



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Wednesday, 21st February, 2024

The House met at 9.30 a.m.

[The Temporary Speaker (Hon. Martha Wangari) in the Chair]

PRAYERS

QUORUM

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, there is no quorum. Serjeant-at-Arms, ring the Bell for 10 minutes.

(The Quorum Bell was rung)

Order, Hon. Members. Serjeant-at-Arms, halt the ringing of the Bell. We will now transact the business of the day.

PAPERS

The Temporary Speaker (Hon. Martha Wangari): The Deputy Majority Whip.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you. Hon. Temporary Speaker, I beg to lay the following Papers on the Table:

1. Reports of the Auditor-General and Financial Statements for the years ended 30th June 2021 and 30th June 2022, and the certificates therein in respect of:
 - (a) Mackinnon Road Girls Secondary School;
 - (b) Moi Boys High School, Kasigau;
 - (c) Mbakalo Friends Secondary School;
 - (d) Mwakirunge Secondary School;
 - (e) Ngami Secondary School; and,
 - (f) Mghalu High School.
2. Reports of the Auditor-General and Financial Statements for the year ended 30th June 2023, and the certificates therein in respect of:
 - (a) Public Service Superannuation Fund;
 - (b) Scrap Metal Council;
 - (c) Kenya Local Loans Support Fund;
 - (d) Asian Widows' and Orphans' Pension Fund;
 - (e) Asian Officers Family Pensions Fund;
 - (f) Agricultural Information Resource Centre Revolving Fund;
 - (g) State Department for Livestock Development;
 - (h) Petroleum Development Levy Fund (Holding Account) – The National Treasury;
 - (i) The Commodities Fund; and,
 - (j) Bura Rehabilitation Development Project – National Irrigation Authority.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Before the next Order, let us have the Chairperson of the Committee on National Cohesion and Equal Opportunity, Hon. Haji.

Hon. Yusuf Adan (Mandera West, UDM): Hon. Temporary Speaker, I beg to lay the following Paper on the Table:

Report of the Committee on National Cohesion and Equal Opportunity on the compliance to Article 54(2) of the Constitution on Employment of Persons with Disabilities in Public Institutions.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Next Order.

NOTICES OF MOTION

ADOPTION OF REPORT ON EMPLOYMENT OF PERSONS WITH DISABILITIES IN PUBLIC INSTITUTIONS

The Temporary Speaker (Hon. Martha Wangari): Hon. Haji.

Hon. Yusuf Adan (Mandera West, UDM): Hon. Temporary Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Committee on National Cohesion and Equal Opportunity on Compliance to Article 54(2) of the Constitution on Employment of Persons with Disabilities in Public Institutions, laid on the Table of the House on Wednesday, 21st February 2024.

Thank you.

I have another one.

The Temporary Speaker (Hon. Martha Wangari): Do you have another notice of Motion?

Hon. Yusuf Adan (Mandera West, UDM): Yes.

The Temporary Speaker (Hon. Martha Wangari): Okay. Move.

ADOPTION OF FIRST REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS

Hon. Yusuf Adan (Mandera West, UDM): Hon. Temporary Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the First Report of the Committee on National Cohesion and Equal Opportunity on Employment Diversity Audit in Public Institutions, laid on the Table of the House on Thursday, 6th July 2023.

The Temporary Speaker (Hon. Martha Wangari): Very well. Next Order.

BILLS

First Reading

THE UNIVERSITIES (AMENDMENT) (NO. 5) BILL (National Assembly Bill No.79 of 2023)

*(The Bill was read the First Time and referred
to the relevant Committee)*

*Second Reading*THE NATIONAL GOVERNMENT COORDINATION (AMENDMENT) BILL
(National Assembly Bill No.25 of 2023)*(Moved by Hon. Malulu Injendi on 22.11.2023 – Afternoon Sitting)**(Resumption of debate interrupted on 14.2.2024 – Morning Sitting)*

The Temporary Speaker (Hon. Martha Wangari): Was there any Member on the Floor? We have a balance of 22 minutes. Hon. Richard Yegon had a balance of nine minutes. Is he in the House? If not, we will give this opportunity to the Member for Runyenjes. Sorry. Hon. Karemba, hold on. Hon. Yegon, had you finished your contribution?

(Hon. Richard Yegon spoke off record)

The Temporary Speaker (Hon. Martha Wangari): Okay. You have a balance of nine minutes.

Hon. Richard Yegon (Bomet East, UDA): Thank you, Hon. Temporary Speaker, for giving this opportunity.

As I said last week, I am thankful to Hon. Malulu Injendi, the Member for Malava, for bringing this Amendment Bill. As I said, we need to remunerate the village managers because all what happens in the villages always start with them. They are the people we normally call in the first place to give us information on all the issues that come up in the villages. We need to make sure that payments are given to those people. They have been doing their work without any emoluments. We need to support this Bill and make sure that they also benefit like all of us. The national Government administration starts from them and goes all the way up to the top level.

With those remarks, I support the Bill.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Member for Runyenjes.

Hon. Muchangi Karemba (Runyenjes, UDA): Ahsante, Mhe. Spika wa Muda, kwa kunipatia nafasi ya kuchangia Mswada huu muhimu ambao unahusu wazee wa vijiji. Hao ni watu muhimu sana katika jamii. Kwa muda mrefu, wamekuwa wakisaidiana na Serikali kuu kuhakikisha kwamba mambo yako sawa kule mashinani. Ningependa kumshukuru sana Mhe. Malulu Injendi kwa kulishuhulikia swala hili la wazee wa vijiji na kuuleta huu Mswada ili kuhakikisha kwamba jambo hili limewekwa kwenye sheria itakayohakikisha kwamba, kama tunavyowashughulikia *Community Health Volunteers (CHVs)*, tutaweza kuwashughulikia wazee wa vijiji angalau waweze kupata kitu cha kuwasaidia kujikimu kimaisha.

Nimetazama kule kwangu Runyenjes na kuona kwamba miongoni mwa *Deputy County Commissioner (DCC)*, Chifu, Naibu wa Chifu na wazee wa vijini, watu ambao wanaonekana wa kwanza kunapotokea jambo lolote ni wazee wa vijiji. Mara nyingi, utasikia wakipatiwa heshima kubwa sana wakiwa kwa vijiji. Lakini heshima hiyo haiambatani na marupurupu. Kwa muda mrefu, wamekuwa wakitumia pesa zao kununua sabuni na chakula. Wanatumia muda mwingi kwenye mikutano ilhali hawapewi chochote. Wakati uliopita, tuliweza kuzungumzia suala la kuwalipa marupurupu wazee wa vijiji hapa Bungeni, lakini hatujafika mahali pa kuwawezesha kulipwa pesa zao. Naona sheria hii ambayo tunaunda wakati huu itawasaidia ili watambuliwe kisheria na serikali kwa sababu wamekuwa wakijulikana hivi hivi. Tukipitisha sheria hii, Waziri wa Fedha na yule wa *Interior and National Administration* wataweza kuketi na kujua ni vipi hao wazee muhimu watapata marupurupu yao kwa sababu kwa muda mrefu, wametumia wakati na nguvu zao bila kupata chochote.

Kwa hayo machache, naunga mkono Mswada huu.

The Temporary Speaker (Hon. Martha Wangari): Ahsante sana. Mbunge wa Mandera Kusini, Mhe. Abdul Haro. Have you indicated interest to speak to this debate, Hon. Member?

(Hon. Abdul Haro spoke off record)

Okay, you had already contributed. Member for Endebess. Not there. Let us have Hon. Mary Emaase.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to this debate.

At the outset, I support the Bill because village elders do play a critical role within our villages in terms of supporting the national Government administrative work. When we compare them with their county government counterparts called village administrators, the later receive some remunerations. It would only be fair for us to support and approve this Bill that seeks to establish a legal framework for anchoring this position into the existing law so that they can be gazetted. It is only after gazetting that the Budget and Appropriations Committee can provide a budget for us to offer some remuneration to the village elders. They play a critical role such as mediation. They even reduce the number of cases that are taken to court because they manage to sort out most of them within their level.

The village elders are human beings with families and responsibilities. Some of them can hardly afford to take their children to school because they have nowhere else to earn any income. That is why sometimes you would find some complaints to the effect that a person who was reported to have committed a certain offence was probably asked to give a chicken or something to the village elder. This is because there is no remuneration whatsoever.

Hon. Members, let us support this Bill so that there is a legislation that establishes the position of village elder in the law for them to be remunerated. I think the amount that has been proposed should be enhanced to Ksh3,000 or Ksh4,000.

With those remarks, I support.

The Temporary Speaker (Hon. Martha Wangari): I give the Floor to the Member for Bonchari, Hon. Onchoke.

Hon. Charles Onchoke (Bonchari, UPA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to this Bill. Village elders or managers are very critical in the societies that we come from. The alternative would be that all disputes go to the normal judicial system, which is normally very expensive, complex and mind-boggling, particularly for people in the villages. Village elders reduce the costs of accessing justice by solving disputes that occur within their villages from time to time. It is appropriate because they understand the issues at the lowest level of our communities. They also understand the people whose disputes they resolve when they are called upon to arbitrate. They also invest a lot of time in handling community matters. I dare say that in addition to remunerating them, we should also think about building their capacity so that they are adequately equipped to help resolve disputes that occur from time to time.

They play a very critical role in my constituency, but they are not compensated. Therefore, it is fair, moral and right that they are compensated for the time and energy they put in that work.

I support the Bill.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Member for Endebess.

Hon. (Dr) Robert Pukose (Endebess, UDA): *Hon. Temporary Speaker*, nimesimama kuunga mkono Mswada huu unaopendekeza kuundwa kwa sheria ili wazee wa vijiji watambuliwe kirasmi na Serikali ya Taifa.

Wazee hao hushughulikia mambo mengi kule vijijini. Kabla mkutano wowote uanze, wazee wa Nyumba Kumi huwa wanaulizwa waeleze kinachoendelea vijijini mwao. Mambo ya *security* yetu inaanza na wazee wa Nyumba Kumi na wazee wa vijiji. Wazee hao wanafanya kazi muhimu. Kwa sababu hiyo, naunga mkono Mswada huu ambao umeletwa na Mhe. Malulu Injendi ili tuunde sheria ya kuwatambua kirasmi, kuwapa marupurupu na kutambua kazi wanayofanya.

Hapo awali, wazee wa vijiji walikuwa wanaitwa wakati kuna mkasa. Walipokuwa wanafanya kazi ile, walikuwa wanalipwa kwa kuku, mbuzi au kondoo. Muda unapozidi kusonga, unapata kuwa malipo ya kuku hayawezi kuwasaidia kuwasomesha watoto wao na kujikimu kimaisha. Kwa hivyo, ni vizuri tutafute namna ya kuwalipa.

Serikali tofauti zimezungumzia mambo ya kuwalipa wazee wa vijiji lakini hakuna ile ambayo imechukua hatua ya kuunda sheria. Kwa hivyo, ni vizuri kwetu kuunda sheria ili tuwatambue. Ni muhimu tuwe na *national co-ordination team* ambayo itawatambua wazee wa vijiji katika sehemu tofauti na *qualifications* zao ndiyo waweze kuheshimika miongoni mwa wanavijiji wote.

Wazee wa vijiji wana kazi nyingi kama vile kupeana vitambulisho. Lazima wajue kuwa yule kijana anayetaka kitambulisho ni mtoto wa fulani. Wapenzi wa ndoa wanapopigana, kesi hizo huenda kwa wazee wa vijiji ili wazitatue.

Nikiwa nyumbani Jumapili iliyopita, mzee mmoja kutoka kijiji cha Chepkirot anayeitwa Mzee Kambala alikuja kuniambia kuwa uhalifu katika kijiji chake umepungua kwa sababu ameshirikiana vizuri na *chief, assistant chief, Deputy County Commissioner (DCC)* na *Assistant County Commissioner (ACC)*. Kwa hivyo, wazee hawa wanatusaidia kwa namna moja au nyingine. Pia, wanaweza kuzimamia huduma muhimu za Serikali kama vile kupeana vitambulisho, mikutano ya maendeleo, na mikutano ya *public participation*. Wazee wa vijiji ndio wanaokusanya watu wa vijiji vyao na kuwapa taarifa ndiposa wanavijiji wanajitokeza kwa wingi.

Hata kukiwa na mkurupuko wa ugonjwa, wazee wa vijiji ndio wanaopeana ripoti kuwa kuna ugonjwa katika sehemu fulani. Wazee wa vijiji ndio wanaojua kuwa ni mama fulani anayetengeneza pombe nzuri au mbaya. Kwa hivyo, ni vizuri tuwatambue na kuwapa marupurupu ili waweze kujikimu kimaisha.

Naunga mkono Mswada huu.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Hon. Members. The time allocated for debate on this Order is exhausted. The Mover will have 10 minutes to reply. You are at liberty to donate part your time, but stick to the 10 minutes.

Hon. Malulu, you may proceed.

Hon. Malulu Injendi (Malava, ANC): Thank you, Hon. Temporary Speaker. I wish to donate a minute of my time to each to the following Members: Hon. Dorothy from Embu, Hon. Kathambi from Njoro Constituency, Hon. Chiforomodo, Hon. Donya and Hon. Esther. They have one minute each. Also, this *Mheshimiwa* here will have one minute.

The Temporary Speaker (Hon. Martha Wangari): Hon. Injendi, kindly list the Members again together with the amount of time that you have allocated to each.

Hon. Malulu Injendi (Malava, ANC): I have allocated one minute to Hon. Dorothy.

The Temporary Speaker (Hon. Martha Wangari): Hon. Dorothy Muthoni. How long?

Hon. Malulu Injendi (Malava, ANC): One minute.

The Temporary Speaker (Hon. Martha Wangari): One minute each.

Hon. Malulu Injendi (Malava, ANC): Hon. Charity from Njoro Constituency, Hon. Donya, Hon. Chiforomodo and Hon. Esther. Those are five minutes

The Temporary Speaker (Hon. Martha Wangari): Are those four or five Members?

Hon. Members: Five!

The Temporary Speaker (Hon. Martha Wangari): We will start with Hon. Dorothy.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Speaker. I thank Hon. Injendi for bringing this very important Bill that proposes the remuneration of village elders. It is important to note that village elders are the link between the national Government and the villages at the grass roots level. They play a critical role in our society because they provide timely and credible information to the Government. I support that they be paid a stipend or a salary at the end of every month.

I support the Bill.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Next is the Member for Njoro.

Hon. Charity Chepkwony (Njoro, UDA): Thank you very much, Hon. Temporary Speaker, for giving me this chance to contribute on the issue of village elders.

Allow me to start by congratulating the Member for this fantastic idea of supporting village elders throughout the country. Village elders play a great role in this country in relation to security, making sure that children go to school, and campaigning against the use of drugs and illegal brews in our villages. They are doing a great work. Therefore, I support the proposal by Hon. Malulu Injendi that village elders be paid an allowance or a salary for the great work that they are doing.

The Temporary Speaker (Hon. Martha Wangari): Hon. Dorice.

Hon. Dorice Donya (Kisii County, WDM): Thank you, Hon. Temporary Speaker. I rise to support Hon. Malulu for this good initiative for village elders. I have been watching news on television about Kenyans dying due to the consumption of illicit alcohol and I have a solution. Village elders are the best solution in fighting this menace. They have information on every person in a community. They even know how many chicken one has. They know that I have two or three goats. They have all that information. If you want to kill the menace of illicit brew, give village elders an allowance of Ksh10,000 per month. We will not even need to invest in the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) or any other organisation to fight against illicit alcohol because village elders are the best at mobilisation and dispute resolution.

The Temporary Speaker (Hon. Martha Wangari): Next is the Member for Lungalunga.

Mhe. Chiforomodo Mangale (Lungalunga, UDM): Ahsante sana, Mhe. Spika wa Muda. Kwanza, naunga mkono kwamba wale wazee wa vijiji waweze kulipwa mshahara. Hii ni kwa sababu hao ndio sura ya Serikali pale nyanjani. Pili, wanafanya kazi muhimu ya kuhakikisha kwamba wanalinda usalama. Tatu, hao wazee wa vijiji wanaleta uwiano kati ya Serikali na wananchi pale nyanjani. Wao huwahamasisha wananchi kuhusu miradi yote ya Serikali ikiwemo, chanjo, na miradi mingine muhimu ambayo inawaathiri moja kwa moja na kutoa mwelekeo. Naomba Mswada huu upitishwe haraka, ili wazee wetu wa vijiji waweze kulipwa mshahara wala si kiinua mgongo. Hii ni kwa sababu majukumu wanayoyafanya pale nyanjani ni muhimu sana. Tumechelewa kwa sababu Mswada kama huu huja kila wakati lakini haukamiliki...

Spika wa Muda (Mhe. Martha Wangari): Ahsante. Mhe. Passaris.

Mhe. Esther Passaris (Nairobi City County, ODM): Ahsante sana, Mhe. Spika wa Muda. Nasimama kuunga mkono Mswada huu ambao umeletwa na Mhe. Malulu Injendi. Unapendekeza tuwaheshimu wazee. Nchi ikitaka kwenda mbele, lazima iwaheshimu wazee wake. Wazee wamepitia mambo mengi maishani mwao na sisi tuna elimu tu. Kwa hivyo, lazima tuwasikilize ili watueleze mambo ambayo hatuelewi.

Vijana wetu wakienda kupashwa tohara huwa tunawaita wazee ili watuambie mila zetu za zamani na kutuwezesha kuwapeleka vijana wetu kwenye mstari wa mbele. Hata sasa hivi, tukitaka kumaliza ukeketaji wa wanawake nchini, tutawaita wazee ili tuwaambie hiyo desturi ni mbaya. Pia tunawatambua kwa kazi wanayofanya kama raia wa Kenya. Tunahitaji

kuwatambua na kuwapa pesa ili waweze kutupa ujuzi walionao kutoka kwa yale wamepitia maishani. Tunajua kuwa nchi hupotea watu wasipowasikiliza wazee wao. Lazima tuwaheshimu na nawapongeza sana...

The Temporary Speaker (Hon. Martha Wangari): Mover, you have five minutes.

Hon. Malulu Injendi (Malava, ANC): Thank you, Hon. Temporary Speaker. Today, I am a happy person because this Parliament will finally ensure that village elders are recognised in this country.

Hon. Temporary Speaker, as I reply, I want to thank all the Hon. Members who have contributed to this Bill. I appreciate this Government for finally bringing this to light, so that those persons are valued and recognised in the Act and can finally get some remuneration.

As you will recall, successive Parliaments have tried to come up with this matter of recognising village elders, but they were unable to realise it. I can recall a Bill that came up in the 9th Parliament, but it did not see the light of day. I joined the 11th Parliament in 2013 and I came up with a Motion on village elders which was discussed and deliberated. Every Hon. Member who contributed gave positive support. Unfortunately, when I went to make a follow-up on their payments, I was given a very simple response that there was no law guiding the national Government to pay those particular persons. In the 12th Parliament, Mhe. Mutuse also came up with a Motion which received positive support, but nothing happened to the village elders.

I want to thank this Parliament for realising this Bill very quickly in the second year of its operation, so that those persons can finally be recognised and remunerated with some small money. Initially, I had proposed about Ksh3,000 every month, but I want to take on the recommendation by Hon. Abdul that the Government should consider giving them at least Ksh6,000 every month, which translates to Ksh1.6 billion every year.

Hon. Temporary Speaker, I come from a family where there was a chief. My father was a very successful chief in the 1970s. I was very young; nine years old, but I could see the work that village elders did. Little did I know that those persons were not being remunerated. Each one of us with a similar background saw what they went through. Finally, I am happy that this Government will recognise persons who come to my office for assistance with school fees and many other things. Most Members of Parliament have confessed that when they appear before them, they do not look like leaders because they are dressed in tattered clothes and shoes. When you look at their homes and families, they are also pathetic.

Today, I want to thank the 13th Parliament because during the term of the Fifth President, those particular persons will finally see the value of the work they have been doing for this country.

Hon. Temporary Speaker, I beg to reply.

The Temporary Speaker (Hon. Martha Wangari): Thank you. We will defer putting of the Question on this Bill.

(Putting of the Question deferred)

Hon. Clive Gisairo (Kitutu Masaba, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Before we go to the next Order, what is out of order, Hon. Gisairo?

Hon. Clive Gisairo (Kitutu Masaba, ODM): Thank you, Hon. Temporary Speaker. I want to bring to your attention that, sometimes, there is a lot of sloppiness in as far as running this Parliament is concerned. Last week, some of us contributed to this Bill, but we later realised that the recordings were not there.

This is a House of records and everything that is said in this Parliament should be on record to be referred to later. I would like to bring this to the attention of a number of Members

who contributed to this Bill last week when Parliament was in a blackout. The entire internet system went down and there was no recording of all that was said. There is a lot of sloppiness in the 13th Parliament to be precise and action needs to be taken. We cannot stand here to contribute only to realise later that our contribution is in vain and we have nothing to refer to.

Thank you, Hon. Temporary Speaker.

(Applause)

The Temporary Speaker (Hon. Martha Wangari): I direct you to the Clerks-at-the-Table. Hon. Clive, I am not sure where you checked. Was it the Information Communication Technology (ICT) Department, the Parliament Broadcasting Unit (PBU) or the *Hansard*?

Hon. Clive Gisairo (Kitutu Masaba, ODM): Hon. Temporary Speaker, I checked from the PBU.

The Temporary Speaker (Hon. Martha Wangari): Clerks-at-the-Table, I think this is very critical since Hon. Members also use what they say here for their campaigns out there. It is, therefore, very important for them to access their speeches and contributions in this House. Kindly, remedy this and give Hon. Members assurance that they can access any recording on any matter that is said on the Floor of this House.

Before we go to the next Order, allow me to recognise - in the Public Gallery - students from Kiota International School, Lang'ata Constituency, Nairobi County. On my behalf and that of the House, I welcome them to observe the proceedings of the House.

We will go to the next Order. Before then, the Clerk is confirming to me that all the *Hansard* records are available. Maybe, you missed the *Hansard*. Either way, records from both broadcasting and *The Hansard* should be available to Members.

Next Order.

BILL

Second Reading

THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL (National Assembly Bill No. 6 of 2023)

The Temporary Speaker (Hon. Martha Wangari): Hon. Benjamin Gathiru, also known as Mejjadonk. I am told that people are not very aware of your official M-Pesa names.

Hon. Mejjadonk Gathiru (Embakasi Central, UDA): My official name is Mejjadonk Benjamin Gathiru. Thank you, Hon. Temporary Speaker.

I beg to move that the Public Service Commission (Amendment) Bill, (National Assembly Bill No.6 of 2023), be now read a Second Time. Before setting out the specific provisions of this Bill, it is necessary for us to understand the motivation behind this legislation. The Public Service is established under Chapter 13 whereas the Public Service Commission is anchored in Article 233 of the Constitution. The values and principles of the service form the benchmark for the development of legislation that will guarantee high standards and professionalism, and efficient, effective and economic use of resources in service delivery to citizens.

With that understanding, the provisions of Article 10 remain the hallmark of values and principles that will guide the governance structure in the country. The Public Service Commission Act 2017 embodies the implementation of those fundamental values in the service. The Public Service Commission (Amendment) Bill of 2023 seeks to amend the Public Service Commission Act 2017 to prescribe a mandatory retirement age of 60 years. Currently,

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the Act delegates prescriptions to regulate the development of regulations by the Cabinet Secretary responsible for public service. For clarity of purpose, it is instructive to note that such prescriptions ought to be made precisely clear in the legislation to reduce inconsistencies and firm up the process of implementation across the public service while providing exceptions.

Further, the Bill provides penal provisions if an appointing authority allows a person to act in an appointment capacity for more than six months and recourse concerning acting allowances thereof upon the lapse of the acting period. The amendment forms a critical premise in addressing unemployment in the country as it sets forth the grounds to increase job opportunities for the youth and those below the age of 60 years. It provides continued retention of staff and officers whose retirement is due, with the assumption that they possess critical skills and competencies, which negates the demand for good corporate governance through succession planning.

If approved by the House, the Public Service Commission (Amendment) Bill of 2023 will settle the administrative, operational and succession-planning issues that intrude on public service in this country. The Public Service Commission (Amendment) Bill of 2019 sought to provide the amendment of Section 34 of the Public Service Commission Act of 2017 to provide that any officer appointed in an acting capacity shall not be entitled to any acting allowances after the expiry of six months.

Additionally, the Bill provides for the amendment of Section 80 by prescribing the mandatory retirement age of 60 years in the Act as opposed to setting it in the Regulations. It also seeks the deletion of Section 80(2) providing for the exceptional circumstances where the commission or any other appointing authority can engage an officer upon retirement based on possessing rare skills and competence or wilfully via a contract.

Currently, under Section 80(2), the Commission can engage officers who have attained the mandatory retirement age based on three principles:

1. The public officer possesses rare knowledge, skills and competencies for the time being required in the service.
2. The retired officer is willing to be engaged on contract.
3. The retired public officer's performance shall not in any way be impaired by age.

Therefore, the objective of the Bill was to provide the following:

1. The compulsory retirement age of 60 years in the public service.
2. The penal provisions (punishments) in the case of an appointing authority not confirming acting appointments or otherwise acting in appointment beyond the prescribed six-month period.
3. Removing the exemption for further engagement of officers upon attainment of the mandatory retirement on the basis of rare skills, knowledge and competencies.

The justification behind this Bill is to spur economic growth and development through job creation by releasing retired officers to enjoy their sunset years while engaging in new skills, through either promotion or direct employment, into the service supported by institutional succession planning. The Bill recognises the need for structured succession planning in government institutions. Through prudent human resource management strategies, appointing authorities will provide clear pathways in the management of human capital and reduce the recycling of officers upon retirement.

The Bill takes into consideration the current extension of services of officers based on competence through contracts as well as the lack of substantive officers in some Government organisations. Therefore, the enactment of this Bill serves to streamline public service management.

The Public Service Commission (Amendment) Bill of 2023 builds on some case references from the High Court where the courts suspended the circular on the removal of age limits for heads of parastatals. Through a circular titled “Terms of Service: State Corporations’ Chief Executive Officers”, the Head of the Public Service instructed boards of management of parastatals on the decision to remove the term limit of parastatal heads or chiefs.

With this circular in mind, corporation heads could be reappointed as many times as the appointing authority deems fit. The possibility of working beyond the mandatory retirement age of 60 years is imminent, noting that such positions attract relatively older officers by virtue of the qualifications and experience required for appointment. While suspending the circular from the Head of Public Service on the term limit for parastatal heads, Justice Onesmus Mutua of the Employment and Labour Relations Court cited the provision of Section 80(2) of the Public Service Commission Act of 2019 saying that State corporation management and governance was envisioned in the Mwongozo Code of Governance.

Therefore, it is imperative to set the law’s prescription to streamline appointments in the public service to ensure sustainability in service delivery and competence growth. The Auditor-General, through a draft report on human resource management and planning in the Judicial Service, says that, there is evidence of officers acting in appointments for more than seven years, and drawing an acting allowance for approximately 74 months. The Auditor-General notes that a huge component of the budget is on acting allowances which ordinarily could not be the case if the law was firmed up to reduce such operational bottlenecks in the service.

That, the Public Service as enshrined in the Constitution forms the fulcrum for service delivery in the two-tier governments, therefore, a critical discernment of legislation governing the service is important, considering the dynamism in technology and innovation in skills and competences required to deliver services.

Section 34 of the Public Service Commission Act, 2017 provides for acting appointments where acting appointment shall be made by the lawful authority subject to the prescribed regulations and procedures which apply to appointments. Hence, there is need to regularise the period for appointment on acting capacity and provide for punishment for non-adherence to such provisions.

It is, therefore, against this backdrop that the Public Service Commission (Amendment) Bill, 2023 and the Report of the Departmental Committee on Administration and National Security are before this honourable House for consideration and adoption.

Therefore, in light of the foregoing, the Bill serves to achieve the follows:

1. Provide for the compulsory retirement age of sixty years in the Act;
2. To provide for the penal provisions in case a public organisation allows a person or an officer to act for a period exceeding six months; and,
3. To provide for the compulsory retirement upon attainment of the mandatory retirement age of sixty years without exceptions as provided in Section 80(2) of the Public Service Commission Act, 2017.

I beg to move and ask the Chairman of the Departmental Committee on Labour, Hon. Muchangi Karemba, to second.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Hon. Erick Muchangi.

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Temporary Speaker. The Bill was published on 10th March, 2023 and read for the First Time in the House on 5th July, 2023 pursuant to Standing Order 127(1). The Bill was committed to the Departmental Committee on Labour for consideration and facilitation of public participation pursuant to Standing Order 127.

The principal objective of the Public Service Commission (Amendment) Bill, 2023 is to amend the Public Service Commission Act, 2017 to prescribe the mandatory age of 60 years

in the Act. The amendments are meant to increase the job vacancies available to Kenyan citizens below the age of sixty years. Those positions are sometimes held by persons beyond the age of sixty years on account that they possess rare knowledge, skills and competencies for the time being required in the service. The Public Service Commission and other appointing authorities should be keen on succession planning and take the necessary steps to ensure that they train other persons in the organisations to take those positions.

The Bill also intends to address the issue of an officer acting in a position for more than six months. The period of six months prescribed should provide adequate time for the organisation to recruit and substantively fill the position. Failure to comply with this position will result in the officer not earning any acting allowance.

The Bill contains four clauses for consideration. Clause 1 of the Bill provides the short title. Clause 2 of the Bill provides for the amendment of Section 34 of the Act to provide that any officer appointed in an acting capacity shall not be entitled to any acting allowances after the expiry of six months. Clause 3 of the Bill provides for the amendment of Section 80 by prescribing the retirement age of 60 years in the Act as opposed to this age being prescribed in the Regulations. It also deletes the provisions allowing the Public Service Commission or any other appointing authority from engaging a person who has attained the age of 60 years. Clause 4 of the Bill seeks to save the contracts of the officers currently engaged by the Public Service Commission or other appointing authority to be allowed to complete their contracts. It gives the Public Service Commission and other appointing authorities a grace period to train officers in the necessary skills required by the organisation.

In line with the Constitution and the Standing Orders, the National Assembly in the local daily newspapers of 7th July, 2023 invited the public to make representations on the proposed Bill as per annexure 2 of the Report. The Committee received five written submissions on the Public Service Commission (Amendment) Bill (National Assembly Bill No. 6 of 2023).

In addition to the request for memoranda from the public, the following stakeholders were requested to submit their views to the Committee:

1. Office of Attorney-General and Department of Justice;
2. State Department for Labour and Skills Development;
3. State Department for Public Service;
4. Public Service Commission;
5. Law Society of Kenya;
6. Kenya Law Reform Commission; and,
7. Katiba Institute.

The following stakeholders submitted their memoranda to the Committee:

1. Hon. Benjamin Gathiru, Member of Parliament - the Sponsor of the Bill;
2. Ministry for Public Service, Gender and Affirmative Action (State Department for Public Service);
3. Ministry of Labour and Social Protection (State Department for Labour and Skills Development);
4. Public Service Commission;
5. National Gender and Equality Commission;
6. Law Society of Kenya; and,
7. Michael Mwangi Kinonge.

The following are the Committee's observations: While considering the Bill, the Committee made the following observations:

1. That the amendment of Section 34 of the Public Service Commission Act (No.10 of 2017) to require that an officer working in an acting capacity will not be entitled to an acting allowance after six months, the Committee noted

that the enactment of this provision would result to unfair labour practices contrary to Articles 27 and 41(1) of the Constitution on the freedom from discrimination and right to fair labour practices, as well as Section 5 of the Employment Act (No.11 of 2007) that requires that an employer pays their employees equal remuneration for work of equal value.

2. That Article 24(1) as read with Article 25 of the Constitution allows limitation of the rights guaranteed by Article 27, so long as the conditions set in Article 24 are satisfied. Article 24(1) provides that a right or fundamental freedom in the Bill of Rights shall not be limited except by law and only to the extent that such limitations are reasonable and justifiable. In this instance, the limitation of age does not amount to discrimination as it is justified under the employment law and practice. It also allows for continuity in the sector and the absorption of young professionals, thus, reasonable and justifiable.
3. The proposed amendment will align the Public Service Commission Act with the National Social Security Fund Act No. 45 of 2013 provision on pensionable age, as defined in Section 2. It says pensionable age means the age of 60 years.
4. The fourth observation is that it is the role of the National Assembly to enact legislation as per Article 95(3) of the Constitution. No person or body other than Parliament has the power to make provisions having the force of law in Kenya, except under authority conferred by this Constitution or legislation as per Article 94 of the Constitution. Delegation of powers to make law is provided under Section 92 of the Public Service Commission Act, providing that the Commission may make regulations to better carry into effect the provisions of this Act. Section 92(2)(f) of the Act provides that the Commission may make regulations for guidelines on retirement. This provision does not preclude the role of the National Assembly to make law through legislation by making a provision in the parent Act where the regulation-making authority has done so.
5. No memorandum or proposed amendment was received on the proposed insertion after Section 102 of the Public Service Commission Act No. 10 of 2017. The principal Act is amended by inserting the following new section immediately after Section 102(a), which says:

A public officer engaged for service by the Commission or appointing authority after attainment of mandatory retirement age before the commencement of this Act shall serve for the remainder of the term of the contract.

The Committee made the following recommendations:

1. Clause 34(3) of the Bill be amended to provide that the period an officer may work in an acting capacity is 12 months. Such a position should be declared vacant after the elapsing of the stated period where such a position is available for competitive filling. An officer working in an acting capacity is not entitled to an acting allowance after the 12th month.
2. The amendment to Section 80 of the Act be amended to provide the age of retirement as:
 - (a) 60 years;
 - (b) 65 years for persons living with disabilities; and,
 - (c) Such age as may be determined by the Commission, in consultation with the relevant agency or institution, to retain an officer after attainment of the age of retirement who possesses rare knowledge, skills and competencies. The Commission shall determine and

document the rare knowledge, skills and competencies that are scarce, unique and not readily available in the job market.

As I conclude, I would like to appreciate Members and staff of the Departmental Committee on Labour for their role in scrutinising the Bill and producing the Report. The Committee is grateful to the Office of the Hon. Speaker and Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee further wishes to thank the sponsor of the Bill and the stakeholders mentioned above for participating in the consideration of the Bill. I call upon the House to support the Committee's amendments to the Bill during the Committee of the whole House.

Hon. Temporary Speaker, I beg to second.

(Question proposed)

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, before I open debate on this Bill, allow me to recognize - in the Speaker's Gallery - Kanjuri High School students from Mathira East, Nyeri County, who have come to visit the National Assembly. On behalf of the House, please, help me to welcome them to observe the proceedings.

I also wish to guide the House, further to the guidance given by the Hon. Speaker that, all transactions in the House will be by card. All Members should ensure they have their cards for speaking on the Floor of the House and voting purposes. If you have lost them, kindly visit the ICT Department, and replace them. Any other way will not be accepted.

There is a further clarification. There is an allegation by Hon. Clive Gisairo that on Wednesday, 14 February 2024, there was a total blackout during the House proceedings. He also said there were no records of the House proceedings on that Sitting. I would like to clarify for records and clarity purposes. I have duly been informed that on the said day, all records of the House were done properly. All the sites, Hansard, and broadcast were updated. Therefore, the recordings of the proceedings are intact and done in the prescribed manner. During that Sitting and all the others, there was no time the House had a total blackout.

On that said Sitting, there was internet interruption affecting the YouTube platform for a few minutes. However, the records were not affected. They are all available, as they have been requested by Hon. Gisairo. That is just for clarification. They are available at the Hansard and Audio Services Directorate and Parliamentary Broadcasting Unit. You can access them.

Therefore, I will open debate on this Bill. I know Members had keyed in. I do not know if you still want to speak on this Bill. Member for Mandera South, you have the Floor of the House.

Hon. Abdul Haro (Mandera South, UDM): Thank you, Hon. Temporary Speaker. First of all, I take this opportunity to thank Hon. Benjamin Gathiru for bringing this Bill, which is very important. We have youth unemployment in this country. By 2022, we had 5.5 per cent unemployment rate.

This Bill is on retirement age so that people beyond 60 should not continue serving under any pretext. It is a very welcome amendment. I support it because we have massive unemployment in this country. Many young men and women are educated and experienced in serving in many institutions, including non-governmental institutions, and can take over some of those jobs from the elders who retire at 60. This amendment to the retirement age is very important.

The amendment on officers who serve in acting capacities is also very important because it is a thorny issue in some State departments and government institutions. I will take the example of the Teachers Service Commission (TSC), where many teachers have been serving in acting capacities for several years, with some for five or six years. Some of the teachers have two acting letters. First, they are promoted to serve in acting capacities as

deputies. While they are still acting as deputies, they are given other acting letters as principals, which is another promotion. This is a very serious matter. I wish this amendment covered all the other state departments and institutions so that the question on acting capacity can be covered uniformly. For example, the TSC has put this provision of acting administrators under regulations. It has even removed it from the TSC Act. It does not subject its teachers to the Public Service Commission (PSC) Act and this provision of serving in acting capacities. It has put it under regulations which they sometimes use to do whatever they want to deny the teachers who are in acting capacity the right to be confirmed in substantive positions after the acting period, or revert to the original positions after the acting positions. Instead of issuing letters for acting capacity, they have even gone ahead and cleverly issued letters of additional assignments to avoid questions about acting. Therefore, I wish this amendment goes further and covers all the other State institutions and departments, like the Teachers Service Commission (TSC), which have abused this provision by acting left, right and center.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Member for Mwingi West, have you indicated to speak on this?

Hon. Charles Nguna (Mwingi West, WDM): No.

The Temporary Speaker (Hon. Martha Wangari): You are becoming a nomad.

Hon. Charles Nguna (Mwingi West, WDM): Hon. Temporary Speaker, I just walked in. Please move to the next Member as I prepare myself.

The Temporary Speaker (Hon. Martha Wangari): Alright. You are not speaking on this. Member for Moiben, have you indicated to talk about this?

(Hon. Phylis Bartoo spoke off the record)

Hon. Members, withdraw your card if you have not indicated to speak on this matter. Make my work easier. Member for Marsabit.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you again, Hon. Temporary Speaker, for allowing me to add my voice to this important amendment Bill. I congratulate the Departmental Committee on Labour for considering the Public Service Commission (Amendment) Bill (National Assembly Bill No. 6 of 2023). I know the Committee has given it much attention from what the Chairman and Members have said. It confirms they have given it much attention and received enough response from the people through public participation. The amendment Bill is quite clear because it prescribes the mandatory retirement age at 60 for any other person and 65 for people with disabilities. Also, it states that the period an officer may work in an acting capacity is 12 months. I will only concentrate on those three areas that the Report has captured.

I know those getting closer to the age of retirement may be worried. The number of young people who are waiting for employment, and who have graduated and performed very well and have very good certificates, cannot be employed because many people in offices are between the ages of 45 and 60. This Bill will increase job vacancies and create enough employment opportunities for the young people.

On vibrancy, the young people are quite innovative and active. They will have a lot of commitments and bring in new synergy. It will give us many opportunities to consider our young people and reduce the current challenges of unemployment. I agree with that.

When we talk about people with disabilities, 65 years of age is a special consideration, while all the others retire at 60 years. People with disabilities have been given five more years when they can prepare themselves and, maybe, finish what they have not finished so that they can also provide some space to others. My only recommendation is that for any vacancy that arises from a person with a disability, let us ensure the same category of persons will be

considered. Even where we allow people to retire at 60 years, let us take into consideration gender, regional balance and everything as long as we have people who are qualified for the different positions.

The Bill also addresses the issue of officers in acting capacities. In most ministries, public and private offices, and counties, some people have been acting for more than six months, a year or even five years. This means that even for members of staff, productivity and commitment levels go down because you do not know what will happen to you next. You are never confirmed, and I wonder whether you add value to the institution. The recommendation that you can be in an acting capacity for only 12 months is a good one. I pray that counties and institutions with people working as casuals for more than six months should review their work policies and see how they can help those people. If you want people to be productive enough and give their best to any institution or office, you must confirm them and give them their job description. Acting capacity makes people not work or give their best and will make our country not do what we are supposed to do. In terms of performance and efficiency, we will always be dragged behind.

With those few remarks, I support and commend the job well done by the Committee. Thank you.

The Temporary Speaker (Hon. Martha Wangari): Thank you. The next chance goes to the Member for Mombasa, Hon. Zamzam Mohammed.

Mhe. Zamzam Mohammed (Mombasa Kaunti, ODM): Ahsante sana, Mhe. Spika wa Muda, kwa kunipa fursa hii ili nichangie mjadala huu wa leo. Ni mjadala mzuri sana ambao umeleta marekebisho ya kuwapatia nafasi wale watoto wetu ambao wamesomea na wamebobeza katika nyanja tofauti, ili nao wapatiwe nafasi ya kazi na watu ambao wana uzee, watu wazima wa miaka 60.

Tunajua kuwa watoto wetu wengi wametoka katika vyuo vikuu, wamesomea taasisi tofauti tofauti, lakini nafasi za kazi mpaka sasa zimekuwa haba. Wakati ule wa Corona, watu wengi sana walifutwa kazi, na nafasi za kazi zikawa haba kwa sababu watu wengi pia walifunga biashara zao. Ili kuwaingiza watoto wetu katika nafasi za kazi, lazima nasi tutoe nafasi. Ukishahudumu katika Serikali na umefikia miaka 60, hiyo ni dhahiri kuwa nawe pia uweze kupisha watu wengine waweze kuchukua nafasi hiyo.

Ila tu ningependa kuongezea kuwa hata ukistaafu na miaka 60, pia hao waweze kuangaliwa. Tunapata wafanyikazi wengi wa Serikali wamestaafu, na mpaka sasa, marupurupu yao ama pesa zao za baada ya kustaafu hawajapata. Wengi wanalia na wanaishi maisha duni. Kwa mfano, kuna watu ambao wamestaafu katika shirika la *Kenya Railways*. Juzi wamenituma kwa sababu mpaka sasa hawapati marupurupu yao. Naomba tuweze kuangalia hao watu wazima ambao wanastaafu. Licha ya kuwa wanataka kutoa nafasi kwa watoto wetu, lakini nao pia ni Wakenya; waweze kuangaliwa vizuri. Tuhakikishe kuwa marupurupu ya wafanyikazi wanaostaafu wanapewa kwa wakati muafaka ndio nao pia waweze kuishi vyema.

Nimeona pia amezungumzia watu ambao wanafanya kazi kwa kujishikilia. Juzi nimekuwa Mombasa katika taasisi ya maji, nikagundua kuwa yule Mkurugenzi Mkuu ambaye anahusika pale ameshikilia kwa miaka miwili na nusu. Hajaweza kuandikwa rasmi. Hii inatamausha sana. Watu wanashikilia nafasi za kazi kwa muda mrefu bila kuandikwa kwenye nafasi zile. Ni dhahiri kuwa hata kuna waalimu ambao wamekuwa wakisomesha kama hali ya kujitolea kwa muda mrefu sana. Kuna madaktari kwenye mkataba ambao wanajitolea kutibu wagonjwa. Muda wa kuandika kazi ukifika, tungependa madaktari hao waandikwe. Isipite muda ambao umewekwa katika sheria.

Tunapowatetea wafanyikazi, tukitafuta nafasi za kazi kwa vijana wetu, ni muhimu tuangalie pia makampuni yalioajiri watoto wetu kazi. Kwa mfano, juzi kumekuwa na mgomo Mombasa, na ilitamausha sana. Mgomo huo ulikuwa wa kampuni ya Export Processing Zone (EPZ), na nilijaribu kuingilia kati. Ningependa Kamati ya Leba ichunguze jambo hili.

Watoto wetu wanaajiriwa kwa *contract* ya mwezi moja, ilhali wamekaa pale miaka kumi. Hii ni dhuluma kwa wafanyikazi wa Kenya na watoto wetu. Naomba Kamati ya Leba ifuatilie jambo hili na ichunguze sababu ya watoto kuandikwa kwa mwezi moja. Katika kampuni hiyo ya EPZ, kazi ni ngumu sana. Wanaanza saa kumi na mbili asubuhi mpaka saa nne ya usiku. Mwezi moja unapoisha, wafanyikazi hao wanaambiwa warudi tena wajiandikishe upya, ilhali mtu amekaa pale miaka 10. Tunafaa kuangalia hali ya wafanyikazi katika taifa hili.

Mhe. Spika wa Muda, ni ukweli kwamba tunataka watoto wetu wapate ajira ili taifa hili liweze kujengeka kwa ubora, lakini ni muhimu pia tuhakikishe kuwa wafanyikazi wana furaha. Ni muhimu waruhusiwe kujiunga na mashirika ambayo yameruhusiwa katika Katiba. Hii ni kwa sababu wengine wanapojiunga na mashirika haya, wanafutwa kazi. Hao ni watoto wetu na ni lazima tuzungumzie mambo haya Bungeni. Nitapeleka *petition* yangu kutoka kwa wafanyikazi wa EPZ Mombasa kwa Kamati ya Leba. Ni muhimu kwa mameneja na wakurugenzi wa EPZ kuitwa ili tujue kwa nini watoto wetu wanafanya kazi ngumu na kulipwa Ksh15,000 kama mfanyikazi wa nyumba. Watoto wetu wanarauka saa kumi na mbili asubuhi na kutoka saa nne ya usiku. Hawana hata mapumziko na wamepewa *target*.

Ni muhimu tuangalie nafasi za wafanyikazi kupitia wazee wanaostaafu ili watoto wetu wapate kazi. Ni muhimu pia tuangalie mazingira yao ya kazi. Je, haki zao za kimsingi zinaangaliwa? Je, wanapata marupurupu yao kwa wakati? Je, mambo ya waliostaafu yanaangaliwa vizuri?

Kwa hivyo, mimi kama Mama Mombasa, ningependa kuunga mkono. Ningependa pia nimpungeze Mheshimiwa aliyeleta marekebisho haya. Ni jambo ambalo limenigusa sana kwa sababu tunajua asilimia 51 ya vijana wetu hawana ajira. Hawa ndio wanajiingiza katika mambo ya mihadarati na pombe. Hivi majuzi, Naibu wa Rais amejaribu kupigana na mambo ya pombe. Watoto wanaingia kwenye pombe kwa sababu wamekaa tu bila kazi ya kufanya, ilhali wazee bado wako kazini. Hatukatai wazee kuwa kazini, lakini ikifika wakati wa kuondoka, basi wapewe nafasi ya kuondoka kwa heshima. Waangaliwe kule nyumbani watakapokaa, wapewe marupurupu yao, na afya yao kuangaliwa. Hii itahakikisha kuwa vijana wetu wanapata nafasi za kazi.

Ahsante sana, Mhe. Spika wa Muda.

The Temporary Speaker: (Hon. Martha Wangari): *Mama Mombasa, Muda wako umeisha.*

Hon. Members, before I give the next speaker, allow me to recognise our students from Blessed Beyond Primary School, Kasarani Constituency in Nairobi County, seated in the Public Gallery. Join me in welcoming them to observe the proceedings of the House. The next chance will go to the Member for Chepalungu, Hon. Victor Koech.

Hon. Victor Koech (Chepalungu, CCM): Hon. Temporary Speaker, I can hear someone calling me *Mandazi*. Indeed, I am Victor Koech *Mandazi*, and it is officially on my identity card (ID). No one should fear calling me that name.

As I rise to contribute, I want to thank the Chairperson who has moved this Bill. For a very long time, this regulation has been there without being in law. As a country, it is important that we consider putting the 60 years into law. As we debate this, the Teachers Service Commission (TSC) needs to consider the rate of youth unemployment. In my constituency, some people are over 45 years old, particularly Mr. Kiptuya, who teaches at Makimeny Primary School. He is about to retire at 60 and yet, he is unemployed. There are several other cases in our country. It is about time that we consider this kind of unfairness to our youth who have gone to colleges and those who have sacrificed their earnings to educate their children or siblings and yet, have never been employed. Mr. Kiptuya's case is trending all over. As the area Member of Parliament, I have discussed this with TSC, and I hope he is going to be considered in the next recruitment. It is sorry for one to be 46 years and we expect him to work for 15 years to retire. At that age, Mr. Kiptuya or any other person is not fruitful.

Those who have acted for more than three years are normally compromised because the appointing authority scares them, and their work is jeopardized. It is necessary to have people in an acting capacity for a maximum of 12 months. Afterwards, the authority should advertise for the positions and correctly fill them so that we can have substantial people who can deliver without fearing anyone. Those cases are so rampant in our counties that you will find a clinical officer (CO) who has been acting for more than four years. They normally fail to deliver because they are always in fear of losing their jobs to the appointing authority.

I would like to reiterate the issue of our teachers. It is scary. The Chairperson of the Departmental Committee on Education is seated next to me, and I want to state once again that at 45 years of age, Mr. Kiptuya from Makimeny is yet to be employed. He will retire at 60 years old once this regulation has been passed. As a country, we need to look at this issue. Parliament has been given powers to find a solution to that problem.

Thank you so much, Hon. Temporary Speaker. I support.

The Temporary Speaker: (Hon. Martha Wangari): Thank you. The Member for Garissa Township is not in the House. Hon. Kihungi of Kangema.

Hon. Peter Kihungi (Kangema, UDA): Thank you, Hon. Temporary Speaker. I want to support the Committee's Report and the Bill by Hon. Gathiru. In support, I want to state that the issue of retirement age has been misused a lot, especially on the part that says a person can get an extension after 60 years due to expertise. There are so many people who have misused that provision, and you find people going up to 65 years old because they are experts and have knowledge of the institution. The Chief Executive Officers (CEOs) or leaders of the institutions should always prepare for succession. This is an area that has been misused by the CEOs and heads of departments. We have to make it strict that after 60 years, everybody should retire. The issue of being in an acting capacity has been used mostly by the Cabinet Secretaries. If they want to control a parastatal, they ensure that the CEO is in an acting capacity. They act for two or three years, and are at the mercy of the Cabinet Secretary who seconded him or her to that institution as a CEO in an acting capacity.

I support the recommendations by the Committee. The six months recommended by Hon. Gathiru might not be enough for the recruitment of a CEO. However, within a year, if there are litigations, there are chances of institutions not being able to recruit a substantive CEO or the other staff but, for succession, one year is enough. The recommendation by the Committee that we move from six months which was recommended by the Mover of this Bill to 12 months would be extremely enough. If there are litigations or other issues, they would have been concluded in 12 months.

I do not want to belabour this issue. I support the Bill.

[The Temporary Speaker (Hon. Martha Wangari) left the Chair]

[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) took the Chair]

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. George Koimburi, Member for Juja.

Hon. George Koimburi (Juja, UDA): Ahsante sana Naibu Spika wa Muda, kwa kunipatia nafasi ili nichangie Mswada huu uliyoletwa na Mhe. Mejjadonk ambao unahusiana na watu ambao wametimia miaka ya kustaafu ambayo kwa sheria ni miaka 60.

Wafanyi kazi wengi hawafaidiki kwa uzoefu wa kufunzwa au kwa mazoefu ya wale wafanyikazi wakongwe ambao wakati wao wa kustaafu umekaribia. Ningependa kuwahimiza wafanyi kazi wote kuwa wanapokaribia miaka 40, wakiona wakubwa wao wanakaribia miaka ya kustaafu, wawe na umakini wa kuelewa vile kazi inavyofanyika pale. Wachukue nafasi hio wafunzwe na wale wanaokaribia kustaafu.

Wazee ambao wamestaafu wamekuwa na shida kubwa kule mashinani. Tunaomba Serikali yetu iwape hao wazee pensheni yao kwa wakati unaofaa maana hawaipati kwa wakati unaofaa. Mtu anapostaafu, hali yake ya kiafya pia inanza kudidimia. Atahitaji dawa, mavazi na chakula cha kumpa nguvu ili aendelee na maisha yake. Ningesihi pia kuwa kila mmoja akifikisha miaka 40 kazini inafaa aongezewe mshahara. Hili ni jambo muhimu ambalo linafaa kuzingatiwa na Serikali yetu tukufu.

Ahsante.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Andrew Okuome, Member for Karachuonyo. He seems not to be in. In his absence, Hon. Moses Injendi, Member for Malava.

Hon. Malulu Injendi (Malava, ANC): Thank you, Hon. Temporary Speaker. I strongly support this Bill.

I have been a victim of being in an acting capacity. My former employer kept me in an acting position for six years. For confirmation of appointment, what struck me most was that I was also subjected to an interview. At the interview, I was just wondering about all the six years that I had worked there. How was it possible that I was even subjected to an interview? Luckily, I emerged at the top, and was confirmed.

I also have experience with the Parliamentary Service Commission (PSC). The current CEO of the National Government Constituencies Development Fund (NG-CDF) Board acted for nine years. When an interview was called, I remember it was this House that overturned a decision that had another person who was poised to take over from him after working for nine years, and performing excellently as he had done. It is so dehumanising to put someone in an acting position for over six months and then, finally, in some cases, you do not confirm them into appointment and other persons come on board to replace them. Then they make the person deputise and train the appointed persons on the job. It is demoralising and dehumanising, and for fellow staff, it is defeatist.

I do not agree with *Mheshimiwa's* proposal in Clause 2, which proposes an amendment to Section 34 of the Act which says that any officer appointed in an acting capacity shall not be entitled to any acting allowance after the expiry of six months. No person should be allowed to continue in an acting capacity beyond six months. Imagine a scenario where someone is put in a position to act for six months, earning an allowance for acting, but after the six months, you retain the person in the same position with no allowance. This would be a window for corruption in such an organisation or system.

On the issue of retirement at the age of 60, persons who are between 18 and 35 years of age are so many. When you add up to the age of 45, it is almost 80 per cent. Why allow a person to continue working after 60 years? Why not let them retire and pay their pension? When they are young, some of those people stay away from their families to work for a very long time. Give them time when they are still strong to gel with their families, and even know how their homes look like after working for 60 years.

Interestingly, the issue of retirement was left to a person – the Cabinet Secretary. This is a person who can make any decision at any time that suits a particular person in a particular situation. If this becomes an Act, the issue of a person being retained in a position because he or she has a special talent should not arise. When the person was in this position for 15 or 20 years, what was he or she and the management doing to ensure there would be a smooth transition from one level to another?

Hon. Temporary Speaker, I have also found out that when it comes to this idea of the age...

(Loud consultations)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Sorry to interrupt you, Hon. Injendi. There seems to be a very serious *Kamukunji* discussion where Hon. Koimburi is. Please, reduce your voices. Consult in low tones so that we are able to hear what the Member for Malava is saying.

Hon. Malulu Injendi (Malava, ANC): Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Please, proceed.

Hon. Malulu Injendi (Malava, ANC): Thank you, Hon. Temporary Speaker. What I have also found in most organisations is that most officers put persons in particular positions so that those persons cannot be suitable for promotion and cannot replace them when they turn 60 years. We must ensure that as much as we are putting in place this age retirement law, all organizations have systems that ensure that when a person, for example, is deputizing another, before confirmation or appointment in a particular position, the person should have the requisite qualifications to be in that position and even rise up to the other level without necessarily going through what people go through in this country.

My brother cited the Teachers Service Commission (TSC). Yes, there is a small challenge with the TSC. Some of the persons who are acting as deputies cannot qualify to be principals due to the new requirements on promotions. They are acting in a position of a principal, but when it comes to promotion, they cannot qualify to be principals. This law will help to guide even the TSC in terms of training so that there is seamless flow of personnel in this country to ensure effective delivery of service.

Thank you, Hon. Temporary Speaker. I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Charles Ngusia, Member for Mwingi West.

Hon. Charles Nguna (Mwingi West, WDM): Thank you, Hon. Temporary Speaker, for giving me this chance to add my voice to this Public Service Commission (Amendment) Bill that has been brought by Hon. Benjamin Mwangi. I thank him for bringing this Bill to the Floor of the House. I always believe that you should stay young at heart, kind in spirit and enjoy retirement by living happily.

At the outset, I support the retirement age of 60 years. If you look at the developed countries, they have set their retirement age between 60 and 65 years. I am fully in support because most of the time, I have been quite disappointed when seeing people who are over 70 years in public offices doing a lot of work with their tired minds and bodies and yet, the young and energetic people are still loitering in the streets looking for employment. This should be supported by everybody because the Bill itself is going to bring discipline in the management of human resources in the public sector.

The other issue which has been raised in the audit committees, and I am lucky to be in one of them, is the issue of a person acting for too long. One case is the member of the NG-CDF Board who had acted for nine years. That person cannot effectively discharge his duties if he has been kept waiting to be confirmed. By doing so, we are going to ensure we have a proper succession plan by bringing in sanity in terms of the number of months a person is supposed to act. So many civil servants end up acting and even getting remuneration. But I would like to beseech Members of Parliament to amend a clause where it says: "Failure to comply with this provision will result in the officer not earning any acting allowances". What if the person is still serving and does not have the capacity or authority to appoint himself or herself automatically to the position? I wish we can say that the person is deemed to have been permanently employed if he or she has been acting for more than six months. That thing needs to be looked into. There is nothing much to belabour on this. I support the 60 years retirement age. Let us not only look at the jobs. Even the President's appointments should be anchored on this. That anybody who has attained this age should just go home, rest and live peacefully.

With those few remarks, Hon. Temporary Speaker, I support the Bill. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. The Hon. David Gikaria, Member for Nakuru Town East.

Hon. David Gikaria (Nakuru Town East, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to air my sentiments on this very important amendment which has been brought by our brother, Mejjadonk.

Much as we talk about the retirement age of 60 years, it is also important for us to be cognizant that the Public Service only employs a very small percentage of the unemployed labour in this country. As we try to solve this problem of public service, we also need to look at the private sector, which takes the lion's share of employment. As Parliament, we need to think beyond the Public Service and legislate on how to handle employees who are working in the private sector.

I am saying this because looking at what has been proposed, for a worker to be able to attain the age of 60 years, assuming he was employed at the age of 20 years, it is a record 40 years. We hear other employees talking about how they have worked in an institution for the last 35 years or something. I think it is commendable but, at that age, a person ought to have organised themselves. People who do not want to retire, or those who ask for extension, do so because they have not prepared themselves for retirement.

It is also important for us, as a Committee that, as we talk about the time someone should leave employment, whether legally or by some legislation, we should prepare employees to retire. At the age of 60 years, someone is a little bit too old. It is up to us to think. I do not know what other countries and jurisdictions do, but people should retire at around 55 years, as it is when you want to get your NSSF retirement dues so that, at least, we can vacate more positions for the young people. Of course, vacating at the age of 60 years will leave a few vacancies for the young generation that is seeking employment. I will be proposing a further amendment to reduce it to 55 years to see whether we can create more employment for the young generation.

Secondly, it is on the proposal by Mejjadonk on 12 months in acting capacity. The committee should have stuck with the six months. An institution must always prepare itself for transition. We should not be talking about 12 months for an institution to prepare for recruitment. I mean, what stops the institution from starting recruitment for replacement 12 months before someone retires? Again, it is important for us to think critically about the 12 months and reduce it to six months so that somebody is assured of staying in the position he is acting on, or not.

Hon. Temporary Speaker, there is the issue of preparation, and this goes to most of us, particularly the male employees. When I retire at the age of 60 and I am given a small package, that is when I will start looking for a young girl who will rest with me after the 60 years. This is where the problem starts. When the young girl comes into my life, I will think that she is so much interested in me and yet, she is interested in what I have until it is finished. I think that is where we say we need to have a programme...

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): I see an intervention by Hon. Jackson Kosgei, the nominated Member. Is it an intervention on this subject matter?

Hon. David Gikaria (Nakuru Town East, UDA): He is not there.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): You may proceed Hon. Gikaria.

Hon. David Gikaria (Nakuru Town East, UDA): Thank you, Hon. Temporary Speaker. It is important for us to prepare the retiree as they are leaving employment.

Secondly, it is important once the institution knows that a certain senior person will be leaving in the next 12 months... I doubt there is any institution without a deputy. The deputy should be aligned to the processes of continuity of the institution. We have deputies who have been in acting capacity for a very long time. It also brings a lot of issues.

Hon. Temporary Speaker, I totally agree with Hon. Zamzam from Mombasa. It is important for us to look at the private sector. We passed a Private Security Regulation Act. It is an Act of Parliament now. We even pegged how much the private security are supposed to be paid. It is very shocking that as we are speaking now, with the Act in place, the private security guards are being paid a meagre Ksh7,000 per month when the employer is asking for maybe Ksh35,000. It is important for the institutions which have been bestowed upon this, for the purposes of operationalisation of this Act, to see to it that those private guards are paid what we had agreed. It is not right for me or any employer to ask for Ksh35,000 and continue paying private guards only Ksh5,000 without consideration. This is key, as we talk about retirement in this Act, as proposed by Hon. Mejjadonk. We need to think critically about how we will be assisting our employees.

With those few remarks Hon. Temporary Speaker, I support with an intention of bringing further amendments on the retirement age. Thank you.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Thank you very much, Hon. Gikaria. Hon. Fabian Mule, Member for Kangundo.

(Hon. Fabian Muli spoke off the record)

Hon. Fabian, I think that microphone is not working. Kindly move to the other one. Please provide him with another microphone.

Hon. Fabian Muli (Kangundo, GDDP): Thank you very much, Hon. Temporary Speaker, for giving me this chance to add my voice to this Bill.

It is true, indeed, that this Bill came to our Committee. I thank Hon. Mejjadonk, fellow Members in the said Committee, and the Secretariat for all the work they did on this Bill. When this Bill came to our Committee, there was a lot of cross fire on this retirement age. We have come to realise that the 60 years' retirement age for Kenyans is very important.

During submissions, some people were proposing, and I have also heard some Members say the same, that we should bring the retirement age to 55 years, while others proposed 57 and others 65 years. The case of persons living with disability is 65 years. The case for 55 years went to the crossfire in radio stations especially for teachers and parastatals. There were a lot of arguments that many members of the society have taken loans based on the retirement age of 60 years. You have a mortgage or a car loan pegged at the retirement age of 60 years. We came to find that if we lessen these years, we will disadvantage many civil servants. I also wish to clarify that it is not this Committee which has put it at 60 years. It was there before. The regulations stated that the retirement age is 60 years. It is only that we are making it an Act of law. Before then, it was in operation as a regulation for 60 years retirement age and for persons living with disability was 65 years. The Committee has not come up with a new retirement age. Hon. Mejjadonk just brought it in the Act which was in the regulation.

The second issue was through many submissions that were put across with regard to acting in positions. Within the fraternity of the public sector in Kenya, there are many people who are in acting capacity. They are acting up to four or five years. When we did public participation and interactions with many officers, there were no reasons for somebody to act for more than two years. That is why we found that given the chance, the public sector should advertise the job, vet and employ within one year. That is why we said 12 months is enough to recruit an officer to run that office. This Bill is curing the issue of acting for more than one year. There are many existing director-generals even now and almost all of them are in acting capacity without any law that give a time frame. We came to find that because the law does not give a time or period which you can act, then there is a loophole. This law has cured that lacuna and now people cannot act for more than two years.

Hon. Temporary Speaker, the other submission was that there has been special manpower which you get at the age of 60 or 75 still working in the public sector in this country. Scientists, especially those working in the aviation investigations, are still working at age of 70 years. There are also specialised doctors who are working beyond 60 years. It is true there were submissions that those people can still come in as consultants in their fields. Many doctors are consultants. In the aviation industry, we found out that many still work as employees but they can still work as consultants. That thing of making specialised manpower to work for long is being cured by this Bill.

The other fact is the argument on the maturity age of the country. Many students in grade six in Kenya are in secondary school. The pupils who are supposed to be in Standard VII are now in Junior Secondary School. It means that there is maturity in age and in growth for that person who has gone to secondary school. There is a thinking that if we keep the age of 60 years, we are going to disadvantage the future youth because they are maturing at a younger age. Despite this argument, the Government is giving identification cards at 18 years. Even if you mature, there is still the issue of registration for IDs, which is still at 18 years.

Hon. Temporary Speaker, with those few facts, I support the Act and the submissions by our Committee. Thank you.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Mary Emaase, Member for Teso South.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon. Temporary Speaker. I also wish to add my voice to this debate on this Bill by Hon. Mejjadonk.

The issue of unemployment in Kenya is very serious. According to the 2022 statistics, the rate of unemployment is at 5.5 per cent. According to the Commission for Higher Education, statistics have it that every year, an average of 50,000 graduands from universities are released into the job market. That does not include those that graduate from the middle level colleges. All those graduates expect to transit into job opportunities or positions. Where will we get the jobs if we continue to retain retired officers? Where will we get the jobs if officers serve in an acting capacity forever without a stipulated or defined period of time? Where will we get the jobs if even those who are lost through natural attrition are not replaced?

We have been receiving officials from Ministries, Departments and Agencies (MDAs) who tell us that they have an aging population such that almost everyone in an entire office is retiring and yet, there are no replacements. We even have an issue with replacing those who have left office as a result of retirement, accidents, death or any other manner. Why are there delays? I support the position by one Member that advertisements for recruitments to replace those who are leaving should be done 12 months prior to the retirement date because there is an establishment structure and an allocation to cater for that. Why should there be delays?

We must plan for future generations and how graduates will be absorbed into the job market as they finish college or university. At this juncture, I want to thank and appreciate the President for his efforts, including visiting other nations to seek employment opportunities for our youths. I urge all nurses to apply for the 2,000 nursing positions. I also thank the President for prioritising programmes that will generate additional job opportunities for youths in the country, including the Affordable Housing Programme and the Export Processing Zones (EPZs) that we are pushing as a country. Above all, we must also ask whether our colleges are preparing young graduates to match the existing and available opportunities in the job market.

I support this Bill by Hon. Mejjadonk. There must be compulsory retirement after one attains 60 years of age so that we create opportunities for others. There must be penalties for authorities that do not comply with the provisions of this legislation. There should also be an expiry date for serving in an acting capacity.

I, once again, congratulate Hon. Mejjadonk.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): In the absence of Hon. Andrew Okuome and Hon. Julius Melly, Member for Tinderet, I now give an opportunity to Hon. Nabwera Nabii, Member for Lugari.

Hon. Nabii Nabwera (Lugari, ODM): Thank you, Hon. Temporary Speaker. I rise to support this Bill. I also thank Hon. Benjamin for coming up with this amendment Bill.

As a human resource practitioner, one of the things that I have found very unacceptable in the Kenyan Public Service is the casualisation of permanent and pensionable jobs through acting appointments. The public service is a going concern and an entity of entirety. In a country where we have excess qualified labour, the public service should set standards for the private sector. It is deeply concerning that people serve in key positions in an acting capacity for many years.

You have heard what Hon. Malulu shared about what befell him for six years. A university college in this country, which was almost going under, appointed a Deputy Vice-Chancellor to serve in an acting capacity. He has acted effectively and brought that university to life. There is now an attempt to remove him and appoint somebody else who has been serving under him. That is what happens with acting appointments.

We have moved away from the tenets of the code of conduct of the public service that require that one is appointed in an acting capacity to assess his or her suitability for a job. Those who wield power now dangle acting appointments like a carrot. There are very sensitive positions within the public service where one cannot serve in an acting position indefinitely. The position of director, which is the engine of delivery, is one such case. As I was looking at employment positions in the public service this morning, I noticed that 109 people are serving in an acting capacity, with some for as long as two years and others three years. Why do we pay the Public Service Commission which is supposed to employ public servants?

There are two reasons why people hang around after attaining 60 years of age. First, as a country, we are not doing well in terms of payment of pension to retirees. We take too long to pay them, especially those in the public service. Given that those are people in authority, they will want to stay in those offices by always saying that there is nobody ready to take over the job. We need to revisit the Pensions Act as we deal with this issue and cater for retirees. We need to improve their access to healthcare. We need to contemplate how somebody who has served this country for many years cannot afford healthcare. Somebody retires as an under-secretary or a director and after two or three years, he or she cannot pay a medical bill. Those are some of the reasons why people do not want to go home once they attain 60 years of age.

As we think through this Bill, there is a new “animal” called internship. Those of us who come from the field of HR wonder how a teacher can serve as an intern for two years. Indeed, that makes it a casual job! I mean, a person staying with kids in school. That is the animal we have in the Junior Secondary Schools (JSS). That is why there is no stability. When you get a job, after one year, they assess whether you are suitable to be confirmed. I am calling on the Teachers Service Commission (TSC) and Public Service Commission (PSC) to reconsider the approach of keeping young people as interns for two years. This should be reduced to one year and then they are confirmed in employment. Good human resource (HR) practice is that you must have an HR plan in place. So, you will automatically know Hon. Nabii Nabwera will be retiring in one year or three and then you get somebody to understudy him. When he reaches retirement age, that person should automatically take over. There should be no vacuum where we say that we are looking because we do not have a person or need... We waste a lot of money advertising when people should grow in the system.

The biggest problem we have is the general principle of inclusion. The reason we have 109 acting directors in the public service is because somebody is waiting for his kinsman. Since he is not the immediate understudy of that person, you keep him in an acting capacity. We need to espouse regional balance, gender parity and the whole question of People living With

Disabilities (PWDs) in the public service. If the public service flouts the HR practice and code of conduct, how do we expect the private sector to behave? They will follow suit because the person setting the standard is not doing the right thing.

Hon. Temporary Speaker, I support this Bill and thank *Mhe.* Benjamin for a job well done.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Tim Wanyonyi

Hon. Tim Wanyonyi (Westlands, ODM): Thank you, Hon. Temporary Speaker...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, I have purposely given an opportunity to Hon. Tim Wanyonyi and I will also do so to Hon. Jackson Kosgei for very obvious reasons. Please, proceed.

Hon. Tim Wanyonyi (Westlands, ODM): Thank you, Hon. Temporary Speaker. I want to pick up from where my good friend, Hon. Nabii, has left, on the issue of acting positions. Succeeding governments have kept civil servants in acting positions for too long. A case I can remember very well is that of the Chief Executive Officer (CEO) of the National Government Constituency Development Fund (NG-CDF) Board, Mr. Yusuf Mbuno. He was kept in an acting position for six years or seven years after which they confirmed his appointment. I do not know why somebody should be made to act for so long like that and yet, they are qualified for the position and have the relevant competencies.

I do not know what mischief this amendment is trying to cure because people have been in acting positions for too long. If it is trying to create more vacancies for young people, I think we can do better than that. There are many ways of creating jobs for the young people. We must increase opportunities in the public service because the ratio of people who are retiring *vis-a-vis* those being employed is not good. As we discourage the practice of people acting in positions for too long, there should be a policy for creating job opportunities at different levels in Government agencies, the private sector, informal sector and others.

In this amendment, we need to capture that the mandatory retirement age is 60 years, and for people with disabilities 65 years. People with disability must be given time because sometimes they get into the employment market very late in life. Some are employed when they are over 40 years and if they retire at the mandatory age of 60 years, they will be disadvantaged. How I wish this amendment brings sanity in the public service.

I believe we have abused acting positions by allowing people to act without being sure whether they will be there tomorrow. This affects their performance because they have no guarantee. When somebody is given a position and knows very well he will serve up to a particular time, he performs and inspires others to perform, especially for those in senior positions. I want to see public service and appointing authorities... I remember in the last Government, many parastatal CEOs, almost 80 per cent of them, were in acting capacities. You wonder why that was the case. Why not find a way of either replacing or confirming them?

I want to add my voice to the call that people with disability must be given a chance. We shall amend this at a later stage to include them. Thank you, Hon. Temporary Speaker, for giving me a chance to speak.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Dr Jackson Kosgei (Nominated, UDA).

Hon. (Dr) Jackson Kosgei (Nominated, UDA): Thank you, Hon. Temporary Speaker. I think my colleague, Hon. Tim, has handled this very well. I wish to add my voice that, as we amend this Bill, it must come out very clear that we are treating what we consider to be bureaucratic marginalisation. This is a silent policy that removes certain people and denies them enjoyment in public service. One such silence is in Clause 80 of this amendment Bill. It does not mention or come out clearly on the retirement age of persons with disabilities, although this is very clear in the Public Finance Management Act. This Bill must also reflect that persons with disability should retire at the age of 65 years.

There is a case concerning a Mr Francis Manaibei, who retired from the Central Bank of Kenya (CBK) in 2022 at the age of 60 years. The bank did not consider a Public Service circular of 2012 or the subsequent amendment to the Public Finance Management Act. This is because in some laws, the retirement age of persons with disabilities is not recognised. It is high time this is reflected in law. As Hon. Tim has mentioned, later on, we will bring amendments. I plead with the Mover to identify this area for treatment by this particular law. This debate is about the practice of persons made to act in positions in the public offices. I think it is important to be clear on this because some officers have acted in positions perpetually without any consideration. Some of them are thrown out when new recruitment is done simply because of other considerations and yet, they have done good work in the service.

Finally, I support it because our population as a country is generally that of a young nation. Over 50 per cent of our population is made up of the youth. I think the best way to do it is to find a way of absorbing them. This is one of the ways; not the only way. We must balance between what the nation needs and the experience. We should not punish or use age as a punitive alternative for us to get room for someone else. We do not have to deny one person to give to another. We need to balance between the two considerations.

With that, I support the Bill.

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): Hon. Rahim Dawood, Member for North Imenti Constituency.

Hon Rahim Dawood (North Imenti, Independent): Thank you, Hon. Temporary Speaker. I want to join my colleagues to contribute to this Bill.

(Hon. Phelix Odiwuor stood up in his place)

I request to be protected.

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): I can see that you are upstanding. Order, Member for North Imenti. Hon. Phelix Odiwuor, I can see where you are on the screen. I am sure that it will get to you. What was your intention? You rose on your feet and you are raising your hands.

(Loud consultations)

I am sticking by what is on the screen. Hon. Members, you have very clear instructions. I am not going to allow you if you do not have a card. Those are the instructions from the Speaker. I will follow the queue. It is now time for Hon. Rahim Dawood.

Hon. Rahim Dawood (North Imenti, Independent.) Thank you for giving me this opportunity. I want to join my colleagues in supporting the Public Service Commission (Amendment) Bill of 2023. My Public Service Values and Principles Bill went through last year in November. It says that we need to have all facets of communities - the disabled, women, gender parity together with counties where people come from - specified. Already, the Bill has gone to the Senate. Hopefully, it will be law.

I agree with Hon. Mejjadonk Gathiru that we need to specify 60 years as the retirement age. We should not leave it to regulations because that way, people will stay in offices. Hon. Mejjadonk Gathiru has not touched on a portion of this Bill. That is where, even if you pass the retirement age, you can be contracted. You can still be employed through a contract. There should be no reason to employ anybody on contract because they have special skills. Most of the youth have special skills. We should give space to the youth to come up. How are they going to develop any skills if we say that we are just going to be employing retirees on contract after retirement age?

On acting positions, I know a director I will not mention. He served in an acting capacity for six years. He was always serving in an acting capacity. I agree that they should be there for a maximum of six months. After that, Hon. Mejjadonk suggested that they do not get paid. I want to propose a further amendment to that. If the Public Service Commission cannot recruit any other person after six months, that person should be confirmed in that position. At least, they will understand the gravity of the matter. Having somebody acting in a position for six months is even against the labour laws. You cannot employ somebody on a casual basis for more than six months. You have to make them permanent after six months. We need to put a rider that after six months, if the Public Service Commission has not recruited, then that person will be confirmed to that position.

Regarding retirement at 60 years, it is a bit debatable. However, I believe it is the right way to go so that we get the younger generation in management positions. My Bill talked about giving a fair chance to the disabled. I thank Hon. Timothy Wanyonyi and Hon. Jackson Kosgei. As we speak, the disabled in the public service are less than the 5 per cent that is specified in the law. Employment for Persons with Disabilities (PWDs) in the public service should be at a minimum of 5 per cent. It is much below that as we are talking here. This is the same case with women.

If we talk about communities being employed, the law says that the Public Service Commission should make a report every year. The report is on how they have satisfied the values and principles of public service. Unfortunately, when the data is released, we see a disproportionate representation of some communities in public service. We have 43 or 44 tribes, as per the last count. Some are not represented in public service employment. Forget about 1 per cent! Even one person is not employed in the public service. We need to get to the bottom of this problem. We need to tell the Public Service Commission to up its game. We need to change it if it cannot perform.

With those few remarks, I support this Bill, but with a few amendments.

The Temporary Speaker (Hon. (Dr) Racheal Nyamai: Hon. Samuel Atandi, Member for Alego Usonga Constituency.

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you very much.

I would have opposed this Bill if it were not for the fact that it is here because of my colleague and friend, Hon. Mejjadonk Gathiru. Ideally, retirement age is not something that should be fixed in law. It should exist only in policy documents of the Government so that every government that comes into place can easily tamper with the retirement age of its population. I say this because I believe that the retirement age should be determined by the factors that I am going to cite. One of the factors to be used is the demographic trends of a country. For example, in our country right now, we have a more youthful population. It is about 70 per cent. The people I call seniors constitute 20 per cent of our population. If you have a trend like what we have now, the retirement age should be lowered so that we address the needs of the demographics of our country.

If you ask me about the retirement age today, I would say that it should be brought down to 55 years or 50 years of age. The people that we need to take care of are more in the lower bracket than in the higher bracket. If you go to countries like the USA, they have a problem with the ageing population. Older people are more than young people. The retirement age in those countries is higher. I think the retirement age in the United States (US) is 67 years or 70 years of age. This is to say that this cannot be set in law. If today we pass a law that the retirement age is 60 years, then the next year we have a majority of the population as older people, we will need to increase that age to 70 years. If the majority of the population in a country is elderly and the retirement age is lower, then the maintenance of the older people will be higher. This will affect the performance of our country's economy. I sincerely feel that my colleague should look at this law in line with the demographic status of our country.

The other important factor in determining the retirement age in a country is gender. In some countries like Indonesia, women have a lower retirement age. I believe we need to do the same in Kenya, given that we have social problems which stem from weak parenthood. Issues like alcoholism and the LGBTQ are also a consideration. We need to allow our women to retire early so that they attend to such challenges. Most of those issues crop up because parents are busy working and are not engaged in taking care of their children. *Kila mtu anazunguka akitafuta pesa*. This gender factor is something this House should take note of. As much as we want people to earn a living, we should also be interested in the future of our country. What kind of children are we raising?

We also need to separate between the private sector and the public sector. People working in the private sector can be allowed to retire earlier. However, people working in the public sector, for reasons known to us like preservation of history and track record...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Order, Member for Alego Usonga. Hon. Nyenze, are you on intervention or are you just being strategic?

Hon. Edith Nyenze (Kitui West, WDM): Hon. Temporary Speaker, I want to contribute.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Atandi, you may proceed to conclude.

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Temporary Speaker, I was saying that we need to separate people working for the private sector and those in the public sector. In my view, those in the private sector need to retire earlier than those in the public sector. We often need people to stay longer in the public service because of the preservation of history and continuity.

Some countries have given us good examples of how to manage the retirement age. In Thailand, the retirement age is 55 years because the youth are the majority. They keep increasing the retirement age every year because they check the advancement of those ages *vis-à-vis* the available resources. Earlier on, I mentioned that were it not that this Bill was brought by a close friend of mine, I would oppose it in totality. This is not something we need to put into law. If we put it into law and tomorrow the demographic trend changes such that we have a majority of older people, then we will be forced to increase the retirement age and not reduce it. If the youths are more, then you should lower it. Right now, we need to have it at the age of 55 years or 50 years because we have more youths in our population. Where will all those graduates get jobs from? Let the older people leave early. This will create vacancies for the youthful generation.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Rindikiri, the Member for Buuri.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker. This Bill addresses three key issues, that is, the retirement age, acting positions and contracts. I agree with all the Members, and specifically the Mover, that we need to amend clauses 2, 3 and 4, which address pertinent issues affecting employees' service. I wish that the Mover considers Section 81 too which talks of age 50. If you leave it as it is, then you will not be doing justice to the Bill and we shall come back to amend it.

I totally agree that we should set an age limit for retirement. We cannot leave this to regulations. Let us entrench it in the law. This way, it will be easier to enforce. The implementation and execution of this retirement age have been weakened because it is in the regulation but not in the law. There is no solid reason why people should retire at the age of 60 years. As much as we want to set an age limit, we should ask ourselves: What is the percentage of the Kenyan population that is assimilated in the employment sector? We need to be careful when making this law because we might eliminate the most productive age of the population.

I do not believe that putting the retirement age at 60 years is the solution to unemployment in this country. That is why I support the President's efforts to create more jobs for our people in self-employment.

Hon. Temporary Speaker, there is no reason why someone should continue acting in a position for more than three months. The shorter the period, the better. For any organisation that follows the code of conduct and guidelines, succession programmes need to be managed before the retirement age. The main issue is how some of those institutions are managed and operated. A robust succession programme can solve the issue of people acting in capacity for too long. This acting capacity issue cuts across many sectors in the country. Many people use this loophole to create opportunities for people to serve in acting capacities and to put their people into certain positions. The Teachers Service Commission (TSC) is notorious for this. I agree with the Member who said it is wrong for retirees to continue serving in acting capacities, and it should not be encouraged.

On the issue of contracts, I think the Government is running away from responsibility. Looking at the status of the economy, employing people on contracts would be the best thing. However, some sectors like education cannot afford to have teachers on contract. I support this Amendment Bill and ask the Mover to consider an amendment to Section 81.

Finally, payment of pension is a serious challenge. Retirees are not getting their pension on time. Some of those pension schemes have not been remitting retirement funds regularly. We must make deliberate efforts to ensure that all the retirees... We have a set-out procedure in the Public Service Act that dictates how pensions should be paid. They need to stick to it and ensure that when somebody leaves the service at retirement, the maximum waiting period for the pension should not be more than three months.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Edith Nyenze, Member for Kitui West.

Hon. Edith Nyenze (Kitui West, WDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to support this Bill, but with amendments. I will talk about the extended period of time in the acting capacity for employees. The Committee did justice to this Bill by stating that the acting capacity period should be reduced to 12 months. However, it is still quite a long period. This is because the employer knew that the person - for example the Head of Department - would retire at a particular time. Therefore, employees should not serve in an acting capacity for too long.

There should be proper succession planning in the organisation to know who will take over after a certain employee retires. There should also be some training of the employees in the service, so that immediately the head of department retires, they should be in a position to take over. It is very disappointing for a person to serve in an acting capacity for too long, and then when the organisation finally fills up the position, he is not considered. It is very disappointing to work for so long and you only get allowances, without being properly remunerated.

It is very important for an organisation to prepare its employees, especially when they are newly employed. It should come up with a pension scheme, so that in the event of retirement, one is well equipped with the proper pension which will help him or her in retirement. This will ensure that employees do not linger around the organisation. Both the public and private organisations should also come up with a medical scheme that will benefit employees during the service and after retirement. The employees should start contributing to the medical and pension schemes after they are employed. This will ensure that once they retire, there will be no fear of proceeding for retirement. I support the pensionable age of 60 years and 65 years for people living with disabilities. It is better to put it in the Bill instead of being in the regulations which can be changed anytime. This is very important for proper planning.

After retirement, employees should be paid immediately. Some retirees, especially teachers, take too long to be paid after retirement. The Government should ensure that the pension is paid at the right time.

I will also comment on the rate of unemployment in our country, which is quite high. Kenyans, especially teachers, take too long before they are employed, which is very disappointing. There are cases of teachers who are almost attaining 45 or 50 years, but they have not been employed by the Teachers Service Commission (TSC). There is imbalance in our country, especially on the employment of teachers. In some regions, teachers are employed immediately after college. Others leave college, but they take too long to be employed. There should be a balance. What happens to the one who gets employed at 45 years? After 45 years, they will not get any employment. What will happen to them? There should be a balance in the country, especially on the employment of teachers in various regions. It is very disappointing when one is trained as a P1 teacher but does not get employed.

I support this Bill. There should be proper training and planning so that when one retires, the institution knows who will take over. We should not encourage waiting for three or 12 months before filling the position. After one retires, he should go home and give room to another person to take over. When one serves in an acting capacity indefinitely without knowing whether he will go home after three or six months, it leads to one being unproductive in the institution. That is because he will be planning on when and how he will go home. Let us have proper succession planning.

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

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. John Waweru, Member for Dagoretti South.

Hon. John Kiarie (Dagoretti South, UDA): I thank you, Hon. Temporary Speaker. I take this opportunity to thank Hon. Benjamin Gathiru for coming up with this Bill. He had brought it to the House in the previous year. I am glad because it has now seen the light of day. At the outset, I support it.

One of the points that is being made against the Member for Embakasi Central's argument is that there is a reason for extension of time for an individual who has special skills. We ought to ask ourselves a few questions. If an individual is employed in the public service at the ages of 20s or 30s, it means he will have worked for not less than 30 years before he is due for retirement. An entire institution can prepare a successor for such an individual. Therefore, there is no argument that can be made that there is one individual who ought to be retained because he has special skills. On that point, I not only support this Bill, but also during the Committee of the whole House, I will amend the provision so that the retirement age is reduced to 55 years.

Kenya has a median age of 19 years. This is an extremely young country. It means that in excess of 500,000 individuals graduate from Form IV and we have 150,000 graduates every year. This means that there are very few spaces available for absorption into the public service and a huge number of people who can work. We also have to think about it in the flip side. Let us look at institutions that retain old staff. For example, Postal Corporation of Kenya, Kenya Broadcasting Corporation (KBC) and Kenya Railways. They retained redundant staff. Why are they redundant? This is because we are moving into a new age, world and technologies. There is an aging population in the public service that is not fit for work at a time such as this. It is the time we need to onboard new knowledge, technologies and approaches. When we talk about representation, if Kenya is such a young country where 75 per cent of the population is under the age of 35, then the public service ought to reflect such age demographics.

The second matter that this amendment seeks to cure is the mischief or misuse of the position of an acting staffer. It is condoning mediocrity to say that we have institutions in the Public Service that cannot prepare for succession for more than six months. What is the

business of an individual acting in a position for six months, if that individual cannot be confirmed to that position? It means that every judgment is pointing to the inability of that individual to perform the duty. Then why do we have to retain them for six months or 12 months if they are unable?

We should be looking at building institutions, not individuals. Any individual is replaceable in any entity, institution or position. We cannot retain certain positions for individuals. That would mean that our institutions are so weak that they cannot stand in the absence of a certain individual. There is a point to be made about the social fabric of this country. We are bemoaning a situation of a drunken population, misuse of drugs and abuse of alcohol. We are talking about social ills like the femicide matter that we were prosecuting here on Valentine's Day. How does it connect to this topic? It connects in this way: In the African tradition, there was a very good demarcation of work that should be done by each age set. In my culture, there was a place for the *Njama*, *Kiama* and the warrior. The warrior position, which is what we call the working population today, was the preserve of individuals in their prime. At your prime, you can work and defend the community. You have the energy, urgency and wherewithal to work hard at that age of a warrior. Then you graduate to the decision-making body, the lower house, which is the *Njama*. When you perform very well in the *Njama*, then you can be accommodated into the *Kiama*. The *Kiama* stands at the prime at the top. This is the advisory role. You have already retired from active duty. You have already retired from superintending, and now you are at the level of oversight and offering wisdom.

What happens today? We have individuals who have spent their entire lives working in one institution and, even at the age of 70, they are still holding onto those positions. Those individuals will never get the opportunity to spend time with their children, wives and grandchildren. So, what happens? There is nobody today at home to advise the young people on what they should do with their lives. People are being held in positions beyond their working years to an extent that the fabric of the society is disintegrating.

The point I am making is that individuals can give their best years to Public Service up to the age of 55, after which they can get time to retire back home and give the knowledge and wisdom they have accrued to the next generation. That way, we shall be able to start facing the problems head-on, such as drug addiction, alcohol abuse and negative masculinity. Young boys do not have people to mentor them because their parents and their grandparents are stuck in offices up to the age of 65 and beyond.

Some dispensations and jurisdictions have a place for someone who has worked extremely well. Look at the personality of the Member for Kamukunji. If we were in such dispensations like in the United Kingdom (UK), if you have served with distinction and notably you have a special skill that must be retained for the service of the country, they have automatic admission to the House of Lords, which is the equivalent of our Senate. So much so that the brilliant people who have served in public service and have the wherewithal, wisdom and energy to continue serving have a place where they can upwardly be displaced to serve even better.

The point I am making here is that it is time we relook at our Constitution and look at how the bicameral House has served us for the last 10 or 11 years, and see if there is a way we can make the Senate a bit more esteemed and useful to our country, by having positions where we can admit exemplary individuals who have served in the Public Service. Those we think have something that we can retain beyond the years that are given for public service. To my mind that place, if we were to amend the Constitution, would be the Senate. That way, we would be moving it to be the ultimate upper House. As we speak, the Senate is even struggling to find its footing in the pecking order because the power of the purse and the budget is in this House; to an extent that, at times, the Senate is found to have no business to do. They have to look for business from the National Assembly to go and prosecute in the Senate.

I stand to support the efforts of the Member for Embakasi Central. This is timely, and in due course, I shall present amendments so that we can remedy and cure the mischief that this amendment seeks to cure.

Thank you very much, Hon. Temporary Speaker, for giving me the opportunity.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. David Mboni, Member for Kitui Rural.

Hon David Mwalika (Kitui Rural, WDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to also contribute to those amendments on the retirement age at 60 years and the issue of acting by civil servants. If you recall, the retirement age was moved from 55 to 60 for three reasons. One, was to put the retirement age at the same level as other East African countries. Two, was to reduce pressure on the pension bill, which was increasing at a high rate. Three, was to retain officers in the civil service. This is because there was a very big gap as the Government had frozen the recruitment of civil servants.

For around 10 years, there was no new recruitment in the civil service. One would ask themselves, after increasing the retirement age to 60, did we resolve those issues? The pension bill still remains very high. After retirement, people do not get their retirement benefits immediately. In the rural areas, as Members of Parliament, people always come to us asking for intervention so that they can get their pensions. The people who were supposed to retire at 55 should have been replaced by younger people. To some extent, that change increased the unemployment rate.

I am a former civil servant and I have witnessed people who have worked for more than five years after retirement, in an acting capacity. We should bring amendments to this Bill so that if somebody has to act, it should be for a maximum of two years. There is nobody who has a monopoly of knowledge and experience. During that person's employment, there must be somebody else who can learn on the job and take over after his or her retirement. There was the case of the CEO of the National Government Constituencies Development Fund (NG-CDF) Board, who acted for more than seven years. I even have a relative who has acted for more than one year in the civil service. The proposal should be 12 months and after that, a person should be confirmed on permanent basis for the job. I have seen people who have acted for two or three years but, at the end of the day, they do not get the job. Someone else from the private sector is given that position and the person who has been acting is expected to train them. It is high time that civil servants get promoted to those positions, instead of employing people from the private sector who do not even understand how the public sector operates.

On the point that they should not be paid after six months, in my view, that is not the acting officer's fault. The issue is with the Public Service Commission (PSC). The unemployment rate in this country is at around 5.5 per cent. In my view, that is very low. It should be over 10 per cent. It is one of the highest in the region. Private companies are taking advantage of the high unemployment rate. In most of those companies, you will find that many people are employed on temporary basis. There are people who have been on casual employment for 5, 10 or even 20 years. Since the supply of labour is more, you do not even need to employ them on permanent basis. Unemployment should be a national conversation. As a country, we are taking this issue lightly. For instance, the proposed affordable housing project will only create temporary jobs. What will happen when the houses are completed?

We need to address several issues that are causing unemployment. The first reason is the slow economic growth in the country. The economy is not expanding. It has been growing at 5 per cent rate for the longest time. In Vision 2030, the proposal was that the economy should grow at 10 per cent per annum. However, it has never grown beyond 5 per cent.

The second reason is the high taxation rates on inputs which increases the cost of doing business. Additionally, there is lack of incentives and poor infrastructure. Our population rate

is very high. There is also skills mismatch and lack of information in the labour market. Those are issues which we need to address so that people can get jobs.

Hon. Temporary Speaker, I was looking at the Foreign Direct Investment (FDI) Report. I realised that between 2021 and 2023, Kenya received the lowest FDI. It received US\$751 million, while Uganda received US\$2.5 billion and Tanzania US\$1.3 billion. Why is this happening? It is because most of the companies that are investing in Uganda and Tanzania are from Kenya. Those companies are moving from Kenya to other East African countries and are producing for our market through common external tariffs. We need to address those issues. We need to address our tax system to be friendly to investors so that they can invest here and our youth can get jobs.

We also need to create centers in the counties to disseminate employment information so that people who cannot access newspapers and other channels of communication can access information. We should also invest in programmes and sectors which can create jobs so that our youth can get employment.

Lastly, civil service needs to create a career path and progression. People should not claim that they cannot leave employment because of their expertise and that no one else can succeed them.

Hon. Temporary Speaker, with those few remarks, I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Phelix Odiwuor, Member for Lang'ata.

Hon. Phelix Odiwuor (Lang'ata, ODM): Thank you so much, Hon. Temporary Speaker, for giving me this chance. I take this opportunity to thank the Member for Embakasi Central, Hon. Mejjadonk, for coming up with this Bill.

Firstly, I want to talk about effectiveness. How effective are you after the age of 55? Our life is categorized in a way that you can tell how effective you are. During childhood, one to ten years, you know how effective you are. From 10 to 20 years, you realise who you are. After that, career establishment picks up and an assurance at 30 to 40 years. From 50 to 60 years, you start planning for your retirement. After that, the bonus years check in. When you claim that you still want to offer your services effectively after the age of 60, we really do not understand what you are talking about.

Hon. Temporary Speaker, at the age of 60, you should have already planned for your life after employment. When you walk into public institutions, you realise how old the technologies there are. New technologies are coming in, but some public servants do not understand them. At times, you walk into an office and find computers that have never been switched on. And if they have been switched on, only one application has been used. Those computers are just collecting dust because there is no one with the skills to operate them.

Secondly, I want to talk about planning for retirement. If you know you are not going to retire, you will not plan for anything. You will just continue working knowing very well that you have a job. We have seen civil servants who retire and end up in abject poverty. This is because they never planned because they knew that their job is safe with their special skills, and that they will be recalled to the service even after the age of 60. What is this special skill that you have that this new generation and the young people out here cannot learn? It is so shocking that you can walk into an institution and you are told that the service cannot be given because an individual is not present.

Our young people in Nairobi and other major cities have degrees and similar skills, but because someone does not want to retire, they have remained unemployed. It is time we re-look at the retirement age as proposed in this Bill by the Member of Parliament for Embakasi Central. A fool at 40 years is a fool forever. If you did not plan anything before the age of 40, there is nothing else you can plan thereafter. We have seen a few people create something after the age of 40, and we know them. There is nothing new you would give us after the age of 50.

What is this new thing or skill that you want to give after the age of 50? What the Member of Parliament for Dagoretti South Hon. KJ was saying is very important; that after that age, you get into the oversight role to just see other young people come in. There are many youths who are jobless because you are stuck in that seat, and have refused to leave. That is the direction that I want to take. This will also reduce unemployment as new and young people will come in, get the jobs and there would be new skills and new technologies. See the death of the Postal Corporation of Kenya. If you travel a lot, you will see how delivery of mails and postcards is done.

Hon. Robert Basil (Yatta, WDM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Order, Hon. Phelix Odiwuor. What is out of order, Hon. Basil?

QUORUM

Hon. Robert Basil (Yatta, WDM): Hon. Temporary Speaker, I am looking at the numbers we have and we have no quorum.

Hon. Phelix Odiwuor (Lang'ata, ODM): *Wewe umetumwa na nani?* Why would you raise a point of order when I am already on the Floor? Hon. Temporary Speaker, protect me.

(Loud consultations)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Well, unfortunately, the Speaker cannot do anything else. I am going to request that the Quorum Bell be rung for ten minutes.

(Several Hon. Members left the Chamber)

Hon. Members, you are not allowed to leave the Chamber when the Quorum Bell is ringing. I would like to encourage you to stay in your places. Those are our Standing Orders. If there is any Whip in the House, please, ensure that we follow the Standing Orders. Hon. Members should remain in the House.

(The Quorum Bell was rung)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, 10 minutes have expired. I now order that the Quorum Bell be stopped. Hon. Basil rose under Standing Order 35 concerning quorum and we are unable to quorate.

Hon. Members, Standing Order 35(2) states:

“(2) If on the count under paragraph (1) a quorum does not appear to be present, the Speaker or the Chairperson shall cause the division bell to be rung as on a division, and if no quorum is present at the expiration of ten minutes—

(a) if the Speaker is in the Chair, the Speaker shall adjourn the House until the next sitting without question put.”

ADJOURNMENT

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, you may rise. The time being 12.53 p.m., this House stands adjourned until today afternoon, Wednesday, 21st February 2024 at 2.30 p.m. Hon. Phelix Odiwuor will have a balance of six minutes because he spoke for four minutes.

The House rose at 12.53 p.m.

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