commit the Petition to the Public Petitions Committee for consideration, pursuant to Standing Order 208A. The Committee is required to consider the Petition and report its findings to the House and the Petitioners in accordance with Standing Order 227(2).

(Several Members walked into the Chamber)

Can the Members who have walked in sit down before I move to the next Petition? Members, take your seats.

DISCRIMINATION BY TSC ON CAREER PROGRESSION GUIDELINES
FOR SPECIAL NEEDS EDUCATION TEACHERS

Hon. Deputy Speaker: Hon. Members, Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2)(b) requires the Speaker to report to the House any Petition other than those presented by a Member.

In this regard, I wish to report to the House that my Office has received a Petition from Roberts Njunukha Wekesa of P.O. Box 163 Bungoma, representing teachers employed by the Teachers Service Commission (TSC) to teach learners with disabilities in both special schools and special school units all over the country.

The Petitioner states that the TSC and the Salaries and Remuneration Commission (SRC) jointly undertook a job evaluation in the public teaching sector, whose recommendations culminated in career guidelines, which were implemented on 8th November 2017 and replaced the scheme of service for teachers.

Consequently, the TSC established a new grading structure, increasing job scales from 10 to 11 grades, which, in the opinion of the Petitioner, were not correctly placed for special needs education teachers as per the Career Progression Guidelines of 2018.

Hon. Members, the Petitioner claims that their efforts to have the matter addressed by the TSC, through the Kenya Union of Special Needs Education Teachers (KUSNET), have not been fruitful.

The Petitioner, therefore, prays that the National Assembly intervenes to revert to the provision of the Career Progression Guideline 2018 applicable to Special Needs Education Institution and backdate the implementation date.

I have established that the matter raised in the Petition is well within the authority of this House; and further that the matters raised in this Petition are not pending before any court of law, constitutional or legal body. Therefore, I hereby commit the Petition to the Public Petitions Committee for consideration, pursuant to Standing Order 208A.

The Committee is required to consider the Petition and report its findings to the House and to the Petitioner in accordance with Standing Order 227(2).

Thank you, Hon. Members.

PAPERS

Hon. Deputy Speaker: Yes, Hon. Leader of the Majority Party.

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Deputy Speaker, I beg to lay the following papers on the Table:

1. Annual Report and Financial Statements of the Kenya National Commission on Human Rights (KNCHR) the year 2021/2022 from the Kenya National Commission on Human Rights.
2. Examination of the report of the Auditor-General on the Accounts of the State Department for Tourism for the Financial Year ended 30th June 2022 from the Ministry of Tourism.
3. Annual Report on the State of the Judiciary and the Administration of Justice for the year 2022/2023 from the Judiciary.
4. Score Card report of the Ministry of Youth Affairs, Creative Economy and Sports for the year 2022/2023
5. Reports of the Auditor-General and Financial Statements for the year ended 30th June 2023 and the certificates therein in respect of:

- (a) 50MW Solar Power Plant in Garissa Project – Rural Electrification and Renewable Energy Corporation (REREC);
- (b) Last mile connectivity project II - Kenya Power and Lighting Company PLC;
- (c) USAID Boresha Jamii Project - Jaramogi Oginga Odinga University of Science and Technology;
- (d) Global Fund HIV/AIDS Project - National Syndemic Diseases Control Council;
- (e) Mombasa Gate Bridge Construction Project (1) - Kenya National Highways Authority;
- (f) Nairobi Ring Transmission Line Project - Kenya Electricity Transmission Company Limited;
- (g) Global Fund - to reduce malaria incidence and deaths by at least 75 per cent of the 2016 levels by 2023, working towards a malaria-free Kenya Programme - Ministry of Health;
- (h) GOK/UNICEF Education for Young People Programme - State Department for Early Learning and Basic Education;
- (i) COVID-19 Health Emergency Response Project - Ministry of Health;
- (j) System for Land -Based Emissions and Estimation in Kenya (SLEEK) Project - Ministry of Environment, Climate Change and Forestry.

Hon. Deputy Speaker, I beg to lay.

Hon. Deputy Speaker: Thank you. Next is the Chairperson of the Committee on Delegated Legislation. Hon. (Dr) Pukose, yours is third.

(Hon. Samwel Chepkonga spoke off the record)

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you, Hon. Deputy Speaker. I am informing my good friend, Hon. (Dr) Pukose, that it follows alphabetically. He has to wait I finish. Mine is Committee on Delegated Legislation and his is Committee on Health. It comes after mine.

Hon. Deputy Speaker, I beg to lay the following Papers on the Table:

Reports of the Committee on Delegated legislation on its consideration of:

- (a) The Proceeds of Crime and Anti-Money Laundering (Criminal Assets Recovery) Fund Regulations, 2023, Legal Notice No.151 of 2023;
- (b) The Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2023, Legal Notice No.152 of 2023; and,
- (c) The Public Finance Management (Ulinzi Prime Health Services Fund) Regulations, 2023 (Legal Notice No.175 of 2023).

Hon. Deputy Speaker: Next let us have the Member for Endebess, Chairperson, Committee on Health.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Deputy Speaker.

(Technical hitch)

My card is not working. I do not know what the problem is. I need the ICT people to look at it.

Hon. Deputy Speaker, I beg to lay the following Papers on the Table:

Reports of the Departmental Committee on Health on:

- (a) Its Consideration of the Agreement on the Establishment of the International Vaccine Institute (IVI); and,
- (b) The Health System Management Training in Galilee International Management Training Institute in Israel from 30th May to 7th June 2023.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Are there more Papers? I can see the Chairperson of the Diaspora Affairs and Migrant Workers Committee. Is it Hon. Haika?

Hon. Haika Mizighi (Taita Taveta County, UDA): Hon. Deputy Speaker, I beg to lay the following Papers on the Table:

Reports of the Diaspora Affairs and Migrant Workers Committee on:

- (a) Inspection visit to the Kenyan Embassy in Ottawa, Canada, Conducted from 18th to 23rd September 2023; and,
- (b) The 10th Session of the Working Group on the Smuggling of Migrants and Constructive Dialogue on the United Nations Convention against Transnational Organized Crime (UNTOC) review mechanism held from 5th to 9th October 2023 In Vienna, Austria.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Chairperson of Committee on Health, do you have another report?

Next Order.

NOTICES OF MOTION

Hon. Deputy Speaker: Proceed, Hon. Chepkonga.

APPROVAL OF THE PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING (CRIMINAL ASSETS RECOVERY) FUND REGULATIONS, 2023

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Proceeds of Crime and Anti-Money Laundering (Criminal Assets Recovery) Fund Regulations, 2023, laid on the Table of the House on Tuesday, 5th December 2023; and pursuant to the provisions of Section 113(2) of the Proceeds of Crime and Anti-Money Laundering Act, 2009, approves the Proceeds of Crime and Anti-Money Laundering (Criminal Assets Recovery) Fund Regulations, 2023 published as Legal Notice No.151 of 2023.

I have a second one, Hon. Deputy Speaker.

APPROVAL OF THE PREVENTION OF TERRORISM (IMPLEMENTATION OF THE UN SECURITY COUNCIL RESOLUTIONS ON SUPPRESSION OF TERRORISM) REGULATIONS, 2023

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2023, laid on the Table of the House on Tuesday, 5th December 2023;

and pursuant to the provisions of Section 36A(2) of the Prevention of Terrorism Act, 2012, approves the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2023 published as Legal Notice No.152 of 2023.

(Loud consultations)

Hon. Deputy Speaker, would I be in order, under Standing Order 83, to request you to suppress the noise that is emanating from Hon. Atandi, who has vacated his peers to come and interfere with the proceedings on this other side of the House?

Hon. Deputy Speaker: Order, Hon. Members.

Hon. Samwel Chepkonga (Ainabkoi, UDA): I request that the Vice-Chair moves the next Motion.

Hon. Deputy Speaker: Proceed.

APPROVAL OF THE PUBLIC FINANCE MANAGEMENT (ULINZI
PRIME HEALTH SERVICES FUND) REGULATIONS, 2023

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Deputy Speaker, I beg to give notice of the following Motion:

(Technical hitch)

Hon. Deputy Speaker: Please, give him the microphone. He is completing the third one.

(Several Hon. Members spoke off the record)

I think Hon. Chepkonga will proceed.

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Ulinzi Prime Health Services Fund) Regulations, 2023, laid on the Table of the House on Tuesday, 5th December 2023 and pursuant to the provisions of Section 24(4) of the Public Finance Management Act, 2012, approves the Public Finance Management (Ulinzi Prime Health Services Fund) Regulations, 2023 published as Legal Notice No.175 of 2023.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: The next notice of Motion is by the Chairperson of the Diaspora Affairs and Migrant Workers Committee. Are you giving a notice of Motion?

(Hon. Haika Mizighi Spoke off record)

You have already done so? Okay. Chairperson of the Departmental Committee on Health. Give your notice of Motion. You have no notice of Motion? It is stated here that you do.

(Hon. (Dr) Robert Pukose spoke off the record)

It states here that you are moving notice of Motion on the establishment of the IVI.

RATIFICATION OF THE AGREEMENT ON ESTABLISHMENT
OF INTERNATIONAL VACCINE INSTITUTE

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Health on its consideration of the Agreement on the Establishment of the IVI, laid on the Table of the House on Tuesday, 5th December 2023; and pursuant to the provisions of Section 8(4) of the Treaty Making and Ratification Act, 2012, approves the Ratification of the Agreement on the Establishment of the IVI.

Hon. Deputy Speaker: Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

Hon. Deputy Speaker: Hon. Wanami Wamboka, Member for Bumula. Leader of the Minority Party, you will have an opportunity soon after Questions and Statements.

DEMISE OF HON. LAWRENCE SIMIYU SIFUNA, FORMER MEMBER
OF PARLIAMENT FOR BUNGOMA SOUTH CONSTITUENCY

Hon. Wanami Wamboka (Bumula, DAP-K): Hon. Deputy Speaker, I rise to pay tribute to the late Hon. Lawrence Sifuna, former Member of Parliament for Bungoma South which includes Kanduyi and Bumula constituencies now.

(Hon. Rahim Dawood and other Members consulted loudly)

Hon. Speaker: Hon. Members, out of respect for our departed colleague, let us listen to his tribute.

Hon. Wanami Wamboka (Bumula, DAP-K): Hon. Deputy Speaker, pursuant to the provisions of Standing Order 259D, I wish to report to the House the demise of the late Hon. Lawrence Sifuna, a distinguished former Member of Parliament for Bungoma South which is Kanduyi and Bumula constituencies now. He passed away on Saturday, 2nd December 2023, at Mediheal Hospital in Eldoret while undergoing treatment after a short illness.

He was born on 23rd January 1946 in Bungoma County. He attended Sang'alo School and later joined Nalondo Intermediate School. He thereafter moved to Mariri College in Uganda where he sat for the Cambridge General Certificate of Education (CGSE) examination.

In pursuit of his career, he trained as a chartered accountant and became an accomplished Fellow Chartered and Certified Accountant (FCCA) and a member of the Association of International Accountants (AIA). The late Hon. Sifuna made his debut in Parliament after securing victory in parliamentary elections on 8th November 1979 as the first Member for Bungoma South Constituency. He thereafter served for two terms up to 1988, being the 4th and 5th Parliaments. He was re-elected in the first multiparty general elections in 1992 on a Forum for the Restoration of Democracy—Asili (FORD-A) ticket as the Member for Kanduyi Constituency, having been renamed from Bungoma South Constituency.

He was an astute legislator who executed his duties with dedication and courage. His contributions to Parliament, its committees and plenary were invaluable. His colleagues held

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him in high esteem. He later left the political arena and transitioned to establishing and managing his businesses in Bungoma Town.

In his death, we celebrate the life of a well-respected public figure. He will be remembered as an ardent leader who defended human rights and democratic ideals, as well as being an active life member of the Orange Democratic Movement (ODM). He advocated for the rights and welfare of sugarcane farmers to improve their living conditions and contributed immensely in the development of the region.

On my behalf and that of my constituents, I wish to extend my deepest condolences to the family of the late Hon. Sifuna, including our colleague—Senator for Nairobi City County, Hon. Edwin Sifuna—and the people of Bungoma for the loss of a remarkable leader. I also urge the Executive to make this funeral a State function so that we accord this leader all that he requires.

May his soul rest in eternal peace. I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Members, pursuant to Standing Order 259D(3) on tributes of the House, I will exercise my discretion to allow a few Members to make a few comments to pay tribute to our departed colleague. We will each have two minutes for efficiency.

Member for Navakholo.

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Deputy Speaker. On behalf of the great people of Navakholo and on my own behalf, I wish to convey my sincere condolences to the people of Kanduyi and Bumula constituencies where the late Hon. Lawrence Sifuna served as a Member of Parliament. This is a great man who debated very well in this House. If you look at *The Hansard*, the exchanges he had with the late Hon. Charles Njonjo made it possible for him to be named one of the Seven Bearded Sisters. This is a terminology “which indicates a lady on one side and a man on the other side”. This meant that he was both sided. He was a strong man. The seven bearded Members, including Hon. George Anyona and others, were very tough. They debated on the Floor of the House and delivered the right message.

I thank you for giving me an opportunity to convey my sincere condolences to the family.

Hon. Deputy Speaker: Member for Kanduyi, Hon. John Makali. You have two minutes.

Hon. John Makali (Kanduyi, FORD-K): Thank you, Hon. Deputy Speaker, for giving me this opportunity to also add my voice on the demise of the late Hon. Lawrence Sifuna. He represented Kanduyi Constituency, which I represent at the moment, at the onset of multi-party democracy. On my behalf and that of the great people of Kanduyi, I wish to pass my sincere condolences to his family, friends and relatives and specifically to the Senator of Nairobi City County, Hon. Edwin Sifuna.

The late Hon. Lawrence Sifuna was a fearless defender of the people. He spoke truth to authority and defended the people of Kanduyi. He was a fearless debater and astute legislator. He immortalised himself on the Floor of this House by the contributions he made to defend his people. We, as the people of Kanduyi, the entire Bungoma County and Kenya as a whole, have lost a patriot, serious legislator and defender of the rights of the people. I join this House and the entire nation in mourning such a great man. When our time comes, what shall we be counted for? As my colleague has said, we should make this a State funeral in honour of this very great legislator who straddled this House like a colossus.

I submit and wish his soul eternal peace. Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Lastly, I will give the opportunity to the Member for Kwana, Hon. Ferdinand Wanyonyi.

Hon. Ferdinand Wanyonyi (Kwana, FORD-K): Thank you, Hon. Deputy Speaker. On my behalf, family and that of the people of Kwana, I take this opportunity to say *pole sana*

to the family of the late Hon. Lawrence Sifuna. He was a good debater in this House. The people of Bungoma and Western Kenya as a whole respected him because he spoke his mind. He represented his people very effectively in this House. I say *pole sana* to the people of Bungoma County and his family. As it has been requested, we should send him off through a State function. He was a very effective Member of Parliament. Let us, at least, have a chance to send him off as a “state person”.

Thank you very much. *Poleni sana* for losing our brother, Hon. Lawrence Sifuna.

Hon. Deputy Speaker: Next Order. My apologies, Hon. Members. It has just been brought to my attention that there is a Statement by Hon. (Bishop) Jackson Kosgei on behalf of the Kenya Disability Parliamentary Association (KEDIPA). Read your Statement.

INTERNATIONAL DAY OF PERSONS WITH DISABILITIES

Hon. (Dr) Jackson Kosgei (Nominated, UDA): Hon. Deputy Speaker, pursuant to Standing Order 43, on behalf of KEDIPA and the Commonwealth Parliamentarians with Disability Network, I wish to make a Statement on the International Day for Persons with Disabilities.

The 2023 International Day of Persons with Disabilities was observed on Sunday, 3rd December. It was observed under the theme “United in Action to Rescue and Achieve the Sustainable Development Goals (SDGs) for, with and by Persons with Disabilities.” It is an annual observance of the international day of disabled persons which was proclaimed in 1992 by the United Nations General Assembly Resolution 47(3). Therefore, KEDIPA joins the rest of the world in observing this very important day. Its observance aims to promote an understanding of disability issues and mobilise support for the dignity, rights and well-being of persons with disabilities. It also seeks to increase awareness of gains to be derived from the integration of persons with disabilities in every aspect of political, social, economic and cultural life.

In addition, the day seeks to promote the rights, well-being, and full and equal participation of persons with disabilities at every level of the society and development. It also seeks to urge all countries to take action for the inclusion of persons with disabilities in all aspects of life.

According to the World Health Organisation (WHO), over 1.3 billion people, representing approximately 16 per cent of the global population, live with significant disabilities today. According to the Kenya Population and Housing Census in 2019, it is estimated that 2.2 per cent of the population which is 0.9 million people live with some form of disabilities. As elected Members, it is our responsibility to bring the issues affecting persons with disabilities in this House and our committees with a view to ensure that they are addressed.

Our commitment to the fulfillment of all human rights for persons with disabilities has been strengthened by the widely ratified Convention on Rights of Persons with Disabilities and by the 2030 Agenda for Sustainable Development. Therefore, I call on all parliamentarians, more so my colleagues in KEDIPA, to be disability champions in our respective constituencies.

Hon. Deputy Speaker, in ensuring implementation of the United Nations Convention on the Rights of Persons with Disabilities, as a House, we have the oversight responsibility, through parliamentary committees’ inquiries, questions to the Executive as well as scrutiny of the national Budget to ensure that they are disability responsive. It is the joint responsibility of the KEDIPA, which I am privileged to belong to, as well as other Members, to make use of these parliamentary tools to ensure that whatever actions needed to be taken to ensure the rights of persons with disability are done.

Further, we must scrutinise Government policies to ensure they are in accordance with the United Nations Convention on the Rights of Persons with Disabilities and use Parliament as a platform to bring the stories of persons with disabilities to the public eye.

I make this Statement on behalf of the Kenya Disability Parliamentary Association. Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you, Hon. (Dr) Kosgei. Member of Parliament for Bumula, Hon. Wamboka, I will give you the next opportunity.

Hon. Wanami Wamboka (Bumula, DAP-K): Hon. Deputy Speaker, I urge that you allow this House to rise for a minute of silence in honour of the late former Member of Parliament for Bungoma South, Hon. Lawrence Sifuna.

Hon. Deputy Speaker: Hon. Members, let us rise in honour of a departed colleague, the late Hon. Lawrence Simiyu Sifuna.

(Hon. Members observed a minute of silence)

May the soul of Hon. Lawrence Simiyu Sifuna rest in peace. Thank you.

Before we go to the next order, allow me to recognise the following delegation from the Kenya National Union of Teachers (KNUT).

I wish to introduce to you a delegation of 16 executives from the Kenya National Union of Teachers. They are on a visit to the National Assembly to pay a courtesy call to the Member of Parliament for Bumula, Hon. Jack Wamboka. On my own behalf and that of the National Assembly, I wish them fruitful engagements.

Thank you.

Hon. Opiyo Wandayi (Ugunja, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: You have a point of order?

Hon. Opiyo Wandayi (Ugunja, ODM): Yes.

Hon. Deputy Speaker: Okay. Let us go to your point of order before the next Order.

DELAY IN DISBURSEMENT OF NG-CDF AND NGAAF MONIES

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Deputy Speaker, I intended to raise this point of order much earlier, but all the same this is an issue that requires the attention of the whole House. It is an extremely important issue and I seek your guidance, Hon. Deputy Speaker. I know you are, for sure, able to give guidance on this matter. I have got no doubts whatsoever.

We are now in the sixth month of the Financial Year 2023/2024. As we speak, since this House appropriated funds to the National Government Constituencies Development Fund (NG-CDF) Board for disbursement to respective NG-CDF committees, not a single cent has hit the bank accounts of NG-CDF and National Government Affirmative Action Fund (NGAAF) committees.

I rise to seek your guidance in the sense that this House, without necessarily anticipating debate, is poised to proceed on a long recess. It will be a very long recess of more than two months from this Thursday, yet we know school children are opening schools in the first week of January. Much more important is that those who sat their Kenya Certificate of Primary Education (KCPE) exams are joining Form One in that same period. Without bursaries, which is provided for within the NG-CDF and NGAAF frameworks, more than three quarters of these children will not go back to school. That is an issue that should capture the attention of the whole nation. It is an issue that is so serious that it should warrant this House taking a moment to ponder over it. In fact, it is an issue that would necessitate this House taking drastic measures.

We have not been told yet what is the justification for the National Treasury not releasing funds earmarked for NG-CDF and NGAAF to their boards. We are not aware.

It behoves us, as a House, to act. I want to ask you to first compel the Chairperson of the National Government Constituencies Development Fund Committee, my good friend, Hon. Musa Sirma, to compel my good friend, the Leader of the Majority Party, Hon. Kimani Ichung'wah, and to compel the Cabinet Secretary for National Treasury and Economic Planning to come forth and inform the House when we are expecting the disbursements of NG-CDF to take care of the bursary component before we proceed on recess. It is a matter that cannot be dealt with after the recess has started. It is an issue that must be dispensed with, at least, before Thursday.

Hon. Members: Now! Now! Now!

Hon. Opiyo Wandayi (Ugunja, ODM): If I am hearing my colleagues well, it is an issue that must be dealt with now.

Hon Members: Now! Now! Now!

Hon. Opiyo Wandayi (Ugunja, ODM): If it must be dealt with now, it would mean, therefore, that the House might not transact any other business, in my view.

Hon. Members: Yes.

Hon. Opiyo Wandayi (Ugunja, ODM): The House might not be in a position to transact any other business. The House will be in order to decline to transact any other business in expressing its sympathy with thousands of children of poor Kenyans out there. They are children of hustlers who are suffering out there not knowing how they will go back to school when they open in January. I plead with you.

(Loud consultations)

This is a very serious matter, Hon. Deputy Speaker. I ask you to allow Members to contribute to this issue after which we can go and chat more freely out there in the corridors.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. I will give a chance to the Leader of the Majority Party and the Chairperson of the National Government Constituencies Development Fund Committee.

Who do I start with?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Deputy Speaker. Allow me to begin by thanking the Leader of the Minority Party, Hon. Wandayi, for raising...

(Loud consultations)

There are very loud consultations from the Members for Belgut and Keiyo North. They are conversing in a language that is not known to me. I have only heard *Kongoi. Kongoi*,

(Laughter)

Hon. Deputy Speaker, now that I have the attention of the House, let me first thank the Leader of the Minority Party for raising this issue. As he said, the NG-CDF is not a Fund for the Members of Parliament.

(Applause)

The NG-CDF is public money that is raised from the Kenyan taxpayers for their benefit. I must repeat this using the words of the Leader of the Minority Party. We are doing this in the interest

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of especially our hustler's children, who are waiting for bursaries to access education, which is their right under our Constitution. Therefore, I cannot agree more with the Leader of the Minority Party that the NG-CDF is a matter that ought to be treated with special attention. As much as we all understand we are living in difficult times, part of the ways of alleviating the challenges of our economy is to ensure that those who cannot access school education in January, especially the students who finished their Kenya Certificate of Primary Education (KCPE) exams, can access the NG-CDF and the National Government Affirmative Action Fund (NGAAF) bursaries for them to go to school.

I know there are challenges with other emoluments under Parliament. The NG-CDF members must be cognisant of the fact that the Fund does not fall under Parliament; it falls under the State Department for Planning. However, there are also other challenges that relate to the staff who work in constituency offices because they fall under Parliament. It will be extremely unfair for Members of Parliament to earn their salaries and have ways and means of enjoying their Christmas break, but the staff who work in their constituency offices have nothing for Christmas. We have taken up this matter with the National Treasury for it to deal with the twin issue of money that should be disbursed to Parliament, and money that should be disbursed to the NG-CDF so that...

(Hon. Raphael Wanjala Spoke off the record)

Hon. Deputy Speaker, I was waiting for the Member for Budalangi to finish his very loud advisory to the Member for Mathira. Now that he is done, I am sure I will have his attention.

On the NG-CDF, we cannot afford to compromise. It is not for the benefit of the Members of Parliament. We must never make it look like the Members of Parliament have an interest in the NG-CDF. We only have the interest of the people who sent us here to represent them; not the NG-CDF.

Hon. Members: Yes!

Hon. Kimani Ichung'wah (Kikuyu, UDA): Actually, we would not have cared whether there was the NG-CDF or not if the Treasury had made sure that the bursary money was with the people we represent. It is our work to resolve issues that are of concern to the people of Kenya whom we represent. Therefore, what the Leader of the Minority Party has raised is on behalf of the 290 of us who are charged with the responsibility of resolving issues of concern to the people. Right now, there is no issue that is of greater concern to the people than their children getting access to education in January.

I have already engaged with the Cabinet Secretary in charge of the National Treasury, the State Department for Planning and the NG-CDF Board Chief Executive Officer (CEO). I can hear the Majority Deputy Whip saying: "And NGAAF." I had not engaged with NGAAF. However, since it also falls under the State Department for Planning, they have indicated that they are in the process of working on the disbursement of the money so that, by the time the House breaks...

Hon. Members: Now! Now! Now!

Hon. Deputy Speaker: Order, Hon Members! A point is being made. Proceed the Leader of the Majority Party.

Hon. Members, the matter is uncontested. Everyone is in agreement. So, allow the Leader of the Majority Party to complete his statement.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Deputy Speaker, if Members will allow me to finish, as you have indicated, this matter is not contested by anybody, including the Leader of the Majority Party. That is why I took the liberty even before the matter was raised before this House... You have all forgotten that, first and foremost, I represent the people

of Kikuyu and I have said that numerously. I do not represent the Government, neither do I represent the Cabinet Secretary for the National Treasury. I do not work for them. I work for the people of Kikuyu.

Hon. Members: Yes!

Hon. Kimani Ichung'wah (Kikuyu, UDA): When it comes to an issue...

Hon. Members: Now! Now! Now!

Hon. Kimani Ichung'wah (Kikuyu, UDA): For me, when it comes to an issue of conflict between the interest of a Cabinet Secretary, a Principal Secretary, a Chair of a Board, or the NG-CDF CEO and the people of Kikuyu, the people of Kikuyu will take precedence over anyone else. That is why I am pleading with you to allow me to finish.

In conclusion, I have already engaged with the Cabinet Secretary, and I have told him precisely that there is conflict of interest between the people of Kikuyu and him, as the Cabinet Secretary of the National Treasury; the Director-General of Accounting Services who oversees the disbursing of money; the Principal Secretary in charge of the State Department for Planning and the NG-CDF CEO. I indicated to the Cabinet Secretary that by Thursday, we...

Hon. Members: Now! Now! Now!

Hon. Kimani Ichung'wah (Kikuyu, UDA): Listen! As the Leader of the Minority Party said – without anticipating debate – Members should take note that the House Business Committee had slotted in a Morning Sitting on Thursday. I indicated to the Cabinet Secretary that this House cannot proceed for the long recess on Thursday without clarity to the exact date, time and when the money will hit our NG-CDF accounts at the constituency level.

Lastly and more important...

(Loud consultations)

I beg Members to listen. Hon. Makilap, it is easier to listen than shout behind me. It is easier to lend me your ears and ask the Deputy Speaker for a chance to contribute. That is what happens in this House. You do not shout from your seat but request the Deputy Speaker to give you the microphone and say what you want to say.

More importantly, the NG-CDF CEO has indicated to me – and the Chair of the NG-CDF Committee can confirm – that we must act with equity so that no constituency is left behind. There are about 36 constituencies whose proposals are yet to be received by the NG-CDF Board. I request the 36 Members to submit those proposals. I repeat—in the interest of those who are fond of going to court—it is not Members for the 36 constituencies to submit the proposals. It is the 36 Members, through their oversight role, to cause their NG-CDF committees to submit proposals to the Board so that they are not left behind.

Lastly, I have indicated to the National Treasury and the NG-CDF Board that the availability or non-availability of proposals must not hinder the disbursement of funds. That is because what I gathered from the many Members who came to my office last week is that what is bothering many of us is money, especially for bursaries.

The National Treasury and the NG-CDF Board should disburse the maximum amount for bursary as provided for in law. With or without the proposals, we must cause them to disburse, at least, up to 40 per cent for bursary so that, by the time our children report back to school after the Christmas break, the money is available. By that time, the NG-CDF committees would have received applications for bursaries, processed them and are ready to disburse money before schools open.

The Cabinet Secretary for the National Treasury and Economic Planning is on his way back to the country. I spoke to him yesterday, and he informed me that he was preparing to return from the United Nations Climate Change Conference (COP 28). Upon his arrival, I

should be in a position to give a progress report on that matter. That is either tomorrow afternoon or latest Thursday morning before we proceed for recess.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: I will give one more Member a chance before we hear from the Chairman of the Committee on NG-CDF. Hon. David Ochieng', Member for Ugenya.

Hon. David Ochieng' (Ugenya, MDG): Thank you very much, Hon. Deputy Speaker. I agree with the Leader of the Majority Party and the Leader of the Minority Party. I do not think that this matter should get here every year. This House sits and approves a budget and even a supplementary budget, where Parliament gets its allocations cut. But now we are proceeding for recess, yet no one knows when the NG-CDF money will be disbursed. This is the third year running where we have to beg for NG-CDF so as to get bursaries for our children. This House is losing its teeth and shin. The House is no longer what it used to be.

This is my third term here. I have never seen a situation where we have had to ask the Leader of the Majority Party to talk about NG-CDF. I believe it is because, as Members, we have become weak. We have allowed the Executive to do whatever they want to us. As Members, we must take our role seriously, especially in Committees. There is no day I have seen any Committee sending away a Cabinet Secretary. If you do not use your teeth, they will become blunt. Everyone knows that they are blunt, and you cannot do anything with them. As much as we have put pressure on the Leader of the Majority Party, it is us, as Parliament, that have allowed the Executive to go away with too much. They now think they can get away with anything against us.

(Applause)

It must be said this afternoon that if anything happens to our children because of lack of school fees, it is not the Executive to blame but we Members. We have failed to hold the Executive to account when we need to. It is because we are hobnobbing with Cabinet Secretaries when they appear before the House or Committees. We kiss and treat them like children.

(Laughter)

I do not mourn for anybody but for this House. What Hon. Wandayi and Hon. Ichung'wah are doing this afternoon, like bulls, should have been done a long time ago, not today or yesterday. It should have been done without bringing the matter to the Floor. Our leadership must take their roles seriously as concerns the welfare of Members and their constituents. It is a fact that if we do not do some of these things, they will keep recurring. We are proceeding with the EALA games this week, but we do not have enough budget for Members yet.

We recently approved the Supplementary Budget but failed to allocate enough funds for Members to travel. We are now harassing the Clerk to facilitate us, but there is no money because we did not budget rightly. Finally, if Members stopped going to the offices of the Executive and took our work seriously, we would get money on time.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: The Chairman of the Committee on NG-CDF.

Hon. Musa Sirma (Eldama Ravine, UDA): Thank you, Hon. Deputy Speaker.

(Hon. Jared Okello spoke off the record)

Hon. Deputy Speaker: Hon. Jared Okello, you cannot teach me how to do my job. As long as you continue heckling, you will not get an opportunity. Just press the intervention button.

Proceed, Hon. Musa Sirma.

Hon. Musa Sirma (Eldama Ravine, UDA): Thank you, Hon. Deputy Speaker. First and foremost, I concur with the sentiments of the Leader of the Majority Party on how we have approached this issue. I am a Member for Eldama Ravine Constituency. Representing the people of Eldama Ravine comes first before my Chairmanship of the NG-CDF Committee. I thank the Leader of the Minority Party for bringing up this issue. If we come together as a united House, we will deliver to our people. But a divided House will not deliver anything to Kenyans. I ask Members to bear with us for today and tomorrow. The Cabinet Secretary for the National Treasury and Economic Planning will be back. Once he is back, we expect the money. I was with the NG-CDF Board, and I can assure you...

(Loud consultations)

I know that it is important that the money is disbursed now. I can as well say that the funds should be disbursed now because I have an interest. The money is for my constituents. The constituents are more important than anything else in this House or any hierarchy or position which I hold. This issue must be addressed. We should not beg anymore.

I agree with Hon. David Ochieng' that it is our failure as a House that we allocate money to various votes, but the reality on the ground is that there is no money. NG-CDF is not the only development fund in this country. Only that it is the only fund that concerns every Member. Even other infrastructural activities which are supposed to be delivered to Kenyans have not been addressed. Speaking with one voice is the first step. Henceforth, we must agree that our children are more important than anything else. I also ask the 36 Members who have not submitted their proposals to come up with the proposals and deliver them to the NG-CDF Board.

(Loud consultations)

Hon. Deputy Speaker: Order, Hon. Members.

Hon. Musa Sirma (Eldama Ravine, UDA): We need approximately 40 per cent of the money for bursary alone. If we add administration and other expenses, we need a minimum of 50 per cent. This is because the first quarter is gone. We are now in the second quarter, and we are supposed to have received the money this month. Members are right that we should have the money once the Cabinet Secretary for the National Treasury and Economic Planning arrives.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Members, as I said earlier, this is an uncontested matter. All Members are in agreement. Both the Leader of the Majority Party and the Leader of the Minority Party are also in agreement. All the other Members who have spoken, including myself are in agreement. I like the direction given by the Leader of the Majority Party that before we go on recess, the Cabinet Secretary...

(Loud consultations)

(Hon. T.J. Kajwang' spoke off the record)

Hon. T.J. Kajwang', I have not completed the sentence. Hon. Leader of the Minority Party, I was confirming when the Cabinet Secretary will come. Consult with the Leader of the Majority Party when the Cabinet Secretary will come. This is because Hon. Members are walking out before hearing the answer.

(Several Members walked out of the chamber)

Hon. Opiyo Wandayi (Ugunja, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order, Leader of the Minority Party?

Hon. Opiyo Wandayi (Ugunja, ODM): Hon Deputy Speaker, I rise on a point of order...

Hon. Deputy Speaker: Hon. Members, you are denying yourselves the opportunity to hear a solid answer.

(Loud consultations)

Hon. Members, since everybody has spoken, we can move to the next Order.

PROCEDURAL MOTION

APPROVAL OF SITTING ON THURSDAY MORNING

THAT, pursuant to the provisions of Standing Order 30(3)(c), this House resolves to hold a Morning Sitting on Thursday, 7th December 2023, commencing at 9.30 a.m. for purposes of considering priority business ahead of the December recess.

Hon. Opiyo Wandayi (Ugunja, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: You were attempting to respond to...

Hon. Opiyo Wandayi (Ugunja, ODM): No, it is a point of order.

Hon. Deputy Speaker: Let us move on since, I have already called out the next Order.

Hon. Members, please be calm. I already called out the next Order because debate on the other issue had already expired.

Let us proceed to the next Order.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Deputy Speaker. With your indulgence, I beg to withdraw the Procedural Motion because of the wording. I shall consult with the House Business Committee.

(Loud consultations)

Hon. Deputy Speaker: We are going there. He has withdrawn the Procedural Motion.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Deputy Speaker, with your indulgence, I beg to withdraw Order No. 8, which is a Procedural Motion to a later time.

(Procedural Motion deferred)

Hon. Opiyo Wandayi (Ugunja, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: The person supposed to be on a point of order is Hon. Wandayi and not Hon. Mbui.

Proceed Hon. Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): Thank you, Hon. Deputy Speaker. I rise on a point of order that the House has no quorum. Therefore, we cannot proceed.

Hon. Deputy Speaker: Hon. Members, I directed that the Quorum Bell be rung for 10 minutes.

(Quorum Bell was rung)

Hon. Members, the Bell is ringing so you cannot rise on a point of order.

(The Quorum Bell was rung)

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, there being no quorum in the House, and the time being 4.00 p.m., this House stands adjourned until tomorrow, Wednesday, 6th December 2023 at 9.30 a.m.

The House rose at 4.00 p.m.

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